



Progressive Education Society's

Modern Law College,

Ganeshkhind, University Circle, Pune- 411016

Permanently Affiliated to the University of Pune, Recognised by the Government of
Maharashtra and Approved by the Bar Council of India, New Delhi

Phone: 020-25638987, 25635396

Email: info.modernlaw@gmail.com website: www.modernlawcollege.org

Syllabus

IInd Year of the B.A. LL.B.

(Five-Year Law Course)

(From 2003-2004)

INDEX

Sr. No.	Content	Page No.
I.	Pune University Rules for B.A. LL.B. Course	3
II.	B.A. LL.B. (Semester-III)	4
	Paper 7 – Political Science- II	4
	Paper 8 - Political Science- III	5
	Paper 9 –Law of Contract- I	6
III.	B.A. LL.B. (Semester-IV)	8
	Paper 10 – Legal Language	8
	Paper 11 – Legal History	9
	Paper 12 – Contract II	11

Disclaimer: For information and internal circulation only. For further information refer to official publication and website of University of Pune at www.unipune.ac.in . College Authorities are not responsible for any omission, deletion or mistake.

Rules for Standard of Passing, Benefit etc.

1. Standard of Passing:

To pass the Ist and IInd year of B.A. LL.B. Examination (Five-Year law course), a candidate must obtain

- a) 40% of the full marks in each paper
- b) 40% of the total marks in the examination.

To pass the IIIrd year of B.A. LL.B. and IVth and Vth year B.A. LL.B. (Five-Year Law Course) a candidate must obtain.

- c) 35% of the full marks in each paper and
- d) 50% of the total marks in the examination.

2. Entitlement to appear at the end of the academic year:

A candidate who has completed his term for semester I, II, V, VII or IX of the five-year B.A. LL.B. Course, and has paid examination fees for such the examination for such Semester Examination, but has remained absent for any or all papers, or has failed in any or all papers at such Semester Examination, shall be entitled to appear for any or all of such papers respectively along with the Semester II, IV, VI, VIII or X examinations respectively.

Any student who has appeared for Semester I, III, V, VII or IX Examination of the B.A. LL.B. Course shall be entitled to re-appear for all or any of the paper along with the Semester II, IV, VI, VIII or X examinations for improving his marks.

3. Exemption:

A candidate who obtains at least 50% of the full marks in a paper shall at his option be exempted from that paper at a subsequent examination. He shall however have to pass in the remaining paper or papers in accordance with the standard of passing laid down above. The benefit of exemption so earned may be available for six years only.

4. First-Second Class:

At the end of the academic year, those of the successful candidates who obtain 50% or more of the total marks will be placed in the Second Class, and those who obtain 60% or more of the total marks will be placed in the First Class, and those who obtain 70% or more marks will be placed in First Class with Distinction.

5. Allowed to keep terms:

A candidate who obtains at the Ist, IInd, IIIrd year of B.A. LL.B., or IVth year of LL.B. (five-year B.A. LL.B. course) (hereafter earlier year) 50% of the full marks in the number of subjects given below out of the total number of papers prescribed for the respective academic year shall be allowed to keep terms respectively for next year, i.e. the IInd, IIIrd year of B.A. LL.B. and IVth and Vth year of B.A. LL.B. Examination i.e. ATKT for 1/3 of the total subjects.

Ist B.A. LL.B. examination- 4 subjects

IInd B.A. LL.B. examination- 4 subjects

IIIrd B.A. LL.B. examination- 5 subjects

IVth B.A. LL.B. examination- 5 subjects

Provided however that he shall be required to clear such subjects before he required to clear such subjects before he joins the class following such next year, or shall not be

declared to have passed the Vth year of B.A. LL.B. unless he has passed such subjects and the examination of the previous year.

Such a candidate shall not be eligible for a Class prize or scholarship awarded at the examination.

OR

Provided however that he shall not be declared to have passed the examination of such next year, i.e. IInd and IIIrd year of B.A. LL.B. and IVth and Vth year of B.A. LL.B. unless he has passed such subjects and the remaining papers in the examination of such previous year according to the standard of passing laid down above.

Such a candidate shall not be eligible for a Class prize or scholarship awarded at the examination.

Semester III (June to October)

Paper 7 – Political Science – II (Foundations of Political Obligations)

1. Legitimization and obligations / power and authority
2. Main currents of western political thought.
 - a. Classical: Hobbes, Locke, Rousseau, Hegel, Aristotle
 - b. Modern: Karl Marx, Robert DahlViews on concept of state and classification of state
3. Political obligation
 - Utilitarianism
 - a. Bentham
 - b. J.S. Mill
4. Concepts of political and legal sovereignty
5. Totalitarian state
 - Fascism and Nazism
6. Gandhism – Concept of State, law and disobedience
 - Neo Gandhism
7. Marxism and Leninism
8. Marxist thought in India
9. Theories of punishment

Recommended books and reading

1. G.H. Sabine, A History of political theory
2. S.P. Verma Modern Political Theory
3. Almond and Powell, Comparative Politics
4. Dunning W. A. History of political theories
5. Palmer and Rerking, Political Obligations.
6. Robert Dahl, Modern Political Analysis

7. Salmond, Theories of Punishment.
8. H.L A. Hart, Essay in Punishment and Responsibility.
9. Morris Cohen, Essay in Legal Philisophy.

Paper 8 – Political Science-III (International Relations and Organization)

A. Part I

1. Components of National Power, Population, Geography resources, Economic organization
2. Technology, Military force.
3. Limitation on National Power – International morality, public opinion, International Law
4. Major sources of conflict: East ad West, North and South rivalries, territorial claims, resources, and population migration.
5. Peaceful settlement of issues – Negotiation, Mediation, Conciliation, International arbitration and judicial settlement.
6. Alliances balance of power approach, collective security and disarmament.

B. Part II

1. World communality, multi-national agencies.
2. Evolution of international organizations, League of Nations and United Nations.
3. Principal organs of the United Nations and their composition, functions and working.
4. I.L.O. and other International agencies.
5. Regional organization, specialized agencies and International Non-governmental organizations.

Recommended Books and reading

1. Hans Moregenthan, Politics amont nations – The struggle for power and peace, New York, Knopt.
2. Palmer and Perkins, International Relations.
3. Peter Clavocovesai, World Politics since 1945, Logman, 3rd ed
4. Quincy Wright, Study of international Relations, New York, Appleton – Century Crofts, 1955
5. Bachal V.M. International Relations (1919-1975). Continental Publications, Pune.

Paper 9 – Law of Contract- I
(General Principles of Contract and Specific Relief Act) (With latest amendments and case law)

Division of marks:

General Principles of Contract – 80 marks

Specific Relief Act – 20 marks

I. General Principles of Contract

1. Nature of Contract: Meaning, definition and elements, kinds of agreements and contract.
2. Offer and Acceptance: definition, modes, legal rules as to offer, offer distinguished from invitation to offer, lapse of offer, standard form contracts.
Acceptance: definition, modes, legal rules as to acceptance, effect of silence on acceptance.
3. Communication of offer, acceptance and revocation – rules regarding communication, contracts through post, and contracts by telephone and telex.
4. Intention to create legal relations- Intention, types, social / domestic agreements, commercial business agreements; when no contract
5. Capacity of Parties – Minor, law relating to minor's agreement, persons of unsound mind, persons disqualified by law.
6. Free Consent – Definition, Ingredients of Free Consent – a) Coercion; b) Under Influence; c) Fraud; d) Misrepresentation; e) Mistake.
7. Consideration – Meaning, definitions legal rules as to consideration; -“ No Consideration : No Contract” and exception. Difference between Indian and English Law.
8. Doctrine of privity and exception.
9. Legality of Object and Consideration – Consideration / Object not lawful; Unlawful agreement, Agreements against public policy; Consequences of illegality.
10. Other legal Formalities – Contracts required to be registered.
11. Void Agreement - Nature
Agreement declared to be void.
 - a. Agreement in restraint of marriage
 - b. Agreement in restraint of trade
 - c. Agreement in restraint of legal proceedings
 - d. Uncertain agreement
 - e. Wagering agreement
 - f. Agreement to do impossible acts
 - g. Object of Consideration Unlawful in part

12. Contingent or conditional contracts – definition, essential characteristics of a contingent contract, Rules regarding the contingent contract.
11. Performance of contract – Offer to performance- tender, By whom contracts must be performed, Reciprocal promises, Time and place of performance, Assignment of rights and liabilities.
12. Discharge of Contracts – Meaning Modes of discharge-
 - a. Discharge by performance
 - b. Discharge by mutual consent
 - c. Discharge by subsequent impossibility – doctrine of frustration.
 - d. Discharge by operation of law:
 - e. Discharge by breach of contract – anticipatory breach of contract.
 - f. Material alteration
13. Remedies for Breach – Consequences of Breach Different Reliefs:
 - a. Rescission:
 - b. Damages- Liquidated damages and penalty.
 - c. Quantum men lit
 - d. Injunction
 - e. Rectification
 - f. Cancellation
14. Quasi Contracts - What are – English and Indian law, - certain relations resembling those created by contacts-
 - a. Supply if necessities to incompetent persons
 - b. Reimbursement of interested person
 - c. Liability to pay for non- gratuitous acts
 - d. Finder of goods
 - e. Delivery by mistake or under coercion

II. Specific Relief Act

Specific performance – Sections 9,10,14,15,16,19,20,21-24

Rectification- Section 26

1. Specific Performance – Sections 9, 10, 14, 15, 16, 19, 20, 21-24.
2. Rectification – Section 26.
3. Rescission – Section 27,
4. Cancellation – Section 31.
5. Injunctions – Sections 36 to 42.
6. Principles involved in the grant of above reliefs.

Recommended reading

1. Avtar Singh – Indian Contract Act.

2. Mulla – Indian Contract Act.
3. Anson – Principles of Contract.
4. P R Desai – The Indian Contract Act 1872.
5. Pollock and Mulla – Indian Contract and Specific Relief Acts.
6. Subba Rao GC Law of Contract II & I.
7. Anand & Lyer – Specific Relief.
8. S.K. Kapoor – Contract along with Specific Relief Act.

Semester IV (November to April)

Paper 10 – Legal Language

Vocabulary

Major categories of words and phrases of foreign languages that are used in English: especially used in legal field.

Discrimination between synonyms and words often confused.

Certain set expressions and phrases in common use in legal usage.

Rephrasing of given sentences in different ways so as to make it milder; strongest; more defensive; more offensive or the like.

Introduction to legal terms

Proper understanding of some legal terms frequently used in legal writing.

Composition skill

Sentence building exercise with special attention to word order, avoidance of ambiguity and vagueness and avoidance of obscurity.

Sentence linking exercises with the help of cohesive devices such as pronouns, adverbs, conjunctions etc. with special emphasis on legal writing.

Essay writing on topics of interest to the legal profession.

Comprehension and Appreciation of legal prose

Practice in slow careful reading of functional prose in general and legal prose in particular

Practice in fast reading and retaining the content in the form of notes.

Exercise in note taking from speech as well as writing and precise writing.

Answering comprehension question on non-legal passages with emphasis on identifying logical fallacies and persuasive devices / the non-legal passages should be narrative, descriptive,

expository and argumentative / the legal passages should be drawn from notices, complaints, petitions, court orders, suits etc.

Expressing opinions on the given statements upholding or denying the contents in the statements.

Translation from Marathi / Hindi to English and vice-versa; précis-writing

The students will translate English passage into Marathi / Hindi and Marathi / Hindi passage into English of legal and non-legal passages. For this question of translation, there shall be a compulsory option of a question on Précis-writing.

Legal Writing

Exercises on writing documents such as will, Gift-deed, Lease, Sale-deed, Power-of-Attorney.

Recommended books and reading

1. Mishra Dr. Shrikant, Legal language and legal writing, Pioneer Publications.
2. Sen Dr. Amit, Legal language, legal writing and legal drafting, Kamal Law House, Calcutta.
3. Tandon M P: Legal language and legal writing.
4. Bhatnagar & Bhargava, Law and language, Macmillan.

Paper 11- History of Courts, Legislature and Legal Profession in India

History of Courts

Early administration of justice in Bombay, Madras and Calcutta up to 1726, Charter of 1726 – Mayor's Courts

Warren Hasting Plan of 1772 relating to Adalat system, its reforms in 1774 and reorganization in 1780.

Provisions of Regulating Act, 1773 relating to establishment composition, powers and functions of Supreme Court at Calcutta, conflict between Supreme Court and G.G. in Council Act of 1781.

Judicial Measures of Cornwallis 1787, 1790, 1793

Conflicts arising out of the dual judicial system, Indian High Court Act, 1861, extent of amalgamation. High Courts under the Indian High Court of 1911 the Government of India Act 1915 and the Government of India Act 1935.

Privy Council's association with Indian Judicial system, various kinds of appeals, special features of its decision and abolition of its jurisdiction over Indian decisions

Modern judicial system under the Indian Constitution.

History of Legislature

Legislative authority of the East India Company under the early Charters

Changes under Regulating Act in Legislative authority Act of 1781, recognition by British Parliament of the powers of the Governor and Council to make rules and Regulation.

Act of 1813 and extension of the legislative powers conferred on all the three Councils and subjection of the same to greater control.

Act of 1833 centralization and establishment of All India Legislature.

The Indian Council Act 1861- salient features-legislative and executive authorities- powers and functions.

Government of India Act, 1909- salient features-legislative system, Morley Minto reforms, salient features, legislative and executive authorities – powers and functions.

Government of India Act 1919- (Monte-Ford Reforms), salient features- establishment of dyarchy the provinces, executive and legislative authority under the Act, powers and functions.

Government of Indian Act 1935 – salient features – All India Federation, Provincial autonomy, dyarchy in the Center, Position of the Governor – General under the Act, Executive and legislative authority in Centre and Provision of the Governor-General under the Act. Executive and legislative authority in Centre and Provinces, powers and functions.

Law reform, Law Commissions, Codification.

History of the Legal Profession

Legal profession in Pre-British India – Role, training and functions

Law practitioners in the Mayor's courts established under the Charter of 1726.

Organization of legal profession under the Charter of 1774.

Legal profession in Company's Court.

Provision for enrollment of Advocate, Vakil and Attorney under Legal Practitioner Act, 1853.

High Court under the Indian High Court Act 1861 and provisions for the advocates.

Legal Practitioner's Act 1879 – Report of the Indian Bar Committee 1923.

The Indian Bar Council Act, 1926 – The All India Bar Committee, 1951.

The Advocate's Act, 1961.

10. History of Law Reporting in India.

Recommended books and reading

1. Kulshreshtha U D, Landmarks in Indian Legal Constitutional History.
2. Jain M P, Indian Legal History
3. Muzumdar, N D, Advocates Acts and Professional Ethics.
4. Rai Kailash, History of Courts, Legislature and Legal Profession in India, published by Allahabad Law Agency
5. Mahajan V D, Constitutional History.

Paper 12 – Law of Contract - II

1. Indemnity and Guarantee
Contract of indemnity, contract of guarantee, distinction between contract of indemnity and guarantee, revocation of guarantee.
2. Bailment and Pledge
 - a. Bailment – Definition, kinds of bailment, distinction between bailment and license, bailment and sale, rights and duties of a bailee, rights and duties of a bailor, rights of a bailee against wrong doer, termination of bailment, finder of lost goods, rights of finder of goods.
 - b. Pledge: - Definition, bailment and pledge, essentials of pledge, rights and duties of Pawnor and Pawnee.
3. Agency
 - a. Appointment and authority of agent, sub-agents, kinds of agency, creation of agency, renunciation of agency and revocation of authority.
 - b. Duties of principal and agent towards each other, effect of agency on contracts with third persons.
 - c. Rights and duties of agent, rights and duties of Principal, Principal's liability for acts of the agent, liability of undisclosed principal, liability of pretended agent, personal liability of agent to third part, termination of agency.
4. Partnership
 - a. Nature of Partnership-
Definition of partnership firm, mode of determining existence of partnership, distinction between partnership and co-ownership, partnership and joint Hindu family business, partnership and company.
 - b. Relation of partners to one another
Rights of partner, duties and liabilities of partner, property of firm and its application.
 - c. Relation of partners to third parties

Authority of the partner, liability of firm for partner's acts, liability by holding-out, rights of a transferee of a partner's interest., law relating to minors admitted to the benefits of partnership.

- d. Incoming and outgoing partner
New partner, retirement of the partner, rights and liabilities of an outgoing partner, expulsion of a partner, deceased partner.
 - e. Dissolution of a partnership firm
Mode of dissolution grounds of dissolution, consequences of dissolution, rights and liabilities of partners after dissolution, rules of settlement of accounts after dissolution.
 - f. Registration of a firm
General provisions of registration, effect of registration, effect of non-registration.
5. Sale of goods
- a. Contract of Sale of Goods
Essentials of contract of sale, distinction between sale and agreement to sell, formalities of the contract, contract of sale.
 - b. Condition and Warranties
Definition of condition and warranty, express and implied condition and warranty, doctrine of caveat emptor.
 - c. Effect of Contract
Transfer of property as between seller and buyer, transfer of title on sale.
 - d. Performance of the contract of sale
Duties of the seller and buyer, mode of delivery and rules as to delivery of goods.
 - e. Rights of unpaid seller against the goods
Definition of unpaid seller, unpaid seller's right, unpaid sellers lien, stoppage-in-transit, transfer by buyer and seller.
 - f. Suits for breach of contract
Remedies for breach of contract, repudiation of contract of sale.
 - g. Sale by Auction
6. Hire- purchase agreement
Hire-purchase agreement, concept, nature, scope

Statutes

1. Indian Contract Act, 1872
2. Indian Partnership Act, 1932.
3. The Sale of Goods Act, 1939.

Recommended books and readings

1. Avtar Singh, Indian Contract Act.
2. Mulla, Indian Contract Act.
3. Mulla, Sale of Goods Act and Partnership Act.
4. Bangia R K, Indian Contract Act.
5. Desai P R, Indian Contract Act.
6. Pollock and Mulla, Indian Contract Act and Specific Relief.
7. Ansons, Law of Contract.
8. Pollock and Mulla, Indian Contract Act and Partnership Act.
9. Agarwal, Sale of Goods Act, 1939 and Partnership Act, 1932.
10. Avtar Singh, Law of Partnership.
11. Kapoor S K. Law of Contract.