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**

<table>
<thead>
<tr>
<th>Paper Code</th>
<th>SUBJECTS</th>
<th>Credit</th>
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<tbody>
<tr>
<td>Law 01</td>
<td>Law of Torts including MV accident and Consumer Protection Laws.</td>
<td>4</td>
</tr>
<tr>
<td>Law 02</td>
<td>Jurisprudence (Legal Method, Indian Legal</td>
<td>4</td>
</tr>
<tr>
<td>Paper Code</td>
<td>SUBJECTS</td>
<td>Credits</td>
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<tr>
<td>Law 03</td>
<td>Law of Contract including Specific Relief Act &amp; Sale of Goods Act</td>
<td>4</td>
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<td>Law 04</td>
<td>Constitutional Law-I</td>
<td>4</td>
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<td>Law 05</td>
<td>English and Legal Language</td>
<td>4</td>
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<tr>
<td>Law 06</td>
<td>Law of Special Contract including Indian Partnership Act &amp; Negotiable Instrument Act</td>
<td>4</td>
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<td>Law 07</td>
<td>Constitutional Law-II</td>
<td>4</td>
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<tr>
<td>Law 08</td>
<td>Family Law-I</td>
<td>4</td>
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<tr>
<td>Law 09</td>
<td>Property Law (Transfer of Property Act and Easement Act)</td>
<td>4</td>
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<tr>
<td>Law 10</td>
<td>Labour and Industrial Law-I</td>
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**SECOND YEAR**

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<tr>
<th>Paper Code</th>
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<tbody>
<tr>
<td>Law 11</td>
<td>Labour and Industrial Law-II</td>
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<tr>
<td>Law 13</td>
<td>Family Law-II</td>
<td>4</td>
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<tr>
<td>Law 14</td>
<td>Company Law</td>
<td>4</td>
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<tr>
<td>Law 15</td>
<td>Principles of Taxation Law</td>
<td>4</td>
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<tr>
<td>Law 16</td>
<td>Professional Ethics and Professional Accounting System</td>
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### Fourth Semester

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<tbody>
<tr>
<td>Law 17</td>
<td>Law of Crime Paper II: Criminal Procedure Code</td>
<td>4</td>
</tr>
<tr>
<td>Law 18</td>
<td>Administrative Law</td>
<td>4</td>
</tr>
<tr>
<td>Law 19</td>
<td>Environmental Law</td>
<td>4</td>
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<tr>
<td>Law 20</td>
<td>Interpretation of Statutes and Principles of Legislation.</td>
<td>4</td>
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<tr>
<td>Law 21</td>
<td>Alternate Dispute Resolution</td>
<td>4</td>
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### THIRD YEAR

**Fifth Semester**

<table>
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<tr>
<th>Paper Code</th>
<th>SUBJECTS</th>
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<tr>
<td>Law 22</td>
<td>Law of Evidence</td>
<td>4</td>
</tr>
<tr>
<td>Law 23</td>
<td>Civil Procedure Code and Limitation Act</td>
<td>4</td>
</tr>
<tr>
<td>Law 24</td>
<td>Public International Law</td>
<td>4</td>
</tr>
<tr>
<td>Law 25</td>
<td>Insurance Law</td>
<td>4</td>
</tr>
<tr>
<td>Law 26</td>
<td>Drafting, Pleading and Conveyancing</td>
<td>4</td>
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## Sixth Semester

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<tr>
<th>Paper Code</th>
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<tbody>
<tr>
<td>Law 27</td>
<td>Intellectual Property Law</td>
<td>4</td>
</tr>
<tr>
<td>Law 28</td>
<td>Land Laws including Tenure and Tenancy System.</td>
<td>4</td>
</tr>
<tr>
<td>Law 29</td>
<td>Human Rights Laws and Practice including Protection of Women from Domestic Violence and Juvenile Justice Act.</td>
<td>4</td>
</tr>
<tr>
<td>Law 30</td>
<td>Cyber Laws</td>
<td>4</td>
</tr>
<tr>
<td>Law 31</td>
<td>Moot Court Exercise and Internship</td>
<td>4</td>
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### 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.

   a) Nature and Definition of Tort.
   c) Constituent of Tort- Wrongful Act, Damage and Remedy.
   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)

   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.

MODULE-V: Redressal
   a) Redressal mechanism under the Consumer Protection Act, 1986- District Forum, the State Commision and the National Commission.

SUGGESTED READINGS

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

ESSENTIAL CASE LAWS


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**


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

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.
      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:**
      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:**
   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.
      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. Salmand on Jurisprudence--- Fitzgerald (ed.).
3. Jurisprudence--- Dias R.W.N
5. Introduction to the Philosophy of Law--- Roscoe Pound.
7. Jurisprudence: Paton G.W.
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.
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.
MODULE-II: Legality of Objects (SECS: 23, 24,25, 26, 27, 28, 29, 30, 56.)
   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

SUGGESTED READINGS

2. Law of Contract and Specific Relief--- Mulla.
4. Law of Contract and Specific Relief--- R.K. Bangia.
7. Akil Ahmed--- Equity, Trust and Specific Relief.
1. Balfour v. Balfour
2. Simpkins v. Pays
5. Harvey v. Facey
6. Lalman v. Gauri Dutt
8. Tweedle v. Atkinson
11. Kedarnath v. Gone Mahommad
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
18. Hadley v. Baxendale
20. Jarvis v. Swans Tours Ltd.
21. Warlow v. Harrison
22. Harris v. Nickerson
23. Williams v. Carwardine
24. Poweil v. Lee
25. Hyde v. Wrench
26. Gallie v. Lee and another
27. Boulton v. Jones
28. Cundy v. Lindsay
30. Philips v. Brooks
32. Lamleigh v. Braithwait
33. Roscarla v. Thomas
34. Foaks v. Beer
37. Jackson v. Horizon Holidays Ltd.
38. Bissett v. Wilkinson
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).


SUGGESTED READINGS

2. Indian Constitutional Law--- M.P. Jain.

ESSENTIAL CASE LAWS

2. In Re Article 143, Constitutional of India AIR 1951 S.C. 332
7. S.R. Bommai v. Union of India, 1994(3) S.C.C. 1
18. Gujarat University v. Sri Krishna AIR 1963 SC 702
20. Prafulla Kumar v. Pramil of Commerce AIR 1947 P.C. 60
22. Union of India & Ors. V. Shah Govardhan Lal Kabra 2000 (7) Scale 435
24. Union of India v. V.H.S. Dhillon AIR 1972 SC 1061
31. In powers, privileges and Immunities of State Legislature Re: AIR 1965 SC 745
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
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. Speaker Legislative Assembly Goa 1993 (2) SCC 703
42. D.C. Wadhwa v. State of Bihar 1987 (1) SCC 379
44. Makhan Singh v. State of Punjab AIR 1964 SC 381
45. A.D.M. Jabalpur v. Shivshankar Shukla AIR 1976 SC 1207
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.
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 growing sectors of economy such 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.
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).
   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 and 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.


SUGGESTED READING

1. Indian Contract Act--- Pollock and Mulla
5. Equity, Trust and Specific Relief--- G.P. Singh.
6. Equity, Trust and Specific Relief--- Akil Ahmed.
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.
ii. Writs.
iii. Habeas Corpus.
iv. Mandamus.
v. Certiorari.
vi. Prohibition and Quo-warranto (Art. 32 & 226).


a) Directive Principles of State Policy.
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**
7. Constitutional Development since Independence--- A. Jacob (ed.).

**ESSENTIAL CASE LAWS**
1. Electricity Board Rajasthan v. Mohan Lal AIR 1967 SC 185
3. R.D. Shetty v. International Airport Authority AIR 1979 SC 1628
4. M.C. Mehta v. UOI 1987 (1) SCC 395
10. Deepak Sibbal v. Punjab University AIR 1989 SC 903
11. Competroller and Auditor General v. K.V. Mehta 2003 (1) SCALE 351
15. S. Rangarajan v. P. Jagjivan Ram 1989 (2) SCC 574
17. Union of India v. Motion Pictures 1999 (6) SCC 150
23. M.H. Hoskot v. State of Maharashtra
27. Narmada Bachao Andolan v. Union of India 2001 (2) SCC 62
28. N.S. Sahni v. Union of India 2002 (8) SCC 211
32. Air India Statutory Corporation v. United Labour Union 1997 (9) SCC 377
34. Indira Sawnney v. Union of India AIR 199 SC 477
35. Kihoto Hollohan v. ZACHILLU AIR 1993 SC 412
38. Minerva Mills v. UOI AIR 1980 SC 1784
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
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
54. St. Stephens College v. university of Delhi AIR 1992 SC 1630
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.
64. Vishaka vs. State of Rajasthan AIR 1997 SC 3014
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.
   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 Christin 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.
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.


ESSENTIAL CASE LAWS

3. Maneka Gandhi v. Indira Gandhi AIR 1984 Del. 428
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
22. Sureshtra Devi v. Om Prakash A.I.R. S.C. 1904
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).


c) Extinction, Suspension and Revival of Easements (Secs. 37-51); Reparion Rights.

d) Licences.

SUGGESTED READINGS

1. Transfer of Property--- D.F. Mulla.


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
10. Asokan v. Lakshmikutty and Others, 2007 INDLAW SC 1340

Case Law (by way of illustration) -

6. Dehli Science Forum & Others v. Union of India JT 1996 (2) SC 295
8. India Airlines Corporation v. Madhuri Choudhury Air 1965 Cal 252

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.
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.
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.