

III LL.B. / V LL.B.
FIRST SEMESTER / FIFTH SEMESTER
PAPER-I
CONTRACTS - I (Including Specific Relief)

GENERAL PRINCIPLES OF LAW OF CONTRACT:

UNIT-1: History and nature of contractual obligations - writs of debt, covenant and account on the case and on assumptionist consideration - moral basis for contractual obligations subjective and objective theories, sanctity of contracts

UNIT-2: Agreement and contract definitions, elements and different kinds.

UNIT-3: Proposal and acceptance - their various forms, essential elements, communication and revocation - proposal and invitations for proposal -floating offers - tenders - dumping of goods.

UNIT-4: Consideration - nudum pactum - its need, meaning, kinds, essential elements - privity of contract and of consideration - its exceptions -adequacy of consideration - present, past and future consideration -unlawful consideration and its effects - views of Law Commission of India on consideration evaluation of the doctrine of consideration.

UNIT-5: Capacity to contract - meaning - incapacity arising out of status and mental defect - minor's agreements beneficial and detrimental to minor affirmation - restitution in cases of minor's agreements - fraud by a minor -ratification in cases by a person of an agreement made by him while he was minor agreements and estoppel - evaluation of the law relating to minor's agreements- other illustrations of incapacity to contract.

UNIT-6: Free consent - its need and definition - factors vitiating free consent.

6.1 Coercion - definition - essential elements - duress and coercion -various illustrations of coercion doctrine of economic duress - effect of coercion - evaluation of Sec.15. 6.2. Undue Influence - definition -essential elements - between which parties can it exist? who is to prove it? Illustrations of undue influence - independent advice - pardahanashin women- unconscionable bargains effect of undue influence.

6.3 Misrepresentation - definition - misrepresentation of law and of fact -their effects and illustration. 6.4 Fraud definition - essential elements -sugstio falsi-suppresio veri When does silence amounts to fraud? Active concealment of truth- importance of intention.

UNIT-7: LEGALITY OF OBJECTS:

7.1 Void agreements - lawful and unlawful considerations, objects - void, voidable, illegal

and unlawful agreements their effects. 7.2 Unlawful consideration and objects. 7.2.1 Forbidden by law 7.2.2 Defeating the provision of any law 7.2.3 Fraudulent 7.2.4 Injurious to person or property 7.2.5 Immoral 7.2.6 Against public policy 7.3 Void Agreements 7.3.1 Agreements without consideration 7.3.2 Agreements in restraint of marriage 7.3.3. Agreements in restraint of trade its exceptions- sale of good - will, Sec. 11 restrictions, under the Partnership Act, trade combinations exclusive dealing agreements, restraints on employees under agreements of service. 7.3.4 Agreements in restraint of legal proceedings its exceptions 7.3.5 Uncertain agreements 7.3.6 Wagering agreements - its exception

UNIT-8: DISCHARGE OF A CONTRACT AND ITS VARIOUS MODES;

8.1 By performance - conditions of valid tender of performance - how? By Whom? Where? When/In what manner? Performance of reciprocal promises - time essence of contract. 8.2 By breach - anticipatory breach and present breach 8.3 Impossibility of performance- specific grounds of frustration - application to leases - theories of frustration - effect of frustration - frustration and restitution. 8.4 By period of limitation B.5By agreement - rescission and alteration - their effect - remission and waiver of performance extension of time - accord and satisfaction.

Unit-9: QUASI-CONTRACTS OR CERTAIN RELATIONS RESEMBLING THOSE CREATED BY CONTRACT

UNIT-10: REMEDIES IN CONTRACTUAL RELATIONS

10.1 Damages - kinds - remoteness of damages ascertainment of damages. 10.2 Injunction - when granted and when refuse - Why? 10.3 Refund and restitution 10.4 Specific performance - When? Why? 10.5 Contract Review 10.6 Reverse Tendering

UNIT-11: SPECIFIC RELIEF (SPECIFIC RELIEF, ACT, 1969)

11.1 Definition 11.2 Recovering possession of property
11.3 Specific performance of contracts 11.4 Rectification of instruments 11.5 Rescission of contracts 11.6 Cancellation of Instruments 11. 7 Declaratory decrees
11.8 Preventive relief.

PAPER –II
CONTRACTS - II (Including Partnership Act, Sale of Goods Act)

UNIT-1 : INDEMNITY AND GUARANTEE (Sec. 124 to 127 of Indian Contract Act, 1872)

1.1 Contract of Indemnity 1.2 Definition 1.3 Rights of Indemnity holder 1.4 Liability of the Indemnifier 1.5 Contract of Guarantee 1.6 Definition of Guarantee 1.7 Essential characteristics of contract of Guarantee 1.8 Distinction between contract of indemnity and contract of Guarantee 1.9 Kinds of guarantee 1.10 Rights and liabilities of surety 1.11 Discharge of surety.

UNIT-2 CONTRACT OF BAILMENT (Sec. 148-181 of Indian Contract act, 1872)

2.1 Definition 2.2 Essential requisites of Bailment 2.3 Kinds of Bailment 2.4 Rights and Duties of Bailor and Bailee 2.5 Termination of Bailment 2.6 Pledge 2.7 Definition 2.8 Rights and duties of Pawnor and Pawnee 2.9 Pledge by Non Owners

UNIT-3 CONTRACT OF AGENCY (Sec. 182-238 of the Indian Contract Act. 1872)

3.1 Definition of Agency 3.2 Creation of Agency 3.3 Rights and duties of Agent 3.4 Delegation of authority 3.5 Personal liability of Agent 3.6 Relations of Principal with Third parties 3.7 Termination of Agency

UNIT-4 CONTRACT OF SALE OF GOODS (The Indian Sale of Goods Act, 1930)

4.1 Formation of Contract 4.2 Subject-matter of contract of Sale 4.3 Conditions and Warranties 4.4 Express and implied conditions and warranties 4.5 Caveat Emptor 4.6 Property, Possession and risk 4.7 Passing of Property 4.8 Sale by non-owners 4.9 Delivery of goods 4.10 Rights and duties of Seller and buyer before and after sale 4.11 Rights of unpaid seller.

UNIT-5 CONTRACT OF PARTNERSHIP (The Indian Partnership Act, 1932)

5.1 Definition and nature of Partnership 5.2 Formation of Partnership 5.3 Test of Partnership 5.4 Partnership and other associations 5.5 Registration of Firms 5.6 Effect of non-registration 5.7 Relation of Partners 5.8 Rights and duties of Partners 5.9 Properties of the Firm 5.10 Relation of Partners to third parties 5.11 Implied authority of a partner 5.12 Kinds of partners 5.13 Minor as a partner 5.14 Reconstitution of a firm 5.15 Dissolution of firm

UNIT-6 NEGOTIABLE INSTRUMENTS ACT, 1881.

UNIT-7: Limited Liability Partnership Act, 2008 - Nature of Limited Liability Partnership – Incorporation of Limited Liability Partnership – Partners and their relations – Extent of

liability of Limited Liability Partnership and Partners – Financial Disclosures – Investigations – Conversion to Limited Liability Partnership – Compromise, Arrangement or Reconstruction of Limited Liability Partnerships – Winding Up and Dissolution

PAPER -III
TORTS AND CONSUMER PROTECTION LAW

UNIT-1 EVOLUTION OF LAW OF TORTS:

1.1 Its development by courts in England 1.2 Forms of Action 1.3 Emergence of specific remedies from case to case 1.4 Reception of Law of Torts in India 1.5 Principles of Equity, Justice and good conscience 1.6 Un-codified character - advantages and disadvantages

UNIT-2 DEFINITION, NATURE, SCOPE AND OBJECTS:

2.1 A Wrongful act violation of a duty (in rem) imposed by law, duty which is owed to people generally, Legal damage - *damnum sine injuria* and *injuria sine damnum*. 2.2 Tort distinguished from, Crime, Breach of Contract etc. 2.3 The concept of unliquidated damages 2.4 Changing scope of Law of Torts: Expanding character of duties owed to people generally due to complexities of modern society -scientific and technological progress, industrialisation, urbanisation, specialisation, occupational hazards. 2.5 Objects-Prescribing standards of human conduct, redressal of wrongs by payment of compensation prohibiting. unlawful conduct by injunctions.

UNIT -3 PRINCIPLES OF LIABILITY IN TORTS:

3.1 Fault 3.1.1 Wrongful intent 3.1.2 Negligence 3.2 Liability without fault 3.3 Violation of Ethical codes 3.4 Statutory Liability 3.4.1 Fatal Accidents Act 3.4.2 Railway Act 3.4.3 Workmen's compensation Act 3.4.4 Motor Vehicles Act 3.4.5 Carrier Act 3.4.6 Insurance Laws 3.5 Place of motive in Torts

UNIT -4 JUSTIFICATION IN TORT

4.1 *Volenti Non Fit Injuria* - What is free consent? Informed consent mere and knowledge and knowledge coupled with assumption of risk 4.2 Necessity, Private and public 4.3 Plaintiff's default 4.4 Act of God and Inevitable Accident 4.5 Private defence 4.6. Statutory authorisation 4.7 Judicial and Quasi-judicial Acts 4.8 Parental and quasi parental authority

UNIT -5 EXTINGUISHMENT OF LIABILITY IN CERTAIN SITUATIONS

5.1 Death, *Actio personalis moritur cum persona*. Exceptions, Law Reform (Miscellaneous Provisions) Act. 1934. 5.2 Waiver and acquiescence 5.3 Release 5.4 Accord and satisfaction 5.5 Limitation

UNIT -6 STANDING

6.1 Who may sue in torts 6.1.1 Aggrieved individuals 6.1.2 Class Action, O1 R8 6.1.3 Social Action Groups 6.1.4 Statutes granting standing to certain persons groups 6.2 Who may not be sued 6.2.2 Lunatics 6.2.3 Infants

UNIT -7 DOCTRINE OF SOVEREIGN IMMUNITY AND ITS RELEVANCE IN INDIA

7.1 Liability of State-Sovereign and non-sovereign functions, Crown Proceedings Act of U.K., Federal Tort Claims Act of U.S.A. Constitution of India, Arts 294 and 300 7.2 Act of State.

UNIT -8 VICARIOUS LIABILITY

8.1 Basis, Scope and justification 8.1.1 Express authorization 8.1.2 Ratification 8.1.3 Abetment 8.2 Special Relationship 8.2.1 Master and servant - arising out of and in the course of employment who is master? -Control test who is servant? Borrowed servant Independent contractor. 8.2.2 Corporation and Principal Officer

UNIT -9 TORTS AGAINST PERSONS AND PERSONAL RELATIONS

9.1 Assault, Battery, Mayhem 9.2 False Imprisonment 9.3 Defamation -Libel, slander including law relating to privileges 9.4 Marital Relations, domestic Relations, parental Relations Master and Servant relations. 9.5 Malicious prosecution 9.6 Shortened Expectation of life 9.7 Nervous Shock 9.8 Defences

UNIT-10 WRONG AFFECTING PROPERTY

10.1 Trespass to land, Trespass ab initio, Dispossession 10.2 Movable Property-Trespass to goods Detinue, conversion 10.3 Torts against Business interest- Injurious falsehood, misstatements, passing off 10.4 Defences

UNIT -11 NEGLIGENCE

11.1 Basic concepts 11.1.1 Theories of Negligence 11.1.2 Standards of care, Duty to take care, carelessness inadvertence 11.1.3 Doctrine of contributive negligence 11.1.4 Res Ipsa Loquitur and its importance in contemporary 11.2 Professional liability due to Negligence with special reference to consumer Protection Law

UNIT-12 ABSOLUTE/STRICT LIABILITY

12.1 The Rule in Ryland vs. Fletcher. Principle for application of these rules. 12.1.1 Storing of dangerous things 12.1.2 Escape of dangerous things-application of principles in concrete cases of damage arising out of industrial activity. (The Bhopal Disaster - Oleum Gas Escape, Machua Dam Burst, M.C. Mehta Case, Nuclear Installations and their hazards) 12.2 Defences 12.3 Liability under Motor Vehicle Act, Railway Act etc.,

UNIT-13 NUISANCE

13.1 Definition, Essentials, Types 13.2 Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air

UNIT-14 LEGAL REMEDIES

14.1 Legal Remedies 14.1.1 Award of damages-simple, special, punitive 14.1.2 remoteness of Damages - foreseeability and directness tests 14.1.3 Injunction 14.1.4 Specific Restitution of Property 14.2 Extra-Legal Remedies-self help, Reentry in land, Re-capture of goods, distress damage peasant abatement to nuisance.

UNIT-15 JUDICIAL PROCESS IN TORT

15.1 Dilatoriness 15.2 Complicated rules of procedures and evidence 15.3 Experts trial process, Reports of Testing labs 15.4 Court fees, Problems of access.

UNIT-16 TORT AND CONSUMER PROTECTION LAW

16.1 Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professional 16.2 Caveat emptor and caveat venditor 16.3 Deceit and false advertisement 16.4 Liability for hazardous and inherently dangerous industrial activity 16.5 Product liability-EEC directives 16.6 Right to common property resources-right to pass and repass on pathways.

PAPER IV

CONSTITUTIONAL LAW-I

Unit -1 HISTORICAL PERSPECTIVE

- 1.1 Constitutional Developments since 1858 to 1947 – Morle-Minto Reforms - Dyarchy - Montague-Chelmsford Reforms. Indian National Congress 1885 -Various Trends of opinion - Social Reform vs. Political Independence. Protest against British Repression. Jalian Wala Bhag - Rowlatt Act - Sedition Trials of Tilak.
- 1.2 Making of India's Constitution – Constituent Assembly - Concept of Constitution and Constitutionalism - Salient features – Sovereignty.

UNIT -2 PREAMBLE, THE UNION AND ITS TERRITORY, CITIZENSHIP AND STATE

- 2.1 Preamble- status and its goals 2.2 Power to cede Indian territory to a foreign Nation - Power to create/extinguish a State; 2.3 Alteration of name, area and boundary of existing States - Procedure (Articles 1-4) 2.4 Domicile and Citizenship (Articles 5 to 11) - Meaning of Law (Article 13)

UNIT -3 SECULARISM

- 3.1 Concept of Secularism - Indian Constitutional Provisions, Historical Perspective of Indian Secularism. 3.2 Religion and State - State control and non-interference with Religion - Concept of Secularism; American Model - Separation of State-Church - Is it relevant to India; Tradition in India - Equal respect for All Religions 3.3 Minority Rights – Scope and Meaning of Minority 3.4 Minority's Right to Educational Institutions.

UNIT- 4 EQUALITY AND SOCIAL JUSTICE

- 4.1 Equality before the Law and Equal Protection of Laws – Meaning - Constitutional Provisions - - Articles 14,15,16,17, 29 (2),325. 4.2. Classification for Differential Treatment 4.3 Gender Justice Arts. 15, 16, 29(2). 4.4 Administrative Discretion and Equality 4.5Compensatory Discrimination for Backward Classes/SC&ST

UNIT – 5 FREEDOMS AND SOCIAL CONTROL

5.1 Freedom of Speech and Expression 5.2 Freedom of the Press 5.3 Freedom of Speech and Contempt of Court 5.4 Freedom of Assembly 5.5 Freedom of Association 5.6 Freedom of Movement 5.7 Freedom to Reside and Settle 5.8 Freedom of Profession/Business etc., 5.9 Property and social Control 1950 to 1978 5.10 Property and Social Control After 1978.

UNIT – 6 PERSONAL LIBERTY

6.1 Rights of an accused - Double Jeopardy 6.2 Right against self-incrimination 6.3 Right against Retroactive Punishment 6.4 Right to Life and Personal Liberty-Meaning of - Art.21. Gopalan Case 6.5 Personal Liberty'-Meaning of - Maneka Gandhi, Sunil Batra, etc., 6.6 Procedure established by law - Gopalan, Kharak Singh 6.7 Procedure established by Law – Due Process - Maneka Gandhi and after. 6.8 Preventive Detention - Constitutional Policy Art. 22 6.9 Preventive Detention - Safeguards under the Constitution.

UNIT - 7 ENFORCEMENT OF FUNDAMENTAL RIGHTS.

7.1 Prohibition of traffic in human beings 7.2 Prohibition of employment of children in factories, etc. 7.3 Custodial Deaths 7.4 Armed Forces and Fundamental Rights 7.5 Cultural and Educational rights of Minorities 7.6 Right to Constitutional Remedies - Enforcement of Fundamental Rights 7.7 Curative Petition

UNIT-8 DIRECTIVE PRINCIPLES AND FUNDAMENTAL DUTIES

8.1 Directive Principles - Reasons for incorporation 8.2 Directive Principles - Directions of Social Change - A new social order 8.3 Fundamental Rights and Directive Principles - Inter-relationship - Judicial Balancing 8.4 Constitutional Amendments - Arts, 31A, 31-8 and 31-C to strengthen Directive Principles. 8.5 Judicial Policy towards Directive Principles from Champakam to Minerva Mills 8.6 What is "State"? Art.12 9.7 Naresh vs. State of Maharashtra - Is Judiciary "State"? 8.7 Fundamental Duties (Article 51A) - Importance.

PAPER V
CONSTITUTIONAL LAW-II

UNIT -1 PARLIAMENTARY GOVERNMENT

1.1 Westminster Model - Indian experience before Independence - Choice of Parliamentary Government 1.2 President of India – Election, Qualifications, Impeachment, Salary, etc., 1.3 Council of Ministers - President's Constitutional Position 1.4 Governor and State Government - President's Constitutional relationship 1.5 Legislative Process - Privileges, Freedom of Speech - Practice of law-making etc., 1.6 Legislative Privileges vs. Fundamental Rights - In re Art 143 of the Constitution of India 1.7 Prime Minister - Cabinet System - Collective Responsibility - Individual Responsibility - President and Prime Minister Relationship 1.8 Party System - Anti-Defection law - Freedom of Parliamentarians and Legislators to dissent 1.9 Attorney General of India 1.10 Elections – Election Commission.

UNIT -2 FEDERALISM

2.1 Federalism – Principles - Comparative study of other Federations - Why India has a federal Government? 2.2 Indian Federalism - President of India - Council of States - Process of Constitutional Amendment - Identification of Federal Features 2.3 Relations between the Union and the States - Legislative Relations - Administrative Relations Financial Relations – Disputes relating to Waters 2.4 Governor's position from the perspective of Federalism 2.5 Centre's Powers over the States - Art.356 2.6. J&K - Special Status 2.7. Critical problems of India Federalism - Sarkaria Commission - Greater Autonomy vs. Central Control - One Party domination - Emergence of Political Federalism - Growth of Regional Parties.

UNIT- 3 JUDICIAL PROCESS UNDER THE CONSTITUTION

3.1 Judicial Review - Arts. 32, 226, 227 3.2 Nature of Judicial Review 3.3 Court system in India – Supreme Court and High Courts – Lokpal, Lok Adalats etc., 3.4 Judges, Appointments, Transfers, Conditions of Service etc., - Collegium 3.5 Subordinate Judiciary 3.6 Jurisdiction of Supreme Court and High Court 3.7 Advisory Jurisdiction of the Supreme Court 3.8 Public Interest Litigation 3.9 National Judicial Appointments Commission (NJAC) 3.10 Judicial Activism and Judicial Restraint

UNIT – 4 THE STATES

4.1 The Executive – The Governor – Appointment, Term of Office – Extent of Executive Power of State 4.2 Council of Ministers – Conduct of Government business 4.3 Advocate General 4.4 State Legislature - Officers of

State Legislatures – Powers, Privileges and Immunities of State Legislatures and their Members – Disqualification of Members 4.5 Legislative Procedure – Procedure in Financial Matters

UNIT – 5 LOCAL BODIES, FINANCES, PROPERTY, CONTRACTS

5.1 The Panchayats – Gram Sabha 5.2 The Municipalities 5.3 The Co-operative Societies 5.4 The Scheduled and Tribal Areas 5.5 Finances – Borrowings 5.6 Right to Property 5.7 Contracts 5.8 Suits and Proceedings

UNIT-6 SERVICES UNDER THE CONSTITUTION

6.1 Doctrine of Pleasure (Art.310) 6.2 Protection against Arbitrary Dismissal, Removal or Reduction in Rank (Art.311) 6.3 Tulsiram Patel - Exceptions to Art.311 6.4 All India Services 6.5 Public Service Commissions

UNIT-7 EMERGENCY

7.1 Emergency, need for such a Provision - Types of Emergencies - Experience in other democracies 7.2 Proclamation of Emergency – Conditions - Art. 352 - Effect of Emergency on Centre-State relations 7.3 Emergency and suspension of fundamental rights. Arts.358, 359 - Makhan Singh Tarasikha to A.D.M. Jabalpur 7.4 Failure of Constitutional Machinery in States – S.R. Bommai case – The Use and Abuse of Art. 356 7.4 Financial Emergency

UNIT – 8 CONSTITUTIONAL PROCESSES OF ADAPTATION AND ALTERATION

8.1 Methods of Constitutional Amendment – Written – Unwritten – Rigid - Flexible Constitutions - Provisions which can be amended by ordinary procedure - Special Procedure - Review of Constitutional Amendments 8.2 Limitations upon Constitutional Amendments - Shankari Prasad, Sajjan Singh 8.3 Golak Nath vs. State of Punjab - Why should Fundamental Rights be immune from the process of Constitutional Amendment? 8.4 Basic Structure Doctrine as Limitation – Kesavanand Bharati 8.5 Development of the Basic Structure Doctrine - Constituent power of the Supreme Court – Waman Rao, Minerva Mills, etc., 8.6 Indira Gandhi vs. Raj Narain - Judicial consensus on Basic Structure 8.7 Legislature and Judicial attempts to bury the Basic Structure Doctrine - Legitimizing the Basic Structure Doctrine - Special Bench to reconsider the Basic Structure issue - Forty-Second Constitutional Amendment - Forty-Fourth Constitutional Amendment 8.8 Minerva Mills and subsequent developments of the Basic Structure Doctrine - Responsibility of the Court.