

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

Instructions:

1. Students are required to go through the Regulation.
2. For assessment, distribution of marks, End Semester Examination see Part D of the Regulation.

SEMESTER-I

LL.B./LL.B.(H)- 1.1

Constitutional Law-I

Full Marks:100[80+20]

Pass marks:45[36+9]

(Credit:8)

Time:3 hours

Detailed Syllabus:

Marks

Unit 1: Preamble, Indian Territory & Citizenship

16

Nature of state Proposed
 Sovereign, Socialist, Secular, Democratic, Republic
 Justice, Liberty, Equality, Fraternity
 India and its territory
 Citizenship under the Constitution (Articles 5-11)
 Citizenship under the Citizenship Act, 1955 (as amended upto date)
 The Foreigners Act, 1946 and The Foreigners Rules, 1964
 The Passports Act, 1967

Unit 2: Fundamental Rights – I

16

Concept of the State (Art. 12)
 Concept of Law (Art. 13)
 Doctrine of Severability, Eclipse and Waiver.
 Equality (Art. 14, 15, 16, 17)

Referred Cases :

1. *Keshavanada Bharati Vs. State of Kerala, AIR 1973 SC 1461*
2. *Kihota Hollohan Vs. Zachithu, AIR 1955, SC 781, AIR 1973 SC*

Unit 3: Fundamental Rights – II

16

Freedoms (Art. 19, 20)
 Right to life and liberty (Art. 21, 22)
 Right to education, Art. 21-A
 Right against exploitation (Art. 23 and 24)

Unit 4: Fundamental Rights – III

16

Right to freedom of religion (Art. 25 – 28)

Cultural and Educational rights of minorities (Art. 29 and 30)
 Saving of certain laws (Art. 31-A, 31-B, 31-C and Ninth schedule)
 Right to Constitutional Remedies and Judicial Review

Referred Cases :

1. *Maneka Gandhi Vs. Union of India*, AIR 1978 Sc 597
2. *Bandhua Mukti Morcha Vs. Union of India*, AIR 1997 SC 2218
3. *Hussainara Khatoon Vs. State of Bihar*, AIR 1979 SC 1369
4. *Sunil Batra Vs. Delhi Administration*, AIR 1980 SC 1759

Unit 5: Directive Principles and Fundamental duties **16**

Directive Principles of State Policy (Art 37, Art 38, Art 39,
 Art 39-A, Art 41, Art 44, Art 45, Art 46, Art 47, 48-A, Art 49, Art 51)
 Fundamental Duties (Art 51 – A including Art 51 – A (K))

Referred Cases :

1. *S.P. Gupta and others Vs. President of India and other*, AIR 1982 SC 149.
2. *Janata Dal Vs. H.S. Choudhari* (1992) 4 SCC 305
3. *Sarbananda Sonowal Vs. Union of India*, AIR 2005 SC 2926
4. *Sarla Mudgal Vs. Union of India*, (1995) 3 SCC 635

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 – I

(Credit : 7)

Code: 1.2

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus

Marks

Unit 1: Concepts **16**

Who are Hindus and who are not Hindus.
 Hindu by religion, Hindu by birth, Hindu by declaration.
 Hindu Law : its origin, nature and application.
 Sources of Hindu Law
 Ancient Sources
 Modern Sources
 Schools of Hindu Law
 Mitakshara School and Sub Schools
 Dayabhaga School

Main difference between two schools
 Migration, domicile and change of religion
 Concept of Hindu joint family, mitakshara coparcenary,
 Dayabhaga coparcenary and their incidents.
 Karta : who can be Karta, his position, powers, duties and liabilities

Unit 2: Marriage

16

Concept of marriage and evolution of the institution of marriage
 Marriage as sacrament and marriage as contract
 Offence of dowry and its incidents
 Theories of Divorce
 The Hindu Marriage Act, 1955
 Applicability of the Act (Sec – 2, 4) and salient features of the Act.
 Forms of marriage
 Conditions of valid Hindu marriage (Sec 3 & 5)
 Ceremonies for Hindu marriage (Sec – 7)
 Registration of marriage (Sec – 8)
 Restitution of conjugal rights (Sec – 9)
 Judicial Separation (Sec – 10)
 Void and Voidable marriage (Sec – 11, 12, 17, 18)
 Divorce (Sec – 13(1), (2), 13 (1A), 13A, 13B and 15)
 Legitimacy of children of void and voidable marriage (Sec – 16)
 Maintenance ‘pendente lite’ and permanent alimony (Sec – 24& 25)
 Custody of Child (Sec – 26)

Unit 3: Adoptions and maintenance

16

Concepts of adoption, sonship, pious obligation of sons
 Debts, its types and father’s power of alienation for antecedent debts
 The Hindu Adoptions and Maintenance Act, 1956
 Changes brought about by the legislation
 Requisites for valid adoption (Sec – 6)
 Capacity of male Hindu & female Hindu to take in adoption (Sec – 7, 8)
 Persons capable of giving in adoption (Sec – 9)
 Persons who may be adopted (Sec – 10)
 Other conditions of valid adoption (Sec – 11)
 Effects of adoption (Sec – 12)
 Right of adoptive parents to dispose of their properties (Sec – 13)
 Maintenance of wife, daughter-in-law, children, aged parents and other dependants (Sec – 22)
 Maintenance under section 125 of the Criminal Procedure Code, 1973 Amount of maintenance (Sec – 23, 25)

Unit 4: Minority and guardianship

16

The Hindu Minority and Guardianship Act, 1956
 Important changes brought about by the Act.

Definitions of 'Minor' and 'Guardian' (Sec – 4)
 Natural Guardians and their powers (Sec – 6, 7, 8)
 Testamentary Guardians and their powers (Sec – 9)
 Incapacity of Minor to act as guardian of property (Sec – 10)
 De-facto Guardian (Sec – 11)
 Guardian not to be appointed for minors undivided interest in joint properties (Sec – 12)
 Welfare of minor and Guardian appointed by court (Sec – 13)

Unit 5: Property and Succession

16

Kinds and sources of property in Hindu Law, coparcenary and separate property, women's property
 Alienation of joint Hindu family property by Karta, Father, Alienees rights, duties and remedies
 Alienation of property by way of –
 Gift
 Will
 Religious and Charitable Endowments
 Partition and its incidents
 The Hindu Succession Act, 1956
 Main features of legislation

Devolution of Mitakshara property under the Act.

General principles of inheritance, classification of Heirs (Sec – 8 to Sec – 13).
 Succession to Mitakshara
 Coparcener's interest and testamentary succession (Sec – 6, Sec – 30).
 Succession to the Property of Female Hindu (Sec – 14, 15, 16).
 Succession to the Property of a Male Hindu.
 General rules of succession (Sec – 18 to 30).

Prescribed Acts :

1. *The Hindu Marriage Act, 1955.*
2. *The Special Marriage Act, 1954.*
3. *The Hindu Adoptions and Maintenance Act, 1956.*
4. *The Hindu Minority and Guardianship Act, 1956.*
5. *The Hindu Succession Act, 1956.*

Internal Assessment :

20

Recommended Books:

A.M. Bhattacharjee, Hindu Law and the Constitution (1994) Eastern Lawhouse, Calcutta.
 Basant K. Sharma, Hindu Law.
 D. Pathak, Hindu Law.
 Duncan M. Derrett, A Critique of Modern Hindu Law (1970).
 Paras Diwan, Family Law : Law of marriage and Divorce in India (1984).
 Law of Intestate and Testamentary Succession (1998), Universal
 Modern Hindu Law (18th ed.) 2008.
 Machanda, S.C., Law and Practice of Divorce in India (2000) Universal.
 N.D. Basu, Law of Succession (2000), Universal.

Paras Diwan, Law of Adoption, Minority, Guardianship and Custody (2000) Universal.
 Ranganath Mishra, Mayne's Treatise on Hindu Law & Usage (15th edn., 2006).
 Satyajeet A. Desai, Mulla – Principles of Hindu Law Vol. I & II (20th edn., 2007).

Paper III Law of Contract

(credit:8)

Code: 1.3

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus

Marks

Unit 1: General Principles – I

16

History and nature of contractual obligations

Formation of an Agreement : (Ss. 2-10)

Intention to create legal relationship

Proposal and acceptance – their various forms, essential elements, communication and revocation – mode of revocation of offer – proposal and invitations for proposal.

Making of an Agreement – Special Situations : (Ss. 2-10)

Tenders and Auctions

Consideration (Ss. 2 (d), 2 (f), 23 and 25)

Meaning – basis and the nature of consideration – kinds – essential elements

Doctrine of Privity of Contract and consideration, its exceptions nudum pactum

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 2: General Principles – II

16

Capacity to Contract (Ss. 10, 11, 12, 64, 65, 68 and Specific Relief Act, S. 33)

Legal disability to enter into contract – Minors, persons of unsound mind – person under legal disability – lunatics, idiots.

Restitution in cases of minor's agreement – Liability for necessities supplied to the minor – fraud by a minor – agreements made on behalf of a minor and estoppels – evaluation of the law relating to minor's agreements – other illustrations of incapacity to contract.

Free consent – Its need and definition – factors vitiating free consent. (Ss. 13-22)

Coercion – definition – essential elements – duress and coercion – various illustrations of coercion – doctrine of economic duress – effect of coercion.

Undue Influence – definition – essential elements – between which parties can it exist ? Who is to prove it ? Illustrations of 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 – when does silence amount to fraud? Active concealment of truth – importance of intention.

Mistake – definition – kinds – fundamental error – mistake of law and of fact – their effects – when does a mistake vitiate free consent and when does it not vitiate free consent.

Unit 3: General Principles – III

16

Legality objects : Limitations on Freedom of Contract (Ss. 23-30)

Void agreement – lawful and unlawful consideration and objects unlawful agreements and 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 – restrictions, under the Partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.
- Agreements in restraint of legal proceedings – its exceptions
- Uncertain and ambiguous agreements
- Wagering agreement – its exception

Unit 4: General Principles – IV

16

Discharge of a contract and its various modes. (Ss. 37-67)

By performance – conditions of valid tender of performance – How? By whom? Where? In what manner? Performance of reciprocal promises – time as essence of contract.

By breach – anticipatory breach and present breach.

Supervening Impossibility of performance – specific grounds of frustration – application to leases theories of frustration – effect of frustration – frustration and restitution.

By period of limitation

By agreement and novation – rescission and alteration – their effect – remission and waiver of performance – extension of time – accord and satisfaction.

Quasi-contracts (Ss. 68-72)

Certain relations or obligations resembling those created by contract

Remedies for Breach of Contract : (Ss. 73-74)

Damages – kinds – remoteness of damages – ascertainment of damages

Mitigation of Damages – Penalty & Liquidated Damages

Injunction – when granted and when refused – Why ?

Refund and restitution

Specific performance – When? Why?

Unit 5: Government Contracts, Standard form of Contract and Remedies 16

Government as a contracting Party : Constitutional provisions – government power to contract – procedural requirements – kinds of government contracts – their clauses – performance of such contracts – settlements of disputes and remedies.

Standard Form Contracts : Nature, advantages – unilateral character, principles of protection against the possibility of exploitation – judicial approach to such contracts – exemption clauses – clash between two standard form contracts – Law Commission of India's views – 4, Multinational Agreement.

Remedies

Strategies and constraints to enforce contractual obligations

Judicial methods – redressal forum, remedies

Other methods like arbitration, Lok Adalat, Nyaya

Panchayat and other such no formal methods.

Systemic constraints in settling contractual disputes

Court fees, service of summons, injunctions, delay.

Specific relief

Specific performance of contract

Contract that can be specifically enforced

Persons against whom specific enforcement can be ordered

Rescission and cancellation

Temporary

Perpetual

Declaratory orders

Discretion and powers of court

Prescribed Legislations :

1. *The Indian Contract Act, 1872*
2. *The Specific Relief Act, 1963*
3. *The Indian majority Act, 1875*

Referred Cases:

1. *Carlill v. Carboic Smoke Ball (1891-4) All Er Rep. 127*
2. *Bhagwandas Goverdhandas Kedia v. M/s Girdharilal Parshottamdas & Co., AIR 1966 SC 543*
3. *Kanhaiya Lal Aggarwal; v. Union of India, AIR 2002 SC 2766*
4. *Abdul Aziz v. Masum Ali, AIR 1914 All. 22*

5. *Tersem Singh v. Sukhminder Singh* (1988) 3 SCC 471
6. *Bank of India v. O.P. Swarankar*, AIR 2003 SC 858
7. *M/s Alopi Parshad & Sons Ltd. V. Union of India*, AIR 1960 SC 588
8. *State of West Bengal v. S.K. Mondal & Sons*, AIR 1962 SC 779
9. *Oil & Natural Gas Corporation Ltd. V. Saw Pipes Ltd.* (2003) 4 SCALE 92
10. *Central Inland Water Transport Corpn. V. Brojo Nath* AIR 1986 Sc 1571

Internal Assessment :

20

Recommended Books:

Avtar Singh, Law of Contract & Specific Relief (9th Ed. 2005) Eastern, Lucknow.
 T.R. Desai & S.T. Desai, Indian Contract Act and Sale of Goods Act.
 Anand and Aiyer, Law of Specific Relief (2008), Universal.
 P.S. Atiya, Introduction to the Law of Contract 1992 reprint (Claredon LawSeries)
 J. Beatson (ed.) Anson's Law of Contract, (2002), Oxford, London.

Paper IV LAW OF TORT INCL. M.V. ACCIDENT & CONSUMER PROTECTION LAWS

Code: 1.4

(Credit:7)

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus

Marks

Unit-1	Definition and nature of Tort	16
1:1	General Principles Definition, nature, scope, characteristics Tort in England and Tort in India	
1.2	Distinction between Tort and Crime, Tort and Breach of Contract, Tort and Breach of Trust. Tort and Quasi Contract etc.	
1.3	Essential Conditions of Liability in Tort -Damnum Sine Injuria -Injuria Sine Damnum Ubi jus ibi remedium -Malice in Law and Malice in Fact . Motive, Intention	
1.4	Foundation of tortious liability, Fault liability, Strict liability, Statutory liability, Liability without, fault. Principles of Insurance in tort.	
Referred Cases:-		
	1 Ashby v. White (1703) 2 Lord Raym 938	
	2. Donoghue v. Stevenson (1932) All ER Rep. 1	
	3. Dr.Sharad Vaid v. Pentra. AIR 1992 Bombay 478.	
Unit-2	General Exception to liability in Tort and Vicarious liability	16
2.1	Volenti Non fit Injuria, Act of God, inevitable Accident, Necessity, Private Defence. Statutory Authority.	
2.2	Act of State, Corporations, minor, Plaintiff the wrongdoer, Judicial and Quasi-judicial acts, Executive act, Mistake, Parental and Quasi- Parental authority.	
2.3	Vicarious liability- Master and Servant relation, Distinction between servant and Independent Contractor, Course of Employment, Hospital cases, Common Employment, Liability for tort in independent contractor, Master's duties towards servant, Servants duties to the Master, Independent and Joint Tort feasons. Vicarious liability of the State for the tortuous acts of employees.	

[Referred Cases:- 1. Bhopal Gas Leak Disaster cases may be discussed]

2.4 Capacity to sue - to sue and to be sued.

2.6 General Remedies Judicial remedies, Extra judicial remedies, Damages, Remoteness of damages and Nervous shock, Nervous shock. Nervous actus Interveniens (isolated tort)

[Referred Cases:-1. Re Polemis and Furnace Withy & Co. (1921) 3 KB 560

(for Remoteness of damages).

2. King v. Berry (1970) 1 All ER 1074 (for Nervous Shock)

3. Martin F. D'Souza v. Mohd.Ishfaq (2009) 3 SSC 1.]

Unit-3: Specific Torts

16

- 3.1 Trespass to the Person - Assault, battery, mayhem
- 3.2 Trespass to land its remedies
- 3.3 Defamation (with essentials)- Innuendo, Libel, Slander, Defences
- 3.4 Nuisance - Private and Public Nuisance
- 3.5 Negligence-Contributory Negligence
- 3.6 Abuse of legal procedure - Malicious Prosecution.
- 3.7 Deceit Rule in Derry Vs. Peak.
- 3.8 Strict liability Rule in Raylands v. Fletcher

Recommended books :

- 1. R.K. Bangia, *Law of Torts*, (Allahabad Law Agency, Haryana, 26th edition, 2021).
- 2. M. N. Shukla, *Law of Torts* (Central law Agency, Allahabad, 21st edition, 2016).
- 3. Dr. S.K. Kapoor, *Law of Torts* (Central Law Agency, Allahabad, 7th edition, 2007)
- 4.P.S.APillai, *Law of Tort* (Eastern Book Company, Lucknow, 9th edition, reprinted, 2011)
- 5.[Prof.G.S Pande](#), *Law of Tort*(University Book House P.ltd, Jaipur, 9th edition, 2022)
- 6.[Ratanlal](#) &Dhirajlal, *Law of Torts*(Wadhwa& Company, Nagpur, 25th edition, 2008)

Unit-4 Motor Vehicle Act, 1988(Amendment) Act, 2019

16

- 4.1 Salient features of the Motor Vehicle Act 2019
- 4.2 Liability without fault
- 4.3 Insurer's liability for third Party risk
- 4.4 Effects of death
- 4.5 Doctrine of stare decisis
- 4.6 Negligence, Contributory negligence, non possession of driving licence

[Referred Cases: 1. K. Nandakumar v. M.D. Thantai Periyar Transport Corporation 1996 ACV 555 (S.C.)] (for fault liability)

Unit-5 The Consumer Protection (Amendment) Act, 2019

16

- 5.1- Salient feature and Object of C P A,2019
- 5.2. Definition Consumer, Deficiency in Service, Defects in Goods. Complaint, Complainant, Recognised Consumer Association etc.
- 5.3 Patient is Consumer under Medical services.
- 5.4 Restrictive and Unfair Trade Practices
- 5.5 Restrictive Trade Practice, Hazardous Goods
- 5.6 Composition, Jurisdiction, Power and Functions of District Forum. State Commission and National Commission..

5.7 Making of complaints, procedure on receipt of complaint, Finding of the District Forum, Appeals and execution of orders.

5.8 Important Guidelines for protecting consumer Rights.

- Referred Cases:-**
1. Vasantha P. Nair Vs. Smt. V.P. Nair 1 (1991) CPJ 685 and Indian Medical Association V.V.P. Shantha and Qrs. [111. 91985](#)CPJI (S.C.): AIR 1996 5.C. 550]
 2. Ireo Grace Realtech (P)Ltd [V.Abhisekh](#) Khanna
 - 3.[Kavita](#) Ahuja [V.Shipra](#) Estate Ltd &Ors.
 - 4.[Manu](#) Solanki V. Vinayak Mission University.

- Recommended books:-**
1. R.K. Bangia, *A handbook of Consumer Protection Law and Procedure*(Allahabad Law Agency, Allahabad, 9th edition, 2022)
 2. Dr. N.V. Paranjape, *Consumer Protection Law in India*(Central Law Publication, Prayagraj, 1st edition reprint, 2023)
 3. Dr. S.C. Tripathi, *Consumer Protection Law*(Central Law Publication, Prayagraj, 7th edition, 2022)
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Paper V Honours- I, any one from following

1. Indian Federalism(CL Group)
2. Criminal Psychology(CC Group)
3. Trade Marks, Copyright, Patent and Design (IPL Group)
4. Corporate Governance(BL Group)

Paper V Indian Federalism

(Credit : 6)

Code: 1.5

Honours – 1 : Constitutional Law Group

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus

Marks

Unit 1: Federalism

16

Definition and characteristics of federalism
Backgrounds of federal principle under the Indian Constitution
Advantage & Disadvantage
Advantages and disadvantages of Federal Constitution
Advantages and disadvantages of Unitary Constitution

Unit 2: Modification of the strict federal principle under Indian Constitution 16

Governor's role
Centre's powers over the State Emergency
Abrogation of Article 370 and the latest developments

Unit 3: Comparative study on federalism in

16

India
U.K. and
USA

Unit 4: Centre-State Relations—

16

Legislative Relation