

Shivaji University, Kolhapur



Faculty of Humanities

(LL. B. – Five Years) Degree Programme

Choice Based Credit System (CBCS)

Syllabus Part – III (Semester V and VI)

To be implemented from

Academic Year 2021-22

THIRD YEAR OF FIVE YEARS LAW COURSE

SEMESTER - V

DSC-501: LAW OF CONTRACT

(GENERAL PRICIPLES OF CONTRACT AND SPECIFIC RELIEF)

(Paper – I)

Objectives of the course:

Law of contract being the pillar of the legal structure of a society, the fundamental goal of study is to critically evaluate principles underlying the legal postulates and propositions. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

Methods of teaching-learning: Lecture and Case-study method shall be the main method of learning to be followed. Dialectic method of mootng and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods : Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I: INTRODUCTION

- 1.1 Historical Background of Indian Contract Laws
- 1.2 Contract: Meaning, Definition, Importance, Nature and Scope
- 1.3 Essentials of Contract
- 1.4 Indian Contract- Latest developments (e-Contracts)

UNIT II: PROPOSAL AND ACCEPTANCE- AGREEMENT(S. 2-10)

- 2.1 Formation of an Agreement, It's Kinds – Valid, Void, Voidable, Unlawful, illegal
- 2.2 Intention to Create Legal Relationship
- 2.3 Proposal and Acceptance- Their various forms, Essential Elements
- 2.4 Communication and Revocation of Offer and Acceptance
- 2.5 What agreements are Contracts?

UNIT III: CAPACITY TO CONTRACT AND FREE CONSENT (S. 11 - 22)

- 3.1 Legal Disability to Enter into Contract
- 3.2 Minors - Effects of Minors Agreement, Persons of Unsound Mind, Persons disqualified by Law
- 3.3 Consent and Free Consent – Definition
- 3.4 Vitiating Elements of Free Consent –
 - 3.4.1 Coercion, Doctrine of Duress
 - 3.4.2 Undue Influence
 - 3.4.3 Fraud
 - 3.4.4 Misrepresentation
 - 3.4.5 Mistake
- 3.5 Effect on Contracts influenced by any factor Vitiating Free Consent

UNIT IV: CONSIDERATION AND OBJECT (S. 23 - 25)

- 4.1 Meaning and Nature of Consideration and Object
- 4.2 Consideration- Its Exceptions
- 4.3 Legality of Consideration and Object
- 4.4 Doctrine of Privity of Contract

UNIT V: LIMITATIONS ON FREEDOM OF CONTRACT (S. 23, 26 – 31)

- 5.1 Void Agreements
 - 5.1.1 Agreements in Restraint of Marriage

- 5.1.2 Agreements in Restraint of Trade
- 5.1.3 Agreements in Restraint of Legal Proceedings
- 5.1.4 Ambiguous and Uncertain Agreement
- 5.1.5 Wagering Agreements – Its exceptions
- 5.1.6 Agreements with Unlawful Consideration
- 5.1.7 Agreements without Consideration
- 5.1.8 Agreements against Public Policy
- 5.2 Contingent Contracts

UNIT VI: DISCHARGE AND REMEDIES FOR BREACH OF CONTRACT (S. 37 – 67)

- 6.1 Meaning and Nature - Discharge of Contract
- 6.2 Different Modes -
 - 6.2.1 By Performance
 - 6.2.2 By Agreement – Novation, Alteration, Rescission, Remission, Waiver, Accord and Satisfaction
 - 6.2.3 By Operation of Law – Insolvency, Merger, Alteration without consent, Death
 - 6.2.4 By Breach- Anticipatory Breach - Actual breach
 - 6.2.5 By Impossibility of Performance – Destruction of Subject Matter, Death or Personal Incapacity, Change of Law, non-existence or non-occurrence of particular state of thing, declaration of war – Doctrine of Frustration
 - 6.2.6 By Lapse of Time

UNIT VII: CERTAIN RELATION RESEMBLING THOSE CREATED BY CONTRACT (QUASI CONTRACT) (S. 68 -72)

- 7.1 Concept and Classification of Quasi-Contract
- 7.2 Standard form of Contract
- 7.3 Government as a Contracting Party

UNIT VIII: REMEDIES FOR BREACH OF CONTRACT

8.1 Remedies under Indian Contract Act (S.73 - 75)

8.1.1 Cancellation or Rescission

8.1.2 Restitution

8.1.3 Quantum Merit

8.1.4 Damages – Types of Damages – General or ordinary, Special, Vindictive or exemplary, nominal – Remoteness and Ascertainment of Damages

8.2 Remedies under Specific Relief Act, 1963 (S.5 – 43)

8.2.1 Recovering possession of property

8.2.2 Specific Performance

8.2.3 Declaratory Decrees

8.2.4 Injunctions

8.2.5 Preventive Relief

Book references

1. Cheshire & Fifoot, Cases on the Law of Contract, 7th Ed., London: Butterworths, 1977.
2. Sir G. H. Treitel, The Law of Contract, 12th Ed., London: Sweet & Maxwell, 2007.
3. Anson, Law of Contract, 28th Ed., Oxford University Press, 2002.
4. Cheshire & Fifoot, Law of Contract, Oxford University Press, 15th Ed., 2007.
5. Chitty, Contracts, Vol. 1, 29th Ed., Sweet & Maxwell, 2004.
6. V.K. Rao, Contract I - Cases and Materials, Butterworths, 2004.
7. M. Krishnan Nair, Law of Contracts, 1998.
8. Dutt on Contract, H.K. Saharay, Universal, 2000..
9. Sujan M.A, Frustration of Contract 2nd Ed. UPC 2001.
10. Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13th Ed. 2006.
11. Avtar Singh, Law of Contract, Eastern, Lucknow. Eighth Edition.
12. Smith & Thomas, A Case Book on Contract 11th Edition
13. Anand and Aiyer, Law of Specific Relief (1999), Universal
14. Banerjee S.C. Law of Specific Relief (1998), Universal

Suggested References:

1. Mulla, Indian Contract Act and Specific Reliefs, Butterworth's India, New Delhi, Vol. I & II, (12th Edn.- 2001)

2. Chitty on Contracts, Sweet & Maxwell, London, Vol. I & II, (28thEdn.– 1999).
3. J. Beatson, Anson's Law of Contract, Clarendon Press, Oxford, (28thEdn. -2002).
4. A. C. Moitra, Law of Contract and Specific Relief, Universal Law Publishing Co.(5th Edn.-2005)
5. Dr. Avtar Singh, Law of Contract, EBC, Lucknow (9thEdn. – 2005)
6. M. Krishnan Nair, Law of Contracts, Orient Longman, Hyderabad, (5thEdn. – 1996)
7. R. C. Chawla, K. C. Garg, V. K. Sareen, Marchantile Law, Kalyani Publisher, New Delhi (7thEdn- 1997)

List of Cases

1. Carlill v. Carbolic Smoke Ball Company, (1830) 1.Q.B 265.;
2. Harris v. Nickerson, (1875) LR SQB, 286.
3. Powell v. Lee, (1908) 99 LT 284.;
4. Entores v. Miles Far East Corporation, (1955) 2 All ER 493;
5. Bank of India Ltd v. Swarubar, AIR 2003 SC 858.
6. Hervey v. Facie, (1893) AC 552.
7. LalmanShukla v. GauriDutta, II ALJ 489;
8. Felth House v. Bindley (1862) 11, CB (NS) 86;
9. MohriBibee v. DharmodassGhosh, (1903) 30 IA 114.
10. Derry v. Peek, (1889) 14 AC 337.
11. MithooLalNayak v. LIC of India,
12. AIR 1962 SC 814; Subhas Chandra Das
13. Mushib v. Ganga Prasad Das Mushib and others AIR 1967 SC 878
14. Central Inland Water Transport Corporation v. B.K Ganguly, AIR 1986 SC 157;
15. Kalyanpur Lime Works Ltd. v. State of Bihar and another AIR 1954 SC 165;
16. Gujarat Bottling Co. Ltd. v. Coca Cola Co. (1995) 5 SCC 545 ;
17. National Insurance co Ltd v. S. G Nayak& co AIR 1997 SC 2049.
18. SatyabrataGhose v. MugneeramBangur AIR 1954 SC 44;
19. State of Bihar v. Majeed AIR 1954 SC 786.
20. Bashir Ahmad and others v. Govt. of AP AIR 1970 SC 1089;
21. MugniramBangur& Co.(P) Ltd. v. Gurbachan Singh AIR 1965 SC 1523;
22. Taylor v. cadwell (1863) 3 B&S 826.
23. Krellv.Henry (1903) 2 KB 740.
24. Hadley v. Baxendale (1854)9 Exch 341
25. Dunlop PueumaticTyre Co v. New Garage & Motor Co Ltd (1915) A.C 79 :(1914
26. All ER 739;Oil and Natural Gas Corp. Ltd. SAW Pipes Ltd. AIR 2003 SC 2629

DSC – 502: CONSTITUTIONAL LAW- I

(Fundamental Rights & Directive Principles of State Policy)

(Paper – II)

Objectives of Course :

India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be-aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law. Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

Methods of teaching-learning:

Lecture and Case-study method shall be the main method of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise 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.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS:

UNIT I: MAKING OF CONSTITUTION AND FEATURES

- 1.1 Making of Indian Constitution
- 1.2 Nature of constitution
- 1.3 Salient Features of the Indian Constitution
- 1.4 Citizenship-under constitution and Citizenship Act 1955
- 1.5 Preamble

**UNIT II: FUNDAMENTAL RIGHTS- JUSTICIABILITY- STATE OBLIGATION-
ART 12-13**

- 2.1 Fundamental Rights – meaning and scope of
- 2.2 Definition of ‘State’ for enforcement of fundamental rights
- 2.3 Justiciability of fundamental rights
- 2.4 Definition of law for constitutional law purpose
- 2.5 Doctrine of eclipse, severability, waiver.

UNIT III: RIGHT TO EQUALITY (ART 14-18)

- 3.1 Equality before law and equal protection of law
- 3.2 Classification for differential treatment- Constitutional validity
- 3.3 Protective measures –gender discrimination
- 3.4 Protective discrimination in favor of certain sections of the society
- 3.5 Untouchability and abolition of titles

UNIT IV: FREEDOMS AND SOCIAL CONTROL UNITS (ART 19-22)

- 4.1 Freedoms and restrictions under (Art.19)
- 4.2 Protection in respect of conviction for offences (Art.20)
- 4.3 Right to life and personal liberty (Art.21)
- 4.4 Right to education (Art. 21 A)
- 4.5 Protection against arrest and Preventive Detention (Art.22)

UNIT V: RIGHT AGAINST EXPLOITATION (ART 22-23)

- 5.1 Prohibition of traffic in human beings,
- 5.2 Forced labours – bonded labour
- 5.3 Trafficking of women and children
- 5.4 Prohibition of employment of children
- 5.5 Right of children a free and compulsory education

UNIT VI: RIGHT TO RELIGION AND MINORITY RIGHTS

- 6.1 Concept of Secularism- Historical perspective.
- 6.2 Freedom of Religion-nature, scope and limitations.
- 6.3 Right to Freedom of Religion- use and misuse- Indian scenario.
- 6.4 Minority Rights
- 6.5 Relationship between Religion and minority

UNIT VII: CONSTITUTIONAL AND LEGAL REMEDIES (ART 32)

7.1 Writ of Habeas Corpus

7.2 Writ of Mandamus

7.3 Writ of Certiorari

7.4 Writ of Prohibition

7.5 Writ of Quo-warranto

UNIT VIII: DIRECTIVE PRINCIPLES, FUNDAMENTAL DUTIES AND SOCIAL JUSTICE (ART 35-51A)

8.1 Underlying object and significance of Directive Principles.

8.2 Classification of Directives.

8.3 Fundamental Right and Directive principles- Interrelationship and Judicial balancing.

8.4 Fundamental Duties--- Need, Source and enforcement of fundamental duties.

8.5 Relation of Fundamental Duties with Directive Principles and Fundamental Right

Reference Books

1. T,K, Tope : Constitutional of India.
2. G.Austin, History of Democratic Constitution: The Indian Experience(2000) Oxford.
3. D.D. Basu : Shorter Constitution of India : (1996) Prentice Hall of India, Delhi.
4. Constituent Assembly Debates Vol. 1 to 12 (1989).
5. H.M. Seervai : Constitution of India. Vol.-1-3 (1992), Tripathy, Bombay.
6. M.P. Singh (ed) V.N. Shukla : Constitutional Law of India (2000) Oxford.
7. G.Austin: Indian Constitution:- Cornerstone of a Nation (1972)
8. M.Glanter: Competing Equalities – Law and the Backward Classes in India (1984) Oxford.
9. B. Sivaramayya : Inequalities and the Law (1984) Eastern, Lucknow.

10. S.C. Kashyap : Human Rights and Parliament (1978) Eastern Lucknow.
11. Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.
12. P.M.Bakshi, Constitution of India, Universal
13. M.P.Jain Indian Constitutional Law, Wadhwa
14. Granville Austin The Constitution of India, Oxford.

List of cases (For reference):

1. Keshavananda Bharati v. State of Kerala, AIR 1973 SC 1461;
2. Excel Wear v. Union of India AIR 1979 SC 25;
3. Bhim Singhji v. Union of India, AIR 1981 SC 234;
4. State of Kerala v. N. M. Thomas AIR 1976 SC 490
5. Waman Rao v. Union of India AIR 1981 SC 271;
6. Minerva Mills Ltd. V. Union of India AIR 1980 SC 1789,
7. Golak Nath v. State of Punjab, AIR 1967SC 1643,
8. State of West Bengal v. Anwar Ali AIR 1951 SC 75,
9. Naga People's Movements of Human Rights v. Union of India AIR 1998 SC 431,
10. BALCO Employees' Union v. Union of India AIR 2002 SC 350
11. StStephen's College v. University of Delhi AIR 1992SC1630,
12. Indian Express Newspapers v. Union of India, AIR 1986 SC 515
13. State of Sikkim v. Surendra Prasad Sharma AIR 1994 SC 2342,
14. Prabhakar v. State of Andhra Pradesh AIR 1986 SC 210,
15. Shiv Charan v. State of Mysore AIR 1965 SC 280,
16. Balaji v. State of Mysore AIR 1963 SC 649,
17. Sagir Ahmed v. State of Utter Pradesh AIR 1954 Sc 728,
18. T.M.A. Pai Foundation v. State of Karnataka AIR 2003 SC 355,
19. Express Newspapers v. Union of India AIR 1986 SC 872
20. Khare v. State of Delhi AIR 1950 SC 211,
21. State of Maharastra v. RajendraJ.Gandhi AIR 1997 SC 3986
22. Francis CoralieMullin v. Administration of Delhi AIR 1981 SC 746,
23. M.C.Mehta v. Union of India AIR 1987 SC 1086,
24. BandhuaMuktiMorcha v. Union of India AIR 1984 SC 802,
25. Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446.
26. Vellore Citizens Welfare Forum v. Union of India AIR 1996 SC 2715
27. State of Punjab v. Mahinder Singh Chawla AIR 1997 SC 1225.
28. Paschim Bangal Khet Mazdoor Society v. State of W. B., AIR 1996 SC 2426
29. Air India Statutory Corporation v. United Labour Union AIR 1997 SC 645,
30. Maneka Gandhi v. Union Of India AIR 1978 SC 597,
31. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 186,
32. People's Union of Civil Liberty v. Union of India AIR 1997 SC 568,
33. Hussainara v. Home Secretary, State of Bihar AIR 1979 SC 1819
34. J. P. Unnikrishnan v. State of Andhra Pradesh AIR 1993 SC 2178
35. Mr. X v. Hospital Z AIR 1999 SC 495
36. Gopalan v. State of Madras, AIR 1950 SC 27,
37. M. C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699,

38. Gaurav Jain v. Union of India AIR 1990 SC 1412,
39. Acharya Jagadiswarananda v. Commissioner of Police, Calcutta AIR 1984 SC 51,
40. Ratlam Municipality v. Vardichand, AIR 1980 SC 1622.
41. M.C.Mehta v. Union of India AIR 1987 SC 1086, and AIR 1999 SC 2583,
42. Pramodv.Medical Council, (1991) 2 SCC 179,
43. Ahmedabad Women Action Group v. Union of India AIR 1997 SC 3614
44. Vishakha v. State of Rajasthan, AIR 1997 SC 3011

Reference Books:

1. T,K, Tope : Constitutional of India.
2. G.Austin, History of Democratic Constitution: The Indian Experience (2000) Oxford.
3. D.D. Basu : Shorter Constitution of India : (1996) Prentice Hall of India, Delhi.
4. Constituent Assembly Debates Vol. 1 to 12 (1989).
5. H.M. Seervai : Constitution of India. Vol.-1-3 (1992), Tripathy, Bombay.
6. M.P. Singh (ed) V.N. Shukla : Constitutional Law of India (2000) Oxford.
7. G.Austin: Indian Constitution:- Cornerstone of a Nation (1972)
8. M.Glanter: Competing Equalities – Law and the Backward Classes in India (1984) Oxford.
9. B. Sivaramayya : Inequalities and the Law (1984) Eastern, Lucknow.
10. S.C. Kashyap : Human Rights and Parliament (1978) Eastern Lucknow.
11. Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.
12. P.M.Bakshi, Constitution of India, Universal
13. M.P.Jain Indian Constitutional Law, Wadhwa
14. Granville Austin The Constitution of India, Oxford

DSC – 503: LAW OF TORT & CONSUMER PROTECTION LAW

(Paper – III)

Objectives of 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 and this has resulted in vital changes the thinking of the tortuous liability. The object of the course is to familiarize 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 law on some of the contemporary issues of Specific Torts, Cyber Tort, Family Tort, and Economic Tort, Product Liability etc.

Presently the emphasis is on extending the principles not only to harmful acts but also to failure to comply with standards that are continuously changing due to advancement in science and technology. In the modern era of consumer, concern of goods and services, the law of torts has

added significance in consumer protection. Taking this into consideration, a topic on Motor Vehicle Accident claims has been added. It emphasizes liability, Insurance and working of claim Tribunals.

Methods of teaching-learning:

Lecture method shall be the main method of learning to be followed. Dialectic method of case study, mooted and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS:

UNIT I: CONCEPT OF TORT, NATURE AND SCOPE

- 1.1 History, Definition and Scope of Tort
- 1.2 Nature of tort-Distinction between tort and crime
- 1.3 Essential elements of law of tort
 - 1.3.1 Wrongful act
 - 1.3.2 Legal damage-a) Damnum Sine injuria b) Injuria sine damnum
 - 1.3.3 Legal remedy
- 1.4 Relevance of law of tort - Intention, Motive, Malice, Knowledge, Negligence
- 1.5 Who May Sue and who may not be sued?

UNIT: II GENERAL DEFENSES IN TORT-

- 2.1 Volenti non fit injuria
- 2.2 Necessity & Act of God

2.3 Inevitable accident & Private defense

2.4 Statutory Authority

2.5 Judicial and Quasi-Judicial Acts

UNIT III: DISCHARGE OF TORTUOUS LIABILITY-

3.1 By death of parties- action personal is monitor cum persona exceptions

3.2 Waiver and acquiescence

3.3 Release

3.4 Accord & satisfaction

3.5 Limitation

UNIT IV: TORTIOUS LIABILITY-

4.1 The concept of liability

4.2 Basis and Scope of liability

4.3 Modes of creation of vicarious liability

4.3.1 Express authorization

4.3.2 Ratification

4.3.3 Abetment

4.4 Liability-Special Relationship

4.4.1 Master & Servant

4.4.2 Independent Contractor & Servant

4.5 Strict Liability and Absolute Liability

4.2.1 Ryland Vs Fletcher

4.2.2 UCC V. Union of India

4.2.3 Application of the rule in India

UNIT V: NEGLIGENCE AND NUISANCE

5.1 Definition and concept of Negligence

5.2 Essentials of Negligence - Standard of care

5.3 Doctrine of contributory negligence - *Res ipsa loquitur* and its importance in compensatory laws.

5.4 Definition and concept of Nuisance

5.5 Essential of Nuisance – Defenses - Remedy

UNIT VI: REMEDIES FOR TORT (As per BoS Resolution No. 4)

6.1 Judicial Remedies

6.2 Extra Judicial Remedies

6.3 Defamation and types of defamation

6.4 Essentials of Defamation

6.5 Defenses and remedies

UNIT VII : THE CONSUMER PROTECTION ACT, 2019 (As per BoS Resolution No. 4)

7.1 Introduction to Consumer Protection Act, 2019

7.2 Consumer Protection Act, 2019 – features

7.3 Important Definitions under CPA, 2019

7.4 Authorities under CPA, 2019

UNIT VIII : GRIEVANCE REDRESSAL MECHANISM (As per BoS Resolution No. 4)

8.1 Who can file a complaint

8.2 Rights of Consumer

8.3 Grounds & procedure of filing a complaint

List of Cases:

1. Ashby v. White (1703)2 LR 938;
2. Rudal Shah v. State of Bihar, AIR 1983 SC 1086
3. Saheli v. Commissioner of Police, Delhi AIR 1990 SC 513;
4. Gloucester Grammar School case (14190 V.B. Hill 11.;
5. Mayor of Bradford Corporation v. Pickles (1895) AC 587;
6. Bhim Singh v. State of Jammu & Kashmir AIR 1986 SC 494;
7. Usha Ben v. BhagyaLaxmiChitraMandir, AIR 1978 Guj.

- 8.Lucknow Development Authority v M.K. Gupta AIR 1994 1 SC 243;
- 9.State of Rajasthan v. Vidyawati Devi AIR 1962 SC 933;
- 10.Donoghue v. Stevenson, 1932,AC 562;
- 11.KasturiLal v. State of U.P. AIR 1965 SC 1039;
- 12.Nicholes v. Marshland (1876)2 Ex.D. 1;
- 13.Smith v. London and South Western Railway Co. (1870) LR 6;
14. Loyd v. Grame Smith &Co. (1912) AC 716:
- 15.JayLaxmi Salt Works (P) Ltd. V. State of Gujarat 1994(4) SCC 1;
- 16.Dr.Laxman V. Dr. Trimbak AIR 1969 SC 128;
- 17.Davis v. Redcliffe, (1990)2 AER 536;
- 18.F. V. Birkshire Health Authority (1989) 2 All ER 545 (HL);
- 19.Maynard V. Midlands Health Authority (1985) 1 All ER 635 (HL);
- 20.AchutraoHaribhauKhodwa V. State of Maharashtra AIR 1996 SC 2377 ;
- 21.M.P. State Road Transport Corp. v. Basantibai (1971) MPLJ 706 (DB);
- 22.Indian Air Lines v. MadhuriChaudhri AIR 1964 Cal. 252;
- 23.Glasgow Corporation v. Muir (1943) AC 448;
- 24.Municipal Corporation of Delhi v. Subhagwati AIR 1966 SC 1750;
- 25.Ratlam Municipality v. Vardhichand (1980) 4SCC 162
26. Hall v. Brookaland Auto Racing Club ;
- 27.Smith v. Backer (1981) AC 325;
- 28.Stanleyv.Powell (1891)11 Q.B. 86;
- 29.Heynes v. Harwood (1935) 1 KB 146
- 30.Leta Fay Ford V. Revlon, Inc. Supreme Court of Arizona (153 Ariz. 38, 734 P.2d 580) 1987;
- 31.NoorMohd. v, MohdJiauddin AIR 1992 MP 244;
- 32.Hayward v. Thompson (1981)3All E R 450;
- 33.M.C. Verhese v. T.J. Poonam, AIR 1970 SC1876;

34. T.S. Bhatt v. A. K. Bhatt AIR 1978 Ker 111;
35. Girija Prasad Sharma v. Uma Shankar Pathak AIR 1973 MP 79;
36. Quinn v. Leathem, (1901) AC 495;
37. Municipal Board of Kanauj v. Mohanlal AIR 1951 All 867
38. State v. Gangadhar AIR 1967 Raj 199;
39. Rajalingam v. Lingaiah (1964) 1 ALT 391;
40. Sobha Ram v. Tika Ram (1936) ILR 58 All 903
41. Reyland v. Fletcher (1868) L.R. 3 H.L. 30;
42. M.C. Mehta v. Union of India (1987) 1 SCC 395
43. In Re Polemise Case (1921) 3 KB 560 CA;
44. Wagon Mound Case (1961) AC 388
45. Leisbosch Dredger v. Edison, (1933) AC 449 HL.
46. Barrett v. Fonorow, 799 N.E.2d 916 (Ill. App. 2003)
47. Barrett v. Rosenthal, 112 Cal. App. 4th 749 (2003).
48. Bill McLaren, Jr. v. Microsoft Corporation, Court of Appeals of Texas, Dallas (1999) WL 339015.;
49. CompuServe Inc. v. Cyber Promotions, Inc., 962 F.Supp 1015 (SD Ohio 1997).
50. Doe v. AOL, Inc., 783 So. 2d 1010 (Fl 2001).
51. EBAY, Inc., Plaintiff, v. BIDDER'S EDGE, Inc., Defendant. United States District Court for the Northern District of California .100 F.Supp.2d 1058(2000).
52. Hotmail Corp. v. Van\$ Money Pie Inc., WL 388389 (1998). Kremen v. Cohen, 337 F.3d 1024 (9th Cir 2003).
53. School of Visual Arts v. Kuprewicz, 771 N.Y.S.2d 804 (2003).
54. United States of America v. Hambrick U.S District Court, W.D. Virginia 55F. Supp. 2d 504, (1999)]

References:

1. Wienfield and Zolowicz, Torts, 17th Edi., Sweet & Maxwell 2006
2. Salmond, J W, Salmond's Law of Torts (8th edition, Sweet & Maxwell, London, 1934)

3. Fleming, J G, The Law of Torts (9th edition, LBC Information Services, Sydney, 1998)
4. Ratan Lal and Dhiraj Lal on Law of Torts,
5. Alakshminath M Sridhar, Ramaswamy Iyer's, The Law of Torts, Lexis Nexis, Tenth Edition 2007
6. Tony Weir, An Introduction to Tort Law, 2nd Edition Oxford University Press 2006.
7. John Murphy, Street on Torts, Eleventh Edition Oxford University Press 2006.
8. Tabrez Ahmad "Cyberlaw, E-Commerce & M-Commerce". APH Pub. Corp. New Delhi 2003.
9. Lee B. Burgunder, Legal Aspects of Managing Technology 2nd Edition West 2001.
10. Ramaswamy Iyer Law of Tort
11. Bangia's Law of Torts
12. Madden & Owen, On Product Liability, West Group
13. D.D. Basu- The Law of Torts (1982), Kamal, Kalkatta
14. Dr. Avtar Singh- The Law of Consumer Protection : Principles and practice (2004), Eastern Book Company, Lucknow
15. Saraf D.N.- The Law of Consumer Protection in India, Tripathi, Bombay
16. Ratanlal & Dhirajlal on Law of Torts
17. Salmond's Law of Torts
18. Ramaswamy Iyer – Law of Tort
19. Bangia's Law of Torts
20. Law of Torts and C.P. Law by Dr. N.V. Paranjape

DSC – 504: LAW OF CRIMES – I (Indian Penal Code)

(Paper – IV)

Objective of the course:

Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law. So proper understanding of these offences & criminal behaviors, methods of controlling them has now become extremely

important in the larger context of Indians development & to build a just and humane society. The curriculum outlined here attempts to seek these objectives.

Methods of teaching-learning:

Lecture method shall be the main method of learning to be followed. Dialectic method of mooted and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comment can also be a method of research writing in this paper.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I: CONCEPT OF CRIME (Sec. 1 – 75)

- 1.1 Nature and Concept of crime & distinction between Crime, Ethical wrongs.
- 1.2 Definitions – General Explanations (Sec. 6-52A)
- 1.3 Stages and Elements of Crimes
- 1.4 Group Liability in Crimes – Common Intention and Common Object
- 1.5 Off Punishments (Sec. 53 to 75)

UNIT II: GENERAL EXCEPTIONS UNDER IPC (Sec. 76 – 106).

- 2.1 Mistake of facts mistake of law
- 2.2 Necessity, Defense of Juvenile
- 2.3 Unsound mind and intoxication
- 2.4 Act in good faith and consent
- 2.5 Right of private defense of body and property

UNIT III: INCHOATE OFFENCES (Sec. 107 – 120 B and Sec. 141 – 160)

- 3.1 Meaning, Nature and importance of inchoate offences
- 3.2 Attempt and abatement
- 3.3 Criminal Conspiracy
- 3.4 Unlawful Assembly
- 3.5 Rioting

**UNIT IV: OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY,
CONVENIENCE, DECENCY AND MORALS (Sec 268-294A)**

- 4.1 Offences affecting the Public Health (Section 268-278)
 - 4.1.1 Public Nuisance (S.268)
 - 4.1.2 Acts likely to spread infection (section 269-271)
 - 4.1.3 Pollution of food or drink (section 272-273)
 - 4.1.4 Adullualia of drugs (section 274-276)
 - 4.1.5 Fouling water and relating atmosphere (section 277-278)
- 4.2 Offences affecting the public safety and Convenience (Section 277-278)
 - 4.2.1 Rash Driving or riding on a public way. (Section 279)
 - 4.2.2 Rash or negligent navigation. (Section 280)
 - 4.2.3 Exposing false light, mark or being mislead navigator
 - 4.2.4 Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
 - 4.2.5 Causing danger or obstruction to any person in public way. (Section283)
 - 4.2.6 Negligent conduct with respect to poisonous substance.(Section 284)
 - 4.2.7 Negligent conduct with respect to fire, combustible substances. (section 285-289)
 - 4.2.8 Continuance of Nuisance. (Section 291)
- 4.3 Public Decency and Morals (ss 292-294A)
 - 4.3.1 Prevention of obscenely (ss 292-294)
 - 4.3.2 Keeping Lottery Office (S 294A)
 - 4.3.3 Cases related to spreading of infectious diseases

UNIT- V: OFFENCES AFFECTING THE HUMAN BODY (Sec. 299 – 377)

- 5.1 Culpable homicide. Murder
- 5.2 Hurt & Grievous Hurt.
- 5.3 Wrongful Restraint & wrongful Confinement.
- 5.4 Criminal force & assault.
- 5.5 Kidnapping & Abduction.

UNIT- VI: OFFENCES AGAINST PROPERTY (Sec. 378 – 462)

- 6.1 Theft and Extortion.
- 6.2 Robbery & Dacoity.
- 6.3 Criminal misappropriation of property and Criminal Breach of Trust.

- 6.4 Receiving stolen property and Cheating, Mischief.
- 6.5 Criminal Trespass, House Trespass, House Breaking

UNIT-VII: OFFENCES OF FALSE EVIDENCE & OFFENCES RELATING TO DOCUMENTS AND PROPERTY (Sec. 191 – 229A, 463-489E)

- 7.1 Giving false evidence & fabricating false evidence.(sec.493)
- 7.2Fraudulent claim to property
- 7.3 Forgery and making false documents
- 7.4 Forged documents

UNIT-VIII: OFFENSES RELATING TO SEXUAL, MARRIAGE (Sec. 375 – 377, 493-498A)

- 8.1 Rape
- 8.2 Unnatural Offenses
- 8.3 Bigamy
- 8.4 Adultery
- 8.5 Cruelty by husband and relatives

Reference Books:

Williams Glanville- The Text Book of Criminal Law
 Jerom Hall – Studies in Jurisprudence and Criminal Theory Jw
 Cecil Turner (edt.) – Kenny’s Outlines of Criminal Law Jw Cecil
 Turner - Russel on Crime
 Smith and Hogan – Criminal Law
 A.P. Simester & G.R. Sullivan – Criminal Law Theory and Doctrine
 R. C. Nigam – Principles of Criminal Law Asia Publishing House, Lucknow. Prof.
 K.N. ChndranshekharPillai – Essay’s on Indian Penal Code
 R. C. Srivastava – Law Relating to Crime and Punishment
 Andrew Ashworth – Principles of Criminal Law
 P.S/Achuthun Pillai, Criminal Law (1995) Eastern, Lucknow.
 Prof K.D Gaur - Criminal Law Cases and Material(1991), Butterworths India. Dr.
 Hari Singh Gaur – Penal Law of India (4 volumes)
 R. A Nelson – Indian Penal Code
 Prof. K.N. ChandranshekharPillai – Essay’s on Indian Penal Code
 RatanLal and DhirajLal – Indian Penal Code
 Prof. Raghavan – Indian Penal Code
 B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur
 K.D.Gaur, a Text Book on the Indian Penal Code (1998), Universal Delhi

DSC – 505: FAMILY LAW – I

(Paper – V)

Objectives of the course :

The course structure is designed mainly with three objectives in view. One is to provide adequate sociology perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

To evaluate the strength of family system in India and the extent of legal support provided to the same and also to examine when and how and to what extent a Uniform Civil Code to regulate a religious part of family life, if any, may emerge!

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS

UNIT I : FAMILY RELATIONS- HINDUS, MUSLIMS, CHRISTAINS AND PARSIS

- 1.1 Natural and sources of Hindu Law
- 1.2 Schools of Hindu Law
- 1.3 Nature and sources of Muslim Law
- 1.4 Schools of Muslim Law

UNIT II: MARRIAGE AND KINSHIP

- 2.1 Evolution of the institution of marriage and Family

- 2.2 Role of Religious rituals and practices in molding the rules regulating to marital relations
- 2.3 Types of family based upon
 - 2.3.1 Lineage – patrilineal, matrilineal
 - 2.3.2 Authority structure –patriachcal; matriarchal
 - 2.3.3. Location patrilocal, matrilocal
 - 2.3.4 Number of conjugal units – nuclear, extended, joint and composite
- 2.4 Emerging concepts – maître – sambhand and divided homes.

UNIT III: MATRIMONIAL REMEDIES

- 3.1 Marital conflicts
 - 3.1.1 Non- judicial resolution of marital conflicts
 - 3.1.2 Customary dissolution of marriage – unilateral divorce, divorce by mutual consent and other modes of dissolution
 - 3.1.3 Divorce under Muslim personal law – talaq and talaq-e-tafweez
- 3.2 Judicial resolution of marital conflicts : the family court
- 3.3 Nullity of marriage
- 3.4 Option of puberty
- 3.5 Restitution of conjugal rights
- 3.6 Judicial separation
- 3.7 Desertion : a ground for matrimonial relief
- 3.8 Cruelty: a ground for matrimonial relief
- 3.9 Adultery : a ground for matrimonial relief
- 3.10 Other grounds for matrimonial relief
- 3.11 Divorce by mutual consent under :
 - 3.11.1 Special Marriage Act 1954
 - 3.11.2 Hindu Marriage Act 1955
 - 3.11.3 Muslim law (Khula and Mubaraat)

UNIT IV : BAR TO MATRIMONIAL RELIEF

- 4.1 Doctrine of strict proof
 - 4.1.1 Taking advantage of one's own wrong or disability
- 4.2 Accessory
- 4.3 Connivance
- 4.4 Collusion
- 4.5 Condonation
- 4.6 Improper or unnecessary delay
- 4.7 Residuary clause – no other legal ground exists for refusing the matrimonial relief.

UNIT V: LAW OF MAINTENANCE (HINDU AND MUSLIM LAW)

- 5.1 Claim of spouses
- 5.2 Claim of parents and children
- 5.3 Alimony (pendent and permanent)

UNIT VI MINORITY AND ADOPTION

- 6.1 Adoption under the Hindu Law
- 6.2 Acknowledgement under the Muslim law
- 6.3 Minority and Guardianship

UNIT VII : CONVERSION AND ITS EFFECT ON FAMILY

- 7.1 Marriage
- 7.2 Adoption
- 7.3 Guardianship
- 7.4 Succession

(In view of the conflict of inter-personal laws, conversion is causing problems. How conversion affects the family and whether it is compatible with the concept of secularism and to what extent such problems would stand resolved with the enactment of a uniform civil code needs to be examined.)

UNIT VIII : CUSTOMARY PRACTICES AND STATE REGULATION

8.1 Polygamy

8.2 Concubine

8.3 Child Marriage

8.4 Sati

8.5 Dowry

References :

- 1) ParasDiwan, Hindu Law
- 2) S.T. Desai (ed) Mulla's Principles of Hindu Law, (1998) Bitterorthis , India
- 3) ParasDiwan, Family law : Law of Marriage and Divorce in India, (1984)
- 4) A. M. Bhattachargee, Muslim Law and Constitution(1994(Eastern Law House, Calcutta
- 5) A. M. Bhattachargee, Hindu Law and Constitution(1994(Eastern Law House, Calcutta
- 6) ParasDiwan, Law of Adoption, Minority, Guardianship and Custody (2000), Universal
- 7) A.A.A. Fyzee, Outline of Muhammadam law, (1986)
- 8) J.D.M. Derrett, Hindu Law : Past and present
- 9) J.D.M. Derrett, Death of Marriage Law
- 10) J.D.M. Derrett, a critique of modern Hindu law
- 11) ParasDiwan, Law of Intestate and Testamentary Succession (1998), Universal
- 12) Basu, N. D. Law of Succession (2000), Universal
- 13) Kusem, Marriage and Divorce Law Manual (2000), Universal
- 14) Malchand, S.C. Law and Practice of Divorce in India (2000), Universal
- 15) P.V. Kane, History of Dharmasastras Vol. 2 pt. 1 at 624-632 (1974)
- 16) A. Kuppaswami (ed.) Mayne's Hindu Law and Usage ch. 4 (1986)
- 17) B. Sivaramayys, Inequalities and the Law, (1985)
- 18) K.C. Daiya, "Population control through family planning in India," Indian Journal of Legal studies, 85(1979)
- 19) ParasDiwan, Hindu Law (1985)
- 20) S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterorthis-India
- 21) ParasDiwan, Family Law : Law of marriage and Divorce in India, (1984)
- 22) A. M. Bhattachargee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta
- 23) A. M. Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta

AECC – 506: FUNDAMENTALS OF RESEARCH

Objective of the Course:

Research in common parlance refers to a search for knowledge. It is a scientific and systematic search for pertinent information on a specific topic. In fact, research is an art of scientific investigation. It is the pursuit of truth with the help of study, observation, comparison and experiment. Significance of Research is increasing in all discipline as it reflects social values, attitudes and behavior. As we know law is a dynamic and not static, therefore law student should inevitably understand the basics of research. After gone through the syllabus of

‘Fundamentals of Research’ the law students are came to know-

1. The Basics of the Research with the conceptual foundation
2. The stages of the Research involved and
3. The ethics for Research and its principle.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -

For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT I -- CONCEPTUAL FOUNDATION OF RESEARCH

- 1.1.1 Introduction : Historical perspective and importance of Research
- 1.1.2 Meaning and Definitions of Research
- 1.1.3 Objectives of Research
- 1.1.4 Types of Research
- 1.1.5 Concept of Legal Research
- 1.1.5 Research Methodology

UNIT II -- MAJOR STAGES OF RESEARCH

- 2.1.1 Identification and formulation of problem
- 2.1.2 Review of Literature and Formulation of Hypothesis

2.1.3 Research Design

2.1.4 Collection of data and its various modes

2.1.5 Analysis and interpretation of data

2.1.6 Findings, Suggestions and Conclusion

UNIT III -- TOOLS AND TECHNIQUES OF DATA COLLECTION

3.1.1 Questionnaire

3.1.2 Survey

3.1.3 Interview

3.1.4 Sampling

3.1.5 Observations

3.1.6 Schedule

UNIT IV -- RESEARCH ETHICS

4.1.1 Moral Principles and Social Values in Research

4.1.2 Research Ethical Committee in Higher Education

4.1.3 Legal aspects – Copyright, Plagiarism, etc

Reference/ Suggested Books

- 1 C.R.Kothari, Gaurav Garg (2018), Research Methodology : Methods And Techniques, New Age International Publishers Ltd.-New Delhi
- 2 Dr.S.R.Myneni (2017), Legal Research Methodology, Allahabad Law Agency, Allahabad
- 3 [R. Panneerselvam](#) (2nd Edition), Research Methodology, Kindle Edition (e-Book)
- 4 Yogesh Kumar Singh, Fundamentals of Research Methodology and Statistics, New Age International Publishers Ltd.-New Delhi
- 5 Dr. H. N. Tewari.(2016), *Legal Research Methodology.*, Allahabad Law Agency, Allahabad
- 6 Goode, W.J. and Hatt, P. K. (1952), Methods in social research. New York, McGraw-Hill Book Comp, New York
- 7 Dr.MonaPurohit (2016), Legal Education and Research Methodology, Central Law Publications, Allahabad
- 8 Dr.G.P.Tripathi (2015), Legal Research and Research Methodology, Central Law Publications, Allahabad

Semester – VI

DSC – 601: SPECIAL CONTRACT

(Paper – I)

Objectives of the course :

The course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contract should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

We are witnessing a paradigm shift in every walk of life, especially commercial sector, due to computer technology. Internet has transformed traditional markets into global markets by facilitating online execution of commercial transactions including electronic transfer of goods and services through online advertising, online ordering, publishing, banking, investment, auction, travel, entertainment and professional and financial services.

Existing legal provisions have to be re-interpreted and applied to provide solutions to issues generated by new technology till the new legal provisions arrive. Students are expected to study the provisions that govern E-Contract including relevant provisions from Indian Contract act, Information technology Act and relevant amendments to Indian Penal code, Indian Evidence act, Negotiable Instruments act etc.

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level :10 Marks

30 Marks

SYLLABUS

UNIT I – INDEMNITY

- 12.3 The Concept
- .2 Need for indemnity to facilitate commercial transactions.
- 1.3 Methods of creating indemnity obligations
- 1.4 Definition of Indemnity
- 1.5 Nature and extent of liability of the indemnifier
- 1.6 Commencement of liability of the indemnifier
- 1.7 Situations of various types of indemnity creations.
- 1.8 Documents / agreements of indemnity

UNIT II – GUARANTEE

- 2.1 The Concept
- 2.2 Definition of guarantee
- 2.3 Basic essentials for a valid guarantee contract
- 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 2.5 Position of a minor and validity of guarantee when minor is the principal debtor, creditor or surety.
- 2.6 Distinguished from Indemnity
- 2.7 Continuing guarantee
 - 2.7.1 Nature of surety's liability
 - 2.7.2 Duration and terminations of such liability
 - 2.7.3 Illustrative situations of existence of continuing guarantee.
 - 2.7.4 Creations and identifications of continuing guarantees.
- 2.8 Rights of surety
 - 2.8.1 Position of surety in the eye of law

2.8.2 Various judicial interpretations to protect the surety.

2.9 Co-surety and manner of sharing liabilities and rights.

2.10 Extent of surety's liability

2.11 Discharge of surety's liability

UNIT – III BAILMENT

3.1 The concept

3.2 Definition of Bailment

3.3 Identification of bailment contracts in day today life and Manner of creation of such contracts.

3.4 Commercial utility of bailment contracts

3.5 Kinds of bailees

3.6 Duties of bailor and bailee

3.7 Rights of bailor and bailee

UNIT – IV PLEDGE

4.1 The Concept

4.2 Commercial utility of pledge transactions

4.3 Definition of pledge under the Indian Contract Act

4.4 Comparison with bailment

4.5 Rights of the pawnor and pawnee

4.6 Pawnee's right of sale as compared to that of an ordinary bailee

4.7 Pledge by certain specified persons mentioned in the Indian Contract Act.

UNIT – V AGENCY

5.1 The Concept – Agent & Principal

5.2 Kinds of agents

5.3 Essentials of an agency transaction

- 5.4 Various methods of creation of agency
- 5.5 Duties and rights of agents
- 5.6 Scope and extent of Agent's authority
- 5.7 Liability of the principal for acts of the agents
- 5.8 Liability of the agent towards the principal
- 5.9 Personal liability towards the parties
- 5.10 Methods of termination of agency contract

UNIT – VI SALE OF GOODS

- 6.1 Concept of sale as a contract
- 6.2 Essentials of a contract of sale
- 6.3 Essential conditions in every contract of sale
- 6.4 Implied terms in contract of sale
- 6.5 The rule of caveat emptor and the exceptions
- 6.6 Effect and meaning of implied warranties in a sale.
- 6.7 Transfer of title and passing of risk.
- 6.8 Delivery of goods : various rules regarding delivery of goods
- 6.9 Unpaid seller and his rights
- 6.10 Remedies for breach of contract

UNIT – VII PARTNERSHIP

- 7.1 Nature of partnership : Definition
- 7.2 Mutual relationship between partners
- 7.3 Incoming partner
- 7.4 Outgoing partner
- 7.5 Registration of Partnership
- 7.6 Dissolution of Partnership

UNIT – VIII E- CONTRACTS

- 8.1 The concept – Certifying Authority, digital signature, electronic record, cyber

Appellate tribunal

8.2 Validity of Electronics Transactions

8.2.1 Authentication of Electronic Records

8.2.2 Legal recognition of Electronic records & digital signature

8.2.3 Retention of electronic records

8.3 Communication & Revocation of offer

8.3.1 Attribution of electronic records

8.3.2 Acknowledgement of receipt

8.3.3 Time & Place of dispatch and receipt of electronic records.

References :

1. Pollock & Mulla on Contracts
2. Avtar Singh – Contract Act
3. Krishnan Nair , Law of Contract
4. Saharay H.K., Indian Partnership Act & Sale of Goods Act
5. Ramnainga , The sale of Goods Act
6. V.K. Rao, Contract II
7. The Information Technology Act, 2000 Asia Law House

Books :

- 1) R.K. Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Act (1999) Tripathi, Bombay.
- 2) Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- 3) Krishnan Nair, Law of Contract (1999) Orient
- 4) Avtar Singh, Principles of the Law of the Sale of Goods and Hire Purchase (1998) Eastern, Lucknow.
- 5) J.R. Verma (ed.), Singh and Gupta, The law of partnership in India (1999), Orient Law House New Delhi.
- 6) A.Q. Guest (ed.) Benjamin's Sale of Goods (1992), Sweet & Maxwell.
- 7) Bhashyam and Adiga. The Negotiable Instruments Act (1995), Bharath Allahabad.

- 8) MS. Parthasarathi (ed.) J.S. Khergamvala. The Negotiable Instruments Act.
- 9) Beatson (ed.), Ansons' Law of Contract, (1998), Oxford, London.
- 10) Saharay, H.K., Indian Partnership and Sale of Goods Act (2000), Universal.
- 11) Ramnainga, The Sales of Goods Act (1998), Universal.
12. Information Technology Law and Practice, Cyber Law & E-Commerce by Vakul Sharma, 2005, Universal Law Publishing Co Pvt Ltd.
13. Cyber Law in India by Dr.Farooq Ahmad.,2005, Pioneer Books , New Era Law Publication Delhi.

Reference Books

1. Chitty, Contracts, Vol. 1I, 29th Ed., Sweet & Maxwell, 2004.
2. V.K. Rao, Contract II – Cases and Materials, Butterworths, 2004.
3. M. Krishnan Nair, Law of Contracts, 1998.
4. Dutt on Contract, H.K. Saharay, Universal, 2000.
5. Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13th Ed. 2006.
6. Avtar Singh, Law of Partnership
7. Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
8. Agarwal, Government Contracts, Law and Procedures, Eastern Book Corporation
9. Fired, The Law of Agency, Butterworth
10. Iyer Sale of Goods and Partnership Acts, Asia Law House
11. Reynolds & Davenport, Bowstead on Agency, Sweet & Maxwell
12. Mulla, Negotiable Instrument Act, Tripathy

Case Law (by way of illustration)

1. AmritlalGoverdhanLal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. VasireddiSeetharamaiah v. Srirama Motor Finance Corporation 1977 AP 164
4. Wheels India Ltd., Mount Road v Khem Chand Raj Kumar 1970 MLJ 648
5. Maganbhai v Union of India AIR 1969 SC 785
6. Madhav Rao v. Union of India AIR 1971 SC 530
7. Delhi Science Forum & Others v. Union of India JT 1996 (2) SC 295
8. Canara Bank v Canara Sales Corporation & Others AIR 1987 SC 1603
9. Indian Airlines Corporation v MadhuriChoudhury AIR 1965 Cal 252
10. Gatewhite Ltd & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944

DSC-602: CONSTITUTIONAL LAW – II

(Paper – II)

Objectives of the course:

To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Methodology of teaching-learning:

Lecture method and interactive sessions of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level :10 Marks

30 Marks

SYLLABUS**UNIT I. PARLIAMENT**

1. Composition, Election, qualifications, disqualifications and tenure of members.
2. Functions of Parliament.
3. Privileges of Members, Parliamentary Privileges and fundamental rights
4. Relationship between Lok Sabha and Rajya Sabha
5. Officers of the parliament – Speaker, Chairperson, powers and functions

UNIT II. PARLIAMENTARY GOVERNMENT AND UNION EXECUTIVE

1. Westminster Model- Choice of Parliamentary Form-Council of Minister and Prime Minister, Cabinet system, collective responsibility- individual responsibility.
2. Co-alition Government
3. President of India- Election, qualification and Impeachment
4. powers (specially the ordinance making power) privileges and constitutional position
5. Governor of the State- Appointment, tenure etc., position and status of Governor.

UNIT III. RELATIONSHIP BETWEEN UNION AND STATES**I- LEGISLATIVE RELATIONS**

1. Legislative powers of the union- extent and width- seventh schedule
2. Provision as to introduction and passing of ordinary bills
3. Joint sitting of both the houses
4. Parliament's power to legislate on State subjects
5. Principles of interpretation of Lists

UNIT IV -- RELATIONSHIP BETWEEN UNION AND STATES

II- ADMINISTRATIVE AND FINANCIAL

1. Administrative relationship
 - a) Co-extensive powers of administrative organ- Art 73
 - b) Obligation of states- assistance and coordination
 - c) Inter state council
 - d) All India Services
 - e) Grants in aid.
2. Financial Relations---
 - a) Distribution of Revenue between Centre and State.
 - b) Money Bill- finance bills
 - c) Finance Commission

UNIT V.- FREEDOM TRADE-COMMERCE AND SERVICES UNDER THE STATE

1. Freedom Trade-extent and relationship with fundamental rights
2. Restrictions on Trade and Commerce
3. Doctrine of Pleasure
4. Constitutional safeguards to Civil Servants
5. Public Service Commission

UNIT VI. - EMERGENCY PROVISIONS

1. National emergency- imposition and implications
2. Constitutional amendments relating to national emergency
3. Failure of constitutional emergency in the state- grounds
4. Misuse of state emergency -safeguards by judicial pronouncements
5. Financial emergency – grounds and implications

UNIT VII. - JUDICIARY UNDER CONSTITUTION

1. Supreme Court- composition, Appointment procedure- collegium system- removal
2. Jurisdiction of supreme court- original, appellate, advisory and curative
3. High Court-Composition, Appointment, jurisdiction etc.
4. Independence of Judiciary
5. Doctrine of Judicial Review- Nature and scope

UNIT VIII. - CONSTITUTIONAL PROCESS OF ADAPTATION AND ALTERATION

1. Amendment- meaning and Methods of Constitutional amendment
2. constitutional Limitations upon constituent power
3. Doctrine of Basic Structure- emergence and expansion
4. Amendment of fundamental rights
5. Content and controversy of basic structure theory

Reference Books:

- 1) T.K. Tope: Constitutional of India.
- 2) G.Austin, History Democratic Constitution: The Indian Experience (2000) Oxford.
- 3) D.D. Basu : Shorter Constitution of India (1996) Prentice Hall of India, Delhi.
- 4) Constituent Assembly Debates Vol. 1 to 12 (1989)
- 5) H.M. Seervai: Constitution of India Vol. 1-3 (1992), Tripathi, Bombay.
- 6) M.P.Singh (ed) V.N. Shukal : Constitutional Law of India (2000) Oxford.
- 7) G.Austin : Indian Constitution : Cornerstone of a Nation (1972)
- 8) M.Glanter : Competing Equalities- Law and the Backward Classes in India (1984)
- 9) B.Sivaramayya : Inequalities and Law (1984) Eastern Lucknow.
- 10) S.C.Kashyap : Human Rights and Parliament (1978) Metropolitan.
- 11) Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.

**DSC – 603: FAMILY LAW – II
(Paper – III)**

Objectives of the course:

Succession is one every important way of transfer of property, of course after the life of the owner of the property. The study shall not only examine the law as it is and is interpreted by Courts in fact situation, it also shall aim at understanding the differences in the law of succession, both testamentary and intestate, amongst various religious groups.

Methodology of teaching-learning:

Lecture method, Case study and presentation shall be dominant method. But research and paper-writing is also important. There shall be comparative studies in all presentations and lectures. Discussion and issue-based round table shall be emphasized instead of issue-based lecture.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS:**UNIT I : JOINT FAMILY**

- 1.1.1 Mitakshara joint family
- 1.1.2 Mitakshara coparcenary – formation and incidents
- 1.1.3 Property under Mitakshara law – separate property and coparcenary property

- 1.1.4 Dayabhaga coparcenary – formation and incidents
- 1.1.5 Property under Dayabhaga law
- 1.1.6 Karta of the joint family – his position, powers, privileges and obligations
- 1.1.7 Alienation of property – separate and coparcenary
- 1.1.8 Partition and reunion
- 1.1.9 Joint Hindu Family as a social security institution and impact of Hindu gains of Learning act and various tax laws on it
- 1.1.10 Matrilineal joint family

UNIT II : INHERITANCE – HINDUS

- 2.1 Historical perspectives of traditional Hindu law as a background to the study of Hindu Succession act 1956
- 2.2 Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession act 1956
- 2.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession act 1956
- 2.4 Succession to property of a Hindu female dying intestate under the provisions of Hindu Succession act 1956
- 2.5 Disqualification relating to succession
- 2.6 General rules of succession
- 2.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore – Cochin and the districts of Malabar and South Kanara.

UNIT III : INHERITANCE – MUSLIMS

- 3.1 General rules of succession and exclusion from succession
- 3.2 Classification of heirs under Hanafi and IthnaAshria schools and their shares and distribution of property
- 3.3 Christians, Parsis and Jews
 - 3.3.1 Heirs and their shares and distribution of property under the Indian Succession Act 1925

UNIT IV : WOMEN'S PROPERTY

- 4.1 Stridhan – concepts and characteristics, sources
- 4.2 Principles of succession

- 4.3 Comparative analysis of right to property of women under different religious and statutory law

UNIT V : TESTAMENTARY SUCCESSION

- 5.1 Power of testamentary succession under various religious and statutory law under Hindu, Islamic, Christian and Parsi Law
- 5.2 Competence of the testator, limitation to testamentation
- 5.3 Abetment of legacy, Will and administration of will – Probate, Codicil, execution of Privileged and unprivileged will
- 5.4 Attestation, alteration and revival of will

UNIT VI : RIGHT OF PRE-EMPTION:

- 6.1 Pre-emption, meaning, nature, constitutionality, classification
- 6.2 Who can claim the right, formalities and legal effect
- 6.3 legal devises of evading right of pre-emption, when is the right lost

UNIT VII : GIFT UNDER THE ISLAMIC LAW

- 7.1 Hiba – nature and characteristics, kinds of hiba
- 7.2 Conditional and future gift, types of Hiba, Death-bed gift
- 7.3 Revocation of gift

UNIT VIII : RELIGIOUS ENDOWMENTS

- 8.1 Wakf
 - 8.1.1 Meaning, character, formalities for creation
 - 8.1.2 Administration, power of Mutawali, Muslim Religious Instiotutions and offices
- 8.2 Hindu Religious Endowment
 - 8.2.1 Traditional religious principles of creation, administration and offices
 - 8.2.2 Statutory methods of creation of trust
 - 8.2.3 Powers and functions of the trustees

References:

- 1) Mulla, Hindu Law, Vol I and II, Butterworth
- 2) Mayne, Hindu Law and Usage, Bharat
- 3) Diwan, Modern Hindu law, Universal
- 4) Tyabji, Muslim Law, Tripathy
- 5) Mulla, Principles of Mohammedan Law, Tripathy
- 6) Amer Ali, Mohammedan Law, Vol I andII, EBS
- 7) TahirMohammad, Family Law reforms in Muslim world, tripathy
- 8) TahirMohammad, Islamic Law in Modern india, Tripathy
- 9) Derret Hindu Law, Past and Present, Universal
- 10) Derret, Introduction to modern Hindu Law, Universal
- 11) Ghosh, the law of endowments, S.C. Sarkar
- 12) Row, Sanjiva, The Indian Succession Act, Law book Co
- 13) Basu, Indian Succession Act, eastern
- 14) Gaur, hindu code Vol i and II, Law Publisher
- 15) Diwan, law of Intested and testamentary Succession, wadhwa
- 16) Mukherjee, Hindu law of religious and charitable trust, eastern
- 17) Desai Kumud, Law of Marriages and Divorce
- 18) Mayne's Hindu law and usage
- 19) Parasdiwan, Family law
- 20) Dr. T. V. SubbaroaFamilt law in India
- 21) Mulla, principles of Mahommedan law

**DSC – 604: ENVIRONMENTAL LAW
(Paper – IV)**

Objectives of the course:

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues related to problematic about construction of a just, humane and healthy society.

Secondly environmental law necessarily demands an inter – disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only

in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning device. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

	: 30 Marks

SYLLABUS

UNIT I - CONCEPT OF ENVIRONMENTAL AND POLLUTION

- 1.1 Meaning and definition of environment and pollution under different Acts
- 1.2 Kinds of pollution
- 1.3 Effects of pollution

UNIT II -- HISTORICAL PERSPECTIVES OF ENVIRONMENT AND POLLUTION

- 2.1 Indian tradition : Dharma of environment
- 2.2 British Raj – Industrial development and exploitation of nature
 - Nuisance : penal code and procedural codes
- 2.3 Free India – continuance of British influence

UNIT III -- CONSTITUTIONAL PERSPECTIVES

- 3.1 Constitution making – development and property oriented approach
- 3.2 Directive principles
 - 3.2.1 Judicial approach
- 3.3 Fundamental rights - Right to clean and healthy environment, Pollution Free Atmosphere etc.

3.4 Environments v. Development

3.5 Enforcing agencies and remedies

3.6 Emerging Principles

3.6.1 Polluter pays and Precautionary Principle : Public Liability Insurance

3.6.2 Public Trust Doctrine

3.6.3 Sustainable Development

UNIT IV -- WATER AND AIR POLLUTION

4.1 Water and Air Pollution - Meaning and standards

4.2 Culprits and victims

4.3 Offences and penalties

4.4 Judicial approach

4.5- Noise Pollution and Control

4.5.1 Legal control

4.5.2 Courts of balancing : permissible and impermissible noise

UNIT V -- ENVIRONMENT PROTECTION

6.1 Protection means

6.2 Protection agencies : Power and functions

6.3 Emerging protection through delegated legislation

6.3.1 Hazardous waste

6.3.2 Bio – medical waste

6.3.3 Genetic engineering

6.3.4 Disaster emergency preparedness

6.3.5 Coastal zone management

6.4 Judiciary : complex problems in administration of environmental justice

UNIT VI -- FOREST AND GREENERY

- 7.1 Greenery conservation laws
 - 7.1.1 Forest Conservation Act
 - 7.1.2 Symbiotic relationship and tribal people
 - 7.1.5 Denudation of forest : judicial approach
- 7.2 Wild life Protection Act

UNIT VII - - INTERNATIONAL REGIME

- 8.1 Stockholm conference
- 8.2 Green house effect and ozone depletion
- 8.3 Rio Conference
- 8.4 Bio – Diversity
- 8.5 U. N. Declaration on right to Development

UNIT VIII -- PREVENTION OF CRUELTY TO ANIMALS

- 9.1 Animal welfare Board
- 9.2 Cruelty to Animals Generally
- 9.3 Experimentation on Animals
- 9.4 Performing animals

Reference Books

1. Ball and Bell, Environmental Law
2. ShyamDivan : Armin Rosencranz Environmental Laws and Policy in India - Cases, Materials and Statutes
3. BaxiUpendra, The Bhopal Case
4. Aggarwal Anil, The State of India's Environment
5. Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
6. Pal Chandra, Environmental Pollution and Development, ed 1999
7. Iyer V R Krishna, Environment Pollution and the Law
8. Malaviya, Environment Pollution and its Control under International Law
9. Leelakrishnan, Environmental Law in India 1986
10. The Environment (Protection) Act 1986 and Rules 1986

Select Bibliography :

- 1) AarminRosencranz, et al, (eds.), Environmental Law and Policy in Indian, (2000), Oxford
- 2) R. B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing, New Delhi.
- 3) Kailash Thakur, Environment Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
- 4) Richard L. Riversz, et.al. (eds.), Environment Law, the economy and other Sustainable Development (2000), Cambridge
- 5) Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana
- 6) Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
- 7) Leelakrishnan, P, The Environmental Law in India (1999), Butterworths – India
- 8) Department of Science and Technology, Government of India Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental protection (1980) (Tiwari Committee Report).
- 9) Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1988, Vol. XXXV, No. 3, pp. 353 - 801
- 10) Center for Science and Environment, The State of Indian's Environment 1982, The State of India's Environment 1984 – 1985 and The State of Indian Environment 1999 – 2000
- 11) World Commission on Environment and Development, Our Common Future (1987), Oxford.
- 12) Maneka Gandhi et. all Animal Laws of India (2001)
- 13) Iyer V R Krishna, Environment Pollution and the Law
- 14) Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
- 15) Pal Chandra, Environmental Pollution and Development, ed 1999
- 16) Malaviya, Environment Pollution and its Control under International Law
- 17) The Environment (Protection) Act 1986 and Rules 1986

**DSC – 605: PROFESSIONAL ETHICS AND PROFESSIONAL
ACCOUNTING SYSTEM**

(Paper – V)

Objectives of the course:

Advocates have the dual responsibility of upholding the interests of the client fearlessly while conducting themselves as officers of the court. Accordingly, they are expected to adhere to the highest standards of probity and honour. An advocate's conduct should reflect their privileged position in society which derives from the nobility of this profession. The service of an advocate to the common man should be compassionate, moral and lawful. Indian Legal System can write up the next big success story in professional legal education and consequently higher efficiency in Justice Delivery System if it succeeds in facilitating high professional skills, building up of human resource with proper integration of knowledge to match the growing world standard.

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

	: 30 Marks

SYLLABUS

UNIT I -- PROFESSIONAL ETHICS

- 1.1 Development of Legal Profession in India.
- 1.2 Concept, need and importance of Professional Ethics.
- 1.3 Bar Council of India Rules on Standards of professional Conduct and Etiquettes, seven lamps of advocacy
- 1.4 Duties and Obligations of Advocate (Norms of Professional Ethics)
 - Section I -Duty to the Court.
 - Section II -Duty to Client.

Section II -Duty to Opponent.

Section IV -Duty to Colleagues

-Duty to Profession

-Duty to Render Legal Aid.

1.5 Restrictions on other employments.

1.6 Senior Advocates and Restrictions on Senior Advocates.

1.7 Form of Dresses or Robes to be worn by Advocate.

1.8 Vakalatnama.

UNIT II -- ADVOCATES ACT, 1961 :

2.1 Chapter I (Sections 1 and 2) Definitions-Advocate, Legal Practitioner, Law Graduate.

2.2 Chapter II (Sections 3 to 15) -Bar Councils Functions.

2.3 Chapter III (Sections 16 to 28) -Admission and Enrolment of Advocates.

2.4 Chapter IV (Sections 29 to 34) -Right to Practice.

2.5 Chapter V (Sections 35 to 44) -Conduct of Advocates. Punishment of Advocates for misconduct.

2.6 Chapter VI (Sections 45 -Miscellaneous.)

UNIT III -- BAR-BENCH RELATIONS AND CONTEMPT OF COURT.

3.1 Concept and Role of Bar-Bench Relation with reference to administration of Justice.

3.2 The Contempt of Courts Act, 1971 Sections 1 to 24.

UNIT IV -- ACCOUNTANCY FOR LAWYERS.

4.1 Definition, object, Importance and Utility of Book Keeping.

4.2 Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions.

4.3 Meaning and Advantages of Double Entry Bookkeeping.

4.4 Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.

4.5 Types of Cash Book.

- (a) Simple Cash Book.
- (b) Cash Book with Cash and Discount columns.
- (c) Cash Book with Cash, Bank and discount columns.

4.6 Bank Reconciliation statement.

4.7 Rectification of Errors.

4.8 Preparation of Trial Balance.

4.9 Preparation of Trading, Profit and Loss Account and Balance Sheet.

4.10 Preparation of Income and Expenditure Account.

4.11 Assessment of income and expenditure and payment of taxes by Advocates.

UNIT V -- CASES & SELECTED OPINIONS PRESCRIBED FOR STUDY.

5.1 Major Judgments of Supreme Court on the subject :

- 1) Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997, SC, 1338
- 2) Hikmat Ali Khan V/s IshwarPrasd, AIR, 1997, SC 864.
- 3) V. P. Kumarvelu V/s B.C.L., AIR, 1997, SC 1014
- 4) P.D. Gupta V/s Ram Murty, AIR, 1988, SC 283.
- 5) In Re. V.C. Mishra, AIR, 1995, SC 2348.
- 6) Supreme Court Bar Association V/s Union Bank of India, AIR, 1988, SC 1895.
- 7) U.P. Sales Tax Service Association V/s Taxtion bar Association, Agara AIR 1996 SC 98.
- 8) John D' Souza V/s Edward Ani, AIR, 1994, SC 975.
- 9) Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ 1478.
- 10) Mr. Roma Baneriji V/s UshapatiBanerji, AIR, 1958, CRLJ 1478.

5.2 Selected Opinions Of The Disciplinary Committee Of Bar Council Of India

- 1) B.C.I. TR Case No. 27/1988, Vol. 16(3&4) 1989, I.B.R. Y.V.R. (Complainant) V/s M.K.N. (Respondent).
- 2) B.C.I. TR Case No. 24/1986, Vol. 16(3&4) 1989, I.B.R.C.L. (Complainant) V/s N.T.S. (Respondent).
- 3) D.C. Appeal No. 6/1988, Vol. 16(3&4) 1989, I.B.R.J.E. (Appellant) V/s Smt. A (Respondent).
- 4) D.C. Appeal No. 28/1986, Vol. 15(3&4) 1988, I.B.R.J. (Appellant) V/s Smt. A (Respondent).

- 5) D.C. Appeal No. 35/1987, Vol. 16(3&4) 1989, I.B.R.N.M. (Appellant) V/s V. D. (Respondent).
- 6) D.C. Appeal No. 131975 (Mah.) Vol. 5 (1-3) 1976, Journal of Bar 35 Council of India, A. (Appellant) V/s Bar Council of Maharashtra, (Respondent)
- 7) B.C.I. , TR. Case No. 17/86. Vol. 15(3&4), 1988, I.B.R. M. (petitioner/complainant) V/s Bar Council of Maharashtra, (Respondent)
- 8) B.C.I. , TR. Case No. 63/1983. Vol. 15(3&4), 1988, I.B.R. B. (Complainant) V/s R. (Respondent)
- 9) D.C. Appeal No. 21 of 1985. Vol. 15(3 and 4), 1988, I.B.R.G. (Applicant) V/s T. (Respondent)
- 10) B.C.I. , TR. Case No. 61/1983. Vol. 14(2), 1987, I.B.R. D. (Complainant) V/s B. (Respondent)

Recommended Books

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
5. Dr. KailashRai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
7. M. G. Patkar-Book Keeping and Accountancy.
8. Mrs. JayashreeKotibhaskar-Book Keeping and Accountancy.
9. KrishnamurtiIyer-Advocacy.
10. Shukla and Grewal-Advance Accountancy.
11. R. L. Gupta-Advanced Accountancy.
12. S. N. Maheshwari-Introduction to Accountancy.
13. Indian Bar Review-Journal.
14. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
16. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
17. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
18. Law Reporters-A.I.R., S.C.C. (Relevant cases).
19. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
20. Agarwal A. N.-Practical Aspects of Higher Accountancy.
21. Anand-Professional Ethics of Bar.
22. JhaShriram Chandra-Selected Judgments on Professional Ethics.
23. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
24. Reddy G. B.-Practical Advocacy for Lawyers.

AECC – 606 PUBLIC INTEREST LAWYERING AND PARA LEGAL SERVICES

Objective of the course :

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT – I- PUBLIC INTEREST LITIGATION

- 1.1 Meaning and object
- 1.2 Locus Standy
- 1.3 Merits and demerits of Public Interest Lawyering
- 1.4 Public Interest Litigation and Writ Jurisdiction
- 1.5 Social Revolution Through P.I.L. with Cases

UNIT – II LEGAL – AID AND LEGAL LITERACY PROGRAMME

- 2.1 Meaning, Object and Importance
- 2.2 Constitutional Provisions
- 2.3 Legal Services Authorities Act, 1987
- 2.4 Legal – Aid and Legal Profession

UNIT – III LOKADALAT

- 3.1 Meaning of LokAdalat
- 3.2 Organization of LokAdalat
- 3.3 Permanent LokAdalat
- 3.4 Composition of LokAdalat
- 3.5 Functioning of LokAdalats

UNIT – IV - PARA-LEGAL TRAINING AND IMPORTANCE

- 4.1 Meaning, Objects and Importance
- 4.2 Role of DALSA, TALSA

4.3 Legal Literacy Campus

4.4 Negotiation

4.5 Counseling

UNIT – V - LOKNAYALAYA AND GRAM NYAYALAYA

5.1 Meaning, Objects and Importance

5.2 Features of the Gram Nayalaya Act, 2008

5.3 Jurisdiction of Gram Nyayalaya

5.4 Appellate Provisions

5.5 Mobile Court

Books Recommended

- 1) Public Interest Lawyering, Legal-Aid and Para Legal Services by Prof. Kailash Rai
- 2) Public Interest Litigation by J. Gulab Gupta
- 3) Legal – Aid to the poor by S. S. Sharma.
