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ANNEXURE - C
LL.M. PROGRAMME
GU-ART Syllabus

The following subjects/courses of the undergraduate law programmes constitute the syllabus for the GU-ART of the LL.M. Programme, Goa University:

I. LAW OF CONTRACT - I

I. General Principles of Contract

1. Nature of Contract
2. Definition, Essentials for valid Contract
3. Agreement:
Definition of agreement
Definition of Offer, Essentials, kinds and lapse of offer
Definition of Acceptance, Essentials of a valid acceptance, Revocation of acceptance
Standard Forms of Contracts
4. Consideration:
Definition, Essentials of Consideration, Kinds of Consideration, Agreements without Consideration, Exceptions to the rule, Privity of Contract, Indian and English Concept of Privity.
5. Capacity:
Agreements with Minor, Unsound mind persons and Persons Disqualified by law
6. Free Consent
Voidable contracts: Coercion, undue influence, Misrepresentation, Fraud and Mistake
7. Legality of Object
Effect of Illegal Agreements, Various Illegal Agreements and Agreements opposing public policy
8. Void Agreements:
Effect of void agreements, various void agreements
9. Contingent Contracts
10. Discharge of Contracts:
Discharge by performance: reciprocal promises and its performance, Joint promises, nature and liability of Joint promises,
Discharge by Impossibility: Kinds of Impossibility, Doctrine of frustration, Position in India and Exceptions to Doctrine of Frustration.
Discharge by Agreement: Novation and Remission of performance.
Discharge by Breach: Kinds of breach and effect of breach of contract.
11. Remedies for Breach of Contract:
Kinds of Remedies Damages: Remoteness of Damages, Measure of damages Kinds of damages, Quantum Meruit.
12. Quasi Contracts:
Basis for quasi-contractual relations. Kinds of quasi contracts

II. Government Contracts:

Essentials of Government Contracts. Contractual Liability of Government.
Application of principles of quasi contracts in Government Contracts.

III. Specific Relief Act:

Definitions, Recovering Possession of Property, Specific performance of contracts
Rectification of instruments, Rescission of Contracts, cancellation of Instruments,
Declaratory Decrees, Injunction Kinds of Injunctions.

II. CONTRACT – II

I. Special Contracts

1. Contracts of indemnity & guarantee.
2. Bailment
3. Pledge
4. Agency

II. Indian Partnership Act

1. Introduction:

Meaning and definition of partnership, Basic essentials of partnership, Mode of determining existence of partnership

Comparison between partnership and co-ownership, Comparison between partnership and joint family business, Comparison between partnership and company.

2. Partnership at will

3. Rights of partners.

Duties and obligations of partners.

4. Relations of partners to third persons: liability of firm for acts of partners

Liability of the partners towards third parties

5. Implied authority of a partner. Scope of such implied authority

6. Doctrine of holding out

7. Minor

8. Incoming partners: modes of introduction, liability, Retirement of a partner, Expulsion of a partner

9. Dissolution of firm:

Liability, accounts, public notice, Rights, payment of debts, Restraint of trade, good will

10. Registration of firm:

Advantages of registration, Effects of non-registration, Registration subsequent to filing of suit

III. Sale of Goods Act

1. Introduction:

Definition and essentials of sale, Define Goods and Different kinds of goods

Difference between contract of sale and agreement to sell. Differentiate between hire – purchase and contract of sale.

2. Implied conditions and Warranties in a contract of sale

3. Transfer of property and Title:

Transfer of property in Specific Goods, and Unascertained goods.

III. LAW OF CRIMES

1. General Principles of Criminal Law

Definition of crime, Theories of Crime, Elements of Crime, Stages in the commission of a crime, Differences between Crime, Tort and Contract

2. Administration of Criminal Law

Indian Penal Code, 1860

3. Introduction

Inter and Extra territorial Operations

4. Definitions

good faith, dishonesty, illegal, fraudulently, offence etc

5. Group liability

Common intention and common object

6. Punishment

Kinds of punishments capital punishment

7. General exceptions
Mistake of fact, mistake of law, accident, infancy, insanity, consent, trifling acts, private defense
8. Abetment –conspiracy-- Offences against State
9. Offences against public tranquility—Unlawful Assembly, Rioting and Affray.
10. False evidence, Fabricating false evidence and offences against public justice
11. Offences affecting public health, safety, convenience, decency and morals
Public Nuisance, Obscenity etc.
12. Offences affecting Human body
Murder, suicide, hurt, kidnapping, rape etc
13. Offences against property
Documents and property marks—theft, extortion, robbery, dacoity, forgery, false document etc.
14. Offences relating to marriage
Cruelty on wife—Bigamy, Adultery etc.
15. Defamation, criminal intimidation, insult and annoyance
16. Attempt to commit offences

IV. LAW OF TORTS

1. Nature and Definition of Tort various definitions of tort, nature of tort, essentials of tort, mental elements in tortious liability.
2. General Defences
3. Capacity Minor, Corporation, Convict, Husband and Wife, Sovereigns, Joint tort feorsors and independent tort feorsors.
4. Vicarious Liability Master-Servant; Principal – Agent; Vicarious Liability of the State- position in India
5. Remoteness of Damage test of directness, test of reasonable foresight
6. Trespass to the person Assault, Battery and False Imprisonment and Remedies
7. Trespass to Land meaning, trespass ab initio and remedies
8. Trespass to goods meaning, conversion of goods – meaning, kinds of conversion; Detinue
9. Negligence Essentials of negligence; Contributory Negligence
10. Nervous Shock
11. Rule of Strict Liability rule and exceptions; The Rule of absolute liability
12. Liability for dangerous animals Scienter rule, cattle trespass and ordinary liability
13. Liability for dangerous chattels liability towards immediate transferee, towards ultimate transferee.
14. Liability for dangerous premises obligation towards lawful visitors, trespassers and children
15. Nuisance Kinds of nuisance, Essentials, Defences
16. Defamation: kinds, essentials, defences
17. Abuse of legal procedure
18. Interference with contract, business – inducing breach of contract, intimidation, conspiracy, malicious falsehood, passing off
19. Deceit
20. Discharge of tortious liability
21. Death in relation to tort: effect of death on a subsisting cause of action, causing of death as being actionable as a tort.
22. Remedies damages, injunctions, specific restitution; extra judicial remedies.
23. Consumer Protection Act: consumer, Consumerism, Unfair Trade Practices, Restrictive Trade Practices and Redressal Forums.

V. CONSTITUTIONAL LAW – I

1. Introduction:
Definition of Constitution - Need for Constitution, Classification of Constitutions, Constitutionalism and Indian Constitution, Framing of Indian Constitution.
2. Salient features of the Indian Constitution
3. Preamble
4. The Union and its territories
5. Citizenship under the Constitution and Citizenship Act
6. Fundamental Rights:
 - 6.1 Concept of Fundamental rights -Origin and Development, Fundamental Rights in India.
 - 6.2 Definition of State: Judicial pronouncements on meaning of other authorities.
 - 6.3 Justifiability of Fundamental Rights: Judicial Review Indian and American concept, Justifiability of Pre and post constitutional Laws Waiver and fundamental Rights.
 - 6.4 Right to Equality: Reasonable classification -Basis for classification.
 - 6.5 Right against discrimination: Special provisions for Women, children and Backward Classes.
 - 6.6 Equality of Opportunity: Reservations of Posts for Backward Classes 79th and 85th Amendment Acts.
 - 6.7 Abolition of Untouchability.
 - 6.8 Abolition of Titles
 - 6.9 Right to Freedom:
 - a. Freedom of Speech and Expression : Right to Know, Freedom of Press Reasonable Restrictions, Test for reasonableness Burden of proving reasonableness of restrictions.
 - b. Freedom of Assembly. Reasonable restrictions
 - c. Freedom to form Associations, Reasonable restrictions.
 - d. Freedom of Profession, Occupation, trade and Business, Reasonable restrictions.
 - 6.10 Rights of the Accused: Ex-post facto laws, Right against Double Jeopardy, Right against Self- incrimination.
 - 6.11 Right to Life and Personal Liberty: Meaning and Scope, American and Indian concept of Right to life and personal liberty, Various facets of Right to Life, Prisoners Rights.
 - 6.12 Protection against Arrest and Detention:
Safeguards against Arrest made under the ordinary Law, Preventive detention, Safeguards against Detention made under the preventive detention laws.
 - 6.13 Right against Exploitation: Right against trafficking in human beings, Safeguards against Beger and other forms of forced labour.
 - 6.14 Secularism:
Right to Freedom of Religion, Reasonable restrictions, Right to establish and maintain Religious Denominations, Freedom from payment of Taxes, Prohibition of religious instructions in Educational Institutions.
 - 6.15 Cultural and Educational Rights:
Right to conserve language script or culture, Right to admission to Educational Institutions, Right of Minorities to Establish and Administer Educational Institutions, No discrimination in granting aid.
 - 6.16 Saving of certain laws:
Acquisition of Estates etc., Validation of certain Act and Regulations, Saving of laws giving effect to certain Directive Principle of State policy.
 - 6.17 Right to Constitutional Remedies:
Right to move to the Supreme Court, Prerogative Remedies, Rule of locus standi, Public Interest Litigation Resjudicata, Delay and Laches, Alternative Remedy, Suspension of Fundamental Rights, Effect of Emergency on fundamental rights, Members of Armed

Forces and Fundamental rights, Martial LAW, Legislation to give effect to Part III.

7. Directive Principles of State Policy:

Object and purpose, Classification, Relation between Fundamental rights and Directive Principles of State Policy.

8. Fundamental duties

9. Amendment of the Constitution :

Kinds of amendments, Methods of amendments under Indian Constitution, Scope of amending power of the Parliament, Amendment of Fundamental Rights, Doctrine of Basic Structure.

VI. CONSTITUTIONAL LAW – II

1. Union Executive

2. Union Legislature (Parliament)

3. The Union Judiciary

4. State Executive

5. State Legislature

6. State Judiciary

7. Relation Between Union and states:

Concept of Federalism, Legislative relations, Administrative Relations, Financial Relations, Cooperative federalism

8. State Liability

9. Right to Property.

10. Freedom of Trade, Commerce and Intercourse

11. Services under the Union and the states

12. Elections

13. Emergency Provisions: Kinds of Emergencies, Effects of emergency

14. Amendment of the Constitution

Kinds of amendments, Methods of amendments under Indian Constitution, Scope of amending power of the Parliament, Amendment of Fundamental Rights, Doctrine of Basic Structure.

15. Special Status to Jammu & Kashmir

VII. FAMILY LAW - I

1. Concept of 'Family'.

2. Sources of Family Law (Integrated)

3. Schools of Hindu & Muslim Law.

4. Marriage (Integrated)

a. The Concept.

b. Ceremonies of marriage.

c. Registration of marriage.

d. Capacity to marry

e. Nullity of marriage.

5. Restitution of Conjugal Rights. (Integrated)

6. Judicial Separation. (Integrated)

7. Divorce (Integrated)

a. Concept and theories

b. Grounds.

8. Model Code for Divorce.

9. Bars to matrimonial relief. (Integrated)

10. Maintenance under the personal law. (Integrated)

11. Maintenance under sec.125 Cr.P.C.

12. Dower under Muslim law.
13. Guardianship (Integrated)
14. Custody (Integrated)
15. Adoption. (Integrated)
16. Legitimacy (Integrated)
17. Child marriage.
18. Application of law in case of conversion.
19. Jurisdiction of Courts in family matters.
20. Need for Uniform Civil Code.

VIII. FAMILY LAW - II

1. Joint family:
 - a. Mitakshara joint family.
 - b. Mitakshara coparcenary -formation and incidents.
 - c. Property under Mitakshara law -separate property and coparcenary property.
 - d. Dayabhaga coparcenary -formation and incidents.
 - e. Property under Dayabhaga law.
 - f. Karta of the joint family -his position, powers, privileges and obligations.
 - g. Alienation of property -separate and coparcenary.
 - h. Debts -doctrines of pious obligations and antecedent debt.
 - i. Partition and re-union.
 - j. Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
 - k. Matrilineal joint family.
2. Inheritance:
 - a. Hindus.
 - b. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956
 - c. Succession to property of a Hindu male dying intestate under the provisions of the Hindu Succession Act 1956.
 - d. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
 - e. Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
 - f. Disqualification relating to succession.
 - g. General rules of succession
 - h. Marumakkattayam and Aliyasantana laws governing people living in Travancore - Cochin and the districts of Malabar and South Kanara i. Muslims
 - j. General rules of succession and exclusion from succession
 - k. Classification of heirs under Hanafi and IthnaAshria schools and their shares and distribution of property.
 - l. Christians, Parsis and Jews.
 - m. Heirs and their shares and distribution of property under the Indian Succession Act of 1925.
 3. Settlement of spousal property).
(Need for development of law).
 4. Establishment of Family courts:
 - a. Constitution, powers and functions.
 - b. Administration of gender justice. c. Uniform Civil Code.
 - d. (Need for).

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- e. Religious pluralism and its implications.
 - f. Connotations of the directive contained in Article 44 of the Constitution. g. Impediments to the formulation of the uniform Civil Code.
 - h. The idea of optional uniform Civil Code.

IX. PROPERTY LAW

1. Introduction:
Interpretation clause
2. Transfer of property by act of parties:
Whether movable or Immovable, Election, apportionment, transfer of immovable property
3. Sale of Immovable property
4. Mortgages of immovable property and charges:
Rights and liabilities of mortgagor, Priority, Marshalling and contribution, suits for foreclosure, Sale or Redemption, anomalous Mortgages, Charges, Notice and tender
5. Lease of Immovable Property
6. Exchanges
7. Gift
8. Transfer of actionable Claim
9. Indian Easement act
Easement, acquisition of easement, kinds, extinguishments of easement and licence

X. PUBLIC INTERNATIONAL LAW

1. Historical and theoretical foundation of international law
2. Basic Principles of International Law
 - a. Sovereign equality of States
 - b. Non intervention
 - c. Non use of force
 - d. International cooperation
 - e. Peaceful settlement of disputes
3. Sources of International Law
 - a. Treaties
 - b. Customs
 - c. General Principles of Law recognized by Civilized Nations
 - d. Judicial & Arbitral decisions and Juristic Opinions
 - e. UN General Assembly Resolutions
4. Relationship between International and Internal Law
 - a. Theories
 - b. State practice with special reference to India and United Kingdom
5. Subjects of International Law
 - a. State
 - b. International organizations
 - c. Individuals/ Peoples
 - d. MNCs and other Private Entities
6. The Law of Recognition
 - a. Recognition of States
 - b. Recognition of Governments
 - c. Recognition Dejure and Defacto
 - d. Legal effects of Recognition
 - e. Stimson's doctrine of non-recognition
7. Jurisdiction of States
 - a. Territorial jurisdiction



- b. Personal jurisdiction
 - c. Protective jurisdiction
 - d. Universal jurisdiction (terrorism, hijacking, narcotics, war crime and crimes against peace)
 - e. Diplomatic immunities and privileges
 - f. State immunity
8. Law of State Responsibility
- a. Nature and kinds of responsibility
 - b. Responsibility for breach of treaty and expropriation of property including the Calvo clause and the law relating to debts
 - c. Responsibility for international delinquencies
 - d. Treatment of aliens
 - e. Law relating to claims and damages
 - f. Obligations Erga Omnes
 - g. Abuse of rights
9. State Succession
- a. Meaning and kinds
 - b. Theories of State Succession
 - c. Rights and Duties arising out of state Succession
10. The Law relating to the acquisition and loss of Nationality
- a. International importance of nationality
 - b. Nationality of corporations and un-incorporated associations
 - c. The law relating to extradition, rendition and asylum
11. Peaceful Settlement of International Disputes (with reference to Article 33 of UN Charter)
12. Law of Treaties
- a. Meaning
 - b. Classification of Treaties
 - c. Formation, Ratification and Reservation and Termination
 - d. Important Maxims- '*Pacta terties nec nocent*', '*Rebus sic Stantibus*', '*Pacta sunt Servanda*'.
13. The Law relating to International Institutions
- a. The UN General Assembly
 - b. The Security Council
 - c. The Economic and Social Council
 - d. The development of International Law through the International Court of Justice
 - e. The UN Secretariat

XI. ADMINISTRATIVE LAW

1. Introduction:
Definition, Nature and scope of administrative law, reasons for the growth of administrative law, rule of law in England America and India, separation of powers and development in the united status and India
2. Delegated legislation:
Development, restraint on delegation, Control over delegated legislation: Judicial control, Legislative Control, Parliamentary control
3. Classification of Administrative Action:
Legislative, Judicial, Quasi judicial and Administrative Actions
4. Principles of Natural Justice:
- a. Rule against Bias, Kinds of Bias
 - b. Rule of Fair Hearing: Contents
 - c. Effect of failure of natural justice, Exceptions to the Principles of natural Justice
5. Administrative Adjudication:
Reasons for the Growth, Structure and Procedure of Adjudicatory Bodies, Kinds of Tribunals



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- 6. Administrative Discretion:
Failure to exercise discretion, Excess or Abuse of discretion
- 7. Judicial Control of Administrative Action:
 - a. Prerogative Remedies, Laches and delay, Resjudicata
 - b. Articles. 136 and 226.
 - c. Statutory Judicial Remedies: Civil Suits and Appeals
 - d. Equitable Remedies: Injunctions and Declaratory Actions
- 8. Estoppel and Waiver:
Government promise and estoppel in U.S.A. and England, Promissory estoppel in India
- 9. Government Liability:
Government Contracts, Government Tortuous Liability
- 10. Ombudsman and Central vigilance Commission
- 11. Public Undertakings:
Reasons for the growth, Features, Control over Public undertakings
- 12. Government privileges in legal proceedings
- 13. Official Secrets and Right to Information


XII. LEGAL THEORY

- 1. Preliminaries:
The purpose of Legal Theory-Law and fact- The territorial nature of law.
- 2. Constitutional law- International Law.
- 3. Theories/Schools:
Natural Law Theory -Imperative Theory -Keison's Pure theory -Han's Theory- Legal Realism, American Realism and Scandinavian realism —Historical School- Sociological School -Marx's Economic theory.
- 4. The Sources of law:
 - a. Legislation as a source of law- Types of legislations -Relation of legislation to other sources of law. - Codification- Interpretation of enacted law (in general).
 - b. Precedent -Authority of precedent -Circumstances destroying or weakening precedent -Ratio decidendi -Obiter dicta.
 - c. Custom -Importance of customary law, Kinds of customs:-Essentials of custom.
- Legal concepts:
- 5. Legal Rights:
Concept of Rights -Characteristics of legal Rights -Legal Rights in wider sense of the term - Kinds of Legal Rights.
- 6. Ownership:
Idea of ownership -The subject matter of ownership -Classification of ownership.
- 7. Possession:
idea of possession- possession in fact and possession in law. Kind's of possession - Acquisition of possession -Possession and ownership -Possessory remedies.
- 8. Persons:
Nature of personality -Legal status of lower animals, dead man, unborn person. Legal persons- Corporations-unincorporated associations -corporate personality.
- 9. Titles:
Vestive Facts -Acts in Law -Agreements -Classes of agreements -Void and voidable agreements.
- 10. The Law of Property:
Meaning of property -Kinds of property. Modes of acquisition of property.
- 11. The Law of obligations:
Nature of obligations-Solidary obligations -Source of obligations.

XIII. ENVIRONMENTAL LAW

1. Concept of Environment and Pollution
2. Environment—meaning and contents
3. Pollution—meaning, kinds and effects of pollution
4. Legal control and historical perspective
5. Environmental jurisprudence
6. Criminal law and environment
7. common law and environment
8. Constitutional perspectives
9. Fundamental rights—directive principles—fundamental duty—judicial approach— public interest litigation—right to information—doctrines of environmental pollution
10. Water and Air pollution
11. Meaning and standards, offences and penalties, judicial approach
12. Authorities under the enactments their powers and functions
13. Remedies in case of water and air pollution
14. Noise pollution
15. Legal control-judicial approach
16. Environmental protection
17. EP Act, 1986—objectives, loopholes, judicial approach
18. Environmental Impact assessment
19. Bio-medical waste and hazardous waste
20. Coastal Regulation zone, 1991
21. Guidelines for beach resorts —role of judiciary
22. Forest and greenery
23. Greenery conservation laws—role of judiciary-authorities
24. Protection of wild life
25. Role of judiciary-offences-authorities

XIV. COMPANY LAW

1. Introduction
 2. Definition, Nature, Advantages and Disadvantages of a company.
 3. Registration and Incorporation
 4. Memorandum of Association
 5. Various clauses of Memorandum of Association
 6. Articles of Association
 7. Constructive Notice and Doctrine of Indoor Management and Limitations
 8. Prospectus
 9. Definition, Contents of Prospectus, Remedies for Misrepresentation
 10. Promoters
 11. Definition, Duties, Liability and Position
 12. Shares
 13. Allotment, Statutory Restrictions, General Principles, Transfer of Shares
 14. Shareholders and Members
 15. Definition, How to become a member, who may be a member, calls on shares
 16. Share Capital
 17. Kinds of share capital, Share Warrants
 18. Directors
 19. Position, Appointment of Directors, Qualifications of Directors, Powers of Directors, Duties of Directors, Meetings of Directors
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20. Other Managerial Personnel
21. Meetings
22. Kinds of Meetings, Voting
23. Dividends, Audit and Accounts
24. Borrowing, Lending, Investments and Contracts
25. Debentures
26. Definition, Features and Kinds of debentures, Charge
27. Majority Powers and Minority Rights
28. Rule in Foss v. Harbottle and exceptions
29. Prevention of Oppression and Mismanagement
30. Investigations
31. Kinds of Company
32. Reconstruction and Amalgamation
33. Defunct Companies
34. Winding up
35. Types of winding up, Consequences of winding up, Powers of Liquidator
36. Conduct of Winding up

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