

**DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY,
AURANGABAD.**



CIRCULAR NO./ SYLL./CURR./ LLB/ 3 & 5 YEAR/SEM-I/ 11 /2018.

It is hereby inform to all concerned that, the Academic Council at its meeting held on 30 June, & 02 July, 2018 has accepted **the Curriculum of [1] L.L.B. Semester-I of Three Year Degree Course & [2] B. A. L.L.B. Semester-I of Five Year Degree Course under Choice Based Credit & Grading System** in the faculty of Humanities as per Appendix-‘A’ & ‘B’.

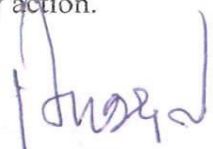
This is effective from the Academic Year 2018-19 and Onwards.

All concerned are requested to note the contents of this circular and bring notice to the students, teachers and staff for their information and necessary action.

University campus,
Aurangabad-431 004.

Ref. No. SU/LLB/3&5Yr Curri./2018/

17991-18010 *****


**Deputy Registrar,
Academic [Syllabus]
Section.**

Date: 13.08.2018

Copy forwarded with compliments to :-

- 1] **The Principals, affiliated concerned Colleges,
Dr. Babasaheb Ambedkar Marathwada University, Aurangabad**
- 2] **The Director, University Network & Information Centre, UNIC, with a request to upload this Circular on University Website.**

Copy to :-

- 1] The Director, Board of Examinations & Evaluation,
 - 2] **The Section Officer, [Law Unit] Examination Branch,**
 - 3] The Section Officer, [Eligibility Unit],
 - 4] **The Programmer [Computer Unit-1] Examinations,**
 - 5] **The Programmer [Computer Unit-2] Examinations,**
 - 6] The In-charge, [E-Suvidha Kendra],
 - 7] The Public Relation Officer,
 - 8] The Record Keeper,
- Dr. Babasaheb Ambedkar Marathwada University, Aurangabad

**DR. BABASAHEB AMBEDKAR
MARATHWADA UNIVERSITY,
AURANGABAD.**



‘Curriculum of
L.L.B.
Semester-I
Three Year Degree Course
under C.B.C.& G.S.’

[Effective from the Academic Year 2018-19 & Onwards]

LL.B. 3 yrs. CBCS pattern w.e.f. 2018-19 Semester- I
Structure of Subjects of 3 yrs. LL.B. under CBCS Pattern w.e.f.2018-19

Semester I

Compulsory Legal	1.1 Contract I
Compulsory Legal	1.2 Constitutional Law I
Compulsory Legal	1.3 Jurisprudence
Compulsory Legal	1.4 Family Law I (Family Relations)
Optional Legal	1.5 Banking Law Including Negotiable Instruments Act

LL.B. 3 yrs. CBCS pattern w.e.f. 2018-19 Semester- I

LAW OF CONTRACT

Paper - I

(General Principles of Contract (Secs.1 to 75) including Specific Relief Act)

Unit-1: History and nature of contractual obligations - writs of debt, covenant and account actions on the case and on assumption of consideration - moral basis for contractual obligations subjective and objective theories sanctity of contracts.

Unit-2: Agreement and contract definitions, elements and different kinds.

Unit-3: Proposal and acceptance - their various forms, essential elements, communication and revocation-proposal and invitations for proposal-floating offers, tenders-dumping of goods.

Unit-4: Consideration-nudum pactum-its need, meaning, kinds, essential elements privity of contract and of consideration-its exceptions-adequacy of consideration-present, past and adequate consideration-unlawful consideration and its effects-views of law commission of India on consideration-evaluation of the doctrine of consideration.

Unit-5: Capacity to contract-meaning-incapacity arising out of status and mental defect-minor's agreements-definition of minor - accessories supplied to a minor agreements beneficial and detrimental to a minor affirmation-restitution in cases of minor's agreements-fraud by a minor-ratification in cases by a person of an agreement made by him while he was a minor-agreements and estopped-evaluation of the law relating to minor's agreements-other illustrations of incapacity to contract.

Unit-6: Free consent-its need and definition-factors vitiating free consent , Coercion definition-essential elements-duress and coercion-various illustrations of coercion doctrine of economic duress-effect of coercion-evaluation of Sec. 15., Undue Influence definition-essential elements-between which parties can it exist? Who is to prove it? Illustrations of the undue influence-independent advice-pardahanashin women unconscionable bargains effect of undue influence., Misrepresentation-definition misrepresentation of law and of fact-their effects and illustration, Fraud-definition essential elements-suggest also superioveri-When does silence amounts to fraud? Active concealment of truth-importance of intention.

Unit-7: Legality of Object: Void agreement-lawful and unlawful considerations, objects-void, voidable, illegal and unlawful agreements their effects. Unlawful consideration and objects: Forbidden by law, Defeating the provision of any law, Fraudulent , Injurious to person or property, Immoral , Against public policy, Void Agreements, Agreements without consideration, . Agreements in restraint of marriage, . Agreements in restraint of trade-its exceptions-sale of goodwill, Sec. 11 restriction, under the Partnership Act, trade combinations exclusive dealing agreements, restraints on employees under agreement of service., . Agreements in restraint of legal proceedings-its exceptions, Uncertain agreements, Wagering agreements-its exceptions.,

Unit-8: Discharge of a contract and its various modes:, By performance-conditions of valid tender of performance-how? By Whom? Where? When/In what manner? Performance of reciprocal promises-time essence of contract. By breach-anticipatory breach and present breach, Impossibility of performance-specific grounds of frustration - effect of frustration-frustration and restitution, . By period of limitation , By agreement rescission and alteration-their effect-remission and waiver of performance extension of time-accord and satisfaction.

Unit-9: Quasi-contracts or certain relations resembling those created by contract.

Unit-10: Remedies in Contractual Relations:, Damages-kinds-remoteness of damages ascertainment of damages, Injunction-When granted and when refused? Why?, Refund and restitution, Specific performance-When? Why?

Unit-11: Specific Relief: Specific Relief Act, 1969 Definition, Recovering possession of property, Specific performance of contracts, Rectification of instruments, Rescission of contracts, Cancellation of Instruments, Declaratory decrees, Preventive relief.

Books Recommended:

1. Anson: Law of Contract, Clarendon Press, Oxford, 1998
2. Cheshire and Fifoot, Law of Contract
3. G.C.V. SubbaRao : Law of Contract, S. Gogia & Co., Hyderabad 1995
4. T.S. Venkatesalyer. Law of Contract revised by Dr.Krishnamachary, S. Gogia & Co., Hyderabad , 1995
5. Avatar Singh: Law of Contract and specific Relief Act- Eastern Book Company, Lucknow, 1998.

LL.B. 3 yrs. CBCS pattern w.e.f. 2018-19 Semester- I

CONSTITUTIONAL LAW -I

Paper II

Unit-1: Historical Perspective: Constitutional Developments since 1858 to 1947 Morle Minto Reforms-Dyarchy -Montague-Chelmsford Reforms. Indian National Congress 1885-Various Trends of opinion-social Reform vs. Political Independence. Protest against British Repression. Jalianwala Baag. Rowlett Act-Sedition Trials of Tilak.

Unit-2: Making of India's Constitution - concept of constitution and Constitutionalism-Salient features - Constituent Assembly - Sovereignty. Preamble Status and its goals.

Unit-3: Concept of state and law (Articles 12 & 13)

Unit-4: Equality and Social Justice: Equality before the law and Equal protection of Laws-meaning-Constitutional provisions - Total conspectus - Articles 14, 15, 16, 17, 29 (2), 325 ,Classification for Differential Treatment, Gender Justice. Arts. 15 (1), (2), (3), 16, 29 (2), Administrative discretion and Equality, Compensatory Discrimination for Backward Class/SC & ST.

Unit-5: Freedoms and Social Control: Freedom of speech and expression, Freedom of the press, . Freedom of Speech and contempt of court, Freedom of Assembly, Freedom of Association, Freedom of Movement, Freedom to Reside and Settle, Freedom of profession/business. etc., Property and social control 1950 to 1978, Property and social control - After 1978.

Unit-6: Personal Liberty: Rights to an accused - Double Jeopardy, Right against self-incrimination, Right against Retroactive Punishment, Right to life and Personal Liberty-Meaning of - Art. 21. Gopalan, Personal Liberty-Meaning of-Maneka Gandhi, Sunil Batra, etc. Procedure established by law-Gopalan, Kharak Singh, Procedure established by law - Due process - Maneka Gandhi and after.

Unit-7: Preventive Detention-Constitutional Policy Art. 22, Preventive Detention Safeguard under the constitution. And Art. 23

Unit-8: Secularism: Concept of Secularism-Indian Constitutional provisions, Historical Perspective of India Secularism, Religion and State-in India-State control and non-interference with Religion. Concept of Secularism; American Model - Separation of State-Church-Is it Relevant to India?Tradition in India-Equal Respect for All Religions?

Unit-9: Minority Rights-Why? Scope-Meaning of Minority, Minority Rights to Educational Institutions.

Unit-10: Constitutional Remedies: Supreme Court & High Courts.

Unit-11: Fundamental Rights and Directive Principles: Directive Principles-Reasons for incorporation, Directive Principles-Directions of Social Change - A new social order Fundamental Rights and Directive Principles - Interrelationship -Judicial balancing, Constitutional amendments - Arts, 31A, 31-B and 31-C to strengthen Directive Principles Judicial policy towards Directive Principles from Champakam to Minerva Mills. Relationship between fundamental rights , directive principles and fundamental duties.

Books Recommended:

1. Shukla V.N, Constitution of India, Eastern Books Company, Lucknow.
2. Pandey J.N, Constitutional Law of India, Central Law Agency, Allahabad.
3. Austin, Granwille, The Indian constitution - Corner Stone of a Nation, Oxford University, Press, New Delhi (Indian Reprint 2000).
4. Basu D.D: Constitutional Law of India, Prentice Hall of India, New Delhi.
5. Jain, M.P., Indian Constitutional Law, Wadhwa& Co., Nagpur.
6. SubbaRao, GCV, Indian Constitutional Law, Eastern Books Company, Lucknow.
7. Tope T.K. : Constitutional Law of India, , Eastern Book Company, Lucknow.
8. Shiva Rao B.: The Framing of India's Constitution (in 5 volumes), Indian Institute of Public Admn., New Delhi.
9. Seervai, H.M.: Constitutional Law of India (in 3 volumes), M.M. Tripathi, Bombay.
10. Constituent Assembly Debates (5 books) - Official report, LokSabha Secretariat, New Delhi

LL.B. 3 yrs. CBCS pattern w.e.f. 2018-19 Semester- I
Paper - III: JURISPRUDENCE
(Legal Method, Indian Legal System and Basic Theory of Law)

Unit-1 Need to study jurisprudence - its relationship with political and power structures and just society.

Unit-2: What is a norm, What is a normative system. Kelsen Pure theory.

Unit-3: Concept of law, its difference with laws of natural sciences, social sciences, statistics, history, Laws on obligations. H.L.A.HART's Concept of Law. Law as system of Rules.

Unit-4: Why are laws obligatory? Define and discuss the following legal concepts liability, obligations, sanction, coercion, compulsion, duty, estoppel, promise, dharma with case material.

Unit-5: Contractarian Theories - general-will theories and free-will theories and autonomous theories particularly positivist theories and autonomous theories particularly positivist theories connected (development of Austin onwards; Reference to Dworkin, Rawls and Marxian terms of the doctrine of withering away of State, Transcendental Theories, Law as a means of social control, Law as Volksgeist.

Unit- 6: Personality; people; state-with particular reference to Directive Principles of State policy; locus standi Randhir Singh, Golaknath and other relevant cases.

Unit-7: Theories of Authority, Types of authority - legislative, judicial and customary - their binding nature, Bindingness with regard to Precedent, Determination of ratio

Unit-8: Limits on legislative authority., Positivist view that there are no limits. Discuss with reference to Austin, Kelsen. Refer Indian cases like Golaknath and D.C. Wadhwa's case.

Unit-9: Natural Law view that the limits are defined by principles of morality or natural justice - the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis, The Rationalis view that the limits are get by rational principles of justice - Discuss with reference to Kant, Rawls,

Unit-10: The Basic Structure Doctrine - that the limits are set by the basic structure of the constitution or the law itself; any legislation contrary to the basic structure is non law (Refer Kesavananda and Coelho cases)., Define and discuss the basic legal concept of reasonableness with reference to Indian cases. State of Madras V.G. Row (1952 SC 196), Dwaraka Prasad Laxmi Narayan V. State of U.P. (AIR 1954 SC 224), Krishnachandra V. Commissioner of Police (1961 3 SCR 135) Hardhan Shah V. State of West Bengal (1975 3 SCC 198). AIR India V. NargeshMeerza (AIR 1987 SC 1829). Maneka Gandhi V. Union of India (1978 2SCR 621).Judicial Decisions particularly the decisions of Indian Supreme Court on contemporary socio political , legal and economic issues.

Unit-11: The functions of Law, Law as the upholder of the moral order in the society, Concept of dharma and connection between law and morality, Law for bringing efficiency and social stability; the utilitarian views,

Unit-12: The differences between the ends of a legal order, a political order and a religious order. Are they inter changeable? Can one replace another? Issue concerning the dialectics of law,

Books Recommended:

1. Salmond, Jurisprudence, Universal Publishers.
2. Paton, Jurisprudence
3. Allen, Law in Making, Universal Publishers.
4. Mahajan V.D, Legal Theory and Jurisprudence.
5. Dias, Jurisprudence.
6. Lloyd, Introduction to Jurisprudence
7. S.N. Dyani, Fundamental of Jurisprudence: Indian Approach
8. G.C.V.SubbaRao, Jurisprudence and Legal Theory

LL.B. 3 yrs. CBCS pattern w.e.f. 2018-19 Semester- I
FAMILY LAW-I (Comparative Family Institutions)

Paper IV

Unit -1: Concept of family, nuclear family and joint family, Joint Hindu Family (Mitakshara and Dayabhaga): Mitakshara joint family Mitakshara coparcenary - formation and incidents, Property under Mitakshara law- separate property and Coparcenary property, Dayabhaga coparcenary - Formation and incidents, Property under Dayabhaga Law, Karta of the joint family-his position, powers, privileges and obligations, Alienation of property-separate and coparcenary, Debts-doctrines of pious obligation and antecedent debt.Partition and Reunion Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

Unit-2: Marriage And Kinship: Evolution and importance of institutions of marriage and family. Role of Religions, Indian Family Law., Impact of customs on marriage and family.

Unit-3: Applicability & Sources of Law: Who is a Hindu, who is a Muslim, who is a Christian, Sources of Hindu Law, Sources of Muslim Law, Schools of Law. Hindu and Muslim laws.

Unit-4: Essential Conditions of Marriage State intervention through various legal measures, Essentials conditions of valid Hindu Marriage Hindu Marriage Act, essential conditions of valid Muslim marriage, concept of dower, essential conditions of marriage for valid Christian Marriage 4/ Indian Christian Marriage Act, 1882, special marriage Act, kinds of marriages under Hindu and Muslim systems, kinds marriage.

Unit-5: Matrimonial Remedies: Annulment, RCR Judicial separation, Divorce Conditions for grant of matrimonial remedies under Hindu Marriage Act, Indian Divorce Act; Matrimonial Remedies for Muslims (Talaq, Ila, Zihar, Tafwiz, khula, Mubara) Muslim wife's grounds of divorce 4/ Dissolution of Muslim Marriage Act, 1939, Bars to Matrimonial Relief.

Unit-6: Maintenance: Maintenance of divorced wives, neglected wives, minor children and parents under Hindu Marriage Act & Hindu Adoptions and Maintenance Act; Maintenance of Muslims wives during and after divorce; Protection of Rights on Divorce Act, 1986 S.125 of Cr.P.C.

Unit- 7: Child and the family: Legitimacy, Adoption, Custody and Maintenance 4/ Hindu Law (HMA,1956) & Muslim law Guardianship, guardianship law of Hindu and Muslims.

Unit-8: Customary practices and the law: Dowry and Dowry Prohibition Act, 1961 Child Marriage and Child Marriage Restraint Act, 1929. Sati and Sati Act, 1987

Unit-9: Family Courts, Need for UCC: composition, power and functions of Family Courts (Family Courts Act 1984) Article 44 of the Indian Constitution

Books Recommended:

1. Maine's Treatise on Hindu Law and Usage, Bharat Law House, Delhi
2. Muslim Law; the Personal Law of Muslim in India on Pakistan, Faiz Badruddin Tyabji , N.M Tripathi Publications, N. Delhi
3. Paras Divan, Modern Hindu Law, Central Law Agency.
4. Paras Divan, Family Law, Central Law Agency.
5. Mohammedan Law, Dr.Mohammed Nazmi Central Law Agency
6. Vasudha, Towards Uniforms Civil Code, ILI, Delhi
7. Marriage and Family Law Reforms in India, Archana Parasher Sage Publications.

LL.B. 3 yrs. CBCS pattern w.e.f. 2018-19 Semester- I
BANKING LAW INCLUDING NEGOTIABLE INSTRUMENTS ACT

Paper-V [Optional Paper]

Unit-1: Banker and customer: General relationship between banker and customer, essential features of general relationship, special relationship.

Unit-2: Business aspects of banking: Opening of new account, kinds of accounts; current account, savings account, deposit account, joint account, accounts of special customers. (Minor, partnership, company, trust, married women etc.)

Unit-3: Pass book; over-over; draft-appropriation of payments; right of set-off, combining of several accounts, receipt of valuable for safe custody, garnishee orders.

Unit- 4: Rights of banker over securities for bank advances: Banker's lien, pledge, guarantee, documents of title goods a) bill of lading, dock warrant, warehouse keeper certificate, delivery order, railway receipt, Bankers commercial of letters credits.

Unit-5: Definition of Negotiable instrument, essential features of negotiable instruments, difference between negotiability and assign ability, Promissory note-bill of exchange, cheque and other analogous instruments(Bankers draft, travelers cheque, dividend warrant).

Unit-6: Cheque: Kinds of cheques, crossing of cheques, endorsements and its kinds, holder and order in due, payment in due course, marking of cheques.

Unit-7: Liabilities of the parties to the negotiable instruments: Dishonour of cheques, statutory protection of paying banker and collecting banker; forgeries.

Unit-8: Banking Companies Regulation Act, 1949: General and specific powers of the Reserve Bank of India and central government, restrictions and loans and advances .

Unit- 9: The Reserve Bank of India Act, 1934: Functions and promotional role of the Reserve Banks of India, RBI and commercial banks.

Unit-10: Nationalisation of Banks: Effect of nationalization, achievements and drawbacks; globalization and its impact.

Unit-11: Innovations in Banking: e-Banking, off-shore banking and RBI guide lines.

Books Recommended:

1. Paget-Law of Banking
2. Sheldon-Practice and Law of Banking
3. Tannan-Law of Banking
4. Gulati- Banking Companies Act
5. Maheswari- Banking Law and Practice
6. Bashyam and Adiga-Negotiable Instruments Act
7. Parthasarathi, Negotiable Instruments Act.