

CURRICULUM AND SYLLABI

(1st Semester)

**LL.B
(Three-Year Program)**

SCHOOL OF LAW



RAFFLES
UNIVERSITY

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CONSTITUTIONAL LAW – I

LLB 101

INTRODUCTION TO THE COURSE

Constitutional law is the body of law that defines the relationship of different entities within a state, namely, the executive, the legislature, and the judiciary. The constitution is the basis from which the Indian legal system has evolved. The students of law should have a sound knowledge of the constitution. As the Constitution is the foundation of the Indian democratic system, constitutional law deals with some of the fundamental relationships within our society. This includes relationships among the states, the states and the union government, the three branches (executive, legislative, judicial) of the union government, and the rights of the individual in relation to both union and state government.

COURSE OBJECTIVES

The objective of this course is to:

1. Constitutional shall be studied plainly based on the provisions in terms of interpretations of the Court.
2. Detailed planning provided with alternative methods
3. Provide and interpreted by the judiciary
4. Analyse the provisions of the constitution critically

COURSE OUTCOMES

The students will be able to;

1. Identify the various dimensions of the constitutional law
2. Understand the process of Executive, legislative and judicial mechanisms under the constitution
3. Enumerate the constitutional remedies available.
4. Apply the real spirit of distribution of power

TEACHING METHODOLOGY

A Dialectic system of learning would provide a better appreciation of the constitutional governance in India through classroom debate and moot court exercises after the basic issues are identified by lecture and discussion. Research of issue-based conflict of interest through court cases may be an added advantage.

As per the norms of the University for this Course, there will be 6 classes per week. Clinical and tutorial forms of learning should be followed. The teaching methodology will include Lectures-cum-discussion, Assignments, Projects and Presentations.

COURSE OUTLINE

Unit-I Introduction

**Credit 6
(Hours 60)**

- Definition of Constitution and Classification; Constitutionalism and Constitutional Morality
- Making of the Indian Constitution
- Aims and Objectives
- Basic features of the Indian Constitution
- Nature of the Indian Constitution: Federal, Unitary, Quasi-federal; Cooperative and Competitive Federalism

Leading Case Laws:

1. *Rai Sahib Ram Jawaya Kapur v. State of Punjab* AIR 1955 SC 549
2. *State of West Bengal v. Union of India* AIR 1963 SC 1241
3. *Kesavananda Bharati v. State of Kerala* (1973) 4 SCC 225
4. *S. R. Bommai v. Union of India* (1994) 3 SCC 1
5. *State of Haryana v. State of Punjab* (2002) 2 SCC 507
6. *Rameshwar Prasad and Ors. v. Union of India and Anr.* (2006) 2 SCC 1
7. *Kuldip Nayar v. Union of India* (2006) 7 SCC 1
8. *I.R. Coelho v. State of Tamil Nadu* (2007) 2 SCC 1
9. *Arvind Kejriwal v. Union of India* 2014
10. *Union of India & Anr. v. M/s Mohit Minerals Pvt. Ltd. Through Director* 2022

Unit-II Constitutional Organs

➤ **Legislature:**

- Parliament and State Legislatures
- Composition of Parliament and State legislatures
- Qualification and Disqualification of Members
- Legislative Procedure, power and Privileges

➤ **Executive:** Power of President and Governor

- **Union and State Judiciary:** Composition, Appointment and Removal of Judges
- Jurisdiction of Supreme Court and High Court
- Independent Judiciary National Judicial Appointment Commission

Leading Case Laws

1. *S.P. Anand v. H.D. Deve Gowda*, (1996) 6 SCC 734
2. *B. R. Kapur v. State of Tamil Nadu* (2001) 7 SCC 231
3. *Lily Thomas v. Union of India* (2013) 7 SCC 653.
4. *Lok Prahari (through General Secretary SN Shukla) v. Election Commission of India* (2018) 18 SCC 114
5. *Special Reference No. 1 (Re Gujarat Assembly Election Matter)* (2002) 8 SCC 237 127
6. *Anil Kumar Jha v. Union of India* (2005) 3 SCC 150
7. *Jaya Bachchan v. Union of India* (2006) 5 SCC 266
8. *Consumer Education and Research Society v. Union of India & Ors.* (2009) 9 SCC 648
9. *In re Keshav Singh* AIR 1965 SC 745
10. *Raja Ram Pal v. Hon'ble Speaker, Lok Sabha* (2007) 3 SCC 184
11. *Ram Jawaya Kapoor v. State of Punjab*, AIR 1955 SC 549.
12. *Jayantilal Amritlal Shodhan v. F.N. Rana and Ors*, AIR 1964 SC

13. *Smt. Jaikumari v. State of Maharashtra*, AIR 2009 Bom.
14. *Poonam Verma v. Delhi Development Authority*, AIR 2008 SC
15. *Indian Medical Association v. Union of India*, AIR 2011 SC
16. *D. C. Wadhwa v. the State of Bihar* (1987) 1 SCC 378 159
17. *R.C. Copper v. Union of India*, AIR 1970 SC 564.
18. *A. K. Roy v. Union of India* (1982) 1 SCC 271
19. *Krishna Kumar Singh v. the State of Bihar* (2017) 3 SCC 1
20. *Union of India v. Sankalchand Himatlal Sheth* (1997) 4 SCC 193
21. *S. P. Gupta v. President of India* (1981) Supp SCC 87
22. *S.C. Advocates on Record Association v. UOI* (1993) 4 SCC 441
23. *In re Special Reference No. 1 of 1998* (1998) 7 SCC 739
24. *S.C. Adv. on Record Association v. Union of India* (2016) 5 SCC 1 213
25. *Shanti Bhushan v. Supreme Court of India through its Registrar* (2018) 8 SCC 396
26. *Mohd. Arif v. The Reg. Supreme Court of India* (2014) 9 SCC 737
27. *Madras Bar Association v. Union of India* (2014) 10 SCC 1
28. *Rupa Ashok Hurra v. Ashok Hurra* (2002) 4 SCC 388

Unit-III

Distribution of Legislative Powers:

- Distribution with respect to territory: Doctrine of Territorial Nexus
- Distribution with respect to the subject matter.
- Interpretation of legislative lists:
 - ✓ Territorial Nexus
 - ✓ Harmonious Construction
 - ✓ Pith and Substance
 - ✓ Colorable Legislation
 - ✓ Residuary Power of Legislation
 - ✓ Doctrine of Repugnancy

Leading Case Laws

1. *In Re C P & Berar Sales of Motor Spirit & Lubricants Taxation Act, 1938* AIR 1939 FC 1
2. *Gujarat University v. Krishna Ranganath Mudholkar* AIR 1963 SC 703
3. *Prafulla Kumar v. Bank of Commerce, Khulna* AIR 1947 PC 60
4. *State of Rajasthan v. G. Chawla* AIR 1959 SC 544
5. *State of Karnataka v. Drive-in Enterprises* (2001) 4 SCC 60
6. *K.C. Gajapati Narayan Deo v. State of Orissa* AIR 1953 SC 375
7. *Union of India v. H. S. Dhillon* (1971) 2 SCC 779
8. *Zaverbhai v. State of Bombay* AIR 1954 SC 752
9. *Hoechst Pharmaceuticals Ltd. v. State of Bihar* (1983) 4 SCC 45
10. *Vijay Kr Sharma v. State of Karnataka* (1990) 2 SCC 562
11. *State of Kerala v. Mar Appraem Kuri Company Ltd.* (2012) 7 SCC 106

Unit-IV

Emergency Provisions

Emergency Provisions:

- Origin and concept of Emergency
- Types of Emergency in the Indian Constitution
- National Emergency
- State Emergency

- Financial Emergency
- Effects of Proclamation of Emergency
- Emergency and Fundamental Rights

List of Cases

1. *Indira Nehru Gandhi v. Shri Raj Narain & Anr*, AIR 1975 SC 2299
2. *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461
3. *State of Rajasthan & Ors v. Union of India*, AIR 1977 SC 1361
4. *S. R. Bommai V. Union of India*, AIR 1994 SC 1918
5. *A.D.M Jabalpur v. Shiv Kant Shukla*, AIR 1976 SC1207
6. *Minerva Mills Ltd v. Union of India*, (1980) 3 SCC 625.
7. *Ghulam Sarwar v. Union of India*, AIR 1967 SC 1335.
8. *Bijayanand Patnaik And Ors. v. President Of India And Ors.* AIR 1974 Ori 52
9. *Makhan Singh v. State of Punjab*, AIR 1964 SC 381
10. *Maharashtra State v. Prabhakar*, AIR 1966 SC 424
11. *Ghulam Sarwar v. Union of India*, AIR 1967 SC 1335
12. *Rameshwar Prasad v. Union of India*, (2006) 2 SCC 1

Unit-V

Judicial Review and Constitutional Amendment

- Judicial Review: Nature and Scope
- Amendment to the Constitution: Methods of Constitutional Amendment
- Limitation Upon Constituent Power-Doctrine of Basic Structure
- Judicial Activism and Judicial Restraint

List of Cases

1. *Marbury v. Madison* (1803)
2. *A.K.Gopalan v. State of Madras* AIR 1950 SC 27
3. *Shankari Prasad v. Union of India*, AIR 1951 SC 458.
4. *Sajjan Singh v. State of Rajasthan*, AIR 1965 SC 845.
5. *I.C. Golak Nath and Ors. v. State of Punjab and Anr.*, AIR 1967 SC 1643.
6. *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461
7. *Indira Nehru Gandhi v. Raj Narain*, 1975 Supp SCC 1.
8. *Minerva Mills v. Union of India*, AIR 1980 SC 1789.
9. *Sanjeev Coke Mfg. Co. v. Bharat Coking Coal Ltd.*, (1983) 1 SCC 147.
10. *I.R. Coelho (Dead) By Lrs v. State of Tamil Nadu & Ors.* AIR 2007 SC 8617
11. *L. Chaiadra Kumar v. Union of India*, (1997) 3SCC261
12. *S.P. Sampath Kumar v. Union of India*, (1987) 1 SCC 124
13. *Kerela Bar Hotels Association v. State of Kerela* AIR 2016 SC 163

Suggested Readings

1. Durga Das Basu: Introduction to the Constitution of India, LexisNexis India.
2. Durga Das Basu: Shorter Constitution of India, Prentice-Hall of India, New Delhi.
3. Shibnikinkar Chaube: Constituent Assembly of India, Manohar Publishers & Distributors, New Delhi.
4. J. N. Pandey: Constitutional Law of India, Central Law Agency, Allahabad.
5. M.C. Jain Kagzi: The Constitutional of India, India Law House, New Delhi.

6. Arthur Berriedale Keith: A Constitutional History of India 1600-1935, Methuen & Co. Ltd., London.
7. M. P. Jain: Indian Constitutional Law, LexisNexis India.
8. Prof. M. P. Singh V.N. Shukla's Constitution of India Eastern Book Company, Lucknow.
9. M. V. Pylee Constitutional Amendments in India, S. Chand & Company, New Delhi.
10. M. V.V. Ramana Inter-State River Water Disputes in India, Orient Longman, New Delhi.
11. H. M. Seervi: Constitutional Law of India, N.M. Tripathi, Bombay.
12. Jagdish Swarup: Constitution of India, Modern Publications, New Delhi.

LAW OF CONTRACT – I

(LLB 102)

INTRODUCTION OF THE COURSE

Contracts are the basis of most transactions, especially transactions dealing with property. Whether the transaction is in the ordinary course of life or in the electronic world (e-commerce) the general principles governing contracts remain the same. For this reason, it is very important to introduce the students to the basic principles governing contracts and lay a powerful foundation for their study of other transactional and related laws in higher semesters. Law of contract being the pillar of the legal structure of a society, the fundamental goal of the study is to critically evaluate principles underlying the legal postulates and propositions.

COURSE OBJECTIVE

This course has the following objectives:

1. To study the basic concept of a contract including its development contract.
2. To deal with the elements and limitations of a free contract.
3. To provide relevant provisions regarding the remedies of breach of contract.
4. To discuss the specific performance of the contract.

COURSE OBJECTIVE

The student shall be able to:

1. Understand the basic concept and elements of the Indian Contract.
2. Analyse the various limitations under the Indian Contract.
3. Apply the provisions of other laws under the Contract.
4. Know the provisions regarding the specific enforcement under specific relief Act

Course Outline:

UNIT I

Credit 6

General Introduction

(Hours 60)

- History and Nature of Contractual Obligation
- **Formation of Contract:** Offer, Kinds of offer, Acceptance, Mode of Acceptance Communication and Revocation of Offer and Acceptance, Contract through Electronic Medium
- Intention to create Legal Relationship/Obligation

UNIT II

Free consent and Limitations on Freedom of Contract

- **Consideration:** Definition Essential Elements Doctrine of Privity of Contract, and Consideration, Exceptions of Consideration, Exceptions-Adequacy of Consideration-Past, Executed and Executor Consideration

- **Capacity to Contract:** Meaning-Incapacity arising out of Status & Mental Defects; Nature of Minor's Agreement-Effect of Minor's Agreement as regard to Estoppel-Liability, Restitution and Notification-Accessories Supplied to a Minor-Agreements Beneficial and Detrimental to a Minor.
- **Principle of Free Consent:** Coercion-Undue Influence-Misrepresentation-Fraud-Mistake; Unlawful Consideration and Object
- **Void Agreement:** Meaning-Agreement without Consideration-Agreement in Restraint of Marriage-Agreement in Restraint of Trade-Agreement in Restraint of Legal Proceedings-Unmeaning Agreement-Wagering Agreement

UNIT III

Discharge of a Contract

- **Contingent Contract:** Performance of Contingent Contract
- **Discharge of Contract:** Performance-Impossibility of Performance-Doctrine of Frustration-By Agreement-By Breach-Anticipatory Breach-Breach during Performance
- Appropriation of Payment
- Quasi-Contract

UNIT IV

Remedies for Breach of Contract and Quasi Contracts

- **Remedies for Breach of Contract:** Types of Damages, Remoteness of Damages & Measures of Damages
- Penalty and Liquidated Damages,
- *Quantum Meruit*

UNIT V

The Specific Relief Act

- **Specific Performance of Contract:** Contract that can be Specifically Enforced, Persons against whom Specific Enforcement can be ordered.
- Rescission and Cancellation
- **Injunction:** Temporary-Perpetual
- **Declaratory Orders:** Discretion and Power of the Court

List of Books

1. Dr. Avtar Singh: *Law of Contract & Specific Relief*, Eastern Book Company, Lucknow.
2. Dr. R.K. Bangia: *Contract*, Allahabad Law Agency, Allahabad.
3. H. K. Saharay: *Dutt on Contract-The Indian Contract Act, 1872*, Eastern Law House, Kolkata.
4. G. H. Treitel: *The Law of Contract*, Sweet & Maxwell, London.
5. H. G. Beale and Joseph Chitty: *Chitty on Contracts: General Principles*, Sweet & Maxwell, London.

6. J. Beatson, Andrew Burrows & John Cartwright: *Anson's Law of Contract*, Oxford University Press, London.
7. M. Krishnan Nair: *Indian Contract Law*, Orient Longman, Hyderabad.
8. Michael P. Furmston: *Cheshire, Fifoot & Furmston's Law of Contract*, Oxford University Press, London.

Relevant Cases

1. *Carlill v. Carbolic Smoke Ball Co.*, (1893) 1 QB 256.
2. *Lalman Shukla v. Gauri Dutt*, (1913) 11 All 486.
3. *Balfour v. Balfour*, (1919) 2 KB 571.
4. *Weeks v. Tybald*, (1605) 75 ER 982.
5. *Harvey v. Facey*, (1893) AC 552.
6. *Powel v. Lee*, (1908) 24 LTR 606.
7. *Bhagwandas Govardhandas Kedia v. Girdhari Lal Parshotamdas & Co.*, AIR 1966 SC 543.
8. *Dutton v. Poole*, (1672) KB Lev 210.
9. *Tweddle v. Atkinson*, 30 LJ QB 218.
10. *Durga Prasad v. Baldeo*, (1880) 3 All 221.
11. *Kedar Nath v. Gorie Mohamed* (1886) 1 LR 14 Cal 614.
12. *Chinnaya v. Ramayaa*, (1882) 4 Mad 137.
13. *Mohori Bibee v. Dharmodas Ghose*, 30 Cal 539.
14. *Khan Gul v. Lakha Singh*, ILR (1928) 9 Lah 711.
15. *Madhub Chandra v. Raj Coomar*, (1874) XIV Bengal Law Rev. 76.
16. *Nordenfelt v. Maxim Nordenfelt Gun & Ammunition Co., Ltd.* (1894) AC 535.
17. *Krell v. Henry*, (1903) 2 KB 740 CA.
18. *Satyabrata Ghose v. Mugneeram*, AIR 1954 SC 44.
19. *Hadley v. Baxendale*, (1854) 9 Exch 341.
20. *Simpson v. London North Rly. Co.*, (1876) QBD 274.
21. *Victoria Laundry (Windsor) Ltd. v. Nowman Industries Ltd.*, (1949) KB 528.
22. *Ardeshir H. Mama v. Flora Sassoon*, IP 1928 PC 208.
23. *Devender Singh v. Syed*, AIR 1973 SC 2457.
24. *Thomas v. Hanuman Prasad*, AIR (1983) A 202.
25. *American Cyanamid v. Ethican*, (1975) 1 All ER 504.

FAMILY LAW – I

(LLB 103)

INTRODUCTION TO THE COURSE

India, a country of rich cultural and religious diversity, offers personal laws pertaining to each religion, be it Hindus, Muslims, Christians, etc. Personal laws govern matters like marriage, divorce, adoption, succession, maintenance etc. Family Law I deals with the sources and development of Hindu Law. This course is a study of the fundamentals of Hindu Law and includes the Hindu Marriage Act, 1955, the Hindu Adoptions and Maintenance Act, 1956, the Hindu Minority and Guardianship Act, 1956 and the structure of Family Courts in India.

COURSE OBJECTIVES

This course has the following objectives

1. To evaluate the strength of the family system in India.
2. and the extent of legal support provided to the same and also to examine when and how and to what extent the constitutional directive of Uniform Civil Code enables to regulate a religious part of family life if any, may emerge. Besides this to give an overview of some of the current problems arising out of the foundational inequalities.

TEACHING METHODOLOGY

As per the norms of the University for this Course, there will be 6 classes per week. Clinical and tutorial forms of learning should be followed. The teaching methodology will include Lectures-cum-discussion, Assignments, Court room exercises, Projects, and Presentations.

COURSE OUTLINE

Unit-I

Credit 6

Concept of Hindu law & Sources of law

(Hours 60)

Philosophy & Concept of Hindu law, Schools of Hindu law, Sources of Hindu law, who is a Hindu, un codified general law among the various religious groups of people of India.

Unit-II

The Hindu Marriage and Divorce

- A. Applicability of Legislation (Section 2)
- B. Concept and forms of Marriage (Section 5 R/w Section 7)

- C. Conditions for the Validity of Marriage (Section 5 R/w Section 3 R/w Section 18)
- D. Solemnization of Marriage (Section 7)
- E. Section 3 of PCMA R/w Section 9 of PCMA
- F. Child Marriage R/w Provisions of POCSO
- G. Void and Voidable Marriages (Section 11 and Section 12)
- H. Registration of Marriage (Section 8)
- I. Restitution of Conjugal Rights (Section 9 R/w Article 21 of Indian Constitution)
- J. Judicial Separation (Section 10) R/w 13 (1A)
- K. Status of sologamy?
- L. Unisex Marriages and Question of living together?

Divorce (Hindu Marriage Act, 1955)

- A. Theories of Divorce- Guilt Theory and Consent Theory
- B. Grounds of Divorce Cruelty, Desertion, Adultery along with Joseph Shine vs. UOI, 2018, SC
- C. Study on Section 13
- D. Options of Puberty, Breakdown of Marriage, Mutual Consent (Section 13B), Grounds for Divorce for Woman Only (Section 13(2))
- E. Irretrievable Breakdown of Marriage as a ground of Divorce.

Cases:

- *Dr. Surajmani Stella Kujur v. Durga Charan Hansdah* AIR 2001 SC 938
- *S. Nagalingam v. Sivagami* (2001) 7 SCC 487 4
- *Bhaurao Shankar Lokhande v. State of Maharashtra*, AIR 1965 SC 1564 8
- *Lily Thomas v. Union of India*, AIR 2000 SC 1650 12
- *Pinninti Venkataraman v. State*, AIR 1977 AP 43 23
- *Asha Qureshi v. Afaq Qureshi*, AIR 2002 MP 263 33
- *P. v. K.*, AIR 1982 Bom. 400 37
- *Babui Panmato Kuerv. Ram Agya Singh*, AIR 1968 Pat. 190 47
- *Seema v. Ashwani Kumar* (2006) 2 SCC 578 51
- *Javed & Ors. v. State of Haryana & Ors.* AIR 2003 SC 3057
- *Kailashwati v. Ayudhia Parkash*, 1977 C.L.J. 109 (P. & H.) 55
- *Swaraj Garg v. K.M. Garg*, AIR 1978 Del. 296 66
- *Saroj Rani v. Sudarshan Kumar*, AIR 1984 SC 1562 74
- *N.G. Dastane v. S. Dastane*, AIR 1975 SC 1534 81
- *Samar Ghosh v. Jaya Ghosh*, 2007 (3) SCJ 253 101
- *Bipin Chandra Jaisingh Bai Shah v. Prabhavati*, AIR 1957 SC 176 122
- *Dharmendra Kumar v. Usha Kumar*, AIR 1977 SC 2213 139
- *T. Srinivasan v. T. Varalakshmi*, 1 (1991) DMC 20 (Mad.) 142
- *Hira Chand Srinivas Managaonkar v. Sunanda*, AIR 2001 SC 1285 149
- *Sureshta Devi v. Om Prakash*, 1 (1991) DMC 313 (SC) 155

Unit-III

Hindu Adoptions and Maintenance

ADOPTION

- A. Law on the legitimacy of children and adoption.
- B. Legitimacy of the issue in void and voidable marriage and the rights of such children
- C. Issues relating to custody of children
- D. Requisite of Valid Adoption- Conditions for giving in, taking of person adopted procedure and conditionality.
- E. When adoption is complete
- F. Effects of Adoption
- G. Inter-Country adoption
- H. Adoption in different religious groups.

MAINTENANCE

- A. Maintenance during the pendency of the suit.
- B. Maintenance after the dissolution of marriage and conditions of permanent alimony (Section 24 R/w Section 25 HMA, 1955, Section 18 HAMA, 1956, Section 125 CrPC, Section 20 DVA)

Unit-IV

Hindu Minority and Guardianship Act, 1956

- A. Guardian under the Guardian and Wards Act
- B. Who can be appointed
- C. Procedure of application – who can apply – what are powers – what matters court would consider for appointment of a guardian – cessation of authority
- D. General and special liability of a guardian
- E. Natural guardian and his/her power

Unit-V

The Hindu Succession Act,

- A. Origin and Nature of Joint Family and Coparcenary
- B. Characteristic features of Coparcenary
- C. Classification of Property
- D. Karta: Position, Power and Liabilities, Privileges and Obligations.

E. Partition: Definition, Persons entitled to demand partition, Reopening and Reunion.

Cases:

- *Brijendrav. State of M.P.*, AIR 2008 SC 1058 164
- *Amar Kanta Senv. Sovana Sen*, AIR 1960 Cal. 438 159
- *Padmja Sharma v. Ratan Lal Sharma*, AIR 2000 SC 1398 162
- *Githa Hariharan v. Reserve Bank of India* (1999) 2 SCC 228 169

Recommended Readings

- Aqil Ahmad, *Mohammedan Law*, (Central Law Agency, 24th ed. 2011)
- R.K. Agarwala, *Hindu Law*(Central Law Agency, 22nd ed. 2007)
- Paras Diwan, *Law of Intestate and Testamentary Succession* (1998), Universal
- Basu, N.D., *Law of Succession* (2000), Universal
- Kusem, *Marriage and Divorce Law Manual* (2000) Universal
- Machanda.S.C.*Law and Practice of Divorce in India* (2000) Universal
- P.V.Kane, *History of Dharmasastras* Vol.2 pt.1 at 624-632 (1974)
- A.Kuppuswami (ed.) *Mayne's Hindu Law and Usage*Ch.4(1986)
- B.Sivaramayys, *Inequalities and the Law*, (1985)
- K.C.Daiya, "Population control through family planning in India, " *Indian Journal of Legal Studies*,85 (1979)
- J.D.M. Derrett, *Hindu Law: Past and Present*
- J.D.M. Derrett, *Death of Marriage Law*
- A.A.A.Fyzee, *Outline of Muhammadan Law*, (1998)
- AlladiKuppuswami,(ed.) *Mayne's Hindu Law and Usage*, (1986)
- J.D.M.Derret, *A Critique of Modern Hindu Law*, (1970)
- ParasDiwan, *Hindu Law* (1985) Law 45
- S.T.Desai (ed.) *Mulla's Principles of Hindu Law*, (1998) -Butterworths-India.
- Pares Diwan, *Family Law: Law of Marriage and Divorce in India*, (1984).
- A.M.Bhattacharjee, *Muslim Law and the Constitution* (1994) Eastern Law House, Calcutta.

LAW OF TORTS, CONSUMER PROTECTION AND MV. ACT (LLB 104)

PRELUDE TO THE COURSE

Independent of criminal or contract law, Tort law provides individuals and groups with redress for injury to every dimension of life, from physical injury to property damage to personal insult. Over past decades no area of law within the civil justice system has experienced greater ferment than the law of Tort, this has resulted in vital changes in the thinking of tortious liability.

The objective of the course is to formalize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the wrongs committed against the individual and their property, and to develop sound knowledge, skills and disposition amongst students of B.A. LL.B. on some of the contemporary issues of Specific Torts, cyber-Tort, and Economic Tort, and Product Liability etc.

COURSE OBJECTIVE

The objective of this course is to:

1. Understand the Nature of Tort
2. Examine the conditions of creating tortious liability and general defences
3. Discuss the specific torts and their available remedies

COURSE OUTCOMES

The students will be able to:

1. Identify the various conceptual aspects of the Law of Torts.
2. Discuss various defences under tortious liability and specific kinds of torts.
3. Enumerate the remedies available for specific torts.

UNIT – I INTRODUCTION TO LAW OF TORTS

**Credit 6
(Hours 60)**

- Definitions and Development of Torts, Actions under the torts in England and India
- Tort distinguished from Contract and Crime
- Constituents of Torts
- *Ubi Jus Ibi Remedium*
- *Injuria sine Damnum*
- *Damnum sine Injuria*

Leading case Laws

- Ashby v. Damno(1703) 2 Lord Raym, 938
- Gloucester Grammer School Case (1410) Y.B Hill 11 Hen, 4 of 47, p. 21, 36
- Ushaben v. Bhagyalakxmi Chitra Mandir, AIR 1978, Guj. 13
- Bhim Singh v. J & K, AIR 1986, SC 494
- Jethu Singh v. State of Rajasthan, AIR, 2014, Raj. 157

UNIT-II GENERAL DEFENCES IN TORT

- *Volenti non fit Injuria*
- Act of God
- Inevitable Accident

- Necessity
- Private Defence
- Plaintiff the Wrong Doer
- Mistake

Leading case Laws

- Hall v. Brooklands Auto Racing Club, (1932) All E.R. Rep. 208
- Padmavati v. Dugganaika (1975) 1 Kam. 93. 1975, A.C.
- Smith v. Baker, (1891) A. C. 325.
- Thomas v. Quatermaine, (1887) 18 Q.B.D.658, at P.695, per Brown, L.J.
- Dann v. Hamilton, (1939) 1 K.B 509.
- Nichols v. Marsland, (1876) 2 Ex. D. 1.
- Stanley v. Powell, (1891) 11 Q.B. 86
- Bird v. Holbrook, (1823) 4 Bing. 628; 130 E.R. 91.

UNIT – III LIABILITIES IN TORTS

- Strict Liability
- Absolute Liability
 - (i) Absolute liability under the motor vehicles Act, 1988 (Sec. 140 to 143, 161 to 163)
- Vicarious Liability:
 - Master Servant Relationship
 - Principal-Agent Relationship
 - Relationship between the Partners

Leading case Laws

- Rylands v. Fletcher, (1868) L.R. 3 H.L. 330.
- M.C. Mehta v. Union of India, AIR 1987, SC 1086.
- Union Carbide Corporation v. Union of India, AIR 1992 S.C. 248.
- State Bank of India v. Shyama Devi, A.I.R. 1978 S.C.1263.
- Limpus v. London General Omnibus Co. (1862) 1 H. & C.526

UNIT- IV SPECIFIC TORTS

- Defamation – Meaning and Types
- Negligence – Concept and the Defences available
- Nuisance – Meaning and Types
- Trespass
- Nervous Shock
- Remoteness of Damage
- Remedies under the Law of Torts

Leading case Laws

- Ram Jethmalani v. Subramaniam Swamy, A.I.R.2006 Del.300.
- Cassidy v. Daily Mirror Newspapers Ltd. (1929) 2 K.B.331.
- Donoghue v. Stevenson, (1932) A.C. 562.

- Campbell v. Paddington Corporation, (1911) 1 K.B. 869.

UNIT – V

CONSUMER PROTECTION ACT and MV ACT 1988

- Basic Concepts of Consumer
 - (i) Nature, scope & silent features
 - (ii) Doctrine of caveat Emptor
 - (iii) Caveat Venditor
- Consumer Dispute and Redressal Agencies
Constitution, Jurisdiction and Procedure
- Registration and Licensing of Motor Vehicle
- Liability without fault, offences and penalties and Claim tribunals

Textbooks:

1. Lal, R & D, *Law of Torts*, Lexis Nexis Publications
2. R.K. Bangia, *Law of Torts including Compensation under the Motor Vehicles Act and Consumer Protection Laws*, Allahabad Law Agency, 2013
3. Avtar Singh: P. S. A. Pillai's *Law of Tort*, Eastern Book Company, Lucknow.
4. J. N. Pandey: *Law of Torts*, Central Law Publications, Allahabad.
5. Kumud Desai: *Law of Torts (An Outline with Cases)*, N.M. Tripathi, Bombay.
6. R. F. V. Heuston & R. A. Buckley: *Salmond & Heuston on the Law of Torts*, Sweet &
7. Maxwell, London.
8. Ratanlal & Dhirajlal (Revised by Akshay Sapre): *Ratanlal and Dhirajlal's The Law of*
9. *Torts*, LexisNexis, Gurgaon
10. S. K. Kapoor: *Law of Torts*, Central Law Agency, Allahabad.

Reference Books:

1. W.V.H. Rogers, *Winfield and Jolowicz on Tort*, Sweet & Maxwell, 2010 (18th Edn)
2. Ramaswamy Iyer's, *The Law of Torts*, Lexis Nexis, 2007 (10th Edn)

LEGAL LANGUAGE

(LLB 105)

PRELUDE TO THE COURSE:

The course provides an overview of the fundamentals of the English Language which involves grammar and its usage, the need and importance of legal language relevance of literature and language for law and some selected literary works to enable the students to have an analytical mind and also develop character study.

COURSE OBJECTIVES:

The course aims to:

1. Highlight the importance and usage of legal language.
2. Emphasize the usage of grammar in legal drafting.
3. Inculcate the skills necessary for drafting legal documents.
4. Make the students have an analytical approach to literature through prose & character study
5. Make the students have an analytical approach to literature through interpretation of poetry.

COURSE OUTCOMES:

After completion of the course, the students will be able to:

1. Describe importance of Legal Language.
2. Identify the correct usage of grammar in legal drafting.
3. Draft documents for legal correspondence.
4. Analyse characters of literary texts.
5. Apply skills of interpreting poetry.

PART –A LAW & LANGUAGE

UNIT-I

Credit 6

INTRODUCTION TO LEGAL LANGUAGE

(Hours 60)

- (a) Importance of Language & Literature in Law
- (b) Need and Importance of Legal Language
- (c) Legal Language in India – attention and awareness of practical legal import of sentences
- (d) Education: Indian & American by Anurag Mathur

UNIT- II

GRAMMAR

- (a) Nouns, Pronouns & Adjectives
- (b) Reported Speech
- (c) Verbs, Adverbs, tenses & Agreement of the Verb with the Subject
- (d) Articles

UNIT- III

LEGAL WRITING

- (a) **Legal Words** – Suit, FIR, Complaint, Written Statement, Plaintiff, Defendant, Homicide, Genocide, Suicide, Vandalism, Prosecution, Defence, summons, Ultra vires, Intra vires,

Alimony, Maintenance, Monogamy, Polygamy, Bigamy, Polyandry, Precedent, Contract, Agreement, Will

(b) Drafting a Complaint as a Consumer of Spurious Goods

- Drafting a Complaint as a Consumer of Deficiency in Services
- Drafting a FIR
- Drafting a RTI Application
- Writing an Article – Cyber Tort, Terrorism, Women Empowerment, Refugees in India, Consumer Protection and other relevant and emerging issues
- Letter Writing – Formal & Informal

PART – B LAW & LITERATURE

UNIT- IV

PROSE

(a) An Astrologer’s Day – R. K. Narayan

(b) The Child – Munshi Premchand

(c) Kabuliwala – Rabindranath Tagore

(d) The Bar – M. C. Chagla

(e) The Chief Justice – M. C. Chagla

UNIT- V

POETRY

(a) The Gift of the Magi – O Henry

(b) Bangle Sellers – Sarojini Naidu

(c) The Princess & the Gypsies – Francis Crawford

(d) Where the Mind is Without Fear – Rabindranath Tagore

(e) Success is counted Sweetest – Emily Dickinson

Suggested Reading:

Sl. No.	Name of the Textbooks	Year of Publication
TEXT BOOKS		
1.	Martinet, T. <i>A Practical English Grammar</i> , OUP	2016
2.	Orient Longman, <i>The Joy of Reading</i>	2015
3.	Chagla, M. C., <i>Roses in December</i> , Bhartiya Vidya Bhawan	2015
REFERENCE BOOKS		
4.	Wren & Martin, <i>High School English Grammar & Comprehension</i>	2014