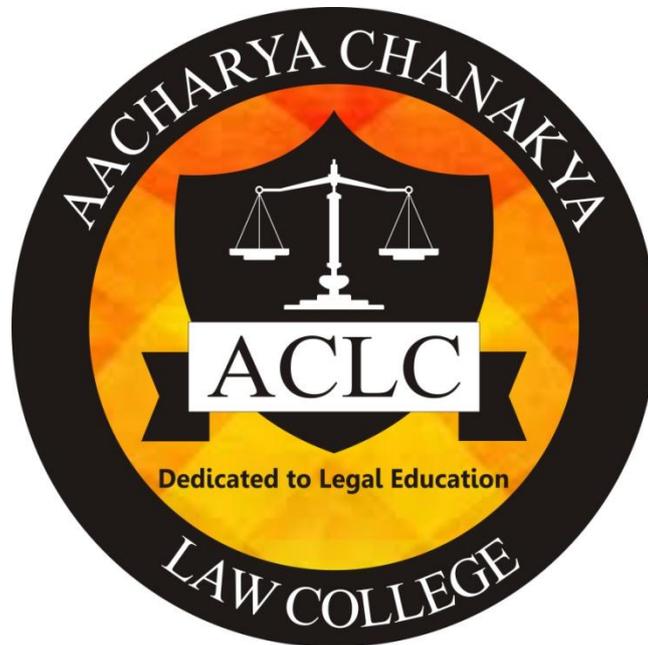


# AACHARYA CHANAKYA LAW COLLEGE



## SYLLABUS

**L.L.B. (3 Years)**

**2020-21**

3-K-20, Near Mansarovar Lake,  
Patel Nagar, Bhilwara (Raj.)-  
311001

### Contact Us

01482-241103, 9116660192,  
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[acldbhilwara@gmail.com](mailto:acldbhilwara@gmail.com)

## **LL.B. THREE YEAR DEGREE COURSE:**

### **1.(II). ELIGIBILITY FOR ADMISSION TO LL.B. COURSE:**

(i) A candidate who has taken the bachelor's or the master's degree in Arts/Science/Commerce/Medicine/Management/Engineering/Nursing/Agriculture or the degree of Shastri/Acharya or the degree of Ayurvedacharya /Ayurveda Brihaspati, B.B.A., B.C.A., B.P.E., B.F.A., B.Sc. (Information Science), B.Sc. (Information System) and B.Sc. (Information Technology) of this university or any other university recognised for the purpose by the competent authority of this university with full course prescribed for the degree and secured a **minimum of 45% marks** (excluding any concessional marks) in the aggregate marks prescribed for the examination for the aforesaid degree shall be eligible for admission to LL.B. First Year Course.

**Explanation:** The applicant who have obtained Graduation or Post graduation degree through open Universities system directly, without having any basic qualifications for prosecuting such studies are not eligible for admission in this course.

### **(III). MINIMUM MARKS IN QUALIFYING EXAMINATION FOR ADMISSION IN**

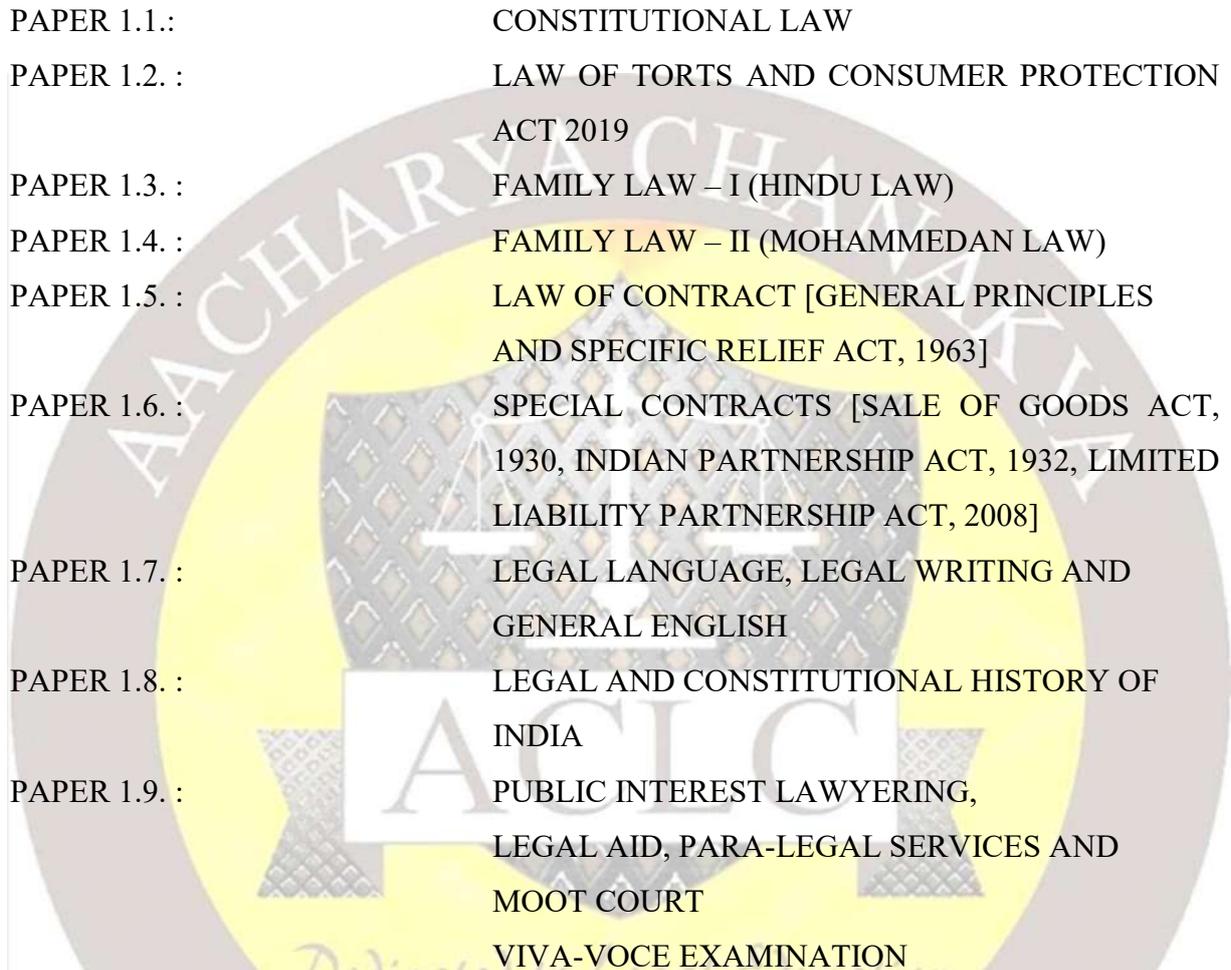
#### **LL.B. COURSE:**

A candidate passing Bachelor's degree examination or its equivalent degree recognised by this University, as prescribed by the Bar Council of India or the University, with a minimum of forty five (45) % marks shall be eligible to apply for admission to First Year of LL.B. There shall be relaxation of five (5) % marks in case of Scheduled Caste and Scheduled Tribe and three (3) % for Other Backward Class candidates.

#### **EXPLANATION:**

For the purpose of this provision the marks of only those subjects/papers shall be taken into account which had been considered for awarding division at the Bachelor's/Master's Degree Examination.

**SYLLABUS AND COURSE CONTENT OF LL.B. FIRST YEAR –**



PAPER 1.1.:	CONSTITUTIONAL LAW
PAPER 1.2. :	LAW OF TORTS AND CONSUMER PROTECTION ACT 2019
PAPER 1.3. :	FAMILY LAW – I (HINDU LAW)
PAPER 1.4. :	FAMILY LAW – II (MOHAMMEDAN LAW)
PAPER 1.5. :	LAW OF CONTRACT [GENERAL PRINCIPLES AND SPECIFIC RELIEF ACT, 1963]
PAPER 1.6. :	SPECIAL CONTRACTS [SALE OF GOODS ACT, 1930, INDIAN PARTNERSHIP ACT, 1932, LIMITED LIABILITY PARTNERSHIP ACT, 2008]
PAPER 1.7. :	LEGAL LANGUAGE, LEGAL WRITING AND GENERAL ENGLISH
PAPER 1.8. :	LEGAL AND CONSTITUTIONAL HISTORY OF INDIA
PAPER 1.9. :	PUBLIC INTEREST LAWYERING, LEGAL AID, PARA-LEGAL SERVICES AND MOOT COURT VIVA-VOCE EXAMINATION

**LL.B. I YEAR (THREE YEAR COURSE)**

**PAPER 1.1.**

**CONSTITUTIONAL LAW**

**SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

The Constitution of India is the supreme law of the country. This course provides the description of the necessary fundamental concepts and doctrines of Constitutional Law. The Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The Course also has the objective to familiarize the students with the Federal principles of Indian Constitution and the powers, functions and structures of various Constitutional bodies. The course is to be studied in the social, economic and political context in which the constitution operates together with the in-depth study of the latest reshaping of the Article 370 and 35-A and the Reorganization of the Jammu and Kashmir state.

**UNIT - I**

Date of Commencement of the Indian Constitution; Concepts of Constitutional Law and Constitutionalism; Salient features of the Constitution; Nature of the Indian Federalism, Preamble - Meaning of the Preamble; Object, Purpose and Scope of the Preamble; Contents of the Preamble; Utility of Preamble in interpretation of the Constitution; Whether Preamble is part of the Constitution? Citizenship and State {including relevant provisions of Citizenship Act, 1955 as amended by The Citizenship (Amendment) Act, 2019} (Basic Concepts and Future Effects).

**UNIT - II**

Fundamental Rights (Part - III), Directive Principles of State Policy and Fundamental Duties- Fundamental Rights; Right to Equality; Right to Freedom; Fundamental Duties; Right to Freedoms; Right against Exploitation; Freedom of Religion

### **UNIT - III**

Legislative Relations between Union and States; Parliament and State Legislatures: Composition, Powers and Functions, Law Making Procedure, Parliamentary Privileges.

Union and State Executive: The President- Powers and Functions, Emergency Provisions; Governor –Powers and Functions

### **UNIT - IV**

Union Judiciary-Supreme Court , Composition, Appointment of Judges and Jurisdiction, and State Judiciary, High Court -Composition, Appointment of Judges and Jurisdiction, Writ Jurisdiction.

### **UNIT - V**

Right to Property; Amendment of the Constitution: Power of the Parliament to amend the Constitution and Theory of Basic Structure.

Temporary provision (Article 370): Reorganization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu and Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects).

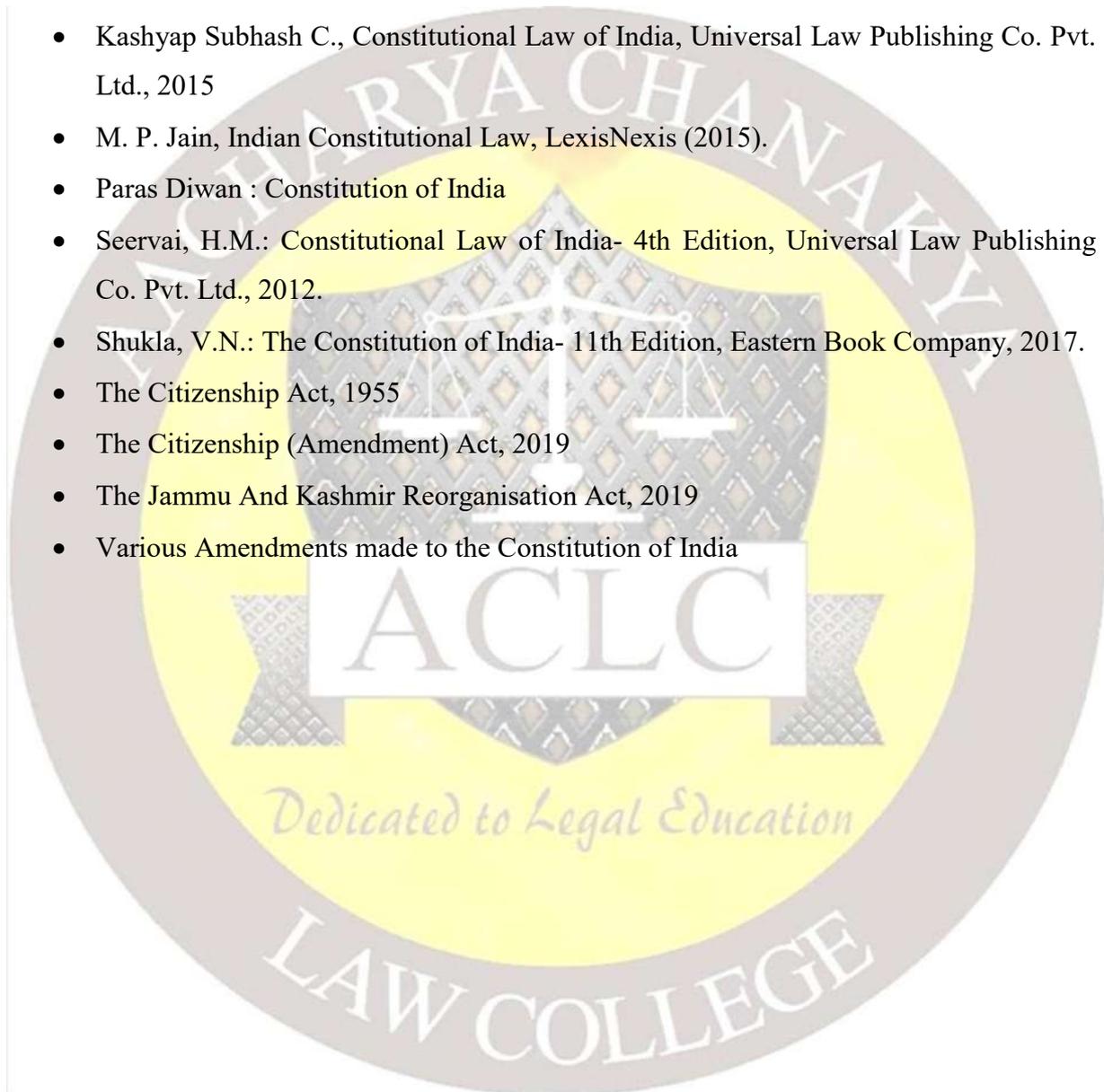
### **LEADING CASES :**

- 1) Minerva Mills v. Union of India, AIR (1978) SC 1789
- 2) Maneka Gandhi v. Union of India, AIR (1978) SC 597
- 3) Kesavananda Bharthi v. State of Kerala, AIR (1973) SC 1476
- 4) Kehar Singh v. Union of India, AIR (1989) SC 653
- 5) Justice K.S. Puttaswamy v. Union of India and Ors. (Retd.) and Anr. (2017) SC

### **SUGGESTED READINGS :**

- Arvind Datar, Commentary on Constitution of India (3 Vols), LexisNexis (2010).
- Austin, Granville : Working a Democratic Constitution: Indian Experience 2nd Edition, Oxford University Press, 2000
- Bakshi, P.M. : Constitution of India- 8th Edition, Universal Law Pub., 2017.
- Basu, D.D. : Introduction to the Constitution of India (English & Hindi)
- Basu, Durga Das : Shorter Constitution of India, 13th Edition, Wadhwa, 2012.

- Constitution of India as amended up to-date
- Constitution (Application to Jammu and Kashmir) Order 2019
- D.D. Basu, Constitutional Law of India, LexisNexis (2013).
- H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- Jain, M.P. : Indian Constitutional Law- 5th Edition, Wadhwa, 2015.
- Kashyap Subhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- M. P. Jain, Indian Constitutional Law, LexisNexis (2015).
- Paras Diwan : Constitution of India
- Seervai, H.M.: Constitutional Law of India- 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- Shukla, V.N.: The Constitution of India- 11th Edition, Eastern Book Company, 2017.
- The Citizenship Act, 1955
- The Citizenship (Amendment) Act, 2019
- The Jammu And Kashmir Reorganisation Act, 2019
- Various Amendments made to the Constitution of India



## PAPER 1.2.

### LAW OF TORTS AND CONSUMER PROTECTION ACT 2019

#### SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

#### OBJECTIVES OF THE COURSE:

With rapid industrialization, law of tort has taken a dynamic shape and came to be used as an effective remedy against manufacturers and industrial units for their activities injurious to human beings. Product liability is now assuming a new dimension in developed economies. Hence, the basic purpose for introducing this law to the students is to make them understand the constituents of tort and general principles; Provide an in-depth clarity about various defences available against tortious liability together with The Consumer Protection Act, 2019 and Motor Vehicles (Amendment) Act 2019.

#### UNIT - I

##### Meaning, Nature and Definition of Tort:

Development of actions in tort in England and India; Meaning, Nature and definition of tort; Tort distinguished from contract, Quasi-Contract, breach of trust and crime; Foundation of tortious liability; Kinds of Damages; Relevance of Motive in Torts and its Exceptions—wrongful act, damage and remedy; Malfeasance, Misfeasance and Non-Feasance; Felonious Torts.

##### General Defences in Tort:

Volenti Non Fit Injuria, consent, voluntary assumption of risk, exclusion clauses; Vis Major (Act of God); Inevitable accident; Act of third parties; Novus Actus Interveniens; Plaintiff's wrong or default; Self-defence and Defence of Property; Necessity; Statutory Authority; Judicial and quasi-judicial acts; Parental and quasi-parental authorities; Illegality; Mistake of Fact.

## **UNIT - II**

Damages and Remoteness of Damage; Contributory Negligence, Death as creating and extinguishing Liability

Damages: Types- General and special, nominal, contemptuous, aggravated, exemplary, Compensatory damages- Principles of causation, foreseeability, certainty, assessment and calculation of damages- principles, personal injuries, death, loss of property, economic and non-economic losses; Injunction- Permanent and Temporary, Qua Timet Action; Replevin (Claim and Delivery); Ejectment

### Extra - Judicial remedies-

Self-Defence, Re-Entry on Land, Recapture of goods, Abatement, Distress Damage Feasant.

### Vicarious Liability:

Principle of Vicarious Liability - Nature, Scope and Justification; Concept of Master (Employer) and Servant (Employee) relationship; State Liability; Concept of Sovereign and Non-Sovereign Functions; Strict Liability and its Exceptions, Absolute Liability, No-Fault Liability and their Exceptions;

Liability for Statements (Deceit); Malicious Prosecution and Civil Proceedings; Joint and Several Tort Feasors; Judicial Responses.

## **UNIT - III**

### Trespass to Person :

Assault, Battery, Mayhem; Causing Emotional Distress; False imprisonment

### Trespass to Property:

Liability for Land and Structure including Occupier's Liability; Private Nuisance: Conversion; Trespass to land, Trespass to personal property, Detention and conversion, Passing off; Injury to trademark, patent and copyrights; Public and Private Nuisance; Particular defences available in each of these types.

### Trespass to Reputation:

Defamation: Libel and Slander; Freedom of speech and expression; Defences to defamation; Invasion of privacy and defences.

## **UNIT - IV**

### Negligence:

Duty to take care and its breach; Foreseeability, causation; Contributory negligence and other defences to negligence; Occupier's Liability; Res Ipsa Loquitur.

### Miscellaneous:

Liability for Statements (Deceit); Malicious Prosecution and Civil Proceedings; Joint and Several Tort Feasors; Judicial Responses; Conspiracy.

## **UNIT - V**

### **CONSUMER PROTECTION ACT, 2019:**

Consumer Protection; Need, Importance, Objectives; Definition, Concept and Third Party Beneficiary; Consumer Protection Councils; Central Consumer Protection Authority; Consumer Disputes Redressal Commission; Mediation; Product Liability; Offences and Penalties

### **MOTOR VEHICLES ACT 1988 (THE MOTOR VEHICLES (AMENDMENT) ACT 2019):**

Need, Importance, Objectives; Definition, Concept, Key features of the Amendment, Fault and No-Fault Liability of Driver and Owner; Concepts regarding Third Party; Driving Licenses; National and State Register of Driving Licenses; National Transportation Policy; Offences and Penalties, Powers and Jurisdiction of a Motor Accidents Claims Tribunal, Judicial Responses.

### **LEADING CASES:**

- 1) Donogue v. Stevenson (1932)
- 2) Indian Medical Association v. V. P. Shantha, AIR (1996) SC 558.
- 3) Municipal Corporation of Delhi v. Smt. Subhagwati, AIR (1966) SC 17.
- 4) N. Nagendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
- 5) Rylands v. Fletcher, (1868) LP. 3 HL 330.

### **SUGGESTED READINGS:**

- Motor Vehicles Act, 1988 Including The Motor Vehicles (Amendment) Act, 2019
- Ramaswamy Iyers's The Law of Torts, Lakshminath ed, 10th ed, 2007, LexisNexis.
- Ratanlal and Dhirajlal, The Law of Torts, Akshay Sapre ed., 27th ed., 2016, LexisNexis.
- Salmond and Heuston on the Law of Torts, R F V Heuston and R A Buckley Eds, 21<sup>st</sup> ed, Sweet and Maxwell.
- The Consumer Protection Act, 2019
- Wienfield and Jolowicz on Tort, W V H Rogers ed, 18th ed, 2010, Sweet and Maxwell.

**PAPER 1.3.**

**FAMILY LAW – I**  
**(HINDU LAW)**

**SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

This course involves the student with the introduction of Hindu law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations and other provisions relating to marriage, succession etc. in Hindu law. The study of the course will attempt to view Hindu law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfil the constitutional directive of uniform civil code.

**UNIT - I**

Hindu Law:

Sources, School and Application, Coparcenary, Joint Family Property and Self-acquired property; Karta and his powers and obligations, Religious and Charitable Endowments – Essentials of an Endowment Kinds, Shebait and Mahant

**UNIT - II**

The Hindu Marriage Act, 1955:

Conditions of a valid Hindu Marriage; Its ceremonies and registration, Void and Voidable Marriage : Restitution of Conjugal Rights; Judicial Separation, Legitimacy of Children of Void and Voidable Marriage; Divorce and its grounds; Alternative relief in divorce proceedings, Divorce by Mutual Consent, One year bar to Divorce; Divorced persons when may marry again; Jurisdiction and Procedure. The Prohibition of Child Marriage Act, 2006. Validity of Child Marriage; Judicial Responses.

### **UNIT - III**

#### The Hindu Succession Act, 1956:

Succession to the property of a Hindu male; Succession to interest in Coparcenary property, Property of a Female Hindu to be her absolute Property; Succession to the property of a Hindu female; General rules and disqualifications of succession, Escheat; Judicial Responses.

### **UNIT - IV**

#### The Hindu Adoption and Maintenance Act, 1956:

Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in Adoption, Effects of Adoption; Miscellaneous provisions of adoptions; Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; Dependants and their maintenance; Amount of Maintenance; Judicial Responses.

### **UNIT - V**

#### The Hindu Minority and Guardianship Act, 1956:

Natural Guardians and their powers; Testamentary guardian and their powers, De Facto Guardian, General Provisions of Guardianship; Judicial Responses.

Partition under Hindu Law – Meaning, Property for Partition, person entitled to sue for partition and allotment of shares, Partition, and allotment of shares, how effected, Determination of shares, Re-opening of Partition, Reunion, Debts – Doctrine of Pious Obligation; Antecedent Debts; Judicial Responses.

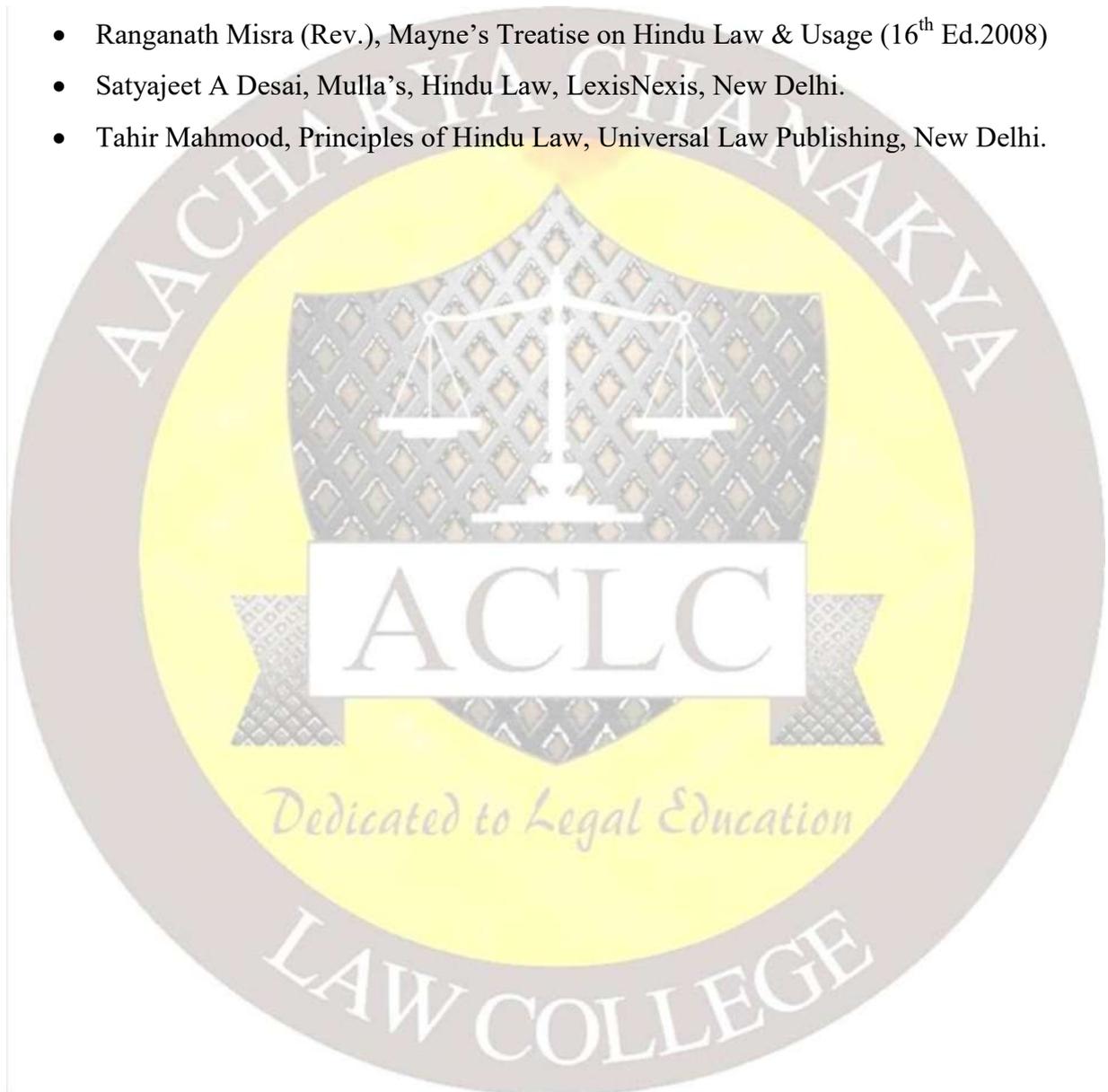
### **LEADING CASES :**

- 1) Shastri Yajna Purusdasji v. Muldas, AIR 1966 SC 1119
- 2) Bipin Chandra v. Prabhavati, AIR (1957) SC 176.
- 3) Dr. Narayan Ganesh Dastane v. Sucheta Dastane AIR (1975) SC 1534
- 4) Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218
- 5) Tulsamma v. Sesha Reddi, AIR (1977) SC 1944

### **SUGGESTED READINGS :**

- Kusum, Family Law Lectures : Family Law I, LexisNexis, New Delhi.
- Mulla : Principles of Hindu Law

- Paras Diwan : Modern Hindu Law
- Paras Diwan, Law of Marriage and Divorce (5th Edn. 2008)
- Professor Kusum, Family Law Lectures- Family Law-I, Lexis Nexis Publications, (3<sup>rd</sup> Ed. 2011)
- Raghavachariar : Hindu Law – Principles and Precedents
- Ranganath Misra (Rev.), Mayne’s Treatise on Hindu Law & Usage (16<sup>th</sup> Ed.2008)
- Satyajeet A Desai, Mulla’s, Hindu Law, LexisNexis, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.



**PAPER 1.4.**

**FAMILY LAW – II**  
**(MOHAMMEDAN LAW)**

**SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

The subject of family law is important to understand those rights and obligations, to regulate the family matters through the law and thus to minimize conflicts within the family this subject is also important to understand the various reliefs in family disputes. This course involves the student with the introduction of Muslim law as it affects property relations. It primarily covers the concept of Marriage, Divorce Pre-emption, Will etc., the provisions relating to intestate and testamentary succession applicable to persons of all denominations and other provisions relating to Wakf etc. in the law with latest amendments.

**UNIT - I**

Mohammedan Law:

History and Origin, Development, Sources, Schools, Application, Interpretation and Conversion

**UNIT - II**

Marriage:

Definitions, Nature of Marriage, Essentials of Marriage; Prohibitions of Marriage, Khyar-ul-bulugh, Matrimonial Stipulation, Kinds of Marriage and Effects of Marriage.

Mahr: Meaning, Nature, Kinds, Object and Subject-Matter. Wife's rights on non-payment of dower; Judicial Responses.

Dissolution of marriage: By Death of either party, By Act of either parties, By Mutual Consent, By Court – Section 2 of the dissolution of Muslim Marriage Act, 1939 (including amendments if any); Legal effects of divorce, Iddat, Hiba-e-Muddat, Legal Status of Triple Talaq, Concept of Halala; Judicial Responses.

Muslim Women (Protection of Rights on Marriage) Act, 2019:

Need, Importance, Objectives; Definition, Concept, Key features of the Act; Judicial Responses.

### UNIT - III

Pre-emption:

Meaning, Nature and Classification of Haq Shufa (Pre-emption); Rights of pre-emption, when Conflict of Laws, Subject matter and Formalities of Pre-emption, legal effects of pre-emption, Devices for evading pre-emption; Judicial Responses.

Gift : Meaning and requisites to gift (Hiba); Gift of Musha, Conditional and Future Gifts, Life Estate, Life Interest, (Hiba-bil-Ewaj, Hiba-ba-Shartul-Ewaj); Judicial Responses.

### UNIT - IV

Will (Vasiyat) Competence of Testator and Legatee, Valid subjects of Will:

Testamentary Limitations, Formalities of a Will and Abatement of Legacy; Judicial Responses.

Legitimacy and Acknowledgement:

Legitimacy and Legitimation, Presumption of Legitimacy under Muslim Law and Section 112 of the Indian Evidence Act, 1872 Conditions of a Valid Acknowledgement; Judicial Responses.

Maintenance:

Persons entitled to Maintenance, Principles of Maintenance;

The Muslim Women (Protection of Rights on Divorce) Act, 1986; Need, Importance, Objectives; Definition, Concept, Key features of the Act; Judicial Responses.

Death Bed Transactions :

Meaning and Effect of Marz-ul-Maut

### UNIT - V

Wakf:

Meaning, Essentials and Kinds, Beneficiaries of Wakf; The Mussalman Wakf Validating Act, 1913, The Wakf Act, 1955; Need, Importance, Objectives; Definition, Concept, Key features of the Acts; Judicial Responses.

Formalities for Creation of Wakf; Wakf of Musha; Muslim religious institution and officers; Administration of Wakf; Mutawalli.; The Wakf (Amendment) Act, 2013- Need, Importance, Objectives; Definition, Concept, Key features of the Amendment; Judicial Responses.

Inheritance:

General Principles, Doctrines of Aul and Radd under Hanafi and Shia Law.

**LEADING CASES:**

- 1) Danial Latifi v. Union of India (2001) 1 SC 740
- 2) Habibur Rahman v. Altaf Ali (1921) 42 IA 114
- 3) M/s Shabnam Hashmi v. Union of India AIR 2014 SC 1281
- 4) Maina Bibi v. Choudhary Vakil Ahmed, (1923) 52 IA 145
- 5) Mohd. Ahmed Khan v. Shah Bano Begum, AIR (1985) SC 945
- 6) Moonshee Buzul-ul-Rahim v. Lateefunnisa, (1861) 8, MIA 379.
- 7) Shabana Bano v. Imran Khan, AIR (2010) SC 305
- 8) Shayara Bano v. Union of India and Ors., (2017) 9 SCC 1

**SUGGESTED READING :**

- Amer Ali, Mohammedan Law, Vol. I and II, Eastern Book Company, Luknow.
- Aqil Ahmed : Mohammedan Law
- Asaf A A Fyzee, Outline of Muhammadon Law, Oxford University Press, New Delhi.
- Fyzee : Mohammedan Law
- Mulla, Principles of Mohammedan Law, LexisNexis, Nagpur
- Muslim Women (Protection of Rights on Marriage) Act, 2019
- Poonam Pradhan Saxena, Family Law Lectures: Family Law II, LexisNexis, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.
- The Mussalman Wakf Validating Act, 1913
- The Wakf Act, 1955
- The Wakf (Amendment) Act, 2013.

## **PAPER 1.5.**

### **LAW OF CONTRACT**

#### **[GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF ACT, 1963]**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

(1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.

(2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

To apply the basic principles in contractual relations, there need to be a clear understanding of the basic sources of law of contract. As the major source of contract law being the principles of English common law, we need to discuss the evolution of law of contract and the similarities and dissimilarities with the English law of contract. Hence, this course is designed to acquaint the students with the conceptual and operational parameters of these various general principles of contractual relations. Specific enforcement of contract is an important aspect of the law of contract. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study. A practical overview of Specific Relief Act which gives a judicial remedy to enforce performance of contract is also included in the study.

#### **UNIT - I**

Meaning, elements and characteristics of Contract; Formation and Classification of Contract, including the Standard form of Contract; Proposal: Meaning, Elements Characteristics and Kinds of Proposal; Distinction between Proposal and Invitation to Proposal; Acceptance: Meaning, Modes and Characteristics of Acceptance; Communication, Revocation and Termination of Proposal and Acceptance

#### **UNIT - II**

##### Consideration:

Meaning, Definition and Elements of Consideration; Significance and adequacy of consideration; Privity to Contract; Unlawful Consideration and Object

Valid Contract

##### Capacity to Contract :

Parties competent to contract; Position of minor; Person of unsound mind, nature of contract by person of unsound mind; Persons deprived of the Capacity to Contract.

Free Consent :

Meaning of Consent and Free Consent; Factors rendering consent not free and their effect upon the validity of Contract; E- Contracts: Definition, Silent Features, Formation and types, Differences between E- Contract and Traditional Contract, Advantages and Disadvantages of E -Contracts

**UNIT - III**

Voidable and Void Agreements:

Doctrine of severability; Agreements in restraint of marriage; in restraint of trade; Uncertain agreements; in restraint of legal proceedings; Agreement by way of wager; Contingent Contract; Certain relations resembling to those created by Contract (Quasi Contract)

**UNIT - IV**

Performance of Contract:

Parties to perform the contract Joint rights and joint liability and performance of reciprocal promises; Time, Place and Manner of Performance; Discharge from liability to perform the contract.

**UNIT - V**

Breach of Contract :

Meaning and Kinds; Remedies for Breach of Contract:(i)Damages—Measure of damages and remoteness of damage;  
(ii) Specific Performance of contract and injunctions under Specific Relief Act,1963 and Amendments.

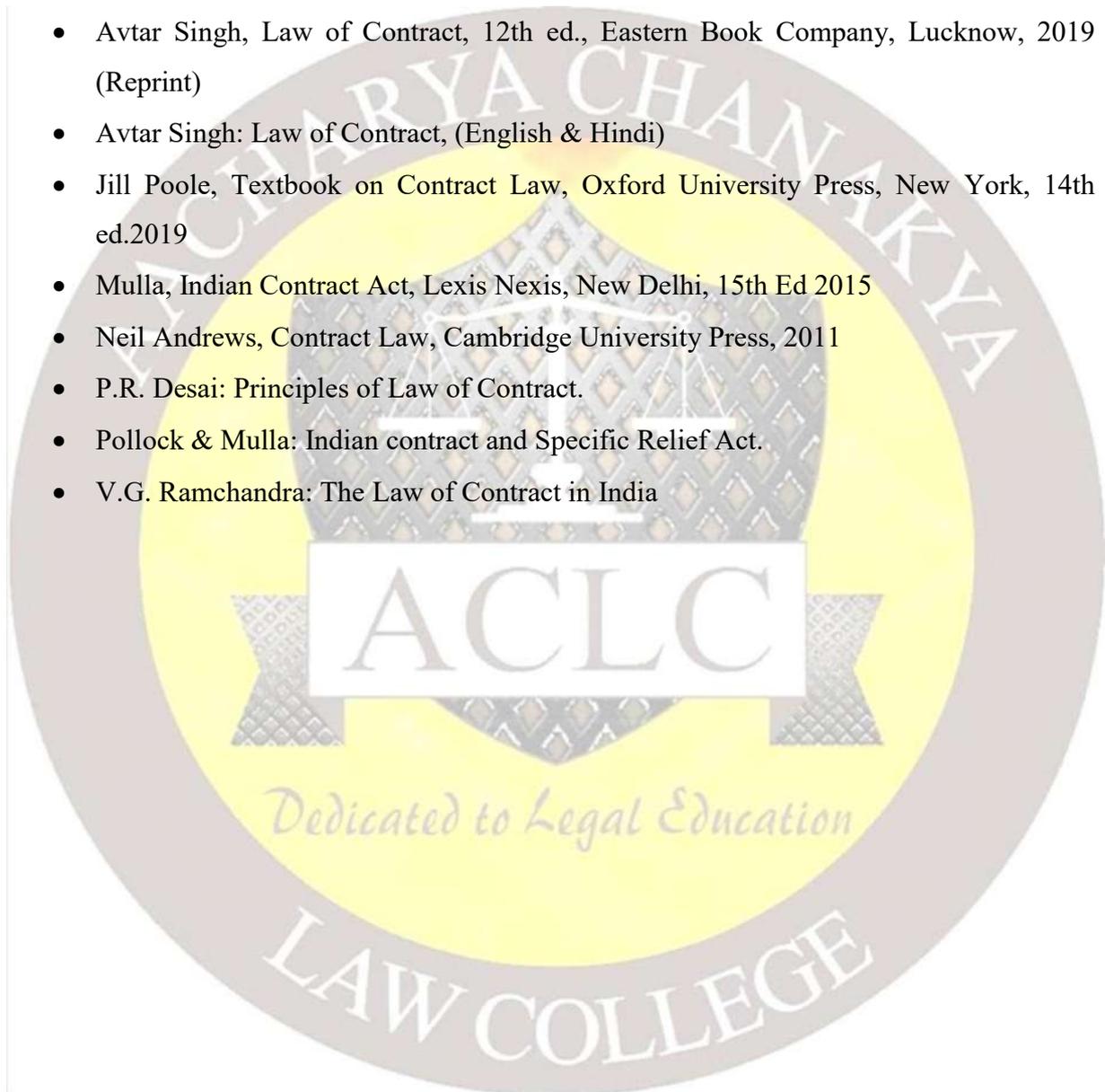
**LEADING CASES :**

- Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256
- Bhagwandas v. Girdhari Lal & Co. AIR 1966 SC 543
- Motilal Padampat Sugar Mills v. State of U.P. AIR 1979 SC 621
- Mohori Bibi v. Dharmodas Ghose, (1903) 30 I.A. 114

- Satyabrata Ghose v. Mugneeram Bangur & Co. and Another AIR 1954 SC 310

**SUGGESTED READINGS :**

- Anson, Law of Contract, Oxford University Press, New York, 2016
- Atiyah P.S.: An Introduction to the Law of Contract
- Avtar Singh, Law of Contract, 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)
- Avtar Singh: Law of Contract, (English & Hindi)
- Jill Poole, Textbook on Contract Law, Oxford University Press, New York, 14th ed.2019
- Mulla, Indian Contract Act, Lexis Nexis, New Delhi, 15th Ed 2015
- Neil Andrews, Contract Law, Cambridge University Press, 2011
- P.R. Desai: Principles of Law of Contract.
- Pollock & Mulla: Indian contract and Specific Relief Act.
- V.G. Ramchandra: The Law of Contract in India



**PAPER 1.6.**

**SPECIAL CONTRACTS**

**[SALE OF GOODS ACT, 1930, INDIAN PARTNERSHIP  
ACT, 1932, LIMITED LIABILITY PARTNERSHIP ACT, 2008]**

**SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

Essentially all the commercial transactions are regulated by the law of contract. The expansion of commercial activities at a global market environment makes the understanding of the law of contract even more critical.

This course follows the pattern about the general principles that apply to all contracts. They deal with general principles that apply to each specific contractual relationship. The study of this course will enable a good understanding of the purposes with which each of these transactions is made, the features of each of these transactions, and the rights and liabilities of the parties to them.

**UNIT - I**

**CONTRACTS OF INDEMNITY AND GUARANTEE:**

Meaning, Distinction between Indemnity and Guarantee and Kind of Guarantee; Rights of Indemnity Holder; Rights of the Surety, Extent of the Liability of the Surety; Discharge of liability of the Surety

**CONTRACTS OF BAILMENT AND PLEDGE:**

Meaning and Kinds of Contracts of Bailment – Bailment without Consideration; Rights and Duties of Bailee and Bailer; Termination of Contract of Bailment; Contract of Pledge – Meaning and Definition, Pledge by Unauthorized Persons

**UNIT - II**

**CONTRACT OF AGENCY:**

Definition, Kinds and Modes of Creation of Agency; Relation between-i) The Principal and Agent ii) The Principal and Third Party, and iii)The Agent and the Third Party  
Determination of Agent's authority –i) By Act of Parties; and ii) By Operation of Law –  
Irrevocable Authority

### **UNIT - III**

#### **CONTRACT OF SALE OF GOODS:**

Sale-Meaning, Definition and Distinguish between Agreement to Sell, Hire-Purchase Agreement; Goods-Existing, Future and Contingent; Conditions and Warranties; Passing of Property from Seller to Buyer; Sale by Unauthorized Person; Law relating to Performance of Sale; Rights of Unpaid Seller

### **UNIT - IV**

#### **CONTRACT OF PARTNERSHIP:**

Meaning, Definition, Creation and the Characteristics of Contract of Partnership; Kinds of Partner and Partnership; Distinction between: i) Co-ownership and Partnership ii) Joint Hindu Family Firm and Partnership; iii) Company and Partnership iv) Limited Liability Partnership and Partnership;

Position of Minor; Relations inter-se of partners and relation of Partners with third parties; Registration of Partnership firm; Effect of Non - Registration of Partnership Firm; Dissolution of Firm

### **UNIT – V**

#### **LIMITED LIABILITY PARTNERSHIP ACT, 2008:**

Need, Importance, Objectives; Definition, Concept, Key features of the Act and Judicial Responses

#### **LEADING CASES:**

- 1) Amritlal Goverdhan Lallan v. State Bank of Travancore, AIR (1960) SC 1432
- 2) Hindustan Construction Company Limited v. Union of India 2019 SC
- 3) National Bank of India Ltd. v. Sohan Lal AIR 1965 SCR (3) 293
- 4) Patnaik & Co. v. State of Orissa AIR (1965) SC 1655
- 5) Serious Fraud Investigation Office v. Rahul Modi, 2019 SC 423
- 6) State of Gujarat v. Mamon Mohd. AIR (1967) SC 1885

### **SUGGESTED READINGS:**

- A. Ramaiya's Commentary on the Sale of Goods, K Shanmukham and H K Saharay eds, 5th ed, 2014, Universal Law Publishing.
- Akhilesh Gupta, Law Relating to Special Contracts—Contracts of Bailment, Pledge
- Akhileshwar Pathak, Law of Sale of Goods, 2013, Oxford University Press.
- Avtar Singh : Principal of the Law of Sale of Goods (English and Hindi)
- Avtar Singh, Introduction to Law of Partnership (including Limited Liability Partnership) 10th ed., 2011, Eastern Book Company.
- Benjamin's Sale of Goods, Michael Bridge ed, 9th ed, 2016, Sweet and Maxwell.
- D. S. Chopra, A Commentary on Sale of Goods, Partnership and Negotiable Instruments, 2016, Thomson Reuters.
- Mulla's The Sale of Goods Act and the Indian Partnership Act, K Kannan ed., 10<sup>th</sup> Ed., 2012, LexisNexis.
- P S Ramanatha Aiyar, Law of Sale of Goods, Shrinivas Gupta ed., 10th ed, 2016, Universal Law Publishing.
- Pollock and Mulla's The Indian Partnership Act, G. C. Bharuka ed., 7th ed, 2007
- Pollock and Mulla's The Sale of Goods Act, Akshay Sapre ed., 9th ed, 2014, LexisNexis.

## **PAPER 1.7.**

### **LEGAL LANGUAGE, LEGAL WRITING AND GENERAL ENGLISH**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

(1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.

(2) The syllabus includes latest amendments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This course is designed to scientifically relate the Law and English Language as the means and methods for development of effective reading, writing, communication and presentation skills. The objective of this course is to introduce students to the nuances of legal language and writing, and its use and application through the study of judicial opinions, common legal maxims and legal terminology. It also seeks to familiarize students with the principles governing legal drafting, and equip them with the ability to draft simple legal documents and with academic legal writing assuming increasing significance in this day and age, both for students and practitioners, emphasis has also been placed on developing and honing students' research and writing skills through the study of the works of eminent jurists, as also practical writing exercises.

#### **UNIT - I**

##### Legal Language:

Introduction to Language and Communication; Use of Legal Phrases and Terms List of Legal Terms; Latin Maxims; Pair of words; One-word substitution.

#### **UNIT - II**

##### Reading and Comprehension Skills:

Comprehension of Legal Texts; Prescribed Leading Cases; Newspaper Reading.

#### **UNIT - III**

##### Legal Writing:

Fundamental Principles of Legal Writing; General Guidelines Relating to Legal Writing; How to write a case comment; Precise Writing; Brief Writing and Drafting

of reports; letters and applications; Essay writing and topics of legal interest; Translation (from English to Hindi and Hindi to English); Resume; Writing for Employment-Designing Cover letters; Difference between Bio-Data, Resume and Curriculum-Vitae.

#### **UNIT - IV**

##### **Communication & Presentation Skills:**

Importance of communication skills for a legal professional; Verbal, Non-verbal and Paralinguistic Communication; Brevity, Clarity, Simplicity, Accuracy and Appropriateness; Barriers to good communication and how to avoid them; Etiquettes and Manners for Law Professionals; Body Language; Group Discussion; How to Face an Interview; Presentation techniques.

#### **UNIT - V**

##### **Academic Legal Writing:**

Sources of Legal Material, Literature review, Writing an Abstract, Formulating Research Question, Methodology, Formal Writing Style, Plagiarism, Citation Methods (Footnotes), Examination Strategies, Written communication including emails and formal letters

##### **PRESCRIBED LIST OF LEGAL TERMS:**

Abet	Appeal	Charge	Contingent
Abate	Acquittal	Chattels	Contraband
Abstain	Articles	Citation	Conviction
Accomplice	Assent	Clause	Convention
Act of God	Attested	Coercion	Corporate
Actionable	Attornment	Code	Custody
Accuse	Averment	Cognizable	Damages
Adjournment	Bail	Confession	Decree
Adjudication	Bailment	Compromise	Defamation
Admission	Blockade	Consent	Defense
Affidavit	Bonafide	Conspiracy	Deposit
Amendment	By-laws	Contempt	Detention

Discretion	Justice	Petition	Stamp Duty
Distress	Judgment	Plaintiff	Status quo
Earnest Money	Justiciable	Pledge	Statute
Enact	Legislation	Preamble	Succession
Enforceable	Legitimacy	Pre-emption	Summons
Equality	Liable	Prescription	Surety
Escheat	Liberty	Presumption	Tenant
Estoppel	License	Privilege	Testator
Eviction	Lieu	Privity	Testatrix
Executive	Liquidation	Process	Title
Ex-parte	Maintenance	Promissory Note	Tort
Finding	Malafide	Proof	Trade Mark
Floating charge	Malfeasance	Proposal	Treason
Franchise	Minor	Prosecution	Treaty
Fraud	Misfeasance	Procedural	Trespass
Frustration	Mortgage	Proviso	Trial
Good Faith	Murder	Ratify	Tribunal
Guardian	Negligence	Receiver	Trust
<i>Habeas Corpus</i>	Negotiable	Redemption	Ultra vires
Hearsay	Instruments	Reference	Undue influence
Homicide	Neutrality	Regulation	Usage
Inheritance	Non-feasance	Remand	Verdict
Illegal	Notification	Remedy	Vested
Indemnity	Novation	Repeal	Violate
Inheritance	Nuisance	Res Judicata	Vis-major
<i>In limine</i>	Oath	Respondent	Void
Insanity	Obscene	Restitution	Voidable
Institute	Offender	Rule	Waiver
Insurance	Order	Ruling	Warrant
Intestate	Ordinance	Schedule	Warranty
Issue	Overrule	Section	Will
Judicial	Partition	Settlement	Writ
Jurisdiction	Perjury	Sovereignty	Wrong

### PRESCRIBED LIST OF LATIN MAXIMS:

1. A mensa et thoro (from table and bed)
2. Ab initio (from the beginning)
3. Actio personalis moritur cum persona (Personal right of action dies with the person)
4. Actus curiae neminem gravabit (an act of the Court shall prejudice no one)
5. Actus non facit reum, nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).
6. Actus reus (wrongful act)
7. Ad interim (in the meantime)
8. Ad litem (for the suit)
9. Ad valorem (according to the value)
10. Adjournment sine die (adjournment without a day for a further meeting or hearing)
11. Alibi (plea of being elsewhere)
12. Allegans Contraria Non Est Audiendus (One making contradictory statements is not to be heard)
13. Amicus curiae (friend of the Court)
14. Animus (intention)
15. Audi alteram partem (hear the other side)
16. Bonus iudex secundum aequum et bonum iudicat et aequitatem stricto iuri praefert (A good judge decides according to justice and right and prefers equity to strict law.)
17. Caveat emptor (buyer beware)
18. Consensus ad idem (agreement by the persons upon the same thing in the same sense)
19. Corpus delicti (Body of the crime)
20. Corpus juris civilis (Body of civil law)
21. Dammum sine injuria (damage without injury)
22. De facto (in fact)
23. De jure (in law)
24. Decree nisi (a decree which takes effect after a specified period)
25. Delegates non potest delegare (a delegated power cannot be further delegated)
26. De minimis non curat lex (the law does not account of the trifles)
27. Denatio martis cause (gift by a person on the death-bed)
28. Doli incapax (incapable in malice)
29. Ei incumbit probatio qui dicit, non qui negat (The burden of proof is on the one who declares, not on one who denies)
30. Eiusdem generis (of the same category)
31. Eminent domain (the supreme rights)
32. Ex officio (from the office)
33. Ex specialis derogat legi generali (Specific law takes away from the general law)

34. Ex turpi causa non oritur actio (No action arises on an immoral contract.)
35. Ex parte (not in the presence of the opposite party)
36. Ex post facto (by subsequent act)
37. Factum valet (the fact which cannot be altered)
38. Fait accompli (an accomplished fact)
39. Fortior est custodia legis quam hominis (The custody of the law is stronger than that of man)
40. Fraus et jus nunquam cohabitant (Fraud and justice never dwell together.)
41. Ignorantia legis neminem excusat (ignorance of law is no excuse)
42. In pari materia (in an analogous case, cause or position)
43. Injuria sine damno (injury without damage)
44. Interest re publicate ut sit finis litium (it in the interest of the republic that there should be an end of law suit)
45. Interpretare et concordare leges legibus est optimus interpretandi modus (To interpret and harmonize laws is the best method of interpretation.)
46. Intra vires (within the powers)
47. Judex non potest esse testis in propira causa - A judge cannot be witness in his own cause.
48. Jus terti (the right of a third party)
49. Justitia nemini neganda est (Justice is to be denied to no one)
50. Lex citius tolerare vult privatum damnum quam publicum malum (The law would rather tolerate a private injury than a public evil.)
51. Lis pendens (pending suit)
52. Mens rea (guilty mind)
53. Mesne profits (the profits received by a person on wrongful possession)
54. Mors dicitur ultimum supplicium (Death is called the extreme penalty.)
55. Nemo dat quod non habet (no man can transfer better title than he himself has)
56. Nemo Debet Bis Vexari Pro Una Et Eadem Causa (no man can be twice vexed for the same cause)
57. Nemo judex in causa sua (no one shall be a judge in his own case)
58. Nemo punitur pro alieno delicto - No one is punished for the crime of another.
59. Obiter dicta (an opinion of law not necessary to the decision)
60. Onus probandi (the burden of proof)
61. Pacta sunt servanda (pacts must be respected)
62. Pendent elite (during litigation)
63. Per capita (counting heads)
64. Per incuriam (though inadvertence or carelessness)
65. Post mortem - After death
66. Prima facie - On the face of it

67. Pro bono publico (for the public good)
68. Pro rata - In proportion.
69. Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa fienda est - When there is no ambiguity in words, then no exposition contrary to the expressed words is to be made.
70. Ratio decidendi -Reason for the decision
71. Ratio est legis anima, mutata legis ratione mutatur et lex - Reason is the soul of the law; when the reason of the law changes the law also is changed.
72. Res gestae (connected facts forming the part of the same transaction)
73. Res ipsa loquitur (the thing speaks for itself)
74. Res judicata (a matter already adjudicated upon)
75. Res nullius (an ownerless thing)
76. Respondeat superior -let the master answer
77. Rule nisi (a rule or order upon condition that is to become absolute case is shown to the contrary)
78. Status quo (existing position)
79. Sub judice (in course of adjudication)
80. Sui juris (on one's own right).
81. Suo motu (of ones own accord)
82. Ubi jus ibi remedium (where there is a right, there is a remedy)
83. ultra vires (beyond the powers of)
84. Vigilantibus non dormientibus aequitas subvenit -Equity aids the vigilant, not the sleeping
85. Volenti non fit Injuria (Risk taken voluntarily is not actionable)

### **SUGGESTED READINGS:**

- B. M. Gandhi, Legal Language, Legal Writing and General English, Eastern Book Company, 2010.
- Blacks' Law Dictionary, Universal Publishing Ltd., 2000.
- Broom's Legal Maxims. 11th ed. New Delhi: Universal Publishing Ltd., 2011.
- Dr. A. Prasad, Outlines of Legal Language in India, Central Law Publications, 6th ed., 2011
- Dr. S.C. Tripathi, Legal language, Legal Writing and General English, Central Law Publications, 6th ed.,
- Glanville Williams: Learning the Law
- Mogha G. C. Mogha's Law of Pleadings in India with Precedents. 17th ed. Lucknow: Eastern Book Company, 2006 (2009).
- P. Ramanatha Aiyar's The Law Lexicon, Dr. Shakil Ahmad Khan, LexisNexis, 3rd ed., 2012
- Paul Rylance: Legal Writing and Drafting
- S.P. Aggarwal, Drafting and Conveyancing (Student Series), LexisNexis, 5th ed., 2013.
- Wren and Martin: English Grammar and Composition

**PAPER 1.8.**

**LEGAL AND CONSTITUTIONAL  
HISTORY OF INDIA**

**SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

The roots of the present lies buried in the past. The objective of the course is to familiarize the students with the origin of common law system in India. This course traces the legislative history back to 1600 and its evolution through different periods under different Governor Generals. The main objective is to enlighten the students about the historical background of legislations in civil, criminal and constitutional Law and relate it to contemporary period. It also focuses the court system during colonial period and the cases heard by it. The learning of the Court system and how it has been revamped in different times to the needs of the society will help the students to find out its importance in present day judicial system.

**UNIT - I**

Early Administration of Justice in Presidency Towns:

European Settlement in India; The East India Company : Development of authority; Organisational setup of the English Company's Factories or settlements in India; Madras Settlement and Administration of Justice; Administration of Justice in Bombay; Administration of Justice in Calcutta

Mayor's Courts and the Courts of Requests:

Early Mayor's Court in Madras; Provisions of the Charter of 1726; Consequences of the Charter of 1726; Critical estimate of the working of the Mayor's Court from 1726 to 1753; The Charter of 1753: Reforms introduced; Criticism of the Charter; Abolition of the Mayor's Court; Appraisal of the Mayor's Court under the Charter of 1726 and 1753; The Courts of Request (Small Cause Courts)

## UNIT - II

### Adalat System in Moffusil Area:

Courts in Bengal under the Mughals; Dual Government in Bengal and its consequences; The Company as Diwan; Warren Hasting's Plan of 1772; Defect of the Plan; New Plan of 1774; Reorganisation of Adalats in 1780; Defects of the reorganization Plan; Reforms of 1781: Initiative of Impey and Warren Hastings; Reforms in the Administration of Criminal Justice

### The Regulating Act of 1773:

Circumstances prior to the Act of 1773; Salient features of the Regulating Act, 1773; Legislative power under the Act, 1773; Charter of 1774 and the Supreme Court of Calcutta; Critical estimate of the Provisions of the Regulating Act, 1773 and the Charter of 1774; Trial of Raja Nand Kumar (1775); "Kamaluddin" Case (1775); "Patna" Case (1777-1779); "Cossijurah" Case (1779-1780); Salient features of the Settlement Act, 1781; Major defects of the Settlement Act, 1781; Supreme Court at Calcutta; Supreme Court at Madras and Bombay; Laws administered in the Supreme Court

## UNIT - III

### Judicial Measures of Cornwallis:

Company's Government before Cornwallis; Important provisions of the Pitt's Act, 1784; Judicial reform of Cornwallis; a) Judicial Plan of 1787 b) Re-organisation of the Criminal Judicature c) Scheme of Criminal Judicature, 1790; Judicial Plan of 1793; Appraisal of the System of 1793.

### Establishment of High Courts:

The Indian High Courts Act, 1861; Letters patent establishing High Courts; The Indian High Courts Act, 1865 and of 1911; The Government of India Act, 1915; The Government of India Act, 1935; High Courts established during 1947 to 1950.

## UNIT - IV

### Privy Council - Highest Court of Appeal:

The Origin of Privy Council; Appeal to the Privy Council (1726-1860); Appeal to the Privy Council (1861-1949); Precedential value of the Privy Council decisions;

### Federal Court of India :

Foundation of the Federal Court; Jurisdiction of the Federal Court - a) Original Jurisdiction  
b) Appellate Jurisdiction c) Advisory Jurisdiction  
Authority of law laid down by Federal Court; Abolition of Federal Court.

## **UNIT - V**

### Evolution of Law through Legislation and Judicial Decisions in Colonial Period:

Process of Codification in India - (a) The Charter Act of 1833, (b) The First Law Commission, (c) The Second Law Commission, (d) The Third Law Commission, and (e) The Fourth Law Commission

### Constitutional History:

Morley-Minto Reforms and the Indian Council Act, 1909; Montagu-Chelmsford Report and the Government of India Act, 1919; a) Main features of the system introduced by the Act of 1919  
b) Shortcomings of the Act of 1919

The Simon Commission Report; The Nehru Report, 1928; Communal Award and Poona Pact  
The Civil Disobedience Movement; The Government of India Act, 1935- Main features, opposition to the Act; defects of the Act.

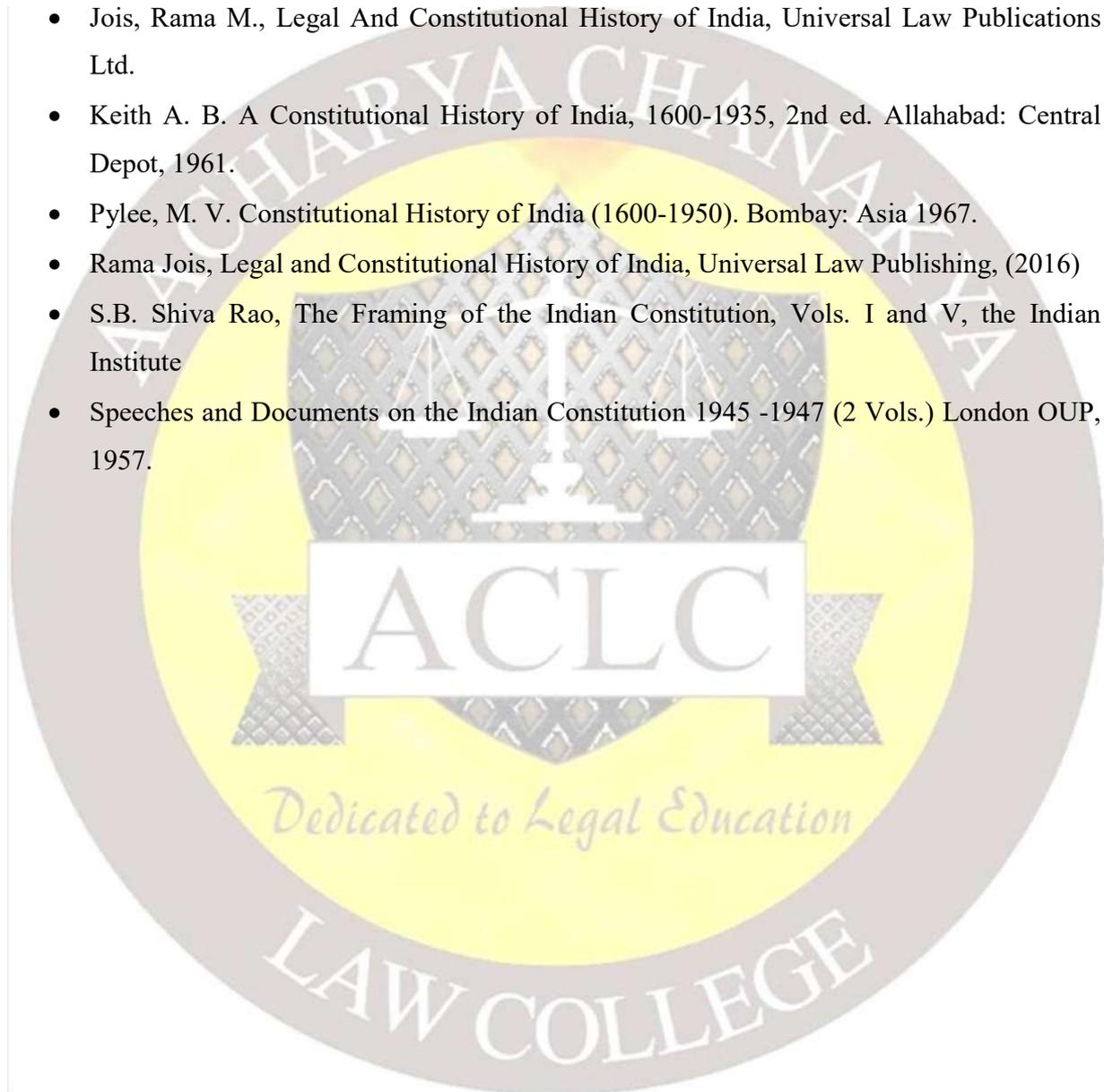
### LEADING CASES:

- 1) Bhagwandeen Doobey v. Myna Bae, (1866-1867) 11 MIA 487
- 2) Gokul Chand v. Hukum Chand Nath Mal, (1920-1921) 48 IA 162
- 3) Gopeekrist Gosain v. Gungapersaud Gosain, (1854-1857) 6 MIA 53
- 4) Manzur Hasan v. Muhammad Zaman, (1924- 1925) 52 IA 61
- 5) Miter Sen Singh v. Maqbul Hasan Khan, (1929-1930) 57 IA 313
- 6) Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam, (1909-1910) 37 IA 152

### SUGGESTED READINGS:

- Debates of Constitutional Assembly.
- Gandhi, B. M.: V. D. Kulashreshta's Landmarks in Indian Legal and Constitutional History; Eastern Book Company, 1989
- Granville Austin, The Indian Constitution - Cornerstone of a Nation, 5 Edition, Oxford University Press, New Delhi,( 2002).

- Ilbert, Courtney Sr. The Government of India, 2nd ed. London: Oxford University Press, 1907.
- Jain, M.P., Outlines of Indian Legal History, Lexis Nexis (2014).
- Jois, Rama M., Legal And Constitutional History of India, Universal Law Publications Ltd.
- Keith A. B. A Constitutional History of India, 1600-1935, 2nd ed. Allahabad: Central Depot, 1961.
- Pylee, M. V. Constitutional History of India (1600-1950). Bombay: Asia 1967.
- Rama Jois, Legal and Constitutional History of India, Universal Law Publishing, (2016)
- S.B. Shiva Rao, The Framing of the Indian Constitution, Vols. I and V, the Indian Institute
- Speeches and Documents on the Indian Constitution 1945 -1947 (2 Vols.) London OUP, 1957.



**AACHARYA CHANAKYA LAW COLLEGE**

## **PRACTICAL PAPER**

### **PAPER 1.9. (a)**

#### **PUBLIC INTEREST LAWYERING**

#### **LEGAL AID, PARA-LEGAL SERVICES AND MOOT COURT**

##### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- |                             |   |          |
|-----------------------------|---|----------|
| (a) Practical written paper | — | 80 marks |
| (b) Viva voce examination   | — | 20 marks |

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 29 marks out of 80 and 7 marks out of 20 marks.

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

##### **OBJECTIVES OF THE COURSE:**

The object of the course is to familiarize the students with an exposure to the socio-legal aspects and sensitize them to the problems of the downtrodden and weaker sections of the society, and to inculcate social responsibilities in the students. This course will also have a purpose to discuss the different standings on which PIL's are admitted and will be able to explain the differences between the adversarial and inquisitorial procedures and to critically analyze the objects of Legal Services Authorities Act and the provisions of the Act, which seek to realize these objects and finally to make the student serve the society with their legal knowledge.

##### **(a) Practical Written Paper:**

- (1) Meaning, nature, scope and object of Public Interest Litigation (PIL); PIL against the State and other Public bodies; Difference between Public Interest Litigation and Private Interest Litigation; Judicial Responses—Meaning of Social Action Litigation, Concept of Locus Standi.

Liberalisation of locus standi, suo motu intervention by the court; Epistolary jurisdiction, creeping jurisdiction; Adversarial and inquisitorial procedures; Research in support of Public Interest Litigation.

(2) Legal Aid under the :

(i) Constitution; (ii) Code of Criminal Procedure; and (iii) Code of Civil Procedure.

**The Legal Services Authorities Act, 1987-** Legal Aid and Law Schools; Legal Aid and Voluntary Organizations legal Aid and Legal Profession; District Legal Aid Committee.

(3) Lok Adalats —Their jurisdiction. working and Powers under the Legal Services Authorities Act, 1987.

(4) Writing of Pubic Interest Litigation.

Writing of applications for Legal Aid. The students shall take part in extension programmes like Lok Adalats, Legal Aid Camps, Legal Literacy Camps, etc., under the guidance of the Course Teacher. Each student shall maintain a diary containing the details of his/her participation in the extension programmes.

#### **LEADING CASES:**

- 1) Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
- 2) Olga Tellis v. Bombay Muncipal Corporation, (1985) 3 SCC 545.
- 3) Sheela Barse v. State of Maharashtra, AIR 1988 SC 378.
- 4) Sukhdas v. Union Territory of Arunachal Pradesh, AIR 1986 SC 928.
- 5) Vishakha v. State of Rajasthan AIR 1997 SC 3011.

#### **SUGGESTED READINGS:**

- Agarwala, S. K. Public Interest Litigation in India, Bombay: N. M. Tripathi, 2000.
- Kailash Rai—PIL, Legal Aid & Para Legal Services (English & Hindi)
- L.M. Singhvi— Law and Poverty — Cases and Material.
- Law Relating to Public Interest Litigation, R. Chakraborty (Laymanns) ,2015
- Menon, N. R. Madhava, Clinical Legal Education.
- Public Interest Litigation (with Model PIL Formats), Dr. B.L. Wadhera, 2014
- Public Interest Litigation(PIL) & How to file PIL,CA Virendra Pamecha, 2014
- R. N. Bajpayee—Legal Aid and the Bar Council.
- RN. Bhagwati—Legal Aid as a Human Right

**PAPER 1.9. (b)**

**VIVA—VOCE EXAMINATION**

**20 Marks**

Candidate shall maintain a Diary on Court visits; Legal Aid and Lok Adalat Proceedings. Moot Court may be conducted under the supervision of the concerned teacher on the prescribed leading cases in LLB-first year papers. The teacher(s) shall conduct at least two 'Moot Courts' during the session and it will be compulsory for the candidates to participate in at least half of the Moot Courts conducted by the college in the session. The concerned teacher may also conduct Moot Court on the decided cases other than the prescribed leading cases. The Viva-voce examination shall be conducted by a Committee of three persons. In this Committee, there shall be two internal examiners and one External examiner. The Committee shall award marks on the basis of Court diary and performance at the Moot Court and viva-voce examination. In case of discrepancy in the awards, the awards given by external examiner shall be final.

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