

LL.B

Three Year Laws Degree Course

Applicable From the Academic Session 2010-2011

LL.B Three Year Course shall be divided into six semesters. Following course of study is based on the recommendations and revised guidelines of the Curriculum Development Committee of the BCI. Each paper shall carry 70 marks.

FIRST YEAR

First Semester

Paper Code	SUBJECTS	Credit
Law 01	Law of Torts including MV accident and Consumer Protection Laws.	4
Law 02	Jurisprudence (Legal Method, Indian Legal	4

	System and Basic Theory of Law)	
Law 03	Law of Contract including Specific Relief Act & Sale of Goods Act	4
Law 04	Constitutional Law-I	4
Law 05	English and Legal Language	4

Second Semester

Paper Code	SUBJECTS	Credits
Law 06	Law of Special Contract including Indian Partnership Act & Negotiable Instrument Act	4
Law 07	Constitutional Law-II	4
Law 08	Family Law-I	4
Law 09	Property Law (Transfer of Property Act and Easement Act)	4
Law 10	Labour and Industrial Law-I	4

SECOND YEAR

Third Semester

Paper Code	SUBJECTS	Credit
Law 11	Labour and Industrial Law-II	4
Law 12	Law of Crime Paper-I : Penal Code	4
Law 13	Family Law-II	4
Law 14	Company Law	4
Law 15	Principles of Taxation Law	4
Law16	Professional Ethics and Professional Accounting System	4

Fourth Semester

Paper Code	SUBJECTS	Credits
Law 17	Law of Crime Paper II: Criminal Procedure Code	4
Law 18	Administrative Law	4
Law 19	Environmental Law	4
Law 20	Interpretation of Statutes and Principles of Legislation.	4
Law 21	Alternate Dispute Resolution	4

THIRD YEAR

Fifth Semester

Paper Code	SUBJECTS	Credit
Law 22	Law of Evidence	4
Law 23	Civil Procedure Code and Limitation Act	4
Law 24	Public International Law	4
Law 25	Insurance Law	4
Law 26	Drafting, Pleading and Conveyancing	4

Sixth Semester

Paper Code	SUBJECTS	Credits
Law 27	Intellectual Property Law	4
Law 28	Land Laws including Tenure and Tenancy System.	4
Law 29	Human Rights Laws and Practice including Protection of Women from Domestic Violence and Juvenile Justice Act.	4
Law 30	Cyber Laws	4
Law 31	Moot Court Exercise and Internship	4

SYLLABUS FOR LL.B 3 YEARS COURSE

(2010-2011)

SEMESTER-1

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

PAPER CODE: LL.B- 01

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

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

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

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

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

MODULE-II: Justification in Tort/ General Defenses

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

MODULE-III: Specific Torts

- a) Defamation- Libel, Slander including Defenses in an action for Defamation.
- b) Negligence including Contributory Negligence and other defenses.
- c) Nuisance.
- d) Assault, Battery and mayhem.

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

MODULE-IV: Consumer Protection Act, 1986.

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

MODULE-V: Redressal

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

SUGGESTED READINGS

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

ESSENTIAL CASE LAWS

1. Bhim Singh v. State of J & K and others.

2. Rudul Sah v. State of Bihar.
3. Rylands v. Fletcher 1868 LR HL, 330.
4. M.C. Mehta v. Union of India 1987 1 SCC 395.
5. Union Carbide Corporation v. Union of India AIR 1989 SC 248.
6. Donoghue v. Stevenson 1932 SC 31.
7. State of Rajasthan v. Mst. Vidyawati & Others AIR 1962 SC 1039.
8. M/s. Kasturilal Ralia Ram Jain v. State of U.P. AIR 1965 SC 1039.
9. Cassidy v. Daily Mirror Newspaper Ltd.
10. Bird v. Jones 1945 7 QB 742.
11. Lucknow Development Authority v. M.K. Gupta (1949) ISCC 243.
12. A. C. Modagi v. Crosswell Tailor, (1991) II CPJ 586.
13. Indian Medical Assn. v. V.P. Shantha (1995) 6 SCC 651.
14. Consumer Unity and Trust society v. St. of Rajasthan (1991) II CPJ 56 Raj.

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

PAPER CODE: LL.B- 02

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

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

cases, procedures, practices and customs in the form of a 'systematic body of knowledge' nor it would be possible to show the interconnectivity among various branches of law.

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

MODULE-I: Introduction

- a) **Meaning of Jurisprudence/Legal Theory, Nature, Need and Scope.**
- b) **Linkages between Jurisprudence and other sciences-**
 - a. **Law and Justice.**
 - b. **Law and Morality.**
 - c. **Civil wrong and crime.**
 - d. **Judicial process and New Morality.**
- c) **Nature and definition of Law.**
- d) **Norms and Normative System.**

MODULE-II: Schools of Jurisprudence

a) Analytical Positivism, Pure Theory.

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

These theories comprise of

- i. **Kautilya (4th Century B.C).**
- ii. **Command Theory of Law: Utilitarianism (John Austin).**
- iii. **Normative Theory of Law: Pure Theory (Hans Kelsen).**
- iv. **Rule theory of Law: Law as system of rules- combination of primary and secondary rules (H.L.A Hart).**

b) Natural Law

- a. **Divine and prophetic theories of law e.g. Hebrew Law, Law of Manu and the Islamic Law.**
- b. **Natural Law theories:**
 - i. **Natural Law as Virtue (dharma)--- Hindu.**
 - ii. **Natural Law as justice by nature--- Aristotle.**
 - iii. **Natural Law as Right reason--- Cicero.**
 - iv. **Natural Law as Law of God--- St. Thomas Aquinas.**
 - v. **Natural Law as inner morality of law--- Fuller**

c) Historical Jurisprudence: Historical theories arose out of revolt against Rationalism and the power of human will and tradition:

- a. Law as a manifestation of the spirit of the people in History- Vonsavigny.
- b. Law as the development in history of personal conditions from status to contract- Maine.
- d) **Sociological Jurisprudence:**
 - a. Sociological Theory: Functions of law- Law as a means of social control. Jurisprudence of Interests- Roscoe Pound
 - b. American Realist Theory: Law as prophecy of what the court will do- Justice O.W. Holmes (Jr).
 - c. Scandinavian Realism: These Realists reject Natural Law as well as Positivism and introduce their own theories of Law.
 - d. Realist Movement.
- e) Legal Realism.
- f) Economic Approach.
- g) **Indian Jurisprudence:**
 - a. Classical Approach.
 - b. Medieval Approach.
 - c. Modern Trends.

MODULE-III: Sources of Law

- a) Customs.
- b) Precedents.
- c) Legislations.
- d) Juristic Writings.

MODULES-IV: Concepts of Law.

- a) **Rights and Duties:**
 - i. Definition of Right.
 - ii. Theories of Right.
 - iii. Elements of Legal Right.
 - iv. Classification of Right.
 - v. Meaning of Duty.
 - vi. Classification of Duty.
 - vii. Co-relation of Right and Duty.
- b. **Legal Personality**
 - i. Personality- meaning and nature of legal personality.
 - ii. Status of unborn person.
 - iii. Dead men and animals: status and capacity.

iv. Legal person: evolution of corporate personality, theories of corporate personality, advantage of incorporation, liability of corporation.

c. Possession, Ownership and Property

- i. Possession: Meaning- De facto possession and De jure possession. Analysis of possession, its kind, rights of the possessor, acquisition of possession, possessory remedies.
- ii. Ownership: Definition, Rights of owner, Classification of ownership, Modes of acquisition of ownership.
- iii. Property: Meaning, Theories of Property, Kinds of Property and Modes of acquisition of property.

MODULE-V: Principles of Liability

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

SUGGESTED READINGS

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

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

PAPER CODE: LL.B- 03

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

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

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

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

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

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

MODULE-II: Legality of Objects (SECS: 23, 24,25, 26, 27, 28, 29, 30, 56.)

- a) Contingent Contract (SEC- 31-36).
- b) Quasi-Contracts (SECS: 68, 69, 70, 71, 72, 168 & 169).

MODULE-III: Validity, Discharge and Performance of Contract

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

MODULE-IV: Corporate and Multi- National Agreements

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

MODULE-V:

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

SUGGESTED READINGS

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

10. Law of Contract--- Cheshire, Fifoot and Firmstone.

ESSENTIAL CASE LAWS

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

37. Jackson v. Horizon Holidays Ltd.
38. Bissett v. Wilkinson

NAME OF SUBJECT: CONSTITUTIONAL LAW-I

PAPER CODE: LL.B- 04

MAXIMUM MARKS:
30+70=100
TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

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

MODULE-I: The Constitution

- a) Definition and Classification.
- b) Sources of Constitution.
- c) Constitutional Conventions.
- d) Salient features of Indian Constitution.
- e) Rule of Law.
- f) Separation of Power.

MODULE-II: Distribution of Powers between Centre and State

- a) Legislative Powers.
- b) Administrative Powers.
- c) Financial Powers.
- d) Relevant Doctrines:
 - i. Territorial Nexus.
 - ii. Harmonious Construction.
 - iii. Pith and Substance.
 - iv. Repugnancy.

MODULE-III: Constitutional Organs

- a) Parliament.
- b) Parliamentary Sovereignty.
- c) Parliamentary Privileges.

- d) Anti-Defection Law.
- e) Executive Power.
- f) Collective Responsibility of Cabinet.
- g) Judiciary- Jurisdiction of Supreme Court and High Court.
- h) Independence of Judiciary.
- i) Public Interest Litigation.
- j) Power of Judicial Review.
- k) Doctrine of Political Question.

MODULE-IV: Emergency Provisions (Arts: 352-360). Need for such a provision. Types of emergencies. Effect of emergency on Centre-State relationship; Centre's power over the State; Emergency and suspension of Fundamental Rights. Methods of Constitutional Amendment; Limitations upon Constitutional Amendment (Shankari Prasad, Sajjan Singh); why should fundamental rights be immune from the process of Constitutional Amendment (Golak Nath). Basic Structure, doctrine as a limitation (Keshvananda Bharti and its aftermath).

MODULE-V: Services under the Constitution: Doctrine of Pleasure (Art.- 310). Protection against arbitrary dismissal, removal. Reduction in rank (Art.- 311). Exceptions 10 Art. 311 (Tulsi Ram Patel and aftermath).

SUGGESTED READINGS

1. Constitution of India--- V.N. Shukla.
2. Indian Constitutional Law--- M.P. Jain.
3. Constitutional and Administrative Law--- Nutshells.
4. Constitutional Law of India Vol. 1-3 (1986)--- M. Hidayatullah Ed.
5. Constitutional Law of India--- M.V. Pylee.
6. Shorter Constitution of India--- D.D. Basu.
7. Constitutional Law of India--- H.M. Seeravai.

ESSENTIAL CASE LAWS

1. R.K. Dalmia v. Justice Tendulkar AIR 1958 S.C. 538
2. In Re Article 143, Constitutional of India AIR 1951 S.C. 332
3. Ram Jawaya Kapur v. State of Punjab AIR 1955 S.C. 549
4. Indira Gandhi v. Raj Narain AIR 1975 S.C. 2299
5. Scora v. U.O.I. 1993 (4) S.C.C. 441
6. State of H.P. v. Umed Ram Sharma AIR 1986 S.C. 847
7. S.R. Bommai v. Union of India, 1994(3) S.C.C. 1
8. A.D.M. Jabalpur v. Shiv Shankar Shukla, 1976 Suppl. S.C.R. 172
9. India Cements Ltd & Anr v. State of Tamil Nadu, 1990 (1) S.C.C. 12

10. A.P. Sampoorana Madhya Nished Samithi & Ors. v. State of A.P., AIR 1997 A.P. 312
11. U.N. Rao v. Indira Gandhi, AIR 1971 S.C. 1002
12. Keshavanad Bharati v. State of Kerala, 1976(2) S.C.R. 347, 523
13. National Human Rights Commission v. State of Arunachal Pradesh, AIR 1996 S.C. 1234
14. Minerla Mills v. Union of India AIR 1980 S.C. 1804
15. Samta Vedike v. State of Karnataka 2003 CR.L.J. 1003 Kar N.C.
16. Tikaramji v. State of U.P. AIR 1968 S.C. 1286
17. Calcutta Gas Co. v. State of W.B. AIR 1962 S.C. 1044
18. Gujarat University v. Sri Krishna AIR 1963 SC 702
19. DAV College v. State of Punjab AIR 1971 SC 1737
20. Prafulla Kumar v. Pramfil of Commerce AIR 1947 P.C. 60
21. State of Rajasthan v. G.Chawla AIR 1959 SC 544
22. Union of India & Ors. V. Shah Govardhan Lal Kabra 2000 (7) Scale 435
23. Zayerbhai v. State of Bombay AIR 1954 SC 752
24. Union of India v. V.H.S. Dhillon AIR 1972 SC 1061
25. Jayanti Lal Amrit Lal Rana v. F.N. Rana AIR 1964 S.C. 648
26. State of Haryana v. Ram Kishan AIR 1988 SC 1301
27. K. Nagraj v. State of A.P. 1985 (1) SCC 527
28. K.T. Plantantion v. State of Karnataka, AIR 2002 (Oct) Kar 365
29. Gunupati v. Nafisul Hasan AIR 1954 SC 636
30. Pandit MSM Sharma v. Sri Krishna Sinha AIR 1959 SC 395
31. In powers, privileges and Immunities of State Legislature Re: AIR 1965 SC 745
32. P.V. Narsimha Rao v. State 1998 (94) SCC 626
33. Tej Kiran v. Sanjiva Reddy AIR 1970 SC 1573
34. Roop Ashok Hurrah v. Ashok Hurrah 2002 (3) SCC 406
35. Tirupathi Balaji Developers (P) Ltd. v. State of Bihar AIR 2004 SC 2351
36. A.K. Roy V. UOI 1982 (2) SCR 272
37. State of Maharashtra v. A. Lakshmirutty AIR 1987 SC 331
38. Kihoto Hollohah v. Zachillu 1992 Suppl (2) SCC 651
39. Ravi Naik v. UOI AIR 1994 SC 1558
40. G. Vishwanathan v. Speaker T.N. Assembly 1996 (2) SCC 353
41. M. Kashinath Jalmi v. Speasker Legislative Assembly Goa 1993 (2) SCC 703
42. D.C. Wadhwa v. State of Bihar 1987 (1) SCC 379
43. Krishan Kumar v. State of Bihar 1998 (5) SCC 643
44. Makhan Singh v. State of Punjab AIR 1964 SC 381
45. A.D.M. Jabalpur v. Shivshankar Shukla AIR 1976 SC 1207

NAME OF SUBJECT: ENGLISH AND LEGAL LANGUAGE

PAPER CODE: LL.B- 05

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

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

MODULE-I: Legal Language-I

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

MODULE-II: Grammar and Usages

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

MODULE-III: Comprehension and Composition

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

MODULE-IV: Legal Language-II

- a) Legal maxims.
- b) Legal Terms/ Foreign words.
- c) Drafting of Moot Memorials.
- d) Brief writing.

MODULE-V: Translation.

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

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

SUGGESTED READINGS

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

SEMESTER-II

**NAME OF SUBJECT: LAW OF SPECIAL CONTRACT INCLUDING INDIAN PARTNERSHIP
ACT & NEGOTIABLE INSTRUMENT ACT**

PAPER CODE: LL.B- 06

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

Objective: This is a follow-up course on contract. When students are familiarized with the general principles of contract, special contracts are studied in the light of statutory provisions and decisional law. Some of the growing sectors of economy such as petroleum, mining, transportation and power etc. today require specialized legal professionals to handle growing contractual requirements, joint ventures etc. Special contracts justify special statutory provisions for some kinds of contracts.

MODULE-I: Indemnity & Guarantee / Bailment & Pledge.

- a) Meaning, Distinction between Indemnity and Guarantee.
- b) Indemnity in cases of MNC and new industrial transactions such as Power and Energy. (SECS: 124-125).
- c) Rights/ Duties of Indemnifier, Indemnified and Surety.
- d) Discharge of Surety.
- e) Kinds of Guarantee. (SECS: 126-147)
- f) Bailment (SECS: 148-171, 180) & Pledge (SECS: 172-179)
 - i. Meaning and Distinction.
 - ii. Rights and Duties of Bailor/ Bailee, Pawnor/ Pawnee.
 - iii. Lien.
 - iv. Termination of Bailment.

MODULE-II: Agency

- a) Definition of Agent and Principal.
- b) Essentials of Relationship of Agency.
- c) Creation of Agency: By agreement, Ratification and Law.
- d) Relation of Principal/ Agent, Subagent and Substituted Agent.
- e) Termination of Agency. (SECS: 182-210 & 226-238).

MODULE-III: Specifically enforceable Contracts

- a) Contracts which cannot be specifically enforced (SECS: 14).
- b) Discretion of the Court (SEC: 20).
- c) Rectification of Instruments (SEC: 26).
- d) Rescission of Contracts (SECS: 27-30).
- e) Cancellation of Instruments (SECS: 31-33).
- f) E- Contracts including Standard form of Contract.

MODULE-IV: The India Partnership Act, 1932.

- a) Nature of Partnership firm.
- b) Relations of partners to one another and outsiders.
 - i. Rights/ Duties of partners inter se.
 - ii. Partnership Property.
 - iii. Relations of Partners to Third parties.
 - iv. Liability for holding out minor as a partner.
- c) Incoming and outgoing partners.
- d) Dissolution.
 - i. By consent.
 - ii. By agreement.
 - iii. Compulsory Dissolution.
 - iv. By notice.
 - v. By Court.
 - vi. Consequences of dissolution.
 - vii. Registration of firms and effects on non-registration.

MODULE-V: Negotiable Instrument Act.

SUGGESTED READING

1. Indian Contract Act--- Pollock and Mulla
2. Indian Contract Act--- Avtar Singh.
3. Principles of Mercantile Law--- R.K. Bangia.
4. Law of Contracts and Partnerships and Sale of Goods Act--- T.R. Desai.
5. Equity, Trust and Specific Relief--- G.P. Singh.
6. Equity, Trust and Specific Relief--- Akil Ahmed.
7. Contract--- Tata McGraw.
8. Sales of Goods Act, 1930--- Avtar Singh.
9. Indian Partnership Act, 1930--- Avtar Singh.
10. Pollock and Mulla on Contracts and Specific Relief Act (1999)---R.K. Abhichandani (ed.).

11. Law of Contract (1999)--- Krishnan Nair.
12. The Negotiable Instrument Act--- Bhashyam and Adiga.
13. The Negotiable Instrument Act--- M.S. Parthasharthy (ed.), J.S. Kheragaamvala.
14. The Sales of Goods Act--- Saharay, H.K.
15. Anson's Law of Contract (1998)--- Beatson (ed.).

NAME OF SUBJECT: CONSTITUTIONAL LAW-II

PAPER CODE: LL.B- 07

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

Objective: Founding fathers of the Constitution of India through “we the people of India” constituted India into a Sovereign, Democratic, Socialist, Secular, Republic to secure equality, justice, liberty, fraternity and dignity of the individual. In this backdrop it is imperative for the law students to know the genesis of fundamental rights and duties and Directive Principle of State Policies and their interpretation in right perspective. The concept of secularism must be interpreted progressively in a pluralistic society like India. Constitutional interpretation is influenced by one's social, economic and political bearings and hence a law student must learn how different interpretations of the Constitution is possible and why a particular interpretation was adopted by the Supreme Court. A critical analysis is sine qua non for a better understanding of the Constitutional Law.

Judicial review is an important aspect of Constitutional Law of India and it monitors Legislative and Executive anomie. In India judiciary has power to review even judicial amendments.

MODULE-I: Fundamental Rights-I

- a) **Definition of ‘State’ for enforcement of Fundamental Rights**
 - i. **Justifiability of Fundamental Rights**
 - ii. **Doctrine of eclipse, severability, waiver.**
 - iii. **Distinction between pre-Constitutional Law and post-Constitutional Law.**
- b) **Right to Equality**
 - i. **Doctrine of Reasonable Classification.**
 - ii. **Principle of absence of arbitrariness.**
- c) **Fundamental Freedom**
 - i. **Freedom of speech and expression.**

- ii. Freedom of association.
- iii. Freedom of movement.
- iv. Freedom to reside and settle.
- v. Freedom of trade, business and profession.
- vi. Expansion by judicial interpretation.
- vii. Reasonable restrictions.

MODULE-II: Fundamental Rights-II

- a) Right to life and personal liberty.
 - i. Scope and content (expensive interpretation).
- b) Preventive detention under the Constitution.
 - i. Policy and safeguards.
 - ii. Judicial review.
- c) Right against exploitation.
 - i. Forced labour and child employment.

MODULE-III: Right to Constitutional Remedies

- a) Right to Constitutional Remedies.
 - i. Judicial Review- Nature of Judicial review (Art. 32, 136, 141, 226, 227).
 - ii. Writs.
 - iii. Habeas Corpus.
 - iv. Mandamus.
 - v. Certiorari.
 - vi. Prohibition and Quo-warranto (Art. 32 & 226).

MODULE-IV: Directive Principles, Fundamental Duties and Social Justice

- a) Directive Principles of State Policy.
 - i. Nature and Justifiability of the Directive Principles.
 - ii. Inter-relationship between Fundamental Rights and Directive Principles.
 - iii. Fundamental Duties.
- b) Social Justice under the Indian Constitution.
 - i. Compensatory discrimination for backward classes.
 - ii. Mandal commission's case and other cases.
 - iii. Doctrine of Protective Discrimination.

MODULE-V: Secularism

- a) Concept of secularism- Indian Constitutional Provisions- Indian concept of Secularism.
- b) Freedom of Religion.

- i. **Scope (Art. 25 & 26).**
 - ii. **Limits of Freedom.**
- c) **Religion and State in India.**
 - i. **State control and non-interference with religion.**
 - ii. **Minority rights- meaning and scope.**

SUGGESTED READINGS

1. **Constitution of India--- V.N. Shukla.**
2. **Constitutional Law of India--- D.D. Basu.**
3. **Indian Constitutional Law--- M.P. Jain.**
4. **Constitutional Law of India Vol. 1-3 (1986)--- M. Hidayatullah Ed.**
5. **Constitutional Law of India--- M.V. Pylee.**
6. **Constitutional Law of India--- H.M. Seeravai.**
7. **Constitutional Development since Independence--- A. Jacob (ed.).**

ESSENTIAL CASE LAWS

1. Electricity Board Rajasthan v. Mohan Lal AIR 1967 SC 185
2. Sukhdev v. Bhagat Roy AIR 1975 SC 1331
3. R.D. Shetty v. International Airport Authority AIR 1979 SC 1628
4. M.C. Mehta v. UOI 1987 (1) SCC 395
5. Mysore Paper Mills v. Mysore Paper Mills Officers Association AIR 2002 SC 609
6. Bhikaji Narain v. State of M.P. AIR 1955 SC 781
7. Sikkim Subba Associates v. State of Sikkim 2001 (5) SCC 629
8. Olga Teelis v. Bombay Mumcp. Corp. 1985 (2) SCR 51
9. State of W.B. v. Anwar Ali Sarkar AIR 1952 SC 75
10. Deepak Sibbal v. Punjab University AIR 1989 SC 903
11. Competroller and Auditor General v. K.V. Mehta 2003 (1) SCALE 351
12. E.P. Royapra v. State of T.N. AIR 1974 SC 555
13. Rattan Lal v. State of Haryana 1985 (4) SCC 43
14. Narmada Bachao Andolan v. Union of India 1999 (8) SCC 308
15. S. Rangarajan v. P. Jagjivan Ram 1989 (2) SCC 574
16. Communist Party of India v. Bharat L. Pasricha AIR 1998 SC 184
17. Union of India v. Motion Pictures 1999 (6) SCC 150
18. Railway Board v. Niranjan Singh 1969 (1) SCC 502
19. Himmat Lal K. Shah v. Commissioner of Police AIR 1973 SC 87
20. A.K. Gopalan v. State of Madras AIR 1950 SC 27
21. Maneka Gandhi v. Union of India AIR 1978 SC 597
22. Hussainara Khatoon v. State of Bihar AIR 1979 SC 1369
23. M.H. Hoskot v. State of Maharashtra
25. Sunil Batra v. Delhi Administration AIR 1978 SC 1675

26. State of H.P. v. Umed Ram AIR 1986 SC 847
27. Narmada Bachao Andolan v. Union of India 2001 (2) SCC 62
28. N.S. Sahni v. Union of India 2002 (8) SCC 211
29. M.P. Human Rights Commission v. State of M.P.
30. L. Pochanna v. State of Maharashtra AIR 1985 SC 389
31. Fatehchand v. State of Maharashtra AIR 1977 SC 1825
32. Air India Statutory Corporation v. United Labour Union 1997 (9) SCC 377
33. M.R. Balaji v. State of Mysore AIR 1963 SC 648
34. Indira Sawney v. Union of India AIR 199 SC 477
35. Kihoto Hollohan v. ZACHILLU AIR 1993 SC 412
36. State of Madras v. Champak Dorai Rajan AIR 1951 SC 226
37. Keshavnand Bharati v. State of Kerala AIR 1973 SC 1461
38. Minerva Mills v. UOI AIR 1980 SC 1784
39. State of T.N. v. L. Abu Kavar Bai AIR 1984 SC 326
40. A.I.I.M.S. Students Union v. AIIMS 2002 (1) SCC 428
42. Javed and Ors. V. State of Haryana 2003 (5) SCALE 602
43. State of Gujrat v. Hon'ble High Court of Gujrat 1998(7) SCC 392
44. Peoples Union for Democratic Rights v. Union of India AIR 1982 SC 1473
45. University of Mysore v. Govind raio AIR 1965 SC 491
46. State of Haryana v. Haryana Co-operative Transport Ltd. AIR 1977 SC 237
47. B.R. Kapur v. State of T.N. AIR 2001 SC 3435
48. Union of India v. C. Krishna Reddy 2003 (10) SCALE 1050
49. Ananda Mukti Sadguru Trust v. V.R. Rudani AIR 1989 SC 1607
50. East India Commercial Co. v. Collector of Customs AIR 1962 SC 1893
51. Syed Yakoob v. K.S. Rashakri AIR 1964 SC 477
52. In Re Kerala Education Bill AIR 1958 SC 956
53. Ahemdabas St. Xavier College Society v. State of Gujrat AIR 1974 SC 1389
54. St. Stephens College v. university of Delhi AIR 1992 SC 1630
56. T.M.A. Pai Foundation v. State of Karnataka AIR 1994 SC 13
57. A.K. Roy v. Union of India AIR 1982 SC 710
58. S.R. Bommai v. Union of India 1994 (3) SCC 1
59. ARUNA Roy v. Union of India AIR 2002 SC 3176
60. M. Ismail Faruqui v. Union of India AIR 1995 SC 605
61. Ashok Kumar Thakur vs. Union of India. AIR 2008 SCW 2899.
62. B.C.P.P Mazdoor Sangh vs. N.T.P.C. AIR 2008 SC 236.
63. Chameli Singh vs. Union of India (1996) 2SCC S94.
64. Vishaka vs. State of Rajasthan AIR 1997 SC 3014

NAME OF SUBJECT: FAMILY LAW-I

PAPER CODE: LL.B- 08

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

Objective: Main objective of this course is to provide adequate sociological perspectives to expound concepts relating to family in their social settings. It also highlights some of the current problems arising out of foundational inequalities in different family concepts. Another objective is to view family law not merely as a separate system of personal laws based upon religions but as the one system cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code at jurisprudentially at the academic study by identifying the core concepts in marriage laws of all communities to evolve a Uniform Civil Code devoid of political nest. Women and children have special family relations and hence in family law administration students are expected to develop insight so that they could protect constitutional rights of women and children. Conversion is another problematic area. It affects the family and whether it is compatible with the concept of secularism and to what extent such problem would stand resolved with the enactment of a Uniform Civil Code etc. are some of the issues that need proper examination.

MODULE-1: Sources and Schools.

a) Sources of Hindu Law

- i. Ancient Sources- Shruti, Smriti, Digest & Commentaries and Customs.**
- ii. Modern Sources- Equity, Justice and Good Conscience, Precedent and Legislation.**

- b) Schools of Hindu Law:
 - i. Mitakshara School-Sub-schools of Mitakshara.
 - ii. Dayabhaga School.
- c) Sources of Muslim Law
 - i. Ancient sources: The Quran, The Sunna (Practice of Prophet), Ijma (Consensus of Opinion) and Quias (Analogical Deduction).
 - ii. Modern sources: Equity and Legislation.
- d) Schools of Muslim Law
 - i. Sunni School of Muslim Law.
 - ii. Shia School of Muslim Law
- e) Sources and Schools of Parsi and Christian Law.

MODULE-II: Marriage Laws

- a) Hindu Marriage Act, 1955.
 - i. Evolution of the institution of marriage.
 - ii. Nature and concept of Hindu marriage.
 - iii. Essential conditions of a Hindu marriage and consequences for violation.
 - iv. Forms, validity and voidability.
- b) *Nikah* (Muslim Marriage).
 - i. Nature and concept of Muslim marriage.
 - ii. Essential conditions of a valid marriage, prohibition/ disabilities, classification of marriage and effects of valid, irregular and void marriage.
 - iii. Obligations arising out of marriage- Mahr, Maintenance etc.
- c) Law governing Christian and Parsi marriages.

MODULE-III: Matrimonial Remedies/ Dissolution of Marriage.

- a) Theories of Divorce.
- b) Separation and Dissolution of Marriage under Hindu Law
 - i. Non-judicial resolution of marital conflict problem- Customary dissolution of marriage, unilateral divorce, divorce by mutual consent and other modes of dissolution.
 - ii. Grounds of Divorce.
 - iii. Jurisdiction and procedure.
- c) Dissolution of marriage under Muslim Law.
 - i. By death.
 - ii. By the act of either party.
 - iii. By mutual consent.

- iv. By court.
- v. Talaq and Talaq-e- Tafweez.
- d) Nullity of Marriage.
- e) Option of Puberty.
- f) Restitution of conjugal rights.
- g) Judicial separation.
- h) Bar to matrimonial relief under Hindu Law.
- i) Grounds for divorce under Indian Dissolution of Muslim Marriage Act, 1939.
- j) Reference to Parsi and Christian Law.

MODULE-IV: Adoption and Maintenance.

- a) Hindu Adoption and Maintenance Act, 1956.
- b) Adoption.
 - i. Ceremonies.
 - ii. Capability.
 - iii. Effect.
- c) Maintenance
 - i. Entitlement.
 - ii. Enforcement.
- d) Muslim Women (Protection of Rights on Divorce) Act, 1986.
- e) Maintenance of neglected wives, divorced wives, minor children, disabled parents who are unable to support themselves vide sections 125-127 of the Code of Criminal Procedure, 1973.
- f) Reference to Parsi and Christian Law.

MODULE-V: Emerging Trends and Guardianship.

- a) Family Courts: Establishment, Powers and Functions.
 - i. Uniform Civil Code-Constitutional Mandate.
 - ii. Role of State.
 - iii. Impediments to the formulation of the Uniform Civil Code.
- b) Hindu Minority and Guardianship Act, 1956.
- c) Guardianship under Muslim Law- Entitlement to guardianship- Rights, obligations and disqualification of a guardian.
- d) Conversions and its effects on the Family, Marriage, Adoption, Succession and Guardianship.

SUGGESTED READINGS.

1. Hindu Law--- Paras Diwan.
2. Family Law--- Paras Diwan.
3. Muslim Law of India--- Tahir Mahmood.
4. Principles of Hindu Law--- D.F. Mulla.
5. Principle of Muslim Law--- D.F. Mulla.
6. History of Dharmashastra Vol-2 pt.1 at 624-632 (1974)--- P.V. Kane.
7. Hindu Law: Past and Present--- J.D.M. Derrett.
8. Death of Marriage Law--- J.D.M. Derrett.
9. Inequalities and Law--- B. Sivaramayyas.
10. Law and Practice of Divorce in India--- S.C. Manchanda. (Universal).
11. Marriage and Divorce Law Manual--- Kusum (Universal).

ESSENTIAL CASE LAWS

1. Shastri v. Mooldas A.I.R 1966 S.C. 1119
2. Dr. Surajmani Stella Kujur v. Durga Charan Hansdah, A.I.R. 2001 S.C. 938
3. Maneka Gandhi v. Indira Gandhi AIR 1984 Del. 428
4. Bhaurao Shankar Lokhande v. State of Maharashtra, AIR 1965 S.C. 1564
5. Lily Thomas v. Union of India A.I.R. 1977 A.P. 43
6. Pinninti Venkataramana v. State, A.I.R. 1977 A.P. 43
7. Dr. A.N. Mukerji v. State, A.I.R. 1969 All. 489
8. Seema v. Ashwani Kumar, A.I.R. 206 S.C. 1158
9. Amina v. Hassan Koya, A.I.R. 2004 S.C. 1227
10. Gullipilli Sowria Raj v. Bandru Pavani alias Gullipilli Pavani, A.I.R. 2009 S.C. 1085
11. T. Sareetha v. T. Venkata Subbaiah A.I.R.1983 A.P. 356
12. Harvinder Kaur v. Harmander Singh A.I.R. 1984 Del. 66
13. Smt. Saroj Rani v. Sudarshan Kumar Chaddha, A.I.R. 1984 S.C. 1562
14. N.G. Dastane v. S. Dastane A.I.R. S.C. 1534
15. V. Bhagat v. D.Bhagat A.I.R. 1994 S.C. 710
16. Naveen Kohli v. Neelu Kohli A.I.R. 2006 S.C. 1675
17. Samar Ghosh v. Jaya Ghosh 2007 3 SCJ 253
18. Sumar Kapur v. Sudhir Kapur A.I.R. 2009 S.C. 589
19. Bipin Chandra v. Prabhavati A.I.R. 1957 S.C. 176
20. Savitri Panday v. Prem Chandra Pandey A.I.R. 2002 S.C. 591
21. Hirachand Srinivas Managaonkar v. Sunanda A.I.R. 2001 S.C. 1285
22. Sureshtra Devi v. Om Prakash A.I.R. S.C. 1904
23. Ashoka Hurra v. Rupa Bipin Zaveri A.I.R. 1997 S.C. 1266
24. Yousuf Rawather v. Sowramma A.I.R. 1971 Ker. 266
25. Shamim Ara v. State of U.P. 2002 CrLJ 4726 (SC)

26. Daniel Latif v. Union of India A.I.R. 2001 S.C. 3758
27. Mohd. Ahmed Khan v. Shah Bano Begum A.I.R. 1985 S.C. 945
28. Savitaben Samabhai Bhatiya v. State of Gujarat A.I.R. 2005 S.C. 1809
29. Itwari v. Asghari A.I.R. 1960 All. 261
30. Sawan Ram v. Kalawanti A.I.R. 1967 SC 1761
31. Sitabai v. Ramachandra A.I.R. 1970 SC 343
32. Lakashmi Kant Panday v. Union of India A.I.R. 1986 SC 272
33. Githa Hariharan v. Reserve Bank of India 1999 SCC 228

NAME OF SUBJECT: PROPERTY LAW (TRANSFER OF PROPERTY ACT AND EASEMENT ACT)

PAPER CODE: LL.B- 09

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

Objective: Course on property law conventionally deals with the Transfer of Property Act 1882. Since then fundamental changes have taken place in the field of property laws due to changed social circumstances. The irony is that old rules enacted by colonial masters such as rule against perpetuities find a place and post-Independence developments such as control and use of agricultural land don't find a place. In the matter of leases of immovable property this law is virtually outdated. Keeping these deficiencies in mind this course outline attempts at overcoming these deficiencies and imbalances.

MODULE-I: Jurisprudential contours of Property and Principles relating to Transfer of Property

- a) **Concept and Meaning of Property.**
 - i. **New property and Kinds of Property.**
 - ii. **Distinction between movable and immovable property.**
 - iii. **Tangible and Intangible Property- Intellectual Property.**

- iv. Transferability of Property.
- v. Compartment Transfer.
- vi. Conditions restricting transfer.
- vii. Definition of Transfer of Property.
- viii. Transfer and non-transfer property.
- ix. Transfer to an unborn person and the rule against perpetuity.
- x. Vested and Contingent interest.
- xi. Rule of Election.

MODULE-II: General Principles Governing Transfer of Immovable Property.

- a) Transfer by Ostensible owner.
- b) Rule of feeding grant by *estoppel*.
- c) Rule of *Lis pendens*.
- d) Fraudulent Transfer.
- e) Rule of Part performance.

MODULE-III: Specific Transfer-I

- a) Sale and Gift.
- b) Leases (Secs. 105-117).
 - i. Rights and obligations of Lesser and Lessee.
 - ii. How are leases made?
- c) Exchange.
- d) Charges.

MODULE-IV: Specific Transfer-II

- a) Mortgages of Immovable Property (Secs. 58-77)- Kinds of Mortgages.
- b) Rights and Liabilities of the Mortgator and Mortgagee.
- c) Marshalling and Contribution (Secs. 81-82); Redemption (Secs. 91-96).

MODULE-IV: Easements

- a) Creation of Easement (Secs. 4-7).
- b) Nature and Characteristics.
- c) Extinction, Suspension and Revival of Easements (Secs. 37-51); Reparation Rights.
- d) Licences.

SUGGESTED READINGS

1. Transfer of Property--- D.F. Mulla.
2. Transfer of Property Act--- H.N. Tiwari.
3. Transfer of Property Act--- S.M Shah.

4. Lectures on Indian Easement Act--- Tripathi.
5. Indian Easement Act--- J.D. Jain.
6. Transfer of property--- T.P. Tripathi

ESSENTIAL LAWS

Specific Transfers -

Sale, Mortgages, Gift, Lease -

1. **Bai Dosabai v. Mathurdas Govinddas, AIR 1980 SUPREME COURT 1334**
2. **Videocon Properties Ltd., v. Bhalchandra Laboratories, AIR 2004 SUPREME COURT 1787**
3. **Krishna Pillai Rajasekharan Nair v. Padmanabha Pillai, Air 2004 SUPREME COURT 1206**
4. **Mangal Prasad Tamili v. Narvedshwar Mishra, AIR 2005 SUPREME COURT 1964**
5. **State of U.P. v. Lalji Tandon, AIR 2004 SUPREME COURT 32**
6. **Chandy Varghese and Others v. K. Abdul Khader and Others, 2003 (11) SCC 328**
7. **Ranghuram Rao v. Eric P. Mathias, AIR 2002 SUPREME COURT 797**
8. **T. Lakshmipathi v. P. Nithyananda Reddy, AIR 2003 SUPREME COURT 2427**
9. **Shanti Prasad Devi v. Shankar Mahto, AIR 2005 SUPREME COURT 2905**
10. **Asokan v. Lakshmikutty and Others, 2007 INDLAW SC 1340**
11. **Renu Devi v. Mahendra Singh, AIR 2003 SUPREME COURT 1608**

Case Law (by way of illustration) -

1. **Amrit Lal Goverdhan Lal v. State Bank of Travancore AIR 1968 SC 1432**
2. **Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954**
3. **Vasireddi Seetha Ramaiah 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 Madhav dRao v. Union of India Air 1971 Sc 530**
6. **Dehli Science Forum & Others v. Union of India JT 1996 (2) SC 295**
7. **Canara Bank v. Canara Sales Corporation & Others AIR 1987 Sc 1603**
8. **India Airlines Corporation v. Madhuri Choudhury Air 1965 Cal 252**
9. **Gatewhite Ltd. & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944**

NAME OF SUBJECT: LABOUR AND INDUSTRIAL LAW-I

PAPER CODE: LL.B- 10

MAXIMUM MARKS:

30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

Objective: This course on labour and industrial law aims at delineating the aspect of management of labour relations and dispute settlement bodies and techniques.

MODULE-1: Trade Union and Collective Bargaining.

- a) **Trade Unionism in India.**
- b) **Definition of trade union and trade dispute.**
- c) **Workers' Right to form Union vis a vis Indian Constitution: the membership of trade union, closed shop and Union shop.**

- d) Registration of Trade Union- Remedies in case of non-registration and cancellation of registration of union.
- e) Privileges and protection of registered trade union from certain Acts and Omissions.
- f) Unfair labour practices and victimization.

MODULE-II: Collective Bargaining

- a) Concept and importance of Collective Bargaining.
- b) Pre-requisite for Collective Bargaining.
- c) Process of administering Collective Agreement (Negotiation, Mediation & Voluntary Arbitration & Compulsory Arbitration).
- d) Duration and Enforcement of Bipartite Agreement (Secs. 18, 19, Industrial Dispute Act, 1947).
- e) Pressurization: Strike, Go-slow, Work-to-Rule, Gherao and Lock-out.

MODULE-III: Standing Orders.

- a) Concept, Nature and Scope of Standing Orders under Industrial Employment (Standing Order) Act, 1946.
- b) Formulation of Standing Orders and its Certification Process.
- c) Modification and Temporary application of model Standing Orders.
- d) Interpretation and enforcement of Standing Orders.
- e) Penalties and procedure.

MODULE-IV: Regulations of Industrial Disputes.

- a) Definition of the concept of the Industry, Industrial Dispute and Workman.
- b) Arena of interaction and participants- Industry, Workman and Employer.
- c) Power of Government to refer Industrial Disputes for Adjudication.
 - i. The adjudicatory machinery.
 - ii. Award and its binding nature.
 - iii. Judicial review of awards.
- d) Concept of Lay-Off, Retrenchment, Procedure and Compensation relating to lay-off and retrenchment.

MODULE-V: Discipline in Industry.

- a) Doctrine of Hire and Fire vis a vis Social Welfare- Fairness in Disciplinary Process.
- b) Right to know: the chargesheet.
- c) Right to Defend: Domestic enquiry notice, evidence, cross-examination, unbiased enquiry officer and reasoned decision.
- d) Punishment of misconduct.
- e) Management's prerogative during the pendency of proceedings.

f) Notice of Change.

SUGGESTED READINGS

1. Law of Industrial Disputes--- O.P. Malhotra.
2. Report of National Commission on Labour, 1969--- Indian Law Institute.
3. Law of Trade Union--- R.B. Sethi & R.N. Dwivedi.
5. Commentary on Industrial Employment (S.C) Act, 1946.
6. Industrial Relations and Labour Law--- S.C. Srivastava.
7. Statutory Material- Trade Union Act, 1926; Industrial Employment (Standing Orders) Act, 1946 and Industrial Dispute Act, 1947.