

Law of Crime (L101)

General Principal of Criminal Jurisprudence

30 Marks.

Extent and operation of the Indian Penal Code

Conception of crime

Pre-colonial notions of crime as reflected in Hindu, Muslim and tribal law.

Distinction between crime and other wrongs.

Definition of crime

Fundamental elements of crime-

Actus reus & Mens Rea. Importance of mens rea Recent trends to fix liability without mens rea in certain socio-economic offences.

Stage of a crime; Intention, Preparation, Attempt, Commission (i) Essentials of the attempt, Impossible attempt, attempt and preparation distinguished

Theories: Deterrent, Retributive, Preventive, Expiatory and Reformatory Theory

Punishment under the IPC: Fine, Life-Imprisonment, Death Sentence

INDIAN PENAL CODE.

70 Marks.

General Explanations and Exceptions (Sec.76-106)

(i) Definition (ii) Constructive joint liability (iii) Mistake (iv) Judicial and Executive acts (v) Accident (vi) Necessity (vii) Infancy (viii) Insanity (ix) Intoxication (x) Consent (xi) Good faith (xii) Private defence

Unit I Offences: Abetment and Criminal Conspiracy (Sec.107 to 114; Sec 120-A,B) Punishment, Offences against public peace, Offences relating to false evidence and public justice, Offences affecting to public health, Offences affecting the Human Body, offences affecting life, causing of miscarriage or injuries to unborn children, offences of hurt, of wrongful restraint and wrongful confinement, offences of Criminal Force and Assault, offences of kidnapping and abduction

Unit II: Offences against women

Obscene acts and songs, outraging the modesty of women, Rape, Cruelty by husband or relatives of husband, Offences relating to marriage.

Unit III: Offences against Property

Theft, Extortion, Robbery and Dacoity, Criminal misappropriation and Criminal breach of trust, Cheating, Mischief, Criminal trespass

Unit IV: Defamation and offences relating to documents and property marks

Defamation, Forgery, Counterfeiting, Criminal intimidation, sedition, disturbing religious feelings, enmity between classes of people

Bibliography

K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India

Ratanlal-Dhirajlal's Indian Penal Code (1994 reprint)

K.D.Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.

P.S.Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.

Hidayathullah, M., et.al., Ratanlal and Dhirajlats The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.

FAMILY LAW-I (L102)

35 Marks.

A) MUSLIM LAW.

- | | |
|---------------------------------|----------------------------|
| 1) Sources | 2) School. |
| 3) Shariat Act, 1937 | 4) Marriage. |
| 5) Dower | 6) Divorce. |
| 7) Maintenance | 8) Legitimacy & parentage. |
| 9) Guardianship. | 10) Muslim gift, will. |
| 11) Inheritance and succession. | |

B) Indian Divorce Act & Christian Marriage Act.

15 Marks.

C) Parsi Marriage & Divorce Act.

15 Marks.

D) Indian Succession Act. (sec. 1 – 166 only)

35 Marks

Books Recommended

Mulla - Principles of Mohammedan Law.

Paras Diwan - Law of Intestate and Testamentary Succession.

B. B. Mitra - Indian Succession Act, 1925.

A. A. A Fyzee - Outlines of Mohammedan Law.

D. D. Basu - Law of Succession.

Paras Diwan - Family Law: Law of Marriage and Divorce in India.

A. M. Bhattachargee - Muslim Law and the Constitution.

Tahir Mohamood - Mohammedan Law.

Indian Divorce Act, 1869 – Bare Act

CONSTITUTIONAL LAW –I (L103)

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 powers

Fundamental Rights – I

- a. Definition of ‘State’ for enforcement of fundamental rights – Justifiability of fundamental rights – Doctrine of eclipse, severability, waiver. Distinction between pre-constitutional law and post-constitutional law
- b. Right to equality – Doctrine of Reasonable classification and the principle of absence of arbitrariness
- c. Fundamental freedom: Freedom of speech and expression, freedom of association, freedom of movement, freedom to reside and settle, freedom of trade, business and profession – expansion by judicial interpretation – reasonable restrictions.

Fundamental Rights – II

- a. Right to life and personal liberty – scope and content – (expensive interpretation)
- b. Preventive detention under the Constitution – Policy and safeguards – Judicial review
- c. Right against exploitation – Forced labour and child employment
- d. Freedom of religion

Right to Constitutional Remedies

1. Right to Constitutional Remedies – Judicial Review – Writs – Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto – Art 32 and 226

Directive Principles, Fundamental Duties and Social Justice

- a. Directive Principles of State Policy – Nature and justifiability of the Directive Principles, Inter-relationship between Fundamental Rights and Directive Principles, Fundamental Duties
- b. Social justice under the Indian Constitution – Compensatory discrimination for backward classes – Mandal Commission’s case and other cases – Protective discrimination doctrine

Books Recommended

1. D.D.Basu, Shorter Constitution of India, 2001 Wadhwa, Nagpur
2. H.M.Seervai, Constitution of India, Tripathi Bombay
3. V.N.Shukla, Constitution of India, Eastern Book Co. Lko.
4. M.P.Jain, Constitution of India, Wadhwa Nagpur
5. B.K.Sharma, Introduction to Constitution of India, Prentice Hall

Law of Contract (L104)

INDIAN CONTRACT ACT.(SEC.1-75)

MARKS- 70

1) Formation of contract.

a) Agreement and contract.- essential conditions for valid contract.

b) Proposal or offer- offer & invitation to offer, intention to create legal relationship, communication of offer, cross offers, specific& general offer.

c) Acceptance- Essentials of a valid acceptance. Communication of acceptance. Revocation of offer & acceptance.

2) Consideration.

Definition, Privity of contract- exceptions; past, present and future consideration.

Exceptions when agreement without consideration is valid.

3) Capacity to contract.

The position of a minor.- who is minor? Nature of a minor's agreement- Effect of minor's agreement-England and Indian law. Ratification of the minor's agreement. Doctrine of Restitution-England& India. Minor's liability for Necessaries. The position of unsound mind person.

4) Free Consent.

What is Free Consent? – i) Coercion ii) Undue Influence. iii) Fraud iv) Misrepresentation v) Mistake.

5) Legality of object and Consideration.

i) Forbidden by law ii) Defeat the provisions of any law. iii) Fraudulent purpose. iv) Injurious to person or property. v) Immoral vi) Opposed to public policy.

6) Void agreements.

i) Agreement in restraint of Marriage.

ii) Agreement in restraint of Trades.

iii) Agreement in restraint of Legal Proceeding.

iv) Uncertain agreement.

v) Wagering agreement.

7) Performance of contract.

Performance of Contingent Contract.

Offer of performance or tender- Essential of a valid tender.

Joint promissory & their liability.

Time and place of performance.

Performance of Reciprocal promises.

8) Discharge of Contract.

i) Discharge by performance.

ii) Discharge by breach of contract. - Actual and Anticipatory breach of contract.

iii) Discharge by impossibility of performance- the doctrine of frustration.

iv) Discharge by agreement and novation.

9) Quasi Contracts.

Theory of Unjust Enrichment.

Provisions of the Indian Contract Act.-

i) Supply of necessaries to a person incompetent to contract.

ii) Reimbursement of money, due by another.

iii) Liability to pay for non-gratuitous acts.

iv) Finder of goods.

v) Mistake or coercion.

- 10) Remedies for breach of contract. Damages- Remoteness of damages, measures of damages. Quantum Meruit.
- 11) Standard Form of Contract. - Concept, Exclusion or Limitation of liability.

B) Specific Relief Act, 1963.

Marks-30.

Books

1. Beatesen (ed.)-Anson's Law of Contract: (27th Ed. 1998)
2. Anson-Law of Contract (1998), Universal, Delhi
3. Pollock and Mulla-Indian Contract Act
4. Avtar Singh-Law of Contract, Eastern Book Co.(Lu

ENVIRONMENTAL LAW (L105)

Environmental Law: International and National Perspective

a. Introduction **12 Marks**

- i. Environment – Meaning
- ii. Environment Pollution – Meaning and Issues

b. International Norms **12 Marks**

- i. Sustainable Development – Meaning and Scope
- ii. Precautionary Principle
- iii. Polluter pays Principle
- iv. Public Trust Doctrine
- v. Environment impact assessment.

c. Constitutional Guidelines & Other Laws **12 Marks**

- i. Right to Wholesome Environment – Evolution and Application
- ii. Relevant Provisions – Art. 14, 19 (1) (g), 21, 48-A, 51-A(g)
- iii. Environment Protection through Public Interest Litigation
- iv. Law of Torts
- v. Law of Crimes

Prevention and Control of Water and Air Pollution

a. The Water (Prevention and Control of Pollution) Act, 1974 **12 Marks**

- i. Water Pollution - Definition
- ii. Central and State Pollution Control Boards – Constitution, Powers and Functions
- iii. Water Pollution Control Areas
- iv. Sample of effluents – Procedure; Restraint order
- v. Consent requirement – Procedure, Grant/Refusal, Withdrawal
- vi. Citizen Suit Provision

b. Air (Prevention and Control of Pollution) Act, 1981 **12 Marks**

- i. Air Pollution – Definition
- ii. Central and State Pollution Control Boards – Constitution, Powers and functions
- iii. Air Pollution Control Areas
- iv. Consent Requirement – Procedure, Grant/Refusal, Withdrawal
- v. Sample of effluents – Procedure; Restraint order
- vi. Citizen Suit Provision

Protection of Wild Life

a. The Wild Life (Protection) Act, 1972 **12 Marks**

- i. Authorities to be appointed and constituted under the Act
- ii. Hunting of Wild Animals
- iii. Protection of Specified Plants
- iv. Protected Area
- v. Trade or Commerce in wild animals, animal articles and trophies; Its prohibition.

General Environmental Legislations

a. Environmental (Protection) Act, 1986 **12 Marks**

- i. Meaning of ‘Environment’, ‘Environment Pollutant’, ‘Environment Pollution’
- ii. Powers and Functions of Central Govt.
- iii. Citizen Suit Provision

Environmental cases decided by the court. **16 Marks**

1. Subhash Kumar v. State of Bihar, AIR 1991 SC 420
2. M.C. Mehta v. Kamal Nath, AIR 2000 SC 1997
3. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446

4. Vellore Citizen Welfare Forum v. Union of India, AIR 1996 SC 2715
5. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812
6. Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751
7. M.C. Mehta v. Union of India, AIR 2002 SC 1696
8. M.C. Mehta v. Union of India, AIR 1988 SC 1037
9. Tata Tea Ltd. v. State of Kerala, 1984 K.L.T. 645
11. M.C. Mehta v. Union of India, AIR 2001 SC 1948
12. Orissa State Pollution Control Board v. M/s. Orient Paper Mills, AIR 2003 SC 1966
13. Church of God v. K.K.R.M.C. Welfare Ass. AIR.2000 SC.2773
14. T.N. Godavarman Thirumulkpad v. Union of India, AIR 1998 SC 769
15. Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715
16. Municipal Council, Ratlam v. Vardhi Chand AIR 1980 SC 1662

Text Books

1. Environmental Law & Policy in India – Shyam Diwan, Armin Rosencranz
2. Environmental Law in India – P. Leelakrishnan
3. Environmental Law in India – Gurdip Singh
4. Environmental Administration, Law and Judicial Attitude – Paras Diwan, Peeyushi Diwan

Law of Tort including MV Accident & Consumer Protection Act (L106)

A) Law of Tort:-

(68 Marks)

1) Evolution of law of torts

1. i England- forms of action.- Ubi Jus Ibi Remedium.
1. ii. India –principle of justice, equity and good conscience-uncodified character.

2) Definition, nature, scope and objects.-damnum sine injuria and injuria sine damnum.

3) Vicarious liability

3. i. Basis, scope and justification.

3. i.a. Express authorization.

b. Ratification.

c. Abetment.

3. ii. Special relationships.

3. iii. a. Master and servant- in the course of employment- doctrine of common employment- Independent contractor and servant, distinguished.

b. Principal and agent.

c. Corporation and principal officer.

4. General defenses in Tort.

i) Volenti non fit injuria.

ii) Necessity.

iii) Plaintiff's default.

iv) Act of God.

v) Inevitable accident.

vi) Private defense.

vii) Statutory authority.

viii) Judicial and quasi judicial authority.

ix) Parental and Quasi parental authority.

5. Modes of discharge of torts.

6. Torts against persons and personal relations.

i) Assault, Battery, Mayhem.

ii) False imprisonment.

iii) Defamation. - Libel, Slander, Innuendo, Defenses.

iv) Marital relations / Domestic relations.

v) Malicious Prosecution.

vi) Nervous shock.

vii) Deceit.

7. Tort against Property.

i) Trespass to land.

ii) Movable Property- trespass to goods, detinue, conversion

8. Negligence.

i) Basic concepts.

ii) Doctrine of contributory negligence.

iii) Res ipsa loquitur and its importance.

iv) Liability due to negligence: different professionals.

9. Nuisance.

i) Definition, essentials and types

ii) Defenses.

iii) Acts which constitute nuisance-obstructions of highways, Pollution of air, water, noise, interference with light & air.

10. **Absolute and strict liability.**

11. **Legal Remedies.**

- i) Damages- Remoteness of damages.
- ii) Injunction.
- iii) Specific restitution of property.
- iv) Extra legal remedies.

B) CONSUMER PROTECTION ACT, 1986. (16 Marks)

i) Consumer movement- historical perspectives.

ii) Consumer, the concept.

- a) Consumer.
- b) Goods.
- c) Unfair trade practice.
- d) Deficiency in service.

iii) Consumer Protection Redressal Agencies.

- a) District Forum.
- b) State Commission.
- c) National Commission.

C) MOTER VEHICAL ACCIDENT. (16 Marks)

- i) Liability without Fault in certain cases.
- ii) Insurance of motor vehicles against third party risks.
- iii) Claims Tribunals.

Books Recommended

1. Salmond & Heuston- On the Law of Torts (2000), Universal, Delhi
2. D.D.Basu, The Law of Torts (1982) Kamal, Calcutta.
3. Winfield & Jolowiz on Tort (1999) Sweet and Maxwell, London
4. Ratan Lal & Dhiraj Law -The Law of Torts (1997) Universal, Delhi
5. R.K.Bangia, Law of Torts

Family Law- II (L107)

1) ANCIENT HINDU LAW

20Marks

Sources of Hindu Law.

Schools of Hindu Law.

Joint Hindu Family

Mitakshara joint family

Mitakshara coparcenary- formation and incidents

Property under Mitakshara law- separate property and coparcenary property

Dayabhaga coparcenary- formation and incidents

Property under Dayabhaga law.

Karta of the joint family - his position, powers, privileges and obligations

Alienation of property- separate and coparcenary.

Debts - doctrines of pious obligations and antecedent debt.

Partition and re-union

2) The Hindu Marriage Act,1955

20 Marks

3) The Hindu Succession Act

24 Marks.

4) The Hindu Adoption and Maintenance Act, 1956.

12 Marks.

5) Special Marriage Act,1954.

12 Marks.

6) The Hindu Minority and Guardianship Act,1956

12Marks.

Select bibliography

Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal

Basu, N.D., Law of Succession (2000), Universal

Kusem, Marriage and Divorce Law Manual (2000) Universal

Machanda.S.C., Law and Practice of Divorce in India (2000) Universal

P.V.Kane, History of Dharmasastras Vol.2 pt.1 at 624-632 (1974)

A.Kuppuswami (ed.) Mayne's Hindu Law and Usage Ch.4(1986)

B.Sivaramayys, Inequalities and the Law, (1985)

K.C.Daiya, "Population control through family planning in India, "Indian Journal of Legal Studies,85 (1979)

J.D.M. Derrett, Hindu Law: Past and Present

Alladi Kuppuswami,(ed.) Mayne's Hindu Law and Usage, (1986)

J.D.M.Derret, A Critique of Modern Hindu Law, (1970)

Paras Diwan, Hindu Law (1985)

S.T.Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterorths-India.

Pares Diwan, Family Law: Law of Marriage and Divorce in India, (1984).

A.M.Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta.

Dr.Arshad Subzwari, Hindu Law Ashok Grover & Sons Aurangabad-2008 Ed

Constitutional Law-II (L108)

Distribution of Powers between Center and States

85 Marks

a. Legislative Powers

b. Administrative Powers

c. Financial powers

Relevant Doctrines :(a) Territorial Nexus (b) Harmonious Construction (c) Pith and Substance (d) Repugnancy

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 Courts

h. Independence of Judiciary

i. Public Interest Litigation

j. Power of Judicial Review

k. Doctrine of Political Question

Emergency Provisions

Amendment of Constitution

Doctrine of Basic Structure

Protection of Civil Rights Act 1955

15 Marks

Books Recommended

1. D.D.Basu, Shorter Constitution of India, 2001 Wadhwa, Nagpur
2. H.M.Seervai, Constitution of India, Tripathi Bombay
3. V.N.Shukla, Constitution of India, Eastern Book Co. Lko.
4. M.P.Jain, Constitution of India, Wadhwa Nagpur
5. B.K.Sharma, Introduction to Constitution of India, Prentice Hall

Special Contract (L109)

1.-Contract of Indemnity, Contract of Guarantee, Bailment, Pledge,-Agency.-essentials conditions for valid agency, kinds of agents, creation of agency, Ratification, Relations of Principal and Agent inter se, Relations of Principal and Agent with Third Parties. Termination of Agency. **(40 Marks)**

2. Indian Partnership Act, 1932

History, Nature and Definition & Kinds of Partnership, Test of Determining, Distinction form Company and Joint Family Business, Co-ownership (Sec.4 to 8) General and Specific Duties of Partner, Rights of Partner to Each other (Sec.9 to 17), Partners to be agent of the Firm: Implied authority, Emergency Power Effect of Admission & Notice, Liabilities: Joint & Several, Liability for wrongful acts & Misapplication of Money Incoming & Outgoing Partners (Sec.31 to 38), Dissolution of Firm (Sec.39 to 55), Registration of Firm (Sec.56 to 71) **(30 Marks)**

3. The Sale of Goods Act, 1930

Definition, Conditions and Performance, Formation of Contract (Sec.4 to 17), Effect of Contract (Sec.18 to 31) Sale of Goods: Right of Parties and Remedies, Performance of Contract (Sec.31 to 44), Rights of Unpaid Seller (Sec.45 to 54), Suits for Breach of Contract (Sec.55 to 61) **(30 Marks)**

Books Recommended

1. Avtar Singh, Partnership & Sales of Goods Act, Eastern Book Co.
2. Mulla, Partnership & Sales of Goods Act, Tripathi
3. Dr.R.K.Bangia, Partnership Act
4. H.P.Gupta, Partnership Act

Practical Training (Clinic Paper-I) (L110)

The written examination on this paper will have 80 marks and the viva voce will carry 20 marks.

Unit I

Historical development of Legal Profession in India, Constitution, Function, Powers and Jurisdiction of State, Bar Council and Bar Council of India, Admission and enrolment of Advocates.

Unit II

Profession ethics and Advocacy, Standards of Professional, Conduct and Etiquette, Conflict between interest and duty, Duty to court, Duty to Client, Duty to opponent, Duty to Colleagues, Duty towards Society and obligation to render legal aid

Unit III: Bench-Bar Relationship

Reciprocity as partners in administration of Justice, Professional Misconduct, Rights and Privileges of Advocates,

Unit IV: Contempt of Court Act, 1971

Historical development of Contempt of Court Act in India, Object and Constitutional validity of Contempt of Court Act, Definition, Kinds of Contempt, Contempt by Judges, Magistrates, Lawyers and other persons, Cognizance, Procedure, Appellate provisions regarding Contempt Defences, Punishment and Remedies against punishment for Contempt of Court and Punishment for Contempt, Defenses under contempt of court.

Cases

1. Rajendra V Pai v Alex Frnandes AIR 2002 SC 1808
2. In re; A an advocate AIR 1962 SC 1337
3. In re; Mr. G a Senior Advocate of SC AIR 1954 SC 557
4. In re; Lalit Mohan Das AIR 1957 SC 250
5. Sheo Narayan Jafa v Judge Allahabad H.C. AIR 1953 SC 368
6. P. J. Ratnam v d. Kanik ran AIR 1964 SC 244
7. In re; "M" an Advocate AIR 1957 SC 149
8. Nandlal V. Bar Council of India A.I.R.1981 S.C.477
9. Devendrabhai Shankar Mehta V. Rameshchandra Sheth A.I.R.1992 S.C.1398
10. In re; V.C. Mishra AIR 1995 SC 2348
11. S.J.Chaudhary. V. State (Dehli Admin.) A.I.R.1984. S.C.618
12. D.S.Dalal V. State Bank of India A.I.R.1993 S.C.1608
13. Indian Council Legal Aid V. Bar Council of India A.I.R.1995 S.C.691
14. Mirza N.B. V. Bar Council of Maharashtra A.I.R. 1972 S.C.46
15. P.D.Khandekar V. Bar Council of Maharashtra A.I.R.1984 S.C.110

Acts

1. The Advocate Act, 1961
 2. Contempt of Court Act, 1971
- The Bar Council of India Rules, 1961

Books

1. Holland Avrom Shree, Advocacy, 1994 Universal, Delhi
2. Keith Evam, The Golden Rules of Advocacy, 1994, Universal, Delhi
3. Sandeep Bhalla, Advocates Act & Professional Misconduct, Nasik Law House
4. JPS Sirohi, Professional Ethics, Lawyer's Accountability, Bench-Bar Relationship, ALA
5. Mr. Krishna Murthy Iyer's Book on Advocacy
6. The Bar Council Code of Ethics