
SPECIAL CONTRACT

OBJECTIVE OF THE COURSE:

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein.

This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

SALLYBUS:

UNIT - 1

1. INDEMNITY AND GUARANTEE:

- 1.1 Indemnity: concept, Need for Indemnity, definition.
- 1.2 Method of creating Indemnity obligation.
- 1.3 Commencement, Nature and extent of liability of the Indemnifier.
- 1.4 Situation of various type of Indemnity creation, Document/ agreement of Indemnity, Nature of Indemnity clauses
- 1.5 Guarantee: Concept, essentials for a valid guarantee contract
- 1.6 Rights & Liabilities of Surety.

UNIT - 2

2. BAILMENT, PLEDGE AND AGENCY:

- 2.1 Bailment: Essential Features, Rights & duties of Bailor & Bailee
- 2.2 Pledge: Definition Rights and duties of Pawnee, who can pledge?
- 2.3 Agency:
 - 2.3.1 Definition, Essentials, kinds of agents, creation of Agency
 - 2.3.2 Relation, Essentials, kinds of agents, creation of Agency
 - 2.3.3 Relation of Principle with Third Parties
 - 2.3.4 Methods of termination of Agency Contract
 - 2.3.5 Liabilities of Principle and Agent before and after termination of Agency Contract.

UNIT - 3

3. SALE OF GOODS ACT:

- 3.1 Contract of sale: Concept, Essentials, Implied Terms
- 3.2 Rule of Caveat Emptor
- 3.3 Condition and Warrantees
- 3.4 Transfer of title and passing of risk
- 3.5 various rules regarding delivery of goods
- 3.6 Unpaid Seller and his rights.

UNIT - 4

4. PARTNERSHIP ACT:

- 4.1 Partnership: Nature, Scope, Definition, Kinds of Partnership
- 4.2 Rights and duties of Partners, Liabilities of Partners
- 4.3 Registration of Firm, Effect of non-Registration
- 4.4 Dissolution of firm and its effects
- 4.5 Liability of partners under the Limited Liability Partnership Act.

SUGGESTED READING:

1. P.S. Atiya, Introduction to the Law of Contract (Claredon Law Series)
2. Avtar Singh, Law of Contract, Eastern Law House Lucknow
3. G.C. Cheshire, and H.S. Fifoot and M.P. Formston Law Contract ELBS with Butterworths
4. M.Krishnan Nair, Law of Contract ,
5. G.H.Trinel, Law of Contract Sweet & Maxwell
6. R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication
7. Benerjee S.C. Law of Specific Relief, Universal
8. Anand and Aiyer, Law of Specific Relief, Universal Law Publication.
9. Pollock and Mulla, Partnership Act, Butterworths Publication
10. Mulla on Sale of Goods Act.

CONSTITUTIONAL LAW – II

SYLLABUS:

UNIT-I

1. EXECUTIVE, LEGISLATURE AND JUDICIARY:

- 1.1 Union Executive: President, Prime Minister, their qualifications, power and duties, position of the President vis-a-vis Prime Minister
- 1.2 State Executive: Governor, chief Minister, power, Council of Ministers
- 1.3 Union Legislature: Composition of parliament, Lok Sabha , Rajya Sabha , Qualifications and Disqualifications of the Member of parliament , Schedule X, Speaker and Dy. Speaker of both Houses and their powers, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House
- 1.4 State Legislature: Composition of House, Qualifications and Disqualifications of MLAs, Legislative Procedure of State Legislature
- 1.5 Union Judiciary: Supreme Court Judges & Chief Justice: Procedure for appointment and removal, qualifications, power and Jurisdiction of SC: Original, Appellate, Advising, Article 141,142.
- 1.6 State Judiciary: Appointment, Transfer and Removal Procedure of H.C. Judges and Chief Justice of H.C, Powers and Jurisdiction of HC, Writs, Article 226 and 227 Distinction Between them.

UNIT- 2

2. AMENDMENT OF THE CONSTITUTION:

- 2.1 Procedure to amend the Constitution under Article 368
- 2.2 Limited power of the Parliament to amend the provision of the Constitution
- 2.3 Judicial Pronouncements of the Supreme Court and relevant Constitutional Amendments
- 2.4 Doctrine of Basic Structure.

UNIT - 3

3. EMERGENCY PROVISIONS:

- 3.1 National Emergency: Grounds, Effects of proclamation of Emergency: Suspension of Fundamental Right during Emergency, Revocation of Emergency
- 3.2 Emergency due to failure of Constitutional Machinery in states: Grounds
- 3.3 Report of Sarkaria Commission, Guidelines of S.R. Bommai 's case
- 3.4 Financial Emergency.

UNIT-4

4. MISCELLANEOUS:

- 4.1 Article 31-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards to Civil servants, Attorney General, Advocate General, Chief Election Commission and Commission, Official Language
- 4.2 Freedom of Trade, Commerce and Intercourse
- 4.3 Special provisions relating to Jammu and Kashmir
- 4.4 Relation between Union and the State: Legislative and Financial, Schedule VII
- 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission

SUGGESTED READING:

1. Constitution Law of India : D.D. BASU
2. Introduction to the Constitution of India D.D Basu
3. Shorter Constitution Law of India :Durga Das Basu
4. Constitution Law of India : V.N.SUKHLA
5. Constitution of India: J.N. PANDEY Constitution Law of India.
6. M.P.JAIN Constitution Law of India (Vol. 1-3)
7. H.M.SEERVAI Constitution Law of India
8. P.M.BAXI Introduction to the Constitution Law of India

PROPERTY LAW

OBJECTIVES OF THE COURSE:

The Course on Property Conventionally Deals with The Transfer of Property Act,1882. More Than A Century Has Elapsed Since The Passing Of The Act And Far-Reaching Changes Have Occurred In The Field In Property Laws Owing To Altered Social Condition. While Archaic Feudal Rules Enacted by The Colonial Administration Like the Rule Against Perpetuities Find A Place in The Act, The Post, Independence Development Relating to Control and Use of Agricultural Land Do Not Find A Place. The Obsolescence of The Transfer of Property Act Can Be Best Illustrated by Citing the Provision Relating to Leases On unmovable Properties.

SYLLABUS:

UNIT - 1

1. GENERAL PRINCIPLES OF TRANSFER OF PROPERTY:

- 1.1 Kinds of property: Movable Immovable, Tangible and non-tangible Property, Intellectual Property.
- 1.2 Which properties may be transferred? – Competency of person to Transfer:
Transfer for the benefit of unborn child
- 1.3 Rule against perpetuity
- 1.4 Vested Interest and Contingent Interest.

UNIT - 2

2. DOCTRINE OF ELECTION:

- 2.1 Lis Pendens: Principal, Salient Features, application in India, Essential requirements, Exceptions
- 2.2 Fraudulent Transfer: Essential Requirements, Exceptions
- 2.3 Doctrine of Part-n performance: Essentials and Exceptions

UNIT - 3

3. SPECIFIC TRANSFERS:

- 3.1 Sale: Essentials, Rights & Liabilities of Buyer and seller.
- 3.2 Mortgage & Charge: Definition, Kinds of Mortgage, Rights and Seller Mortgager – Mortgagee, Redemption – Clog on Redemption
- 3.3 Lease: Definition, Essentials, Rights& Liabilities of Lessor and Lessee

3.4 Gift: Definition, Essentials, Rights & Liabilities of Gift, Onerous Gifts, universal Donee, Exchange: Definition & Features

3.5 Actionable Claim: Definition & transfer of Actionable Claims

UNIT - 4

4. EASEMENTS:

4.1 Easements: Meaning, Nature, Essentials and Characteristics

4.2 Kinds of Easements, Incidents of Easements, Creation of easement

4.3 Various Easementary Rights: Right of Air, Right of support, Right of water etc.

4.4 Extinction, Suspension and Revival of Easements,

4.5 Licences: Meaning, elements, Grant and Revocation of Licences

SUGGESTED READING:

1. Mulla, Transfer of Property Act, Universal, Delhi.
2. Subbarao, Transfer of Property ACT,
3. B.Sivaramayya, The equalities and the Law, Eastern Book Co., Lucknow.
4. P.C.Sen. The General Principles of Hindu, Jurisprudence (reprint) Allahabad Law Agency.
V.P. Sarthy, Transfer of Property, Eastern Book Company, Lucknow,
5. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company
6. T.R. Desai : The Indian Easements Act, 1982 B.B. Katiyar :Easements and Licences,
Universal Law Publishing Co.

ENVIRONMENT LAWS

(Including laws for Protection wild life and other living creatures including animal welfare)

OBJECTIVES OF THE COURSE:

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter-generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly, environmental law necessarily demands an inter-disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

SYLLABUS:

UNIT - 1

1 ENVIRONMENT & ENVIRONMENTAL POLLUTION:

- 1.1 Environment: Meaning
- 1.2 Eco System, Balance of Ecology
- 1.3 Environment Pollution: Meaning, causes, Factors & Effects of Environmental Pollution
- 1.4 Types of Environmental Pollution: Air, Water and Noise Pollution

UNIT - 2

2 ENVIRONMENT PROTECTION: INTERNATIONAL SCENARIO & CONSTITUTIONAL REMEDIES:

- 2.1 International Scenario: Stockholm Conference, 'Rio-de' jenario Conference, Sustainable Development.
- 2.2 Constitutional perspectives for protection of Environment: Article 21, 48-A,51-A(g), 32 and 226 42nd Constitutional Amendment
- 2.3 Constitution of Judiciary in Environment Protection though PILs, relevant decisions of the supreme court

2.4 Doctrine of Public Trust, Principle of Polluter Pays.

UNIT - 3

3. LEGISLATION FOR THE PROTECTION OF ENVIRONMENT:

- 31 Offences, Remedies and Procedure for prevention of Water Pollution under the Water (prevention and Control of Pollution) Act, 1974
- 32 Offences, Remedies and Procedure for prevention of Air Pollution under the Air (prevention and Control of Pollution) Act, 1981
- 33 Noise Pollution: Causes, effects and control measures
- 34 Environment (Protection) Act, 1986: Need to enact this legislation, Powers of the Central Government, Provisions for Prevention Control and Abatement of Environment Pollution: Offences & Punishment
- 35 Special provisions relating to Hazardous Process: Chapter IV-A of the Factories Act, 1948
- 36 Criminal Procedure Code: Public Nuisance – sec.133-143

UNIT 4

4. MISCELLANEOUS:

- 41 Public Liability Insurance Act, 1991: Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,
- 42 Wild life (Protection) Act, 1972: Authorities: Hunting of Wild Animals, protected Areas, Offences
- 43 Forest Act, 1927; Reserved Forests, Sanctuaries, powers of Forest officer
- 44 National Environmental Tribunals Act: Functions, Jurisdiction
- 45 Prevention of Cruelty to the Animals Act: Objects & main features

SUGGESTED READING:

1. The Water (prevention and Control of Pollution) Act, 1974.
2. The Air (prevention and Control of Pollution) Act, 1981.
3. The Environment (Protection) Act, 1986.
4. The National Environmental Tribunals Act, 1995.
5. Public Liability Insurance Act, 1991.
6. The Factories Act -1948.
7. Environmental Law and Policy in India : Armin Resencranz.
8. Air Pollution and Environment (Protection) Laws: Lal's Commentaries on Water Environmental Law in India : Jain and Jain

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9. Environmental Law by Prof. S. C. Shastri, Eastern Book Co.
 10. Environmental Law : Sumeet Malik
 11. Environmental Law and Policy in India Aarmin Rosencranz et. Al (eds.,)
 12. Environmental Law and Policy in India : R.B.Singh & Suresh Misra
 13. Environmental Protection Law and Policy in India : Kailash Thakur
 14. The Environment Law in India : Leelakrishanan, P.
 15. Department of science and Technology, Government of India ,Report of the Committee for recommending legislative Measures and Administrative Machinery For Ensuring Environmental Protection, (Tiwari Committee Report) India Journal of Public Administration, Specvil Number on Environment and Administration, July –September, 1988 Vol.,XXXV No.3 PP 353-801 .
 16. Centre for Science and Environment . The state of India 's Environment 1982, the state of India, Environment 1984-85 and the State of India Environment 1999-2000 .

INFORMATION TECHNOLOGY LAWS AND CYBER CRIMES

OBJECTIVES OF THE COURSE:

The technological revolution in the field of communication has brought out revolutionary changes in the mode of carrying out business and commerce. The exchange of physical documents is no longer necessary for carrying out business transactions. The electronic commerce is the new buzzword in both national and international trade. Electronic commerce involves carrying out business transitive by means of electronic data interchange and other means of electronic communication involving the use of alternatives to paper-based methods of communication and storage of information. The international trade is growing at a vast pace and the whole has become almost a global village. The World Trade Organization (WTO) has further contributed towards the blast growth in trade, commerce and other field amongst different countries of the world.

The general assembly of the United Nations, recognizing this fast also resolved on 30.01.1997, to adopt a model law on electronic framed by United Nations Commission of International Trade Law. The resolution recommends that all stares give favourable consideration to the said model law when they communicate or revise their laws in view of the need of uniformity in the law application to alternatives to paper based methods of communication and storage of information.

The Government of India, keeping in view the above facts, got enacted by Parliament the Information Technology Act, 2000.

Post 2000, after the promulgation of cyber laws by Government of India in the form of Information Technology Act, 2000 along with allied Rules, the issue of E-commerce, Online contracting, cybercrime like hacking, phishing, data theft, identity theft, source code theft cloning, stalking cyber terrorism, cyber defamation etc. have become common. There should be effective enforcement of laws to protect, preserve, promote and regulate cyber security in the context of use of computers, computer systems. Computer networks, computer resources as also communication devices and to ensure fair usage.

To prevent and protect common people from cyber-crimes Government has started initiatives like cyber suraksha kavach, awareness programme etc..

SYLLABUS:

UNIT – 1

1. Evolution of the Information Technology Act, Genesis and Necessity.
 - 1.1 International Perspective.
 - 1.2 History of Cyber law in India.
- 2 Salient features of the Information Technology Act, 2000.
 - 2.1 Various concepts (Definitions)
- 3 Digital Signature
- 4 Electronic Governance.
- 5 Attribution, Acknowledgement and Despatch of Electronic Records.
- 6 Secure Electronic Records and Secure Digital Signatures.
- 7 Regulation of Certifying Authorities.
- 8 Digital Signature Certificates.
- 9 Duties of Subscribers.

UNIT – 2

1. Penalties and Adjudication.
2. The Cyber Regulations Appellate Tribunal.
3. Offences.
4. Network Service providers not to be liable in certain cases.
5. Miscellaneous.
 - 5.1 Various Government Initiatives for awareness.
 - 5.2 The Information Technology (Amendment) Bill, 2006

UNIT – 3

1. Impact of other related Acts (Amendments)
 - 1.1 Amendments to Indian Penal Code.
 - 1.2 Amendments to Criminal Procedure Code.
 - 1.3 Amendments to Indian Evidence Act.
 - 1.4 Amendments to Bankers Books Evidence Act.
 - 1.5 Amendments to Reserve Bank of India Act.
- 2 The Information Technology (Certifying Authorities) rules, 2001.
- 3 The Cyber Regulations appellate Tribunals (Procedure) rules, 2000.
- 4 The Information Technology (Certifying Authorities) regulations, 2001
- 5 The Cyber regulations appellate tribunal (Procedure for investigation of misbehaviour of incapacity of presiding officer) Rules, 2003.

6 The Information Technology (Qualification and Experience of Adjudicating officers and manner of holding enquiry) Rules, 2003.

6.1 Performa for complain to the adjudicating officer.

7 The Information Technology (use of electronic record and digital signatures) Rules, 2004

8 The Information Technology (Security procedure) Rules, 2004.

UNIT – 4 (CYBER CRIMES)

1. Introduction of Cyber crimes, meaning, definition, nature of cyber crimes.

2. Cyber Crimes.

2.1 Malicious Code.

2.2 Web Hacking.

2.3 Email Hacking

2.4 Cyber Stalking

2.5 Cyber Terrorism.

2.6 Pornography.

2.7 Cyber Bullying.

3. Cyber Crimes Investigation.

3.1 Basic Investigation Techniques.

3.2 Setting up a cyber crime investigation cell.

3.3 Future Challenges.

SUGGESTED READING:

1. Raj, Niharikia, Law & Technology, Universal Law Publishing.

2. Information Technology Act, 2000.

3. Jain, P.K., Computer for Law Students, Scientific Publisher, Jodhpur.

www.prsindia.org

C.U. Shah University

Syllabus

Semester Three

No.	Course Code	Course Name	Marks	Credit
1	4LW03FOL2	Law Of Family – I	100	5
2	4LW03ADM2	Administrative Law	100	5
3	4LW03LIL2	Labour and Industrial Law - I	100	5
4	4LW03TAX2	Principles of Taxation Laws	100	5
5	4LW03IOS2	Interpretation of Statutes.	100	5