

NAME OF SUBJECT: LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENT AND CONSUMER PROTECTION ACT

PAPER CODE: LL.B.- 101

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE OF THE COURSE: Tort action is being used against service providers, manufacturers and industrial units for products which are injurious to human beings wherein the emphasis is placed on extending the principles of torts not only to acts which are harmful but also failure to comply with changing standards and product specifications due to rapid advancements in science and technology. Product liability is now taking a new dimension in developed economies world over.

The law of Torts finds significance in the emerging law of consumer protection in modern times of consumer concern of goods and services. It is applicable in cases of disputes concerning quality of goods supplied and services offered in cases of damage suffered by the consumers.

MODULE-I: Introduction and Principles of Liability in Tort.

- a) Nature and Definition of Tort.
- b) Development of Tort action in England and India- Tort distinguished from Contract, Quasi-Contract and Crime.
- c) Constituent of Tort- Wrongful Act, Damage and Remedy.
- d) Liabilities- Strict Liability and Absolute Liability. Vicarious Liability- scope and justification.
- e) Conditions of Liability including *damnum sine injuria*, *injuria sine damno*; Remoteness of Damages. Maxims: *Ubi jus ibi remedium*, *Res ipsa loquitor*, *Volenti non fit injuria* etc.
- f) Doctrine of Sovereign Immunity.

MODULE-II: Justification in Tort/ General Defenses

- a) *Volenti non-fit injuria*.
- b) Necessity,
- c) Plaintiff's default./ Plaintiff the wrong doer
- d) Act of God.
- e) Inevitable accidents.
- f) Private defenses.
- g) Judicial and Quasi- Judicial Acts.
- h) Parental and Quasi-parental authority.

MODULE-III: Specific Torts

- a) Defamation- Libel, Slander including Defenses in an action for Defamation.

- b) Negligence including Contributory Negligence and other defenses.
- c) Nuisance.
- d) Assault, Battery and mayhem.
- e) False imprisonment and malicious prosecution.
- f) Nervous Shock.
- g) Trespass to Person and Property.
- h) Domestic Violence as a crime and tort.
- i) Principles for the application of the rules and defenses- Enterprises engaged in hazardous activities. (M.C. Mehta v. Union of India)
- j) Salient features of Motor Vehicle Act, Accident Claims, Motor Vehicle Tribunal, Noise and Air Pollution and Safety, Health and Environment issues.

MODULE-IV: Consumer Protection Act, 1986.

- a) Aims and objective of the Consumer Protection Act, 1986.
- b) Concept of a consumer and consumer dispute under the Consumer Protection Act, 1986.
- c) Shift from Caveat Emptor to Caveat Venditor.
- d) Consumer Protection Councils under the Consumer Protection Act, 1986.

MODULE-V: Redressal Mechanism

- a) Redressal mechanism under the Consumer Protection Act, 1986- District Forum, the State Commission and the National Commission.
- b) Initiation of Proceedings. Grievances Redressal Procedure of Consumer Disputes Redressal Agencies. Powers of CDRA's. Remedies available under the Consumer Protection Act, 1986.

SUGGESTED READINGS

1. **The Law of Torts--- Ratanlal & Dhirajlal**
2. **Tort--- Winfield and Jolowicz.**
3. **Law of Torts--- R.K. Bangia.**
4. **Law of Consumer Protection in India--- Dr. D.N. Saraf.**
5. **Law of Consumer Protection in India--- Dr. Avtar Singh.**
6. **The Law of Consumer Protection in India--- Dr.Gurjeet Singh.**
7. **Law of Torts--- Salmond**

ESSENTIAL CASE LAWS

1. **Bhim Singh v. State of J & K and others.**
2. **Rudul Sah v. State of Bihar.**
3. **Rylands v. Fletcher 1868 LR HL, 330.**
4. **M.C. Mehta v. Union of India 1987 1 SCC 395.**
5. **Union Carbide Corporation v. Union of India AIR 1989 SC 248.**
6. **Donoghue v. Stevenson 1932 SC 31.**
7. **State of Rajasthan v. Mst. Vidyawati & Others AIR 1962 SC 1039.**
8. **M/s. Kasturilal Ralia Ram Jain v. State of U.P. AIR 1965 SC 1039.**

NAME OF SUBJECT: JURISPRUDENCE (LEGAL METHOD, INDIAN LEGAL SYSTEM AND BASIC THEORY OF LAW)

PAPER CODE: LL.B.- 102

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE OF THE COURSE: Concept of law is central to the legal enterprise. In the absence of a comprehensive understanding of this concept neither legal education nor legal practice can be set towards attaining justice in the society. Pedagogy is merely teaching of rules without the knowledge of cognitive and teleological foundations of the discipline and it would not be possible to present a synchronization of various statutes, cases, procedures, practices and customs in the form of a 'systematic body of knowledge' nor it would be possible to show the interconnectivity among various branches of law.

A course in Jurisprudence should primarily induct students into a world of questions concerning law so as to enable the student to toy with their complexity and perplexity and is driven to seek answers for himself such as questioning- "Who says what to whom under what circumstances and for what purpose" which shall in turn unfold mysteries of law before them.

MODULE-I: Introduction

- a) **Meaning of Jurisprudence/Legal Theory, Nature, Need and Scope.**
- b) **Linkages between Jurisprudence and other sciences-**
 - a. **Law and Justice.**
 - b. **Law and Morality.**
- c) **Nature and definition of Law.**
- d) **Definition of State.**
- e) **Elements of State.**

MODULE-II: Schools of Jurisprudence

- a) **Analytical Positivism, Pure Theory.**

[Limits on legislative authority: There are no limits (Positivism)]

These theories comprise of

- i. **Command Theory of Law: Utilitarianism (John Austin).**
- ii. **Normative Theory of Law: Pure Theory (Hans Kelsen).**
- iii. **Rule theory of Law: Law as system of rules- combination of primary and secondary rules (H.L.A Hart).**

- b) **Natural Law**

- a. **Divine and prophetic theories of law e.g. Hebrew Law, Law of Manu and the Islamic Law.**

- b. **Natural Law theories: An Overview**
 - i. **Natural Law as Virtue (dharma) --- Hindu.**
 - ii. **Natural Law as justice by nature--- Aristotle.**
 - iii. **Natural Law as Right reason--- Cicero.**
 - iv. **Natural Law as Law of God--- St. Thomas Aquinas.**
 - v. **Natural Law as inner morality of law--- Fuller**
- c) **Historical Jurisprudence: Historical theories arose out of revolt against Rationalism and the power of human will and tradition:**
- d) **Sociological Jurisprudence:**
 - a. **Sociological Theory: Functions of law- Law as a means of social control. Jurisprudence of Interests- Roscoe Pound**
 - b. **Realist Movement.**
- e) **Indian Jurisprudence:**
 - a. **Classical Approach.**
 - b. **Medieval Approach.**
 - c. **Modern Trends.**

MODULE-III: Sources of Law

- a) **Ancient: Customs etc.**
- b) **Modern: Precedents and Legislation.**

MODULES-IV: Concepts of Law.

- a) **Rights and Duties: Theories and Classification**
- b) **Legal Personality**
- c) **Possession, Ownership and Property**

MODULE-V: Principles of Liability

- a) **Liability and Negligence.**
- b) **Absolute Liability.**
- c) **Immunity.**

SUGGESTED READINGS

- 1. Legal Theory--- W. Friedmann.**
- 2. Salmand on Jurisprudence--- Fitzgerald (ed.).**
- 3. Jurisprudence--- Dias R.W.N**
- 4. The Concept of Law--- H.L.A. Hart.**
- 5. Introduction to the Philosophy of Law--- Roscoe Pound.**
- 6. Jurisprudence: A Study of Indian Legal System--- S.N. Dhyani.**
- 7. Jurisprudence: Paton G.W.**
- 8. Jurisprudence and Legal Theory--- V.D. Mahajan.**
- 9. B.N. Maini Tripathi--- Legal Theory.**
- 10. N.V. Paranjape: Legal Theory.**

NAME OF SUBJECT: LAW OF CONTRACT INCLUDING SPECIFIC RELIEF ACT & SALE OF GOODS ACT

PAPER CODE: LL.B.- 103

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE OF THE COURSE: Man enters into a variety of contracts from dawn to dusk and this activity increases with the increasing trade, commerce and industry. Modern living would be impossible if law does not recognize this contract making power of man. Roscoe Pound made his famous observation-“Wealth, in a commercial age, is made up largely of Promises”. The conferment and protection by law of this contract making power of man regulate and define their relations in the best possible manner. However, the contours of contractual relations in pre- and post-independence era cannot necessarily be the same. In any society the contractual relations are governed by certain basic and general principles which are standardized in the form of the Indian Contract Act, 1872.

This course familiarizes students with the conceptual and operational parameters of myriad principles of contractual relations. These principles are applicable to all contracts including Special Contracts and contracts to transfer of property etc. These are dealt with in the first 6 Chapters of the Indian Contract Act, 1972 in its Sections 1 to 75.

Specific enforcement of the contract is an integral aspect of the law of contract. Analysis of the enforceable contracts and the methods of enforcement constitute a special part of this study.

MODULE-I: Formation of Contract (SECS: 2-22)

- a) Meaning and Nature of Contract
- b) Offer/ Proposal
 - i. Definition.
 - ii. Communication.
 - iii. Revocation.
 - iv. General/ Specific offer.
 - v. Invitation to treat.
- c) Acceptance
 - i. Definition.
 - ii. Communication.
 - iii. Revocation.
 - iv. Tenders/ Auctions.
- d) Consideration
 - i. Definition.
 - ii. Essentials.
 - iii. Privity of Contract.
- e) Capacity to enter into a contract
 - i. Minor’s position in Mercantile Law.

- ii. Nature/ effect of minor's agreements.

MODULE-II: Validity, Discharge and Performance of Contract

- a) Free consent.
- b) Coercion, undue influence, Misrepresentation, Fraud, Mistake.
- c) Unlawful consideration and object.
- d) Effect of void, voidable, valid, illegal, unlawful and uncertain agreements contract.
- e) Discharge of Contracts.
- f) Performance.
- g) Time and Place of Performance.
- h) Impossibility of Performance and Frustration.
- i) Breach- Anticipatory & Present.

MODULE-III: Legality of Objects (SECS: 23-30, 56.)

- a) Contingent Contract (SEC- 31-36).
- b) Quasi-Contracts (SECS: 68- 72, 168 & 169).

MODULE-IV: Corporate and Multi- National Agreements

- a) Production Sharing Contract.
- b) New strategies to enforce Contractual Obligations.
- c) Strategies and Constraints to enforce contractual obligations.
- d) Judicial Mandate- redressal forum, remedies.

MODULE-V:

- a) Specific Relief Act, 1932
- d) Sales of Goods Act.

SUGGESTED READINGS

1. Law of Contract--- Avtar Singh.
2. Law of Contract and Specific Relief--- Mulla.
3. Principles of Mercantile Law--- R.K. Bangia.
4. Law of Contract and Specific Relief--- R.K. Bangia.
5. Law of Contract--- Anson.
6. Contracts--- Tata McGraw Hill.
7. Akil Ahmed--- Equity, Trust and Specific Relief.
8. Law of Contracts and Partnerships and Sale of Goods Act--- T.R. Desai.
9. Law of Contract--- Treitel.
10. Law of Contract--- Cheshire, Fifoot and Firmstone.

ESSENTIAL CASE LAWS

1. Balfour v. Balfour
2. Simpkins v. Pays
3. Carlill v. Carbolic Smokeball Co.
4. Pharmaceutical Society of Great Britan. V. Boots Cash Chemists Ltd.,
5. Harvey v. Facey
6. Lalman v. Gauri Dutt
7. Houawhols Fire Insurance Co., v. Grant
8. Tweddle v. Atkinson
9. Dunlop Pneumatic Tyre Co., v. Selfridge & Co., Ltd.
10. Nawab Khwaja Muhammad Khan v. Nawab Hussaini Begum
11. Kedarnath v. Gone Mahommad
12. Chinaya v. Venkata Ramayya
13. Subramania Iyer v. Lakshmi Ammal
14. Mohiri Bibi v. Dharmodas Ghose
15. Ingram v. Little
16. Lewis v. Avery
17. Sathya Bharat Ghose v. Mungeeram Bangur & Co.
18. Hadley v. Baxendale
19. Victoria Laundry Ltd., v. Newman Industries Ltd.
20. Jarvis v. Swans Tours Ltd.
21. Warlow v. Harrison
22. Harris v. Nickerson
23. Williams v. Carwardine
24. Poweil v. Lee
25. Hyde v. Wrench
26. Gallie v. Lee and another
27. Boulton v. Jones
28. Cundy v. Lindsay
29. Kings Norton Metal Co., Ltd., v. Edridge, Merrett & Co. Ltd.
30. Philips v. Brooks
31. Rose and Frank Co., v. Crompton Bros.
32. Lamleigh v. Braithwait
33. Roscarla v. Thomas
34. Foaks v. Beer
35. Central London Trust Property Ltd. V. High Trees House Ltd.
36. Hughes v. Metropolitan Rly Co.
37. Jackson v. Horizon Holidays Ltd.
38. Bissett v. Wilkinson

NAME OF SUBJECT: CONSTITUTIONAL LAW-I

PAPER CODE: LL.B.- 104

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Constitution of India is the highest norm of public law. It embodies the main principles of the Democratic Government. Understanding of the Constitution and law is imperative for law students such as how it came into being, what are its powers, functions, responsibilities, obligations and how power is limited and distributed. Therefore a deep understanding of the Constitution of India which developed through constitutional amendments, judicial decisions, constitutional practice and conventions is essential for law students. Students should know the evolution of the Constitution of India, philosophy of federalism especially Centre- State relations, Constitutional process of adoption and alteration and services under the Constitution. Constitutional law highlights its never ending growth in above mentioned areas. Students are also expected to know the myriad interpretations of Constitution and why a particular interpretation was adopted by the Supreme Court. A critical analysis is of prime importance for the study of the Constitution

MODULE 1

1. The Indian Constitution a historical retrospect, its framing and the nature of the Constitution.
2. The Preamble of Indian Constitution.
3. The Union and its territory (Article 1 to 4)
4. Citizenship (Article 5 to 11)

MODULE 2

1. Definition of the term 'State' in context of Fundamental Rights (Article 12)
2. Laws inconsistent with Fundamental Rights (Article 13)
3. Right to Equality (Article 14 to 18)
4. Fundamental Freedoms (Article 19)

MODULE 3

1. Protection in the respect of conviction for offences (Article 20)
2. Right to life and personal liberty (Article 21)
3. Protection against arrest and detention (Article 22)

MODULE 3

1. Right against exploitation (Article 23-24)
2. Right to freedom of religion (Article 25-28)
3. Cultural and educational rights (Article 29- 30)
4. Exception to non -violability of Fundamental rights (Article 31-B)

MODULE 4

1. Rights to constitutional remedies (Article 32)
2. Directive principles of State Policy (Article 37- 51)
3. Fundamental Duties (Article 51 A)

MODULE 5

1. President and Vice President of India (Article 52-70)
2. Powers of President and Governor to grant pardons etc.(Article 72 &161))
3. Central Executive (Article 73-75)
4. The Governor (A153-154)
5. Promulgation Ordinance by President and Governor(Art.123- 213)

SUGGESTED READINGS

1. Constitution of India ----- Dr. V.N. Shukla
2. Indian Constitutional Law -----M.P. Jain
3. Constitutional and Administrative Law in -----Nutsels.
4. Constitutional Law of India Vol. 1-3(1986) -----M. Hidayatullah
5. Constitutional Law of India –M.V. Pylee
6. Shorter Constitution of India-----D.D. Basu
7. Constitutional Law of India—H.M. Seervai

NAME OF SUBJECT: ENGLISH AND LEGAL LANGUAGE

PAPER CODE: LL.B.- 105
MAXIMUM MARKS: 30+70=100
TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS
TERM-END EXAMINATION: 70 MARKS

OBJECTIVE: Human beings transmit their expressions through language. Choice of right words at right time is the art of perfect communication. Command over language is an essential quality of lawyers. Efficiency of advocacy depends upon communication skills to a large extent. Lawyers are expected to be conversant with legal terminologies. Hence this course on legal language aims at equipping students with legal and linguistic skill for effective advocacy.

MODULE-I: Legal Language-I

- a) Introduction to Legal Language.
- b) Characteristics of Legal Language.
- c) History of Legal Language and Legal Language in India.
- d) English as a medium of communication for legal transaction in India.

MODULE-II: Grammar and Usages

- a) Sentence: Subject and Predicate; phrase and clause.
- b) Number, Person and Gender.
- c) Parts of Speech.
- d) Preposition and usages.
- e) Degrees of Comparison, Gerund and Infinitives.
- f) Time and Tense.
- g) Articles.
- h) Direct and Indirect Speech.
- i) Transformation of different types of sentences.
- j) Voice: Active and Passive.
- k) Sentences- Simple, Compound and Complex.
- l) Vocabulary building- homophones, word-formation, one word substitution, synonyms, homonyms.

MODULE-III: Comprehension and Composition

- a) Reading Comprehension of preferably legal texts.
- b) Comprehension of Legal Texts.
- c) Paragraph and précis writing.
- d) Formal Correspondence.
- e) Note Taking.
- f) Drafting of Reports and Projects.
- g) Drafting of Abstracts.

MODULE-IV: Legal Language-II

- a) Legal maxims.
- b) Legal Terms/ Foreign words.

- c) **Drafting of Moot Memorials.**
- d) **Brief writing.**

MODULE-V: Translation.

- a) **Common Hindi and Urdu words used in Courts.**
- b) **Translation from Hindi to English and vice-versa.**

MODULE-VI: Etiquettes and Manners for Law Professionals. (Teaching methodology will include Role play, reading and discussion).

SUGGESTED READINGS

- 1. Legal Language and Legal Writing--- P.K. Mishra.**
- 2. Legal Language--- S.C. Tripathi.**
- 3. Outlines of Legal Language in India--- Anirudha Prasad.**
- 4. Legal Language, Writing and General English--- J.S. Singh.**
- 5. Law and Language--- R.P. Bhatnagar and R. Bhargava. New Delhi, Macmillan.**
- 6. Grammar--- Wren and Martin**
- 7. Grammar--- Nesfield.**
- 8. Correct Etiquette & Manners for all occasions--- Seema Gupta.**