

V SEMESTER LL.B

COURSE-I: CONTRACT-II

Objectives:

In the society wherein all major ventures are getting corporatised, a law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract. This law is contained in several legislations apart from the Indian Contract Act. This course equips the students to better appreciate the legal services required in a corporate office so that he can enhance his relevance as a lawyer in society.

Course contents:

UNIT – I

Contract of Indemnity – Documents/Agreements of Indemnity - Definition, Nature and Scope - Rights of indemnity holder – Commencement of the indemnifier's liability – Contract of Guarantee – Definition, Nature and Scope – Difference between contract of indemnity and Guarantee – Rights of surety – Discharge of Surety – Extent of Surety's liability – Co-surety.

Contract of Bailment – Definition – Kinds – Duties of Bailer and Bailee – Rights of Finder of goods as Bailee – Liability towards true owner – Rights to dispose off the goods.

Contract of pledge – Definition – Comparison with Bailment – Rights and duties of Pawnor and Pawnee

UNIT – II

Agency – Definition – Creation of Agency – Kinds of Agents – Distinction between Agent and Servant – Rights and Duties of Agent – Relation of Principal with third parties – Delegation – Duties and Rights of Agent – Extent of Agents authority – Personal liability of Agent – Termination of Agency.

UNIT – III

Indian Partnership Act – Definition – Nature, Mode of determining the existence of Partnership – Relation of Partner to one another – Rights and duties of partner – Relation of partners with third parties – Types of partners – Admission of partners – Retirement – Expulsion – Dissolution of Firm – Registration of Firms.

UNIT – IV

Sale of Goods Act – The Contract of sale – Conditions and Warranties – Passing of property – Transfer of title – Performance of the Contract – Rights of Unpaid Seller against goods – Remedies for Breach of Contract

UNIT – V

Hire Purchase Act 1972 – Rights and Obligation of the Hirer and Owner, Form and contents of Hire Purchase Agreements, Warranties and Conditions - Standard Form of Contracts: Nature, Advantages – Unilateral Character, Principles of Protection against the possibility of exploitation – Judicial Approach to such Contracts – Exemption Clauses – Clash between two standard forms of contracts.

Prescribed Books:

Avtar Singh - Law of Contract
J. P. Verma - The Law of Partnership in India
Saharay H. K - Indian Partnership and Sale of Goods Act
Krishnan Nair - Law of Contract
Hire Purchase Act

Reference Books:

Pollock and Mulla - Indian Contract Act
Anson - Law of Contract
Avtar Singh - Sale of Goods Act
Mulla - Sale of Goods Act
S. D. Singh and S. P. Gupta - Law of Partnership

COURSE-II: LAW OF TORTS

Objectives:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connection there with. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. Keeping in the expensive character of judicial proceedings the students should reflect on the alternative forms, and also the remedies provided under the *Consumer Protection Act, 1986*.

Course contents:

UNIT-I

Evolution of law of torts- Nature and scope of law of torts- Meaning- Torts distinguished from Contract- Crime- Development of *Ubi jus ibi Remedium*- Mental elements- Intention, Motive, Malice in Law and in Fact.

UNIT-II

General Defences, Vicarious Liability.

UNIT-III

Negligence; Nuisance; Absolute and Strict liability.

Legal Remedies-Awards-Remoteness of damage.

UNIT-IV

Torts against person: Torts affecting body- Assault, Battery, Mayhem and False Imprisonment; Torts affecting reputation-Libel and Slander, Torts affecting freedom-Malicious Prosecution, Malicious Civil Action and Abuse of Legal Process; Torts affecting domestic and other rights-Marital Rights, Parental Rights, Rights to Service, Contractual Rights, Intimidation and Conspiracy; Torts against property.

UNIT- V

Consumer Protection Act, 1986

Prescribed Books:

Ratanlal and Dhirajlal- Law of Torts.

Singh Gurubax- Law of Consumer Protection.

Reference Books:

Winfield and Jolowicz- Tort .

Hepple and Mathews- Tort: Cases and Materials

Baxi Upendra and Danda Amita- Valiant victims and Lethal Litigation-The Bhopal Case, 1990 Salmond- *On Torts*.

Avtar Singh - The law of Torts.

D. N. Saraf - Law of Consumer Protection in India.

COURSE-III: FAMILY LAW-I: HINDU LAW

Objectives:

The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

Course contents:

UNIT – I

Introduction - Concept of Dharma - Sources of Hindu Law – Modern and Ancient - Importance of Dharma Shastra on Legislation – Two Principal Schools of Hindu Law - Application of Hindu Law.

UNIT – II

Marriage and Kinship - Evolution of the Institution of Marriage and Family- Law Prior to Hindu Marriage Act -A detailed study of Hindu Marriage Act, 1955 -Matrimonial Remedies - Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

UNIT – III

Hindu undivided family – Mitakshara Joint Family - Formation and Incidents - Property under both Schools – Kartha: His Position, Powers, Privileges and Obligations - Debts – Doctrine of Pious Obligation - Partition and Reunion –Religious and Charitable Endowment.

UNIT – IV

Inheritance and Succession - Historical perspective of traditional Hindu Law relating to Inheritance - A detailed study of Hindu Succession Act, 1956.

Stridhana- Woman's Property - Recent State and Central Amendments to Hindu Succession Act; Gifts and Testamentary Succession – Wills.

UNIT – V

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance: Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.

Prescribed Books:

Paras Diwan – Modern Hindu Law

Reference Books:

John D. Mayne – Hindu Law Usages

Mulla – Principles of Hindu Law

Paras Diwan – Law of Adoption, Ministry Guardianship's custody

J. D. M. Derrett – Hindu Law – Past and Present

COURSE-IV: CRIMINAL LAW-I: INDIAN PENAL CODE

Objectives:

This course is designed to understand the meaning of crime, methods of controlling them and the essential principles of criminal liability by a study of a range of offences under the Indian Penal Code.

Course contents:

UNIT – I

General Principles of Crime; Conceptions of Crime; Distinction between Crime and other wrongs under common Law – Crime and morality distinction – Circumstances when morality amounts to crime - State's responsibility to detect, control and punish crime.

Principles of criminal liability – *Actus reus* and *mens rea* (also statutory offences) and other maxims; Variations in liability – Mistake, intoxication, compulsion, legally abnormal persons; Possible parties to the crime: Principal in the I degree; Principal in the II degree; Accessories before the fact; Accessories after the fact.

Indian Penal Code: General Explanation, Sections 6 – 33 and 39 – 52A; Punishment, Sections 53 – 75- social relevance of Capital Punishment - Alternatives to Capital Punishment - Discretion in awarding punishment and minimum punishment in respect of certain offences with relevance to precedents (judgments).

UNIT – II

General Exceptions: Sections 76 – 106; Criminal act by several persons or group: Sections 34 – 38; Abetment: Sections 107 – 120; Criminal Conspiracy: Sections 120A & 120B; Offences against State: Sections 121 – 130; Offences against the public tranquility: Sections 141 – 160; Offences relating to election: Sections 171A – 171; Contempt of lawful authority and public servants: Sections 172 – 190; False evidence and offences against public trust: Sections 172 – 229; Offences relating to coins and Government Stamps: Sections 230 – 263A; Offences relating to weights and measures: Sections 260 – 294A; Offences relating to religion: Section 295 – 298.

UNIT – III

Offences affecting human life, causing miscarriage, injuries to unborn children - Exposure of infants, concealment of birth - Hurt, Grievous Hurt - Wrongful restraint - Wrong confinement - Criminal force and Assault (Sections 299 – 358).

UNIT – IV

Kidnapping, Abduction - Slavery and forced labour – Rape: custodial rape, marital rape - Prevention of immoral traffic - Prevention of sati - Prohibition of indecent representation of women - Unnatural offences, theft, robbery and dacoity - Criminal Misappropriation of property - Criminal breach of trust - Receiving of stolen property – Cheating - Fraudulent deeds and disposition of property (Sections 378 – 424).

UNIT – V

Mischief (Sections 425 – 440) - Criminal Trespass (Sections 441 – 462) - Offences relating to document and property marks (Sections 463 – 480) - Offences relating to marriage (Sections 493 – 498 A) - Defamation (Sections 499 – 502); Criminal intimidation and annoyance and attempt to commit such offences (Sections 506 – 511).

Prescribed Books:

Rathanlal and Dhirajlal: Indian Penal Code.

Kenny's Outlines of English Criminal Law.

References Books:

K. D. Gaur - A Text Book on the Indian Penal Code

P. S. Achuthan Pillai - Criminal Law.

Glanville Williams – Criminal Law

