



SARVAJANIK  
UNIVERSITY

INCLUSIVE | INTEGRATED | INNOVATIVE

# CORE COURSES SEMESTER - II



SARVAJANIK EDUCATION SOCIETY  
**SARVAJANIK COLLEGE OF LAW**  
(CONSTITUENT COLLEGE OF SARVAJANIK UNIVERSITY)

**FIRST YEAR LL.B.**

**SEMESTER II**

COURSE	COURSE CODE	SUBJECT	CREDIT			EXAMINATION		Total
			Lecture	Other	Total	CCE	SEE	
Core	BLLB11201	Constitutional Law of India II (Part V onwards)	3	1	4	50	50	100
Core	BLLB11202	Special Contract (Specific Contracts under Indian Contract Act, 1872, Sale of Goods Act, 1930, Indian Partnership Act, 1932 and Negotiable Instruments Act, 1881)	3	1	4	50	50	100
Core	BLLB21203	Law of Crimes II (Bharatiya Nyaya Sanhita, 2023 – Chapter VII onwards)	3	1	4	50	50	100
Core	BLLB11204	Administrative Law	3	1	4	50	50	100
Core	BLLB11205	Property Law	3	1	4	50	50	100
Professional Elective	BLLB12201/02/03	Students have to select any one subject from the given list.*	2	-	2	25	25	50
Interdisciplinary Open Elective Course			2	-	2	-	-	-
Skill Enhancement Course			2	-	2	-	-	-
		Total			26	275	275	550

<b>COURSE CODE</b>	<b>PROFESSIONAL ELECTIVE SUBJECT*</b>
BLLB12201	Gender Justice and Feminist Jurisprudence
BLLB12202	Banking Law
BLLB12203	Moot Skills and Training

**Clinical Course Work and Internship:** In the beginning of the 2<sup>nd</sup> semester, students will be provided a Diary for clinical course and internship. Students shall keep the Diary in such form as stipulated by the University and shall undergo internship to carry out legal studies under Non-Governmental Organizations, Trial and Appellate Advocates, Judiciary, Legal Regulatory Authorities, Legislatures and Parliament, other Legal Functionaries, Market Industries, Law Firms, Companies, Local Self Government and other such bodies as the University shall stipulate where law is practiced either in action or in dispute resolution or in management. Clinical Course training shall take place during summer vacation. The Diary has to be prepared and kept by the student in such a manner as prescribed and he/she shall submit the Diary in the beginning of third semester. Total marks shall be assessed in the final semester.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Constitutional Law of India II (Part V onwards)		
Course Type		Core Course		
Course Code		BLLB11201	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The Course is designed with an objective to acquaint students and provide understanding of various constitutional aspects like constitution of panchayat, municipalities, co-operative societies, elections provisions, amendment procedure and emergency provisions. The objective of this paper is to develop an understanding of special provisions related to certain classes and the emergency provisions. Further this paper will familiarize students with leading case laws and legislative changes to the provisions of the Constitution.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the role played by the three organs of the government.

CO2: Understand about the parliament and state legislatures.

CO3: Understand the contemporary status of Centre-State relations.

### **Syllabus**

#### **Module 01. Parliamentary Government**

##### 1.1 Union and State Executive

1.1.1 President of India – qualifications, election, powers, impeachment etc.

1.1.2 Prime Minister and Council of Ministers – Presidents' Constitutional position – Constitutional Relationships between President and Council

1.1.3 Governor and State Government: Council of Ministers – Constitutional relationship between Governor and Council

1.1.4 Cabinet system-collective responsibility, individual responsibility, party system, anti-defection law.

1.1.5 Attorney General of India and Advocate General for the State

##### 1.2 Union and State Legislature

1.2.1 Parliament – Formation – Officers of Parliament – Disqualifications

1.2.2 State Legislatures – formation – Officers of State Legislature – Disqualifications of Members

1.2.3 Legislative Processes, Powers, Privileges and Immunities of the Legislature and their members – Legislative Privileges vs. Fundamental Rights – Article 143 of the Indian Constitution

1.2.4 Comptroller and Auditor General of India.

## **Module 02. Federalism**

- 2.1 Indian federation and comparative study of federalisms of other countries
- 2.2 Legislative Relations between the Centre and the States
- 2.3 Administrative Relations between the Centre and the States
- 2.4 Financial Relations between the Centre and the States-Contingency and Consolidated Funds.
- 2.5 President's and Governor's position from the perspective of federalism.
- 2.6 Centre's Powers over the States
- 2.7 Special Status – Provisions, Jammu and Kashmir, Union Territories, Assam, etc.
- 2.8 Critical problems of Indian Federation – State autonomy v. Central Control, Sarkaria Commission – Emergence of political federalism – growth of regional parties.

## **Module 03. Judiciary: Union and State Judiciaries**

- 3.1 Supreme Court – Establishment and constitution of Supreme Court – qualifications – jurisdiction – appointment and removal of judges.
- 3.2 High Court and Subordinate Courts – qualifications – appointment, transfer, removal – jurisdiction.
- 3.3 Writ Jurisdictions of the Supreme Court and the High Court – Court of Record– power of superintendence
- 3.4 Public Interest (Social Action) Litigation

## **Module 04. Constitutional Amendment**

- 4.1 Methods of amendment – ordinary procedure and special procedure – review of constitutional amendments – limitations upon constitutional amendments
- 4.2 Basic Structure Doctrine – development of the doctrine – constituent power of the Supreme Court – Judicial pronouncements.
- 4.3 Relevant Constitutional amendments

## **Module 05. Emergency Provisions**

- 5.1 Emergency: Need for such provision
- 5.2 Types of emergencies
  - 5.2.1 National emergency grounds, effects of proclamation on Centre – State relations.
  - 5.2.2 Failure of Constitutional machinery – grounds
  - 5.2.3 Financial emergency
- 5.3 Emergency and suspension of fundamental rights Articles 358 and 359
- 5.4 Report of Sarkaria Commission – Guidelines of S.R. Bommai Case.

## **Module 06. Freedom of Trade and Commerce**

- 6.1 Freedom
- 6.2 Restrictions
- 6.3 Power of Parliament and States with regard to trade and commerce.

## **Module 07. Services under the State**

- 7.1 Services Recruitment – Rules – Doctrine of Pleasure – dismissal, removal or reduction in rank.
- 7.2 All India Services – Public Service Commission Union and State

## **Module 08. Other Provisions**

8.1 Election – Election Commission – formation, functions – adult suffrage.

8.2 Official language

8.3 Local Government – decentralization of powers – gram panchayats, municipalities, scheduled and tribal areas.

8.4 Tribunals

8.5 Special Provisions relating to certain classes.

### **Suggested Readings:**

- M. P. Jain, Indian Constitutional Law, LexisNexis.
- D.D. Basu, Constitutional Law of India, LexisNexis.
- Narendra Kumar, Constitutional Law of India, Allahabad Law Agency.
- H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- Arvind Datar, Commentary on Constitution of India (3 Vols), LexisNexis (2010).
- S.P. Sathe: Fundamental Rights and Amendment of the Indian Constitution
- M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- Granville Austin, Working of a Democratic Constitution - The Indian Experience, Oxford University Press.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Special Contract (Specific Contracts under Indian Contract Act, 1872, Sale of Goods Act, 1930, Indian Partnership Act, 1932 and Negotiable Instruments Act, 1881)		
Course Type		Core Course		
Course Code		BLLB11202	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The foundation for the principles of Contract is laid down in Semester 1. This paper is to impart knowledge various special contracts, law of agency, sale of goods, negotiable instruments and partnership. Provisions relating to contract of Indemnity and Guarantee, of Bailment and Pledge, and Agency are contained chapters of the Indian Contract Act, 1872. The paper also covers three other statutes being the Sales of Goods Act, 1930, Negotiable Instruments Act, 1881 and the Indian Partnership Act, 1932.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Know the context and rationale of specific contracts of Indemnity, Guarantee, Bailment, Pledge and Agency.

CO2: Identify the principles and doctrines that guide such contracts and the situations that constitute breach of contract in such specific contracts and the remedies available for breach.

CO3: Understand and apply the provisions of legislation relating to the sale of goods and supply of services to different fact situations.

CO4: Understand and appreciate the rights and liabilities of partners and be acquainted with the incorporation and dissolution procedures of partnership firms.

CO5: Identify the most common form of negotiable instruments and understand the importance and function of negotiable instruments.

### **Syllabus**

Subject	External Examination Marks
Specific Contract under Indian Contract Act, 1872	20 Marks
Sale of Goods Act, 1930	10 Marks
Indian Partnership Act, 1932	10 Marks
Negotiable Instruments Act, 1881	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. Contracts of Indemnity under the Indian Contract Act, 1872**

- 1.1 Principle of indemnity in general
- 1.2 Definition of the contract of indemnity
- 1.4 Formation and essential features
- 1.5 Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- 1.6 Nature and extent of liability of the indemnifier
- 1.7 Commencement of liability of the indemnifier

## **Module 02. Contracts of Guarantee under the Indian Contract Act, 1872**

- 2.1 Definition of a contract of guarantee
- 2.2 Formation and essential features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
- 2.3 Contract of guarantee as distinguished from a contract of indemnity
- 2.4 Consideration for a contract of guarantee
- 2.5 Continuing guarantee, and its revocation
- 2.6 Nature and extent of surety's liability - commencement, duration and termination
- 2.7 Surety's rights against the principal debtor
- 2.8 Surety's rights against the creditor
- 2.9 Circumstances that discharge a surety. Contracting out of such discharge.
- 2.10 Letters of credit and bank guarantees
- 2.11 Co-surety and manner of sharing liabilities and rights

## **Module 03. Contracts of Bailment under the Indian Contract Act, 1872**

- 3.1 Definition of a contract of bailment
- 3.2 Formation and essential features of a contract of bailment, Parties to the contract
- 3.3 Creation of a contract of bailment, Obligations of bailment despite contract
- Gratuitous bailments
- 3.4 Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
- 3.5 Kinds of bailees
- 3.6 Rights, duties, disabilities and liabilities
  - 3.6.1 of a bailor
  - 3.6.2 of a bailee vis-à-vis the bailor
  - 3.6.3 of a bailee vis-à-vis the third parties, and the true owner
- 3.7 Termination of bailment, and consequences of termination
- 3.8 Finder of goods as a bailee

## **Module 04. Contracts of Pledge under the Indian Contract Act, 1872**

- 4.1 Definition of a contract of pledge
- 4.2 Essential features of a contract of pledge, Parties to the contract
- 4.3 Creation of a contract of pledge
- 4.4 Distinction between contracts of pledge, bailment, hypothecation
- 4.5 Rights, liabilities, duties and disabilities of the pawnor
- 4.6 Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale
- 4.7 Pledge by certain specified persons: Sections 178, 178A, 179

## **Module 05. Contracts of Agency under the Indian Contract Act, 1872**

- 5.1 Definition of a contract of agency
- 5.2 Essential features of a contract of agency. Parties involved. Kinds of agents and agencies
- 5.3 Creation of agency
- 5.4 Distinction between agent, servant or employee, and independent contractor
- 5.5 Agent's authority - Scope and extent, Express, implied, apparent or ostensible authority, and authority in an emergency, Restrictions or limitations
- 5.6 Delegation of authority, Relationship between a principal, agent and subagent, Substituted agents
- 5.7 Ratification
- 5.8 Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party
- 5.9 Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party
- 5.10 Revocation and other modes of termination of agency, Irrevocable agency
- 5.11 Effect of termination, Liability of the principal and agent before and after termination

## **Module 06. Sale of Goods Act, 1930**

- 6.1 Definition of a contract of sale of goods
- 6.2 Essential features of a contract of sale. Parties to the contract
- 6.3 Sale as a transfer of property, Sale and agreement to sell
- 6.4 Four elements: price, delivery, risk and property (ownership)
- 6.5 Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
- 6.6 Implied conditions and warranties, Express conditions and warranties
- 6.7 The rule of 'caveat emptor', principle, meaning, and exceptions to the rule
- 6.8 Other implied terms
- 6.9 Transfer of title, Transfer by non-owners
- 6.10 Passing of risk
- 6.11 Delivery of goods, Various modes of delivery and their effect, Inspection of goods, Rejecting goods
- 6.12 Rights and liabilities of the buyer and seller, Unpaid seller and his rights
- 6.13 Remedies for price and for breach, Interest and taxes
- 6.14 Auction sales

## **Module 07. Indian Partnership Act, 1932**

- 7.1 Definition of a contract of partnership
- 7.2 Essential features of a contract of partnership, the firm and the partners, Parties to the contract, Minor as partner
- 7.3 Kinds of partnership
- 7.4 Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities
- 7.5 Property of the firm, Firm name
- 7.6 Relations of partners to third parties, Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners

- 7.7 Change in constitution of a firm. Admission, retirement, expulsion, death and insolvency of any partner, Public notice, Effect of change in constitution of the firm
- 7.8 Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade
- 7.9 Registration of firms, Procedure of registration, Effect of non-registration
- 7.10 Limited Liability Partnership: Essential features, Distinction between limited liability partnership and ordinary partnership.

### **Module 08. The Negotiable Instruments Act, 1881**

- 8.1 Essential features of negotiable instruments, and type of instrument, Instruments payable to order or to bearer, payable at specified time or on demand.
- 8.2 Maturity of an instrument
- 8.3 Parties to negotiable instruments, their rights and liabilities
- 8.4 Negotiation – Meaning, Requirements, Types of endorsements, Modes of negotiation, Who can negotiate? Effect of negotiation by various modes, Negotiation in particular cases (Sections 57-59), Period of negotiation (Section 60)
- 8.5 Presentment - Purposes of presentment, Time for presentment, Place of presentment, Presented to whom? Effective presentment, Delay in presentment, When presentment not necessary, Liability of banker for negligent dealing.
- 8.6 Payment and Interest, Delivery of instrument, Immunity to bankers
- 8.7 Discharge from liability on negotiable instruments, Modes of discharge
- 8.8 Dishonour, Modes of dishonour, Notice of dishonour, Noting and protest
- 8.9 Acceptance and payment for honour and reference in case of need
- 8.10 Compensation
- 8.11 Rules of evidence, Presumptions and estoppel
- 8.12 Crossed cheques
- 8.13 Penalties in case of dishonour, Criminal liability and procedure

### **Suggested Readings:**

- Avtar Singh: Contract Act, Eastern
- Principles of Law of Sale of Goods and Higher Purchase, Eastern
- Krishnan Nair: Law of Contract, Orient
- Ramanaiya: The Sale of Goods Act, Universal
- M.S. Parthasarthy: Negotiable Instruments Act
- Pollock and Mulla's: Sale of Goods Act, Lexis Nexis-Butterworths
- Pollock and Mulla's: Indian Partnership Act, Lexis Nexis-Butterworths

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Law of Crimes II (Bharatiya Nyaya Sanhita, 2023 – Chapter VII onwards)		
Course Type		Core Course		
Course Code		BLLB21203	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The focus of this paper will be on the study and understanding of the substantive offences under the Indian Penal Code. This course is designed with a prime object to familiarize students about various specific offences such as offences against the State, property, public justice, public tranquility to name a few and offences relating to the principles of criminal liability and relevant case laws. Students are expected to refer the provisions of the Indian Penal Code while reading Supreme Court judgements on offences.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the various kinds of crimes, its components and methods of controlling them.

CO2: Understand various offences, their essentials & punishments

CO3: Understand the judicial approach towards such offences and punishment.

### **Syllabus**

#### **Module 01. Offences against State, Offences relating to Army, Navy and Air Force and Offences relating to Elections**

##### 1.1 Offences against State

1.1.1 Waging war against the government of India and related offences

1.1.2 Act endangering sovereignty, unity and integrity of India (Section 152 of BNS)

1.1.3 Public Servant voluntarily allowing prisoner of State or war to escape

##### 1.2 Offences relating to Army, Navy and Air Force

##### 1.3 Offences relating to elections

##### 1.4 Offences relating to coin, currency notes, bank notes and government stamps- counterfeiting

#### **Module 02. Offences against Public Tranquility, Offences by or relating to Public Servants and Contempt of lawful authority of Public Servants**

##### 2.1 Public Tranquility

2.1.1 Unlawful Assembly- common object, common intention- its distinction.

2.1.2 Rioting

2.1.3 Affray

2.1.4 Promoting enmity between different groups

- 2.1.5 Imputations, assertions prejudicial to national integration
- 2.5 Offences by or relating to Public Servants
- 2.6 Contempt of lawful authority of Public Servants

### **Module 03. False evidence and Offences against Public justice, Offences affecting Public Health, Safety, etc. and Offences relating to Religion**

- 3.1 False Evidence and offences against public justice
  - 3.1.1. Giving and fabricating false evidence- distinction- Punishment-Aggravated forms
  - 3.1.2 Using evidence to be false, issuing/ using/signing false certificate, giving false information and related offences
  - 3.1.3 Harboursing offender and related offences
  - 3.1.4 Public servant disobeying direction of law and other offences related to public servants.
- 3.2 Offences affecting Public Health, Safety, etc.
  - 3.2.1 Public Nuisance
  - 3.2.2 Food and drugs adulteration
  - 3.2.3 Negligent acts, Rash driving or riding
  - 3.2.4 Obscenity
- 3.3 Offences relating to Religion
  - 3.3.1 Injuring or defiling place of worship, deliberate and malicious acts intended to outrage religious feelings
  - 3.3.2 Disturbing religious assembly, trespassing on burial places, uttering words with intention to hurt religious feelings

### **Module 04. Offences against Property, Documents and Property Marks, Criminal Intimidation, Defamation**

- 4.1 Theft – Snatching- Extortion – Robbery – Dacoity
- 4.2 Criminal misappropriation of property – criminal breach of trust
- 4.3 Receiving stolen property- Cheating- Mischief- Criminal trespass
- 4.4 Offences relating to documents and property marks-forgery, tampering with property marks
- 4.5 Criminal intimidation
- 4.6 Defamation
- 4.7 Breach of contract to attend on and supply wants of helpless person

#### **Suggested Readings:**

- Basu, Commentary on Bharatiya Nyaya Sanhita, 2023, 16<sup>th</sup> edition, Whytes & Co.
- Ratanlal & Dhirajlal: The Indian Penal Code, Lexis Nexis, Butterworths
- Criminal Law – Cases and Materials, Lexis Nexis, Butterworths
- A Text Book on the Indian Penal Code, Lexis Nexis, Butterworths
- B.M. Gandhi: Indian Penal Code, Eastern
- Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co.

Note: As Indian Penal Code is now replaced by the Bharatiya Nyaya Sanhita, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of IPC while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Administrative Law		
Course Type		Core Course		
Course Code		BLLB11204	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The objective of this course is to give the students an understanding of the evolution of administrative law, to make them appreciate the concepts and principles of administrative law and to help them understand the working of the administrative institutions within the norms of good governance and accountability.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the nature, development of law relating to administration and effective means of administrative control.

CO2: Analyse the impact and operation of administrative law from policy perspectives and identify and explain government accountability for the exercise of public power.

CO3: Identify, explain and apply the principles of natural & administrative law covered in the course

CO4: Understand administrative tribunals, public corporations, judicial discretion, Lokpal and Ombudsman.

### **Syllabus**

#### **Module 01. Introduction: Evolution, Nature and Scope**

- 1.1 Meaning, Dicey's thesis, Rule of Law and Administrative Law, Constitutional base of Administrative Law, sources and definitions of Administrative Law.
- 1.2 Indian Constitution: An Outline
- 1.3 Local Self-Government
- 1.4 Separation of Powers and Executive Function: Scope
- 1.5 Emerging trends – positive duties of administration- modern social welfare legislation – functions of a modern State

#### **Module 02. Legislative Powers of Administration**

- 2.1 Legislative Process
- 2.2 Executive Legislation
- 2.3 Delegated Legislation
  - 2.3.1 Definition and forms
  - 2.3.2 Reasons for Growth
  - 2.3.3 Types of Delegated Legislation

- 2.3.4 Limits upon Delegation of Legislative Power
- 2.3.5 Delegation under Indian Constitution and Other Constitutions
- 2.3.6 Constitutionality for validity of delegated legislation

### **Module 03. Control of Delegated Legislation**

- 3.1 Publication
- 3.2 Committee on Subordinate Legislation
- 3.3 Parliamentary Control on Delegated Legislation
- 3.4 Judicial Control of Delegated Legislation – Judicial Review

### **Module 04. Classification of Administrative Action**

- 4.1 Legislative function
- 4.2 Judicial, Quasi-Judicial and Administrative function
- 4.3 Administrative Tribunals
- 4.4 Commissions under Indian Constitution – Election Commission
- 4.5 Statutory Commissions and Agencies – MRTP Commission, Press Council, Commission of Inquiry, National Commission for Women, National Commission for Minorities, National Commission and State Commissions on Human Rights, National Commission for Backward Classes.

### **Module 05. Judicial Control of Administrative Action and Administrative Discretion**

- 5.1 Standing, laches, Res Judicata
- 5.2 Grounds and Scope of Judicial Review
- 5.3 Methods of Judicial Review, Writ Jurisdiction and Appellate Jurisdiction – Scope and Extent
- 5.4 Rule of Law and Administrative Discretion – meaning – discretion conferred by the Constitution and objections, Grant of Discretion and Article-14, Civil liberties
- 5.5 Judicial activism

### **Module 06. Rules of Natural Justice and Fair Hearing**

- 6.1 Rules and Principles of Natural Justice
- 6.2 *Audi alteram partem*
- 6.3 Pre-Decisional and Post-Decisional Hearing
- 6.4 Effect of Non-compliance with Principles of Natural Justice

### **Module 07. State Liability – Corporations and Public Undertaking**

- 7.1 Suits against State – Contractual liability
- 7.2 Tortious liability
- 7.3 Liability under Penal and Taxing Statute
- 7.4 State Monopoly and Accountability
- 7.5 Public Enterprises – Meaning – Classification
- 7.6 Legal Remedies – Rights and liabilities of Public Undertaking
- 7.7 Informal methods of settlement of disputes and Grievance Redressal Procedures

## **Module 08. Parliamentary and Other Controls over Government**

8.1 Ombudsman – Lokpal – Lokayukta, Parliamentary Commissioner

8.2 Public Inquires and Commissions of Inquires

8.3 Vigilance Commission

8.4 Congressional and Parliamentary Committees – Public Accounts Committees'

8.5 Comptroller and Auditor General of India

8.6 Constitutional Protection to Civil Servants and Administrative Service Tribunals – Service Rules and Procedural Safeguards – Administrative Service Tribunals.

### **Suggested Readings:**

- S.P. Sathe: Administrative Law

- I.P. Massey: Administrative Law

- D.D. Basu: Comparative Administrative Law

- Jain and Jain: Principles of Administrative Law

- C.K. Thakker: Administrative Law

- C.K. Takwani: Lectures on Administrative Law

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		2		
Subject		Property Law		
Course Type		Core Course		
Course Code		BLLB11205	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Every owner of the immovable property has a right to enjoy the property without any disturbance. This paper mainly deals with the Transfer of Property Act, 1882 which has been passed before a century, many changes have been made with in the act as per the time passes and to satisfy the changing need of the society. Besides this act, this paper also contains Sale, Lease, Mortgage, Exchange, Gift, and Indian Easement Act,1882. The main purpose of this subject is to make students informed with alienation of property whether movable or immovable and also to differentiate inherent with property system in different personal laws. This course also introduces students to The Real Estate (Regulation and Development) Act, 2016 which aims to create a more equitable and fair transaction between the seller and the buyer of properties, especially in the primary market along with an understanding of Gujarat Town Planning and Urban Development Act, 1976.

### **Course Outcome**

At the end of the course, the student will be able to:

CO1: Understand the concept of ‘Property’, the ‘nature of property rights’ and the general principles governing the transfer of property. A detailed study of the substantive law relating to sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken.

CO2: Understand that immovable property is precious and transactions in connection with immovable property are to be authenticated by the government via registration

CO3: Understand the objectives and functions of the Real Estate Regulatory Authority which includes *inter alia* increasing transparency in the real-estate sector, increasing accountability of the promoters and developers and establishing efficient forums for grievance redress.

CO4: Understand the implication of law relating to planning and land development and local government, with an emphasis on statutory authority, finance, and land use control.

### **Syllabus**

Subject	External Examination Marks
Transfer of Property Act, 1882	20 Marks
Indian Easement Act, 1882	10 Marks
The Real Estate (Regulation and Development) Act, 2016	10 Marks
Gujarat Town Planning and Urban Development Act,1976	10 Marks
<b>Total</b>	<b>50 Marks</b>

## **Module 01. Jurisprudential Contours of Property**

- 1.1 Concept – meaning – kinds of property – new property – Government largesse
- 1.2 Kinds of Property – movable and immovable property, intellectual property –copyright – patents and designs – trademarks, geographical indications etc.
- 1.3 Possessional ownership as man-property relationship – finder of goods

## **Module 02. General Principles of transfer of property**

- 2.1 Introduction
- 2.2 Transfer of property – definitions – transfers by acts of parties
- 2.3 Transfer of movable property
- 2.4 Doctrine of Election
- 2.5 Doctrine of Apportionment
- 2.6 Transfer of immovable property – transfer by co-owners, by ostensible owners – rights – fraudulent transfer – part performance

## **Module 03. Specific Transfers**

- 3.1 Sale – essentials, definition, rights and liabilities of seller and buyer –marshalling by subsequent purchaser, provision by court for encumbrances and sale freed there from
- 3.2 Mortgages and Charges
  - 3.2.1 Under the Transfer of Property Act – definitions – lands rights and liabilities of mortgagor and mortgagee – redemption – clog on redemption – marshalling and contribution – foreclosure and sale
  - 3.2.2 To a land mortgage bank, land development bank, powers and functions.
- 3.3 Leases-definitions – essentials – rights and liabilities of lessor and lessee
- 3.4 Exchanges-definitions – rights and liabilities of parties – exchange of money
- 3.5 Gifts – definitions – how effected- Essential requirements, kinds of gift –onerous gift – universal donee – suspension and revocation of gift – gift of existing and future property – *donatio mortis causa* and Muhammadan Law
- 3.6 Transfer of actionable claims – definition – notice – transfer of actionable claims – solvency of debtor – liability of transferee of actionable claim –mortgaged debt, assignment of rights under policy of insurance against fire –marine insurance – incapacity of officers connected with Courts of Justice, saving of negotiable instruments etc.

## **Module 04. The Indian Easements Act, 1882**

- 4.1 Meaning – nature – essentials – characteristics
- 4.2 Kinds – creation, suspension and extinction of easements rights
- 4.3 Easement rights: way, air, light, support etc.
- 4.4 Riparian rights
- 4.5 Licenses – meaning, elements, grant of license and its revocation

## **Module 05. The Real Estate (Regulation and Development) Act, 2016 (RERA)**

- 5.1 Introduction to Real Estate (Regulation and Development) Act, 2016
- 5.2 Genesis and important definitions of RERA

- 5.3 Registration under RERA and its procedure
- 5.4 Functions, duties, obligations and liabilities of a promoter - from advertisement to completion of project, Publication on web-site, effect, Transfer of title, Agreement for sale, Rights, duties and liabilities of allottees.
- 5.4 Authority/ Appellate Tribunal- composition, roles, duties and responsibilities
- 5.5 Real Estate Regulatory Authority: Establishment, Incorporation, Composition
- 5.6 Qualification of Chairpersons and members, Meetings, Powers and functions
- 5.7 Filing of complaints, Enforcement of orders, Appearance in person and legal representation (Sections 20-23, 29, 31, 32, 34-38, 40, 56)
- 5.8 Effect of the Act (Sections 88-89), Bar of jurisdiction (Section 79)
- 5.9 Appeals

### **Module 06. Gujarat Town Planning and Urban Development Act, 1976**

- 6.1 Object, Application, and General Scheme of the Act
- 6.2 Development Plan, its contents and implementation
- 6.3 Control of Development and use of Land included in Development Plans

#### **Suggested Readings:**

- Mulla: Transfer of Property Act
- Avatar Singh, Textbook on the Transfer of Property Act, Universal Law Publishing
- V.P. Sarathy: Transfer of Property
- A P Singh and Ashish Srivastava, Property Laws, LexisNexis
- B B Katiyar, Law of Easements and Licences, Universal Law Publishing
- K Goyal, Guide to Real Estate (Regulation and Development) Act, 2016, 2nd ed, Commercial Law Publishers.
- A K Gupte, Real Estate (Regulation and Development) Act, 2016, Hind Law House
- SBD Publication: Gujarat Town Planning and Urban Development Act, 1976