

- 2.2 Memorandum of Association, alteration & the doctrine of Ultra
–Virus
- 2.3 Article of Association, binding nature, alteration

Unit 3: Capital Formation of Regulation **16**

- 3.1 Prospectus: Issues, Contents, Kinds, Liability for misstatement and
statement in lieu of Prospectus
The nature & classification of Company Security Share
& general principle of allotment
Share Capital
Debentures- Kinds, Share holder & Debenture holder

Unit 4: Corporate Administrative **16**

- Directors- Kind, powers & duties
Insider trading
Meeting- Kinds & Procedure
The balance of within Companies
Prevention of Oppression
Power of Court & Central Government
Legal liability of Company- Civil, Criminal, Tortuous & Environmental

Unit 5: Winding up of Company **16**

- Kinds, consequences & reason of Winding up
Role of Court
Payment of Liability

Internal Assessment : **20**

Recommended Books:

Avtar Singh, Indian Company Law
Palmer, Company Law - Palmer
Ramiaya, Guide to Companies Act

LL.B. and LL.B.(Hons)
(FROM 2024-25 SESSION ONWARDS)
GAUHATI UNIVERSITY

SEMESTER–II

Paper I Constitutional Law – II (Credit : 8)

Code: 2.1

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus: **Marks**

Unit 1: The Union and The State **16**

The Union and State Executive.

The President and the Vice President's qualifications, election, term of office, powers, impeachment. (Articles-52-72)

Governor-Appointment and powers. (Arts 153-161)

Nature, scope and extent of executive power of the union and states. (Arts. 73,162)

Relationship of the President/Governor with the council of minister. (Arts. 74,75,77,78,111,102,103 (2), 217 (3), 163)

Parliament and State Legislatures.

Composition of Parliament and State Legislatures.

Qualification/Disqualification of Members.

Powers, privileges and immunities of parliament/ State Legislatures and its members (Arts. 105,194).

Parliamentary privilege and fundamental rights.

Unit 2 Union and State Judiciary: **16**

Union Judiciary- Supreme Court of India (Arts. 124-147) composition, appointment and removal of judges of Supreme Court.

State judiciary-High Court in the States.

Jurisdiction of Supreme Court – original jurisdiction, appellate jurisdiction, statutory appeal, special leave to appeal power of review, advisory jurisdiction.

Writs (Arts. 32 & 226)

Judicial review, independence of judiciary and judicial activism.

Unit 3: Relationship between the Union and the States: **16**

Distribution of legislative powers. (Arts 245-255)

Administrative relation. (Arts 256-262)

Financial relation. (Art. 264-267)

Unit 4: Emergency and Amendment Provisions: **16**

Emergency provisions-meaning and scope.

Proclamation of emergency. (Arts. 352,358,359)

Grounds of imposition of state emergency in states. (Arts. 356-357)

Financial emergency. (Art. 360)

Emergency and its effect.

Amendment of the Constitution

Power of the Parliament to amend the Constitution and procedure. (Art.368)

Limitation upon constitutional power: doctrine of basic feature / structure.

Unit 5: Freedom of Trade, Commerce and Inter-Course and Services under the Union and the States and election: **16**

Freedom of Trade, Commerce and intercourse (Arts. 301-307).

Meaning of Freedom of Trade, Commerce and Intercourse
 Power of Parliament
 Restrictions
 Services under the union and the states.
 Doctrine of Pleasure

Internal Assessment :

20

Recommended Books:

Brij Kishore Sarma – Constitutional Law of India.
 D.D. Basu – Shorter Constitution.
 Granville Austin, The Indian Constitution : Cornerstone of a Nation 1966.
 M.P. Jain – Constitutional Law of India.
 V.N. Shukla – Constitutional Law of India.
 Constituent Assembly Debates Vol. 1 to 12 (1989).

Paper II Family Law – II

(Credit : 7)

Code: 2.2

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus

Marks

Unit 1: Concepts:

16

What is Islam.
 Significance of Islam.
 Teachings of Islam.
 Quran as the foundation of Muslim Law.
 Who is a Muslim.
 History of Islam.
 Pre-Islamic Arabia.
 The Prophet and advent of Islam.
 Shias and Sunnis.
 Islamic Law in India.
 The Sharia.
 Replacement of Islamic Law by legislation: I.P.C.
 Evidence Act 1872, C.P.C, Cr. P.C., Contract Act, tort.
 Personal Law of Muslims: Some aspects are
 touched by Legislation: Divorce, Waqf etc.
 Application of Muslim Law: Muslim by birth,
 Muslim by conversion.
 Sources of Muslim Law.
 Primary Sources.
 Secondary Sources.
 School of Muslim Law.
 The Sunni School and its Sub-School.
 The Shia School and its Sub-School.
 The Motazilas.

Points of difference between the Sunni and Shia School.

Unit 2: Marriage (Nikah) and Divorce:	16
- Definition of Nikah. - Objects of Nikah. - Nature of Nikah. - Essential requirement of valid Muslim marriage. - Void and Irregular Muslim marriage. - Muta marriage. - Difference between Sunni and Shia law of marriage. - Comparison between Muslim marriage and Hindu marriage. - Dower (Mahr). - Definition, Nature, importance and object of dower. - Classification of dower. - Consequences of non-payment of dower. - Difference between Sunni and Shia Laws relating to dower. - Restitution of Conjugal Rights. - Divorce (Talaq). - Extra-judicial divorce. - Judicial divorce : The Dissolution of Muslim - Marriages Act, 1939. - Legal consequences of divorce.	
Unit 3: Minority and Guardianship Maintenance:	16
- Who is a Minor - Appointment of Guardian - Kinds of Guardian - Comparison of Sunni and Shia Laws relating to Guardianship Maintenance - Definition of maintenance - Liability for maintenance - Principles of maintenance - Persons entitled to maintenance - Right of Muslim divorced women to maintenance	
Unit 4: Gift, Will, Trust, Pre-emption:	16
- Gift (Hiba): - Definition of Gift. - Essentials of a valid gift. - Gift made during death – illness. - Void gifts. - Revocation of gift. - Sadaqah. - Will (Wasiyat): - Definition of Will. - Essentials of a valid Will. - Revocation of Will. - Abatement of legacies. - Trust (Waqf): - Definition of Trust (waqf).	

Essentials of valid waqf
 Wishes of the Waqf : The Doctrine of Cypres.
 Mutawalli.
 Legal incidents of Waqf.
 Kinds of Waqf.
 Revocation of Waqf.
 The Waqf Act, 1913.
 Pre-emption (Shuffa):
 Definition of pre-emption.
 Nature of the right of pre-emption.
 Constitutional validity of pre-emption.

Unit 5: Inheritance, Succession and Uniform Civil Code: 16

Applicability of certain Rules.
 Rules of Primogeniture. Rules
 of 'Spes Successionis'.
 The Indian Succession Act, 1925.
 Death-bed transactions.
 Uniform Civil Code.
 Need for Uniform Civil Code.
 Art 44 of the Constitution of India.
 Impediments to the formulation of the Uniform Civil Code.

Internal Assessment : 20

Prescribed legislations:

1. *The Muslim Law (Shariat) Application Act, 1937.*
2. *The Dissolution of Muslim Marriage act, 1939.*
3. *The Muslim Women (Protection of Rights on Divorce) Act, 1986.*
4. *The Special Marriage Act, 1954.*
5. *The Indian Succession Act, 1925.*
6. *The Waqf Act, 1995.*

Recommended Books:

Aqil Ahmed : Mohammedan Law.
 A. Fyzee : Outline of Mohammedan Law.
 D.F.Mulla : Principles of Mohammedan Law.
 Paras Diwan : Family Law.
 Muslim Law in Modern India.
 R.K.Sinha : Muslim Law.
 Tahir Mohammad : Mohammedan Law.

**Paper III Special Contract
 Code: 2.3**

(Credit: 8)

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus	Marks
Unit 1: Indian contract Act: Indemnity, Guarantee, Bailment and Pledge Indemnity (Ss 124-125) Definition Nature and extent of liability of the indemnifier Commencement of liability of the indemnifier. Guarantee (Ss 126 -147) Definition of guarantee ; as distinguished from Indemnity. Continuing guarantee Nature of Surety's liability duration and termination of such liability Rights of surety Extent of Surety liability. Discharge of Surety's liability Bailment (Ss 148 -171) Definition of Bailment Kinds of Bailees Duties of Bailor and Bailee towards each other Rights of bailor and bailee Pledge (Ss 172-179) Pledge : Comparison with bailment Definition of pledge under the Indian contract Act. Rights of the pawner and pawnee Pawnee's right of sale as compared to that of an ordinary bailee Pledge by certain specified persons mentioned in the Indian contract Act.	16
Unit 2: Agency (Ss 182-238) Agent and Principal defined Who may employ an agent who may be appointed as an agent. Kinds of agents and agencies - essentials of a agency transaction. Distinction between agent and servant Various methods of creation of agency Rights, Duties and Liabilities of principal and agent scope and limitation Delegation Ratification and revocation of authority. Methods of termination of Agency Contract Liability of the principal and agent before and after such termination	16
Unit 3: The sale of Goods Act, 1930 General : Formation of contract of Sale (Ss 1-10) Concept of Goods	16

- Sale and Agreement
- Statutory Transactions
- Contract for works/Labour
- Conditions and warranties (Ss 11-17, 62, 63)
 - Stipulation as to time
 - Implied conditions and warranties as to title, quality, fitness etc.
 - Sale by description and by Sample
 - Treating conditions as warranties
 - Doctrine of caveat Emptor
- Effect of the contract (Ss 180-30)
 - Transfer of Property
 - Doctrine of Nemo dat Quad non habit
 - Sale
 - By a person other than the owner
 - By joint owner
 - By mercantile agent
 - By Seller or buyer in possession after sale
 - In Market Quer
- Performance of the contract (Ss 31-44)
 - Duties of Seller and Buyer
 - Rules relating to delivery of goods
 - Rights of unpaid seller (Ss 45-54)
 - Who is an un paid seller?
 - Un paid seller 's Right
 - Rights of lien
 - Rights of stoppage in transit
 - Transfer of goods by buyer and seller
- Suit for breach of contract (Ss 18-30)
 - for price
 - Non Delivery
 - Non acceptance
 - Damages for breach of conditions and warranties
 - Repudiation of contract
 - Payment of damages and special damages
- Auction Sale (S 64)

Unit 4: The Indian Partnership Act, 1932

16

- Nature of Partnership (Ss 4-8)
 - Definition of Partnership "Partner firm" and "firm name" (S.4)
- 4.1.2. Partnership not created by Statutes (S.5)
 - Made of determining existence of partnership (S.6)
 - Partnership at Will (S.7)
 - Particular partnership (S.8) Partnership and Private Limited
- Company – Advantages and disadvantages
- Relations
 - Of partners to one Another (Ss 9-r)
- 4.2.2. Relations of Partners to third parties (Ss 18-30)
- Incoming and outgoing partners (Ss 31-38)

Dissolution of Firm (Ss 39-53)
Registration of Firms (Ss 56-71)

Unit 5: Limited liability of partnership LLP **16**

The limited liability partnership Act 2008

- Concept and nature of Limited liabilities partnerships
- Distinction between a partnership[a limited liability partnership and a company
- 5.3 Incorporation of LLPs
- 5.4. Effect of registration
- 5.5 Paretners and their relations
- Liabilities of LLP and its partners
- Holding out
- Protection to whistle blowers
- Investigation

Prescribed Legislation

1. *The Indian Contract Act 1872*
2. *The Sale of Goods Act 1930*
3. *The Indian Partnership Act 1932*
4. *The Limited Liability Partnership Act 2008 (6 of 2009)*

Internal Assessment : **20**

Recommended Books: (Law of contract and Special Contract)

R.G.Pedia (ed) Pollack and Mulla, Indian contract and Specific Acts (13th Ed2006)
G.C.Bharuka, The India Partnerhip Act 7th Ed 2007
Avtar Singh , Law of partnership (3rdEd 2001) with Supplement 2003
Sanjiv Agarwal and Rohini Agarwal ltd liability partnership : Law and Practice(2009).
K. Ramamurthy , Pollack and Multa the sale of goods Act (7th ed 2007)
V. Krishnamachari and Surender K Gagia T.S. Venkatisa
Avtar Singh Contract Act 2000 Eastern Lucknow
V.P.Verma (Rev) S.D.and J.P. Gupta law of partnership in India (fth Ed 1996)
Krishnan Nair Law of contract 1999 orient
Avtar Singh, Principles of the law of the law of sale of goods and theirpurchase 1998
Eastern Lucknow
J.P.Verma Ex Singh and Gupta the Law of partnership in India 1999 orient lawhouse, Delhi
A.G.Guest (ed) Benjanin's Sale of goods (1992) Sweet and Maxwell
Beatson (ed) Anson's Law of contracts (1998) Oxford, London.
Ramnainga, the sale of goods Act (1998) (Universal)

Paper IV Land Laws of Assam **(Credit :7)**

Code: 2.4

Full Marks: 100 [80+20]

Time: 3 hours

Pass Marks: 45 [36+9]

Detail Syllabus

Marks

Unit 1: Constitutional Provisions

16

- 1.1 History of Land rights in Assam
- 1.2 Factors leading to land reforms in Assam

1.3 Property as legal right and Constitutional mandates	
1.4 State Ownership, Theory of Eminent Domain	
Unit2: The Assam Land & Revenue Regulation, 1886	16
2.1 Revenue administration during Ahom Rule	
2.2 Different kinds of land rights	
2.3 Settlement operation, realization of arrear land revenue	
2.4 Mutation, partition	
2.5 Appeals and Revision, Matter exempted from purview of civil court	
2.6 Protection of Backward Classes, Tribal Belts/ Blocks	
2.7 Sixth Schedule to the Constitution of India and Land Rights	
Unit 3: The Assam (Temporarily Settled Areas) Tenancy Act, 1971	16
3.1 Important Definitions- Land, Landlord, Rent, Town Land, Tenant, Salami	
3.2 Different kinds of Tenant and their rights under the Act	
3.3 Protection of Tenant	
3.4 Obligation of the Occupancy and Non-occupancy Tenant	
3.5 Acquisition of Intermediary and Ownership Rights	
3.6 Remedial provisions	
Unit 4: The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013	16
4.1 Application & objectives	
4.2 Definition- Affected area, Affected family, Agricultural land, Cost of Acquisition, Displaced family	
4.3 Determination Of Social Impact And Public Purpose	
4.4 Notification And Acquisition	
4.5 Rehabilitation And Resettlement Award	
4.6 Offences And Penalties	
Unit 5 The Assam Tenancy Act, 2021	16
5.1 Objective and extent of application of the Act	
5.2 Definitions – Landlord, Local Authority, Premises, Property Manager, Rental Agent.	
5.3 Tenancy Agreement, Rent	
5.4 Rights and Obligations of Landlord and Tenant	
5.5 Eviction and Recovery of Possessions of Premises by Landlord	
5.6 Rent Authorities, their Powers & Appeals	
5.7 Rent Courts and Rent Tribunals	
5.8 Salient Features of the Assam Real Estate Appellate Tribunal Regulation, 2021	
Referred cases:	
1. <i>Swarna Brahma Vs Assam Board of Revenue, AIR 1972 Gau-121</i>	
2. <i>Refiqunnessa Vs Lal Bahadur Chetri AIR 1964 SC 1511</i>	
3. <i>Kali Kumar Sen Vs Moahulal Biswas AIR 1969 AIR A&M 66 (FB)</i>	
4. <i>Variety Emporium Vs VRM Md. Ibrahim Novina, AIR 1985 SC 207.</i>	
5. <i>Satyaranjan Vs Assam Board of Revenue AIR 1999 Gau 83 (FB)</i>	
6. <i>V Dhanpal Chettiar Vs Yesodal Amal, AIR 1979 SC 1745.</i>	
Internal Assessment:	20
Recommended Books:	
1. M.P. Jain, <i>Indian Constituional Law</i> (Lexis Nexis Butterworth, New Delhi, 17 th edn.,2013)	
2. Justice K.N. Saikia, <i>The Assam Land and Revenue Regulations, 1886</i> (Lawyer's Book Stall, Panbazar, 2 nd edn., 2003)	