

SANJIVANIE COLLEGE OF LAW

LL.B. FIRST SEMESTER

(SYLLABUS)

PAPER – I

LAW OF CONTRACT – 1

UNIT – I

History and nature of contractual obligations

Agreement and Contract Definition, elements and kinds

Proposal and Acceptance – their various forms essential elements, communication and revocation – proposal and invitation to treat, standing offers.

Consideration – its need meaning, kinds, essential elements – nudum pactum – privity of contract and of consideration – its exceptions – adequacy of consideration – present. Past and adequate consideration – unlawful consideration and its effects.

Standard forms of contract.

UNIT – II

What Agreements are Contracts?

Capacity to contract – meaning – incapacity arising out of status and mental defect – minor's agreements – definition of "minor" – accessories supplied to a minor, agreements beneficial and detrimental to a minor – restitution in cases of minor's agreement.

Free consent – its need and definition – factors vitiating free consent.

Coercion – definition – essential elements – duress and coercion – doctrine of economic duress- effect of coercion.

Undue influence – definition – essential elements – between which parties can it exist?

Who is to prove it? illustrations of undue influence – independent advice – pardanshin women – unconscionable bargains- effect of undue influence .

Misrepresentation – definition misrepresentation of law and fact – their effect and illustration.

Fraud – definition – essential elements – when does silence amounts to fraud? Active concealment of truth – importance of intention.

Mistake – definition – kinds – mistake of law and of fact – their effects.

UNIT –III

Legality of objects (Section 23, Indian Contract Act)

Void agreements- from Sections 24-30, Indian contract act

UNIT –IV

Performance of contracts

Discharge of contracts and its various modes

Performance- time and place

Impossibility of performance – specific grounds of frustration – effect of frustration

Breach – anticipatory and present

Quasi- Contracts (sections 68-72)

Remedies in Contractual relations-

Damages – kinds – remoteness of damages – ascertainment of damages.

Injunction – when granted and when refused – why?

Refund and restitution

Specific performance – When? Why?

UNIT – V

Specific Relief

Specific performance of contract

Contracts that Can be Specifically enforced

Persons against whom specific performance can be ordered

Recession and Cancellation

Introduction Temporary, Perpetual

Declaratory Orders

Acts

The Indian Contract Act ,1872

The Specific relief Act , 1963

Books

Anson, Law Of Contract

Avtar Singh , Law Of Contracts and Specific Relief

S.K. Kapoor , Law of Contracts

P.S. Atiya , Introduction to the Law Contract

S.C. Banerjee , Law Of Specific Relief

Anand & Aiyer , Law Of Specific Relief

Dr. Kailash Rai , Law of Contract

Shri Ram Singh , Law of Contract

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PAPER- II

CONSTITUTIONAL LAW-I

UNIT –I

Constitutional developments since 1858 ,1947

Making of Indian Constitution

Nature and special features of the Constitution of India

Rule of Law & Separation of Powers

UNIT – II

State under Article 12 of the Constitutions

Right to Equality (Articles 14-18)

Right to Freedom (Articles 19-22)

Right against Exploitation (Articles 23-24)

UNIT – III

Concept of secularism: historical perspective

Right to freedom of Religion (Articles 25-28)

Cultural and Educational Rights (Articles 29-30)

Fundamental Duties (Article 51- A)

UNIT – IV

Directive Principles- directions for social change – A new social order

Fundamental Rights and Directive Principles of State Policy, inter-relationship , judicial balancing

Constitutional amendments – to strengthen Directive Principles

UNIT – V

Remedies for enforcement of rights contained in Part III – Habeas corpus , Mandamus Certioraris.”

Prohibition and Quo warranto under Articles 32 and 226 of the Constitution Judicial Review

Judicial activism and restraint

Act

Constitution of India

Books

G. Austin, History of Democratic Constitution The Indian Experience (Oxford)

Constitution Assembly Debates. Vol 1-12

D.D. Basu. Shorter Constitution of India Vol. 1-3

M.P. Singh (Ed.). V. N. Shukla, Constitutional Law of India

J. N. Pandey Constitution of India

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PAPER- III

FAMILY LAW-I (HINDU LAW)

UNIT-I

Who are Hindus?

Sources and schools of Hindu Law

Evolution of the institution of marriage and family

Hindu Marriage (Sections 5-8)

Restitution of Conjugal rights and judicial separation (Sections 9-10)

Nullity of marriage and divorce (Sections 11-18)

UNIT-II

Adoption – definition and conditions of valid adoption, effect of invalid adoption

Capacity of a male Hindu to take in adoption

Capacity of a female Hindu to take in adoption

Persons capable of giving in adoption

Persons who may be adopted

Maintenances – dependents

Maintenance of dependents

Amount of maintenance

Transfer of family property and its effect

UNIT- III

Meaning of guardian

Kinds of guardian – natural. Guardian Testamentary guardian , guardian appointed by the court, de facto and adhoc guardian

Natural guardian of a Hindu minor, its qualifications and disqualifications

Natural guardian of adopted son

Powers of natural guardian

Intestate succession

Order of succession among heirs

Property of a female Hindu to be her absolute property

General rules of Succession and exclusion from succession

UNIT- IV

JOINT FAMILY

Coparcenary Property – Mitakshara and Dayabhaga

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

Alienation of property – Separate and coparcenary property

Debts - Doctrine of pious obligations and antecedent debt.

UNIT – V

Partition – meaning of Partition, how effected

Gifts-definition and subject- matter of gift.

Gift when complete

Gift to unborn persons

Revocation of gift

Will- definition

Meaning of Codicil

Persons Capable of making will

What property may be disposed of will- Mitakshara and Dayabhaga law

Revocation and alteration of will

Will when void

Acts

The Hindus Marriage Act, 1955

The Hindu Adoption and Maintenance Act, 1956

The Hindu Minority and Guardianship Act , 1956

The Hindu Succession Act ,1956

Books

Paras Diwan Hindu Law

J D M Derrett. Hindu Law Past and Present

P V K me . History Of Dharmashastras. Vol2, Part 1

Paras Diwan, Family law , Law Of Marriage and Divorce In India

ST Desai(ed) Mulla's Principles Of Hindu Law

S.K. Singh (ed) R.K. Agarwala's Hindu Law . C.L.A. Allahabad

N.D. Basu, Law Of Succession

Paras Diwan , Law Of Adoption, Guardianship and Custody

U.P.D.kesari, Hindu Law

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PAPER- IV

LAW OF TORTS – I

UNIT- I

Evolution of the law of torts

Definition Nature, Scope and Objects

Wrongful act – violation of duty imposed by law. Duty which is owed to people generally(in rem)

Damnum sine injuria and injuria sine damnum

Tort distinguished from crime and breach of contract

The concept of unliquidated damages

UNIT- II

Volenti non fit injuria

Necessity private and public

Plaintiff's default

Act Of God

Inevitable Accident

Private defence

Statutory authority

Judicial and quasi-judicial acts

Mistake

UNIT- III

Vicarious liability – Meaning . Scope and Justification

Master and servant – arising out of and in the course of employment. Who is master?

The Control test who is Servant? Borrowed servant; Independent contractor and Servant

Distinguished

Principal and agent

Partners

Vicarious liability of the State

UNIT – IV

Assault battery.....

False imprisonment

Malicious Prosecution

Nervous Shock

UNIT - V

Strict/Absolute liability

The rule Ryland's v Fletcher

Liability for harm caused by inherently dangerous industries

Position in India- Bhopal Gas Lake Disaster Case. (AIR 1900 SC 273) M C Mehta v.

Union of India . (AIR 1987 SC1086)

Books

Salmond and Heuston Law of Torts

D.M. Gandhi. The Law of Torts

Ratanlal Dhirajlal The Law of Torts

Winfield and Jolowiz on Tort

R.K. Bangia, The Law of Torts M. V. Accident and Consumer Protection Act

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PAPER – V

PUBLIC INTERNATIONAL LAW –I

UNIT –I

Nature definition, origin and basics of International Law
Sources of International Law
Subjects of International Law
Relationship between international Law and Municipal Law

UNIT- II

Recognition definition theories of recognition, kinds of recognition, legal effects of recognition with drawl of recognition.
Extradition definition, purpose of extradition, legal duty , extradition of political offenders, doctrine of double criminality , rule of speciality
Asylum- meaning-right of asylum types of asylum
Intervention definitions and its prohibition grounds of intervention

UNIT- III

State Territory – Concept modes of acquisition, international rivers
State Jurisdiction territorial and its limitation.
State Succession – definition Kinds of succession and consequences of succession

UNIT –IV

Law Of War – legal effects of war commencement of war, termination of war enemy character and belligerent occupation
War crime genocide blockade, doctrine of Continuous voyage
Law of Sea-maritime But Contiguous zone. Continental Shelf

UNIT-V

United Nation origin objects Principles and membership
Main organs united Nations-Generals Assembly. Security Council, International Court of Justice, Treaties Diplomatic Agents

BOOKS

Staike Production to International Law
S.K. Kar Or International Law
S . K. Verma Public International Law
H O Agarwal , International law And Human Rights

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PAPER – VI

LAW OF CRIMES – 1

UNIT –I

Nature and definition of crime

Distinction between crime and other wrongs.

Element of Criminal liability – physical element (actus reus) and mental element (mens rea)

Mens rea under statutory offences

I.P.C. under a reflection of different, Social and moral values.

Applicability of I.P.C.

UNIT – II

Stages Crime

Guilty intention – mere intention not punishable

Preparation not punishable exceptions

Attempt - attempt when punishable specific provisions of I.P.C. , tests for determining

What constitutes attempt – proximity, equivocality and social danger , impossible attempt

Punishment –types of Punishment

Death , social relevance of capital punishment, alternatives to capital punishment

Imprisonment

Forfeiture of Property

Fine

UNIT – III

General Exception

Mistake of Fact and law

Mental Incapacity – minority. Insanity – medical and legal insanity

Intoxication – involuntary

Accident

Necessity

Consent

Private Defense – Justification and Limits

UNIT- IV

Joint /group liability

Common intention, distinction between

Common intention & Common object,

Abetment-instigation, Conspiracy and aiding,

Unlawful assembly-basis of liability

Criminal conspiracy

UNIT -V

Constructive liability (Section 149, IPC)

Rioting

Vicarious liability

Affray

Sedition

Act

The Indian Penal Code 1860

Books

K D Gaur, A Text Book on the Indian Penal Code

K.D. Gaur, Criminal Law Cases and Materials

Ratanlal Dhirjlal Indian penal Code.

P S Ach than pillar Criminal Law

I Bhattacharya The Indian Penal Code

M D Chaturvedi Bharatiya Dand Samita

S. N. Mishra, Law of Crime

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Paper – VII

Legal Language Including General English

UNIT- I

Sentences : Kinds of sentences

Subject and predicate

Parts of Speech

Gender/Number

Uses Of Articles

Tenses and Structural rules of Translation

UNIT- II

Narration

Transformation

Degree change

Analysis and Synthesis

Syntax

Synonyms and antonyms

UNIT- III

Legal Terminology

Terms used in civil And criminal Laws

Latin Words & Maxims

Cases Analysis

One word Substitution

UNIT-IV

Essay writing on topics of legal Interest (for Example) Fundamental Rights,

Sucularism; Status of Women; Terrorism; Law an Environment ; Consumerism

Lok Adalat, Independence of Judiciary Criminals in Election etc

UNIT – V

Précis writing

Composition skills

Letter / Application writing

Books

Bhatnagar & Bhagava, Law and Language

R. P. Sinha, How to Write Correct English

R.P. Sinha , How To Translate into English

Kelkar, Ashok R. "Communication and Style in Legal Language "Indian Bar review . Vol. 10(3) 1993

Blacks Law Dictionary

Latin for Lawyers (1997) . Sweet and Maxwell, universal, New Delhi