

**For 3yrs LL.B. Programme for the year 2018-19 onwards**

## **I semester**

**Appendix-IX**

### **COURSE I: Constitutional Law – I**

#### **Objectives:**

The purpose of the course is to acquaint the students with the idea that the Indian Constitution is a normative Constitution with value aspirations. The Indian Constitution envisages to establish a justice system with legal technique. The basic postulate of Constitution like the Constitutional Supremacy, Rule of law and Concept of Liberty are emphasized in this paper. Exhaustive analysis of Fundamental Rights and committed approach to Directive principles would form the essence of the course.

#### **UNIT-I**

Meaning & Definition of Constitution: kinds of Constitution, Constitutionalism, Salient features of Indian Constitution.

Preamble: Meaning, Scope, Importance, Objectives and Values enshrined in the Preamble.

Citizenship- modes of acquisition & termination

#### **UNIT- II**

State: Definition under Article 12, New Judicial trends on concept of State Action- need for widening the definition.

Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws, Doctrine of Severability and Doctrine of eclipse, Judicial Review and Article 13.

Equality and Social Justice: General Equality Clause under Article 14, New Concept of Equality, Judicial Interpretation on Equality.

#### **UNIT- III**

Protective Discrimination and Social Justice under Articles 15 and 16, New Judicial trends on Social Justice, Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression, Different dimensions - Freedom of Assembly, Association, Movement and Residence, Profession, Occupation, Trade or business, Reasonable restrictions.

#### **UNIT- IV**

Rights of the Accused: Ex-post facto Law – Double jeopardy – Right against self incrimination (Article 20). Rights of the arrested person, Preventive Detention Laws (Article 22), Right to Life and Personal Liberty, Various facets of Life and Liberty (Article.21), Right against Exploitation, Secularism - Freedom of Religion, Judicial interpretation, Restrictions on freedom of religion,

## **UNIT -V**

Cultural and Educational Rights of minorities - Recent trends - Right to Constitutional Remedies: Article 32 and 226 – kinds of writs - Right to property (prior to 1978 and the present position), Directive Principles of State Policy and Fundamental Duties- inter relation between fundamental rights and directive principles.

### **Prescribed Book:**

1. Dr. V. N. Shukla – Constitution of India
2. M. P. Jain- Indian Constitutional Law

### **Reference Books:**

1. H. M. Seervai – Constitutional Law of India
2. T. K. Tope – Constitutional Law
3. D.D. Basu Shorter Constitution of India
4. S. Shiva Rao- Framing of Indian Constitution
5. Subhash. C. Kashyap - Parliamentary Procedure
6. Subhash. C. Kashyap – History of Indian Parliament
7. R. C. Agarwal-Constitutional Development and National Movement
8. A. B. Keith- Constitutional History of India.
9. D.J. De – The Constitution of India Vol. I and II.

**COURSE II:**  
**CONTRACT-I: LAW OF CONTRACT**

**Objectives:**

Contracts are at the basis of majority of transactions especially transactions dealing with the property. Whether the transaction is in the ordinary course of life or in the electronic world (e-commerce) the general principles governing contracts remain same. For this reason it is very important to introduce the students to the basic principles governing contracts and lay a powerful foundation for their study of other transactional and related laws in subsequent semesters.

**Course contents:**

**UNIT – I**

Formation of Contract – Agreement and Contract – Definitions – Classification - Offer and Acceptance – Communication – Revocation – Essential elements – Invitation to Offer – Tenders. Consideration – *Nudum Pactum* - Essential elements – Privity of Contract and of Consideration – Exceptions – Unlawful Consideration and its effect – e-contract.

**UNIT – II**

Capacity to Contract – Minor's Agreements and its effects – Agreement of Persons of unsound mind and Persons disqualified by Law.

Free Consent – Coercion - Undue influence – Misrepresentation – Fraud – Mistake – Legality of Object – Void Agreements –and Contingent Contracts.

**UNIT – III**

Modes of Discharge of Contracts - Time and place of performance – Performance of reciprocal promises - Appropriation of Payments – Discharge by Agreement, operation of Law, frustration (Impossibility of Performance) and by Breach (Anticipatory and Actual).

**UNIT – IV**

Remedies for Breach of Contracts – Damages –Kinds of damages - Remoteness of damages – Ascertainment of damages - Quasi Contracts.

**UNIT – V**

*The Specific Relief Act* –Sections 9-16, Sections 21, Section 24, Sections 36-42.

Nature of Specific Relief – Recovery of Possession of movable and immovable Property – Specific performance when granted and not granted – Who may obtain and against whom – Discretionary remedy – Power of Court to grant relief – Rectification of instruments – Cancellation – Declaratory decrees – Preventive relief – Temporary injunctions – Perpetual and Mandatory Injunctions.

**Prescribed Books:**

1. Singh, Avtar, *Law of Contract and Specific Relief*, 11<sup>th</sup> Edition, (Lucknow: Eastern Book Company, 2013)

**Reference Books:**

1. Pollock and Mulla, *Indian Contract and Specific Relief Act*, 14<sup>th</sup> Edition, (New Delhi: Lexis Nexis, 2013)
2. Smith, Stephen A and P.S Atiyah, *Atiyah's Introduction to the Law of Contract*, 6<sup>th</sup> Edition, (Oxford University Press: Clarendon Law Series, 2006)
3. G. C. Cheshire and Fifoot, *Law of Contract*, 10<sup>th</sup> Edition, ( New Delhi: Lexis Nexis, 2010)
4. Anson, William, *Law of Contract*, 29<sup>th</sup> Edition, (Oxford University Press, 2010)
5. Maine, Henry, *Ancient Law*, 4<sup>th</sup> Edition, (London: Albemarle Street, 1870)

### **COURSE-III: 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**

Salient features of Consumer Protection Act, 1986, Who is consumer, Defect in goods, Deficiency in services, Medical services, Remedies to consumers, Consumer Disputes Redressal Agencies, Limitation for filing complaints, Penalties.

Salient features of MV Act, 1988, Liability without fault in certain cases, Insurance of Motor Vehicles against third party risks, Claims Tribunal, Offences, Penalties and Procedure.

#### **Prescribed Books:**

Ratanlal and Dhirajlal, *The Law of Torts*, 26<sup>th</sup> Edition, (New Delhi: Lexis Nexis, 2013)

Gurubax, Singh, *Law of Consumer Protection*. (Jaipur: Bharat Law Publications, 1992)

**Reference Books:**

Rogers, W.V.H, *Winfield and Jolowicz on Tort*, 15<sup>th</sup> Edition, (London: Sweet and Maxwell, 1999).

Howarth, David and Janet O' Sullivan, *Hepple, Howarth and Matthew's Tort: Cases and Materials*, 5<sup>th</sup> Edition, (New Delhi :Lexis Nexis, 2000)

Baxi Upendra and Danda Amita, *Valiant victims and Lethal Litigation-The Bhopal Case*, Indian Law Institute (Bombay: 1990)

Heuston R.F.V and R. A. Buckley, *Salmond and Heuston on the Law of Torts*, 26<sup>th</sup> Edition, (U.K: Sweet and Maxwell Ltd,1996)

Singh, Avtar, *Introduction to the Law of Torts (and Consumer Protection)*, (Lexis Nexis Butterworths: 2009)

Saraf D. N, *Law of Consumer Protection in India*, (Bombay: N.M. Tripathi, 1990)

**COURSE-IV:**  
**FAMILY LAW-I HINDU LAW**

**Objectives:**

The course is designed to endow the students with knowledge of both the codified and uncoded portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

**Course contents:**

**UNIT – I**

*The Concept of Dharma - Sources of Hindu Law – Ancient and Modern - Importance of Dharma Shashtra on Legislation – Mitakshara and Dayabaga 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 - Hindu Succession Act, 1956. Stridhana- Woman's Property - 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:**

Diwan, Paras, *Modern Hindu Law*, (Faridabad: Allahabad Law Agency, 1993)

**Reference Books:**

John D. Mayne, *A Treatise on Hindu Law and Usage*, 9<sup>th</sup> Edition, (Madras: Higginbotham, 1922)

Mulla, *Principles of Hindu Law*, (New Delhi: Lexis Nexis Butterworths, 2007)

Diwan, Paras, *Law of Adoption, Ministry, Guardianship and Custody* (Universal: 2000)

J. D. M. Derrett – *Hindu Law – Past and Present*, (Calcutta: A Mukherjee & Co., 1957)

N. Raghavachar, *Hindu law*

**COURSE-V:**  
**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.

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: From Section 1 to 5, Sections 6, 7, Sections 21 to 30, 32 to 37 and section 52 & 52A, Punishment: From Sections 53 to 55A, 63, 64, 65, Section 73 to 75.

**UNIT – II**

General Exceptions: Sections 76 – 106; Abetment: Sections 107 – 120; Criminal Conspiracy: Sections 120A & 120B; Offences against State: Sections 121 – 130; Offences against the public tranquility: Sections 141 – 160; Difference between Section 34 & 149- Offences relating to election: Contempt of lawful Authority and Public Servants (Brief discussion): Sections 172 – 190.

False evidence: Sections 191 – 197, 208 – 212; Offences relating to coins and Government Stamps: Sections 230 to 240 & 263A; Public Nuisance & Private Nuisance: Offences relating to religion: Section 295 – 298.

**UNIT – III**

Offences affecting human life: (Section 299 to 311) - Hurt, Grievous Hurt - Wrongful restraint - Wrong confinement - Criminal force and Assault.

**UNIT – IV**

Kidnapping, Abduction – Sexual offences: Rape: custodial rape, marital rape (Sections 375 – 377) – Offences against property: Theft, robbery and dacoity - Criminal Misappropriation of property - Criminal breach of trust - Receiving of stolen property – Cheating - Fraudulent deeds and disposition of property.



## **UNIT – V**

Mischief - Criminal Trespass - Offences relating to document and property marks - 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, *The Indian Penal Code*, (New Delhi: Lexis Nexis Butterworths Wadhwa Nagpur 2012)

Turner, Cecil J.W., *Kenny's Outlines of Criminal Law*, (New York: Cambridge University Press 2013).

### **References Books:**

K. D. Gaur, *A Text Book on the Indian Penal Code*, (New Delhi: Universal Publishing Co., 2012)

K.I Vibhuti, *P. S. Achuthan Pillai's Criminal Law*, (Lexis Nexis Butterworths Wadha Nagpur: 2012)

Williams, Glanville *Text Book of Criminal Law*, (New Delhi: Universal Law Publishing Co., 2012)

**COURSE-VI ENGLISH**  
(For those who write examinations in Kannada)

**Objectives:**

English is a forceful language with a rich vocabulary that can make a positive impact on the outcome of a case. Knowledge of English is essential to understand the precepts, principles and underlying meaning of the Law. Some judgments may come in vernacular languages at the lower courts, but the importance of English both at the lower and higher courts cannot be denied. A budding lawyer with a good command over the regional as well as English language can become a competent judicial officer as well as a successful lawyer. So, the need of the hour is to perform well in the field of Law.

The prose text introduces a student to the nuances of the legal profession and the social responsibilities of a lawyer. The syllabus also aims to strengthen the basic features of the English language, as well as the importance of vocabulary and their usage. Comprehension of unseen passages helps to understand important ideas and paves the way for logical thinking. Translation is an intellectual and demanding task, as it fine-tunes the drafting skills and facilitates learning as well. Translations of old vernacular legal documents are vital for the outcome of a case.

**UNIT -1**

1. Law and Lawyers – M. K. Gandhi.

**UNIT -2**

1. Articles, Parts of Speech/their usage, same word used as different parts of speech.
2. Identification of errors.
3. Types of sentences, transformation of sentences.
4. Change of voice.
5. Reported Speech.
6. Idioms.
7. Legal words and their usage.

**UNIT -3**

Applied writing.

1. Paragraph writing.
2. Report writing/Press report.
3. Precis writing, Summarizing.
4. Essay writing.
5. Cohesive devices.

6. Comprehension passages.
7. Letter writing.

#### UNIT -4

Professional writing:-

1. Petitions.
2. Notices.
3. Refutation.
4. Essay writing on topics of legal interest.
5. Comprehension legal content.
6. Legal words and their usage.
7. Use of Cohesive legal devices.

#### UNIT -5

Translation:-

1. Principles of Translation.
2. Translation exercises (Translation from legal texts and decided cases.)

#### Text and reference books:

1. The law and lawyers by M. K. Gandhi, compiled and edited by S. B. Kher, Navajivan Publishing House, Ahmedabad.
2. Contemporary English Grammar, David Green, Macmillan Ltd.
3. Legal Language Writing and General English by Dr. S. C. Tripathi. Central Law Publications.
4. Wren and Martin English Grammar and Composition.
5. Legal Language, Legal Writing and General English by Dr. S. C. Tripathi. Central Law Publications.
6. ಅನುವಾದ ಕಲೆ- ಎಸ್. ನಾಗಭೂಷಣ
7. ಬಾಷಾಂತರ ಸೌರಬ್- ಲಕ್ಷ್ಮಿ ನಾರಾಯಣಅರೋರಾ.
8. ಬಾಷಾಂತರ ಕಲೆ- ಪ್ರಧಾನಗುರುದತ್.
9. ಬಾಷಾಂತರ-ಕನ್ನಡ ವಿ.ವಿ. ಪ್ರಕಟಣೆ.
10. ಬಾಷಾಂತರ ಸಂಸ್ಕೃತಿಕ ನೆಲೆಗಳು- ಕನ್ನಡ ವಿ.ವಿ. ಪ್ರಕಟಣೆ.