BU BHOPAL LLB SECOND SEMESTER SYLLABUS

Paper- I : Law of Tort and Consumer Protection Laws

Objectives of the Course
With rapid industrialization, tort action came to be used against manufactures and industrial units for products injurious to human beings. Presently, the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology, product liability is now assuming a new dimension in developed economics.

In the modern Era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and service rendered and in those areas relating to damage suffered consumers. The Law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India. So connected with the human rights for a healthy life and environment, has now a core subject to be taught as an indispensable part of a society relevant curriculum.

Syllabus

1. Evolution of Law of Torts
   1. England - forms of action - specific remedies from case to case
   2. India - Principles of justice equity and good conscience - unmodified character advantages and disadvantages

2. Definition, Nature, Scope and Objects
   1. A wonderful act - violation of duty imposed by law, duty which is owed to people generally (iv rem) - damnum sine injuria and injuria sine damnum
   2. Tort distinguished from crime and breach of contract
   3. The concept of unliquidated damages
   4. Changing Scope of law of torts: expanding character of duties owed to people generally due to comple Nities of modern society
   5. Objects - prescribing standards of human conduct, redressal of wrong by payme of compensation, proscribing unlawful conduct by injunctions

3. Principles of Liability in Torts
   1. Fault
   2. Wrongful intent
   3. Negligence
   Liability without fault
   4. Violation of ethical codes

Statutory liability
   5. Place of motive in torts

4. Justification in Tort
   Volenti non fit injuria
   1. Necessity, private and public
   Plaintiff's default
   2. Act of god
   Inevitable accident
   3. Private defense
   4. Statutory authority
   5. Judicial and quasi- judicial acts
   6. Parental and quasi - parental authority

5. Extinguishments of liability in certain situations
   1. Actio personalis moritur cum persona - exceptions
2. Waiver and acquiescence
3. Release
4. Accord and satisfaction
5. Limitation

6. Standing
   1. Who may sue - aggrieved - individual - class action - social action group
   2. Statutes granting standing to certain persons of groups
   3. Who may not be sued?

7. Doctrine of sovereign immunity and its relevance in India

8. Vicarious Liability
   1. Basis, scope and justification
   2. Express authorization
   3. Ratification
   4. Abetment
   5. Special relationships
   6. Master and servant - arising out of and in the course of employment - who master? - the control test - who is servent? - borrowed servant - independent contractor and servant, distinguished
   7. Principal and agent
   8. Corporation and principal officer

9. Torts against persons and personal relations
   1. Assault, battery, mayhem
   2. False imprisonment
   3. Defamation - libel, slander including law to privileges
   4. Marital relations, domestic relations, parental relations, master and servant relations
   5. Malicious prosecution
   6. Shortened expectation of life
   7. Nervous shock

10. Wrongs affecting property
    1. Trespass to land, trespass ab initio, dispossession
    2. Movable property - trespass to goods, detinue, conservation
    3. Torts against business interests - injurious falsehood, misstatements, passing off

11. Negligence
    1. Basic concepts
    2. Theories of negligence
    3. Standards of care, duty to take care, carelessness, inadvertence
    4. Doctrine of contributory negligence
    5. Res ipso loquitur and its importance in contemporary law
    6. Liability due to negligence: different professionals
    7. Liability of common carries for negligence
    8. Products liability due to negligence: liability of manufactures and business houses for their products

12. Nuisance
    1. Definition, essentials and types
    2. Acts which constitute nuisance - obstructions of highways, pollution of air, water, noise and interference with light and air

13. Absolute /Strict liability
    1. The rule in rylands v. fletcher
    2. Liability for harm caused by inherently dangerous industries

14. Legal remedies
1. Legal remedies
2. Award of damages- simple, special, punitive
3. Remoteness of damages- foresee ability and directness
4. Injunction
5. Specific restitution of property
6. Extra- legal remedies self help, re-entry on land, re-caption of goods, distress damages feasant and abatment of nuisance

15. Consumer movements: historical perspective
   1. Common law protection: contract and torts
   2. Consumerism in India: food adulteration, drugs and cosmetics- essential Commodities
   3. Criminal sanction: sale of noxious and adulterated substances, false weights and measures. Use of unfalse carriers

16. Consumers, the concept
   1. General perspectives
   2. Statutory and government services: to be included or not?
   3. Definition and scope: the consumer protection Act 1986 (CPA)
   4. Who is not a consumer?

17. Unfair Trade Practices
   1. Misleading and false advertising
   2. Unsafe and hazardous products
   3. Disparaging competitors
   4. Business ethics and business self regulation
   5. Falsification of trademarks

18. Consumers of goods
   1. Meaning of defects in goods
   2. Standards of purity, quality, quantity and potency
   3. Statutes: food and drugs, engineering and electrical goods
   4. Common law: decision of courts
   5. Price control
   6. Administrative fixation
   7. Competitive market
   8. Supply and distribution of goods

19. Supply of essential commodities
   1. Quality control
   2. Sale of goods and hire purchase law
   3. Prescribing standards of quality- BIS and Agmark, essential commodities law

20. Consumer safety
   1. Starting, distribution and handling of unsafe and hazardous products
   2. Insecticides and pesticides and other poisonous substances

21. Service
   1. Deficiency - meaning
   2. Professional services
   3. Medical services
   4. How to determine negligence
   5. Violation of statute
   6. Denial of medical services: violation of human rights
   7. Lawyering services; dlity- towards - court and duty- to -client dilemma, break confidentiality-negligence and misconduct
   8. Public utilities
   9. Supply of electricity
10. Telecommunication and postal services
11. Housing
12. Banking
22. Commercial Services
   1. Hiring
   2. Financing
   3. Agency services
23. Enforcement of consumer rights
   1. Consumer for a under CPA: jurisdiction, powers and functions
   2. Execution of orders
   3. Judicial review
   4. PIL
   5. Class action
   6. Remedies
   7. Administrative remedies
Selected bibliography
BU BHOPAL LLB SECOND SEMESTER SYLLABUS

Paper- II : Contract - II

(Indian Contract Act, Indian Partnership Act, Sale of Goods Act and Other Specific Contracts)

Objectives of the Course

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphases is on understanding and appreciating the basic essential of a valid contract and on the existence of contractual relationship in various instances. Obviously a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts

Syllabus

1. Indemnity
   1. The concept
   2. Need for indemnity to facilitate commercial transactions
   3. Methods of creating indemnity obligations
   4. Definition of indemnity
   5. Nature and extent of liability of the indemnifier
   6. Commencement of liability of the indemnifier
   7. Situations of various types of indemnity creations
   8. Documents/ agreements of indemnity
   9. Nature of indemnity clauses
   10. Indemnity in cases of international transactions
   11. Indemnity by governments during interstate transactions
   12. Duties of Bailor and Bailee towards each other
   13. Rights of bailor and bailee
   14. Finder of goods as a bailee
   15. Liability towards the true owner
   16. Obligation to keep the goods safe
   17. Right to dispose of the goods

2. Pledge
   1. Pledge: comparison with bailment
   2. Commercial utility to pledge transactions
   3. Definition of pledge under the Indian contract Act
   4. Other statutory regulations (state & Centre) regarding pledge, reasons for the same
   5. Rights of the pawner and pawnee
   6. Pawnee's right of sale as compared to that of an ordinary bailee
   7. Pledge by certain specified persons mentioned in the
   8. Indian Contract Act

3. Agency
   1. Identification of different kinds of agency transactions in day to day life in the commercial word
   2. Kinds of agents and agencies
   3. Distinction between agent and servant
   4. Essentials of agency transaction
5. Various methods of creation of agency
6. Delegation
7. Duties and rights of agent
8. Scope and extent of agent’s authority
9. Liability of the principal for acts of the agent including misconduct and tort of the agent
10. Liability of the agent towards the principal
11. Personal liability towards the parties
12. Methods of termination of agency contract
13. Liability of the principal and agent before and after such termination

4. Sale of goods
1. Concept of sale as a contract
2. Illustrative instances of sale of goods and the nature of such contracts
3. Essential of contracts of sale
4. Essential conditions in every contract of sale
5. Implied terms in contracts of sale
6. The rule of caveat emptor and the exceptions there to under the sale of goods Act
7. Changing the concept of caveat emptor
8. Effect and meaning of implied warranties in a sale
9. Transfer of title and passing of risk
10. Delivery of goods: various rules regarding delivery of goods
11. Unpaid seller and his rights
12. Remedies for breach of contract

5. Partnership
1. Nature of partnership: definition
2. Distinct advantages and disadvantages vis-a-vis partnership and private limited company
3. Mutual relationship between partners
4. Authority of partners
5. Admission of partners
6. Outgoing of partners
7. Registration of partnership
8. Dissolution of partnership

Select bibliography
6. A.G. Guest (ed), Benjamin's Sale of goods (1992), Sweet and Maxwell
Paper - III : Law of Crimes

Objectives of the course

The Indian society has changed very rapidly since Independence. A proper understanding of crime methods of controlling them and the socio-economic and political reasons for their existence now extremely important in the larger context of India's development, if students are to use the knowledge and skills to build a just and humane society. The curriculum outline here attempts bring in these new perspectives

Syllabus

1. General
   1. Conception of crime
   2. Pre-colonial nations of crime as reflected in Hindu, Muslim and tribal law
   3. Macaulay's drafts based essential on British nations
   4. State's power to determine acts or omissions as crimes
   5. State's responsibility to detect control and punish crime
   6. Distinction between crime and other wrongs
   7. IPC: a reflection of different social and moral values
   8. Applicability of I.P.C.
   9. Territorial
   10. Personal
   11. Salient features of the I.P.C.

2. Elements of criminal liability
   1. Author of crime- nature and legal person
   2. Men rea - evil intention
   3. Importance of mens rea
   4. Recent trends to fix- liability without mens rea in certain socio-economic offences
   5. Act in furtherance of guilty intent
   6. Omission
   7. Injury to another

3. Group liability
   1. Stringent provision in case of combination of persons attempting to disturb peace
   2. Common intention
   3. Abetment
   4. Instigation, aiding and conspiracy
   5. Mere act of abetment punishable
   6. Unlawful assembly
   7. Basis of liability
   8. Criminal conspiracy
   9. Rioting as a specific offence

4. Stages of a crime
   1. Guilty intention- mere intention not punishable
   2. Preparation
   3. Preparation not punishable
   4. Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit. coins, false weights and measures
   5. Attempt
   6. Attempt when punishable - specific provisions of IPC
   7. Tests for determining what constitutes attempt - proximity equivocally and social danger
   8. Impossible attempt

5. Factors negativing guilty intention
1. Mental incapacity
2. Minority
3. Insanity - important of cognitive faculties, emotional imbalance
4. Medical and legal insanity
5. Intoxication - involuntary
6. Private defence - justification and limits
7. When private defence extends to causing of death to protect body and property
8. Necessity
9. Mistake to fact

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

7. Specific offences against human body
   1. Causing death of human beings
   2. Culpable homicide
   3. Murder
   4. Distinction between culpable homicide and murder
   5. Specific mental element: requirement in respect of murder
   6. Situation justifying treating murder as culpable homicide not amounting to murder
   7. Grave and sudden provocation
   8. Exceeding right to private defense
   9. Public servant exceeding legitimated use of force
   10. Death in sudden fight
   11. Death caused by consent of the deceased - euthanasia and surgical operation
   12. Death caused of person other than the person intended
   13. Miscarriage with or without consent
   14. Rash and negligent act causing death
   15. Hurt grievous and simple
   16. Assault and criminal force
   17. Wrongful restraint and wrongful confinement - kidnapping from lawful guardianship and from outside India
   18. Abduction

8. Offences against women
   1. Insulting the modesty of woman
   2. Assault or criminal force with intent to outrage the modesty of women
   3. Causing miscarriage without woman's consent
   4. Causing death by causing miscarriage without woman's consent
   5. Kidnapping or abducting woman to compel her marry or force her to illicit intercourse
   6. Buying a minor for purposes of prostitution
   7. Rape
   8. Custodial rape
   9. Marital rape
   10. Prevention of immoral traffic
   11. Cruelty by husband or his relatives
   12. Prevention of sati
   13. Prohibition of indecent representation of women
9. Offences against property
   1. Theft
   2. Cheating
   3. Extortion
   4. Robbery and dacoity
   5. Mischief
   6. Criminal misrepresentation and criminal breach of trust

10. New kinds of crimes such as terrorism, pollution and adulteration

11. Law reforms

Select bibliography

1. K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
2. Ratanlal- Dhirajlal's Indian penal code (1994 reprint)
5. Hidyathullaw, M. et.al., Ratanlal and Dhirajlal,'s The Indian Penal Code (1994 reprint), wadhwa & Co. Nagpur
6. B.M. Gandhi, Indian Penal code (1996), eastern Nagpur
Paper- IV : Family Law - (Mohammedan Law)

1. Nature of Mohammedan Law (Mohammedan, origin and Development, School and Source) Gift wills, Marriage, succession, Divorce, Meher Guardianship and Wakf, Dissolution of Marriage Act, 1939 Law Relating to Christians, Marriage, Divorce and succession

Book recommended:

Mulla Mohammedan Law
Dr. Paras Diwan Muslim Law in Modern India
Aquil Ahmad Mohammedan Law
Fyzee AAA Introduction to Jurisprudence
Schat Mohammedan Jurisprudence
Coulson Principles of Mohammedan
Jhabvala Principles of Mohammedan
Objectives of the course

Common of language is an essential quality of a lawyer for presentation of not only pleadings but also arguments before a court of law. Efficiency of advocacy depends upon communication skill to a substantial extent. No doubt, he should be conversant with the legal terminology; pricision, clarity and cogence are governing principles of legal writing and dialogue. A student of law should get an opportunity to be familiar with the writings of eminent jurists of the past. This exposition will stand him in good stead in understanding the intricate problems of law and will equip him with the faculty of articulation and sound writing.

Syllabus

1. Introduction of legal language
   1. Characteristics of legal Language
   2. History of Legal Language
   3. Legal Language in India
   4. English as a medium of communication for legal transaction in India

2. Introduction to oral communication stills
   1. Passive and active listening- questioning - non-verbal communication
   2. Listening comprehension
   3. Passive and active listening non-verbal communication

3. Vocabulary
   1. Consulting a dictionary- consulting a thesaurus
   2. Synonyms and antonyms- related words- regular vocabulary exercises

4. Phonetics theory and practice
   1. The phonetic script
   2. Consulting a dictionary for pronunciation- exercise with audio aids
   3. Reading exercise - stress accent and intonation suitable for Indian speaker with emphasis on clarity of speech and felicity of expression
   4. Reading comprehension of principles and practice

5. Legal terminology
   1. Terms used in civil law and criminal law
   2. Latin words and expressions - law register

6. Fundamental principles of legal writing
   1. Concision - Clarity- cogency- simplicity of structure
   2. Attention and awareness of practical legal import of sentences
   3. Brief writing and drafting of law reports
   4. Writing of case comments
   5. Essay writing on topics of legal interest
   6. General juristic writings in English
   7. Proficiency in regional language

(Every student should acquire skills of understanding, analysis, writing and communication in the regional language, which he has to use in the interaction with the potential clientele. Necessarily the proficiency in the language will contribute in a substantial measure to a successful practice in law.)
Selected bibliography

1. Abbot parry, seven lamps of Advocacy
2. Mogha's conveyancing
3. Mogha's forms and Procedents
4. Mogha's pleadings
5. Law and Language
18. M.C. Setavad, Mylife, Law other things (2000), Universal Delhi
19. Olivercrona, K. "Legal Language and Reality" in M.D.A.Freeman, Introduction to Jurisprudence
21. Williams, Glanville "Language and the Law" In Freeman, pp. 1350-53
23. Turton, N.D. 7 J.B. Heaton, Logman Dictionary of Common Errors
24. Williams Glanville, Language and the Law, in Freeman Pp. 1350-53
25. Williams Glanville, Learning the Law (2000), Universal New Delhi
29. Latin For Lawyers, (1997), Sweet and Maxwell, Universal, New Delhi