

CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. FIRST SEMESTER

LL.B. PART I SEMESTER I PAPER-I, FORMATION OF CONTRACT (CONTRACT- I)

UNIT-1 Introduction

1. History, nature and Scope of Law of Contracts.
2. Agreement and contract: definition, elements and kinds of contract.
3. Proposal and acceptance, Communication of the Revocation of Proposal and Acceptance
4. Consideration, Doctrine of Privity of Contract

UNIT-II Capacity to contract

1. Free consent: Minors, Persons of Unsound Mind and Others Disqualified by Law, Nature and Effects of Minor's Agreements; Doctrine of Restitution.
2. Undue Influence
3. Misrepresentation
4. Fraud
5. Mistake
6. Unlawful Considerations and objects
7. Fraudulent

UNIT-III: Void and Voidable agreements

1. Injurious to person or property
2. Immoral
3. against public policy
4. Void and void able agreements

5. Contract without consideration
6. Agreements in restraint of marriage, trade etc.
7. Contingent contract, wagering contract and its exception.

UNIT-IV Contractual Obligations

1. Contractual obligations
2. Discharge of Contract: Discharge by Performance, Discharge by Breach, Including Anticipatory Breach, Discharge by Agreement, Discharge by Impossibility of Performance with Particular Reference to English Law
Doctrine of Frustration
3. Damages, remoteness of damages, ascertainment of damages
4. Government Contracts
5. Quasi Contractual obligation

UNIT-V Specific Relief Act, 1963

1. Specific performance of contract
2. Contract that can be specifically enforced & that can't be enforced
3. Persons against whom specific enforcement can be ordered
4. Rescission and cancellation
5. Injunctions-temporary, perpetual, mandatory, obligatory
6. Declaratory Decree.
7. Discretion and powers of court.

Leading Cases:

1. Satyabrata Ghose v/s Mugneeram Bangur.(1954 AIR 44)
2. Carlill v Carbolic Smoke Ball Co [1893] 1 QB 256 (CA)
3. Bhagwandas Goverdhandas Kedia vs M/S. Girdharilal Parshottamdas,
1966 AIR 543
4. Mohori Bibee v. Dharmodas Ghose (1903) 30 Cal. 539
5. Derry v Peek (1889) 14 App Cas 337.

Selected Bibliography –

1. Beasten (ed.) Anson's Law of Contract (27 ed. 1998).
2. P.S. Atiya, Introduction to the Law of Contract 1992 reprint (Claredon Law Series).
3. Avtar Singh, Law of Contract (2000) Eastern, Lucknow.
4. G.C. Cheshire, and H.S. Fifott and M.P. Furmston, Law of Contract
5. (1992) ELBS with Butterworth's.
6. M. Krishnan Nair, Law of Contracts, (1998).
7. G.H. Trellat, Law of Contracts, Sweet & Maxwell (1997 reprint).
8. R.K. Abhichandani, (ed.) Pollock & Mulla on the Indian Contract and
9. the Specific Relief Act (1999) Tripathi.
10. Banerjee, S.C. Law of Specific Relief (1998), Universal.
11. Anson, Law of Contract (1998), Universal.
12. Dutt on Contract (2000), Universal.
13. Anand & Aiyer, Law of Specific Relief (1999), Universal.
14. Kailash Rai, Contract I & Specific Relief Act.

CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART I SEMESTER I PAPER-II,

INDIAN CONSTITUTION (CONSTITUTIONAL LAW-I)

UNIT-I Introduction

1. Preamble
2. Nature of Indian Constitution
3. Characteristics of federalism
4. Unitary form of Government.

UNIT-II Citizenship, Fundamental Rights

1. Citizenship
2. State
3. Fundamental Rights - General: Scheme of Fundamental Rights, Who can Claim Fundamental Rights: Against whom Fundamental Rights are Available? Suspension of Fundamental Rights.
4. Fundamental Rights – Fundamental Rights - Specific: Special Emphasis shall be Placed on the Following Rights:
 - (a) Right to Equality (Articles 14 to 18)
 - (b) Right to Freedom of Speech and Expression (Article 19(1)(a))
 - (c) Right to Life and Personal Liberty (Article 21)
 - (d) Right to Freedom of Religion (Articles 25 to 28)
 - (e) Cultural and educational rights.
5. Right to constitutional remedies

UNIT-III Fundamental duties, Directive Principles

1. Directive Principles of State policy.
2. Inter relationship between fundamental rights and directive principles.
3. Fundamental duties.

UNIT-IV Union Executive, Legislature and Judiciary

1. Union Executive – the President; his Powers and Position including Ordinance Making Power, Vice President
2. Union Legislature – Organization, Procedure regarding Enactment of Legislation, Parliamentary Privileges.
3. Union Judiciary – Supreme Court; Composition and Jurisdiction

UNIT-V State Executive, Legislature and judiciary

1. State Executive – Governor; his Powers and Position including Ordinance Making Power,
2. State Legislature – Vidhan Sabha – Vidhan Parishad
3. State Judiciary – High Court; Composition and Jurisdiction

LEADING CASES:

1. Maneka Gandhi v. Union of India, 1978 AIR 597,
2. Indra Sawhney v. Union of India and Others, AIR 1993 SC 477
3. Peoples Union for Democratic Rights V. Union of India 1982 AIR 1473 SC.
4. Ram Jawayya Kapur vs. State of Punjab.
5. Kehar Singh & Ors vs State (Delhi Admn.) 1988 AIR 1883.

Selected Bibliography –

1. V.N. Shukla, Constitution of India
2. J.N. Pandey, Constitutional law of India
3. D.D. Basu, Constitution of India
4. M.P. Jain, Constitution of India
5. H.M. Seervai, Constitution law of India (Vols. 3)
6. Lippman, Constitution law
7. Kauper, Constitution law Cases and Materials
8. Woll, Constitution law Cases and Comments
9. Basu, Select Constitutions of the World
10. Carwin, Constitution of U.S.
11. Lane, An Introduction to the Constitution law.
12. Kailash Rai, Constitutional Law of India
13. Dr. Basantilal Babel Hkkjr dk lafo/kku
14. Dr. V.N. Shukla Hkkjr dk lafo/kku
15. Dr. D.K. Tripathi Hkkjr dk lafo/kku

CHHINDWARA UNIVERSITY, CHHINDWARA
LL.B. PART I SEMESTER I PAPER-III,
LAW OF TORTS

Unit-I Evolution, Definition, Nature and Scope of Torts.

1. It's Development by Courts in England and India.
2. A Wrongful Act - Legal Damage
 - a) Damnum Sine Injuria
 - b) Injuria Sine Damno
3. Joint and Several Tort Feasors
4. Tort distinguished from Crime and Contract

Unit-II General Defences in Torts:

1. Volenti Non Fit Injuria,
2. Act of God,
3. Inevitable Accident,
4. Statutory Authority
5. Necessity, private and public

UNIT- III

1. Vicarious Liability with Special Reference to Master's Liability for Acts of Servant.
2. Defamation
3. Malicious Prosecution
4. Affecting Immovable Property - Trespass to Land.
5. Absolute and Strict Liability.
6. Torts based on Intentional Wrong-Doing.
7. Affecting Person - Assault, Battery and False Imprisonment.
8. Remoteness of Damage
9. Torts based on Intentional and Negligent Wrong-Doing
 - (a) Nervous Shock
 - (b) Nuisance

UNIT IV: Consumer Protection Act, 1986

1. Concept and definition of consumer and service
2. Unfair trade practices
3. Supply of essential commodities and services
4. Enforcement of consumer rights

UNIT V: Motor Vehicle Act, 1988

1. Types of accident, at road intersections, Collision, involving children, excessive speed, in floods, pedestrian, running over cyclist and hit and run case.
2. Compensation and Right to just Compensation
3. Claims and Claim Tribunal- Composition, Powers, Procedure and appeal against its orders.
4. Liability- Insurance Company, Third Party, Vicarious Liability, Fault and no Fault liability, Right to Fixed compensation

Leading cases:

- Rylands v. Fletcher [1868] UKHL
- Donoghue v. Stevenson [1932] UKHL
- Kasturilal Ralia Ram V. The State of Uttar Pradesh AIR 1965 S 1039
- State of Rajasthan v Vidhyawati (AIR 1962 SC 933)
- Municipal corporation of delhi v. sohagwanti. (AIR1966 SC 1750)

Selected Bibliography –

1. Salmond and Hueston- On The Law of Torts (2000) Universal Delhi
2. D.D. Basu, The Law Of Torts (1982), Kamal, Calcutta.
3. B.M. Gandhi, Law Of Tort (1987), Eastern, Lucknow
4. P.S. Achuthan Pillai, The Law Of Tort, Eastern Lucknow
5. Ratanlal and Dhirajlal's: The Law of Torts (1997) Univearsal Delhi
6. Dr Basantilal Babel, Law of Tort

CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART I SEMESTER I PAPER-IV, LAW OF CRIMES I (INDIAN PENAL CODE)

UNIT-I : General

1. Concept of crime
2. Distinction between crime and other wrongs
3. McCauley's draft based essentially on British notions
4. Salient features of the I.P.C.
5. IPC: a reflection of different social and moral values
6. Applicability of I.P.C.- territorial and personal

UNIT-II : Element of Criminal Liability

1. Person definition - natural and legal person
2. Mens rea- evil intention
3. Recent trends to fix liability without mens rea in certain socio-economic offences
4. Act in furtherance of guilty intent- common object
5. Factors negating guilty intention
6. Definition of specific terms

UNIT-III : Group liability

1. Common Intention
2. Abetment
3. Instigation, aiding and conspiracy
4. Mere act of abetment punishable
5. Unlawful assembly
6. Basis of liability
7. Criminal conspiracy
8. Rioting as a specific offence

9. General Exceptions: Mental incapacity, Minority, Insanity, Medical and legal insanity, Intoxication, Private defence- justification and limits, When private defence extends to causing of death to protect body and property, Necessity, Mistake of fact
 - a. Offence relating to state
 - b. Against Tranquility
20. Contempt of Lawful Authority

UNIT-IV : Offences against Human Body

1. Culpable homicide
2. Murder
3. Culpable homicide amounting to murder
4. Grave and sudden provocation
5. Exceeding right to private defence
6. Hurt - grievous and simple
7. Assault and criminal force
8. Wrongful restraint and wrongful confinement- kidnapping- from lawful guardianship, outside India
9. Abduction
10. Offences Relating to Marriage
11. Offences against Property.
 - a. Theft
 - b. Robbery, Dacoity
 - c. Cheating
 - d. Extortion
 - e. Mischief
 - f. Criminal misrepresentation and criminal breach of trust
 - g. Offences relating to Documents and properties.

Unit-V : Types of Punishment

1. Death
2. Social relevance of capital punishment
3. Imprisonment- for life, with hard labour, simple imprisonment
4. Forfeiture of property
5. Fine
6. Discretion of court in awarding punishment
7. Minimum punishment in respect of certain offences

Leading Cases:

1. K N Mehra v. The State of Rajasthan, (1957) AIR SC 369
2. K.M. Nanavati v. The State of Maharashtra, AIR 1962 SC 605
3. R.S. Nayak v. A.R. Antulay, AIR 1984 SC 684
4. Basdev v. State of Pepsu, 1956 AIR 488
5. State v. Govinda, (1877) Ilr 1 Bom. 342

Select Bibliography:

1. K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
2. Ratanlal-Dhirajlal, Indian Penal Code (1994 reprint)
3. K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal Delhi
4. P.S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow
5. Hidaythulla, M., et.al. Ratanlal and Dhirajlal, The Indian Penal Code (1994 reprint), Wadhwa & Co. Nagpur
6. B.M. Gandhi, Indian Penal Code (1996), Eastern Nagpur

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LL.B. PART I SEMESTER I PAPER-V, FAMILY LAW I (HINDU LAW)

UNIT-I : Introduction

1. Nature of Hindu Law
2. Hinduism, Origin and Development, Definitions.
3. Schools and Sources.

UNIT-II : Marriage and Divorce

1. Marriage
2. Kinds, nullity of marriage.
3. Hindu marriage Act, 1955.
4. Special marriage Act, 1954.
5. Divorce
6. Judicial separation, Restitution of conjugal rights.
7. Grounds for matrimonial remedies.

UNIT-III : Hindu Undivided Family

1. Joint family (Hindu undivided family)
2. Coparcenaries, property under Mitakshara and Dayabhag.
3. Partition and Re-union, women estate, stridhan.

UNIT-IV : Gift, Wills and Adoption

1. Gifts, wills.
2. Hindu adoption and maintenance Act, 1956.
3. Hindu Minority and Guardian Ship Act, 1956.

UNIT-V : Inheritance

1. General rules of Succession
2. Disqualification relating to Succession

3. Hindu Succession Act, 1956
4. Religious Endowment.

Leading Cases:

1. Arunachal Mudalier V. Murugnath, (AIR1953 S.C. 495)
2. Dr. N.G. Dastane vs Mrs. S. Dastane AIR 1975 SC 1534,
3. Bipin Chander Jaisinghbhai Shah V. Prabhawati AIR 1957 SC 176
4. Baiva appav. Smt gopika bai. (AIR 1978SC793)
5. Dharmendra Kumar v. Usha. (Air 1977s.c. 2218)

Selected Bibliography

1. Basu, N.D. Law of Succession (2000), Universal.
2. Kusum, Marriage and Divorce Law Manual (2000), Universal.
3. Manchanda, S.C. Law and Practice of Divorce in India (2000), Universal.
4. P.V. Kane, History of Dharmasastra Vol. 2 pt. 1 at 624-632 (1974).
5. Kuppaswami (ed.) Mayne's Hindu Law and Usage Ch. 4 (1986).
6. B. Sivaramaya, Inequalities and the law, (1985).
7. K.C. Daiya, "Population control through family planning in India." Indian Journal of Legal Studies, 85 (1979).
8. J.D.M. Derrett, Hindu Law: Past and Present.
9. B.M. Gandhi – Hindu Law
10. Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal.

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LL.B. PART I SEMESTER I PAPER-VI,

PUBLIC INTERNATIONAL LAW

The course shall comprise of the following:

Unit I

- 1 Definition and nature of International Law.
- 2 Origin and Development of International Law including its Codification.

Unit II

1. Sources of International Law.
 - a. Custom
 - b. International Conventions
 - c. General Principles of Law
 - d. Judicial Decisions and Juristic Works
2. Subjects of International Law

Unit III

1. Relations between International Law and Municipal Law
 - (a) Theories of Relationship
 - (b) Indian and British Practices
2. Recognition in International Law:
 - (a) Concept, kind and Theories
 - (b) Legal Consequence of Recognition.

Unit IV

1. State Territory: (a) Law of the Sea, (b) Air space
2. Jurisdiction: (a) Territorial Jurisdiction (b) Extraterritorial Jurisdiction
3. Asylum and Extradition
4. Pacific Settlement of International Disputes

Unit V: International Organization

1. Concept and Nature of International Organization; Progress of Mankind towards International
2. The League of Nations: General Provisions, Organs of the League - Assembly, Council, Secretariat; Causes of the Failure of the League.
3. A Comparative View of the League Covenant and the U.N. Charter.
4. The United Nations: Genesis and Creation, Purposes and Principles, Membership, Legal Capacity, Privileges and Immunities
5. The U.N. Organs: Their Composition; Power and Functions.

Leading case:

1. The Paquete Habana and Lola 1 (1900) 175 U.S. 677
2. Corfu channel case ICJ reports, 1949, p.4
3. West Rand Gold Mining Co. Ltd V. The King (1905) 2 K.B. 391
4. Anglo- Norwegian Fisheries Case 1951 ICJ Rep. 166
5. Anglo- Iranian oil company case. I.C.J Rep.(1952) p 93

Selected Bibliography

- J.G. Starke: Introduction to International Law.
- S. K. Kapoor: International Law
- Oppenheim: International Law
- H. O. Agarwal: International Law & Human Rights