

5 year BBA LLB

SYLLABUS

1/5 B.B.A.,LL.B.,

FIFTH SEMESTER

PAPER : XVII

CONTRACTS – I (Including Specific Relief)

GENERAL PRINCIPLES OF LAW OF CONTRACT:

UNIT-1: History and nature of contractual obligations - writs of debt, covenant and account on the case and on assumptionist consideration - moral basis for contractual obligations subjective and objective theories, sanctity of contracts

UNIT-2: Agreement and contract definitions, elements and different kinds.

UNIT-3: Proposal and acceptance - their various forms, essential elements, communication and revocation - proposal and invitations for proposal - floating offers - tenders - dumping of goods.

UNIT-4: Consideration - nudum pactum - its need, meaning, kinds, essential elements - privity of contract and of consideration - its exceptions - adequacy of consideration - present, past and future consideration - unlawful consideration and its effects - views of Law Commission of India on consideration evaluation of the doctrine of consideration.

UNIT-5: Capacity to contract - meaning - incapacity arising out of status and mental defect - minor's agreements beneficial and detrimental to minor affirmation - restitution in cases of minor's agreements - fraud by a minor - ratification in cases by a person of an agreement made by him while he was minor agreements and estoppel - evaluation of the law relating to minor's agreements- other illustrations of incapacity to contract.

UNIT- 6: Free consent - its need and definition - factors vitiating free consent.

6.1 Coercion - definition - essential elements - duress and coercion - various illustrations of coercion doctrine of economic duress - effect of coercion - evaluation of Sec.15. 6.2. Undue Influence - definition - essential

elements - between which parties can it exist? who is to prove it?
Illustrations of undue influence - independent advice - pardahanashin
women- unconscionable bargains effect of undue influence. 6.3

Misrepresentation - definition - misrepresentation of law and of fact -
their effects and illustration. 6.4 Fraud definition - essential elements -
sugstio falsi-suppresio veri When does silence amounts to fraud? Active
concealment of truth- importance of intention.

UNIT- 7: LEGALITY OF OBJECTS:

7.1 Void agreements - lawful and unlawful considerations, objects - void,
voidable, illegal and unlawful agreements their effects. 7.2 Unlawful
consideration and objects. 7.2.1 Forbidden by law 7.2.2 Defeating the
provision of any law 7.2.3 Fraudulent 7.2.4 Injurious to person or property
7.2.5 Immoral 7.2.6 Against public policy 7.3 Void Agreements 7.3.1
Agreements without consideration 7.3.2 Agreements in restraint of
marriage 7.3.3. Agreements in restraint of trade its exceptions- sale of
good - will, Sec. 11 restrictions, under the Partnership Act, trade
combinations exclusive dealing agreements, restraints on employees
under agreements of service. 7.3.4 Agreements in restraint of legal
proceedings its exceptions 7.3.5 Uncertain agreements 7.3.6 Wagering
agreements - its exception

UNIT-8 DISCHARGE OF A CONTRACT AND ITS VARIOUS MODES;

8.1 By performance - conditions of valid tender of performance - how? By
Whom? Where? When/In what manner? Performance of reciprocal
promises - time essence of contract. 8.2 By breach - anticipatory breach
and present breach 8.3 Impossibility of performance- specific grounds of
frustration - application to leases - theories of frustration - effect of
frustration - frustration and restitution. 8.4 By period of limitation B.5By
agreement - rescission and alteration - their effect - remission and waiver
of performance extension of time - accord and satisfaction.

Unit 9: QUASI-CONTRACTS OR CERTAIN RELATIONS RESEM BLING THOSE CREATED BY CONTRACT

UNIT-10 REMEDIES IN CONTRACTUAL RELATIONS

10.1 Damages - kinds - remoteness of damages ascertainment of damages.

10.2 Injunction - when granted and when refuse - Why? 10.3 Refund and restitution 10.4 Specific performance - When? Why?

UNIT-11 SPECIFIC RELIEF (SPECIFIC RELIEF, ACT, 1969)

11.1 Definition 11.2 Recovering possession of property 11.3 Specific performance of contracts 11.4 Rectification of instruments 11.5 Rescission of contracts 11.6 Cancellation of Instruments 11. 7 Declaratory decrees 11.8 Preventive relief.

PAPER : XVIII

CONTRACTS - II (Including Partnership Act, Sale of Goods Act)

UNIT-1 : INDEMNITY AND GUARANTEE (Sec. 124 to 127 of Indian Contract Act, 1872)

1.1 Contract of Indemnity 1.2 Definition 1.3 Rights of Indemnity holder 1.4 Liability of the Indemnifier 1.5 Contract of Guarantee 1.6 Definition of Guarantee 1.7 Essential characteristics of contract of Guarantee 1.8 Distinction between contract of indemnity and contract of Guarantee 1.9 Kinds of guarantee 1.10 Rights and liabilities of surety 1.11 Discharge of surety.

UNIT-2 CONTRACT OF BAILMENT (Sec. 148-181 of Indian Contract act, 1872)

2.1 Definition 2.2 Essential requisites of Bailment 2.3 Kinds of Bailment 2.4 Rights and Duties of Bailor and Bailee 2.5 Termination of Bailment 2.6 Pledge 2.7 Definition 2.8 Rights and duties of Pawnor and Pawnee 2.9 Pledge by Non Owners

UNIT-3 CONTRACT OF AGENCY (Sec. 182-238 of the Indian Contract Act. 1872)

3.1 Definition of Agency 3.2 Creation of Agency 3.3 Rights and duties of Agent 3.4 Delegation of authority 3.5 Personal liability of Agent 3.6 Relations of Principal with Third parties 3.7 Termination of Agency

UNIT-4 CONTRACT OF SALE OF GOODS (The Indian Sale of Goods Act, 1930)

4.1 Formation of Contract 4.2 Subject-matter of contract of Sale 4.3 Conditions and Warranties 4.4 Express and implied conditions and warranties 4.5 Caveat Emptor 4.6 Property, Possession and risk 4.7 Passing

of Property 4.8 Sale by non-owners 4.9 Delivery of goods 4.10 Rights and duties of Seller and buyer before and after sale 4.11 Rights of unpaid seller.

UNIT-5 CONTRACT OF PARTNERSHIP (The Indian Partnership Act, 1932)

5.1 Definition and nature of Partnership 5.2 Formation of Partnership 5.3 Test of Partnership 5.4 Partnership and other associations 5.5 Registration of Firms 5.6 Effect of non registration 5.7 Relation of Partners 5.8 Rights and duties of Partners 5.9 Properties of the Firm 5.10 Relation of Partners to third parties 5.11 Implied authority of a partner 5.12 Kinds of partners 5.13 Minor as a partner 5.14 Reconstitution of a firm 5.15 Dissolution of firm

UNIT-6 NEGOTIABLE INSTRUMENTS ACT, 1881.

PAPER : XIX

TORTS AND CONSUMER PROTECTION LAW

UNIT-1 EVOLUTION OF LAW OF TORTS:

1.1 Its development by courts in England 1.2 Forms of Action 1.3 Emergence of specific remedies from case to case 1.4 Reception of Law of Torts in India 1.5 Principles of Equity, Justice and good conscience 1.6 Un-codified character - advantages and disadvantages

UNIT-2 DEFINITION, NATURE, SCOPE AND OBJECTS:

2.1 A Wrongful act violation of a duty (in rem) imposed by law, duty which is owed to people generally, Legal damage - *damnum sine injuria* and *injuria sine damnum*. 2.2 Tort distinguished from, Crime, Breach of Contract etc. 2.3 The concept of unliquidated damages 2.4 Changing scope of Law of Torts: Expanding character of duties owed to people generally due to complexities of modern society -scientific and technological progress, industrialisation, urbanisation, specialisation, occupational hazards. 2.5 Objects-Prescribing standards of human conduct, redressal of wrongs by payment of compensation prohibiting unlawful conduct by injunctions.

UNIT -3 PRINCIPLES OF LIABILITY IN TORTS:

3.1 Fault 3.1.1 Wrongful intent 3.1.2 Negligence 3.2 Liability without fault
3.3 Violation of Ethical codes 3.4 Statutory Liability 3.4.1 Fatal Accidents Act 3.4.2 Railway Act 3.4.3 Workmen's compensation Act 3.4.4 Motor Vehicles Act 3.4.5 Carrier Act 3.4.6 Insurance Laws 3.5 Place of motive in Torts

UNIT -4 JUSTIFICATION IN TORT

4.1 Volenti Non Fit Injuria - What is free consent? Informed consent mere and knowledge and knowledge coupled with assumption of risk 4.2 Necessity, Private and public 4.3 Plaintiff's default 4.4 Act of God and Inevitable Accident 4.5 Private defence 4.6. Statutory authorisation 4.7 Judicial and Quasi-judicial Acts 4.8 Parental and quasi parental authority

UNIT -5 EXTINGUISHMENT OF LIABILITY IN CERTAIN SITUATIONS

5.1 Death, Actio personalis moritur cum persona. Exceptions, Law Reform (Miscellaneous Provisions) Act. 1934. 5.2 Waiver and acquiescence 5.3 Release 5.4 Accord and satisfaction 5.5 Limitation

UNIT -6 STANDING

6.1 Who may sue in torts 6.1.1 Aggrieved individuals 6.1.2 Class Action, 01 R8 6.1.3 Social Action Groups 6.1.4 Statutes granting standing to certain persons groups 6.2 Who may not be sued 6.2.2 Lunatics 6.2.3 Infants

UNIT -7 DOCTRINE OF SOVEREIGN IMMUNITY AND ITS RELEVENCE IN INDIA

7.1 Liability of State-Sovereign and non-sovereign functions, Crown Proceedings Act of U.K., Federal Tort Claims Act of U.S.A. Constitution of India, Arts 294 and 300 7.2 Act of State.

UNIT -8 VICARIOUS LIABILITY

8.1 Basis, Scope and justification 8.1.1 Express authorization 8.1.2 Ratification 8.1.3 Abetment 8.2 Special Relationship 8.2.1 Master and servant - arising out of and in the course of employment who is master? - Control test who is servant? Borrowed servant Independent contractor. 8.2.2 Corporation and Principal Officer

UNIT -9 TORTS AGAINST PERSONS AND PERSONAL RELATIONS

9.1 Assault, Battery, Mayhem 9.2 False Imprisonment 9.3 Defamation - Libel, slander including law relating to privileges 9.4 Marital Relations, domestic Relations, parental Relations Master and Servant relations. 9.5 Malicious prosecution 9.6 Shortened Expectation of life 9.7 Nervous Shock 9.8 Defences

UNIT-10 WRONG AFFECTING PROPERTY

10.1 Trespass to land, Trespass ab initio, Dispossession 10.2 Movable Property-Trespass to goods Detinue, conversion 10.3 Torts against Business interest- Injurious falsehood, misstatements, passing off 10.4 Defences

UNIT -11 NEGLIGENCE

11.1 Basic concepts 11.1.1 Theories of Negligence 11.1.2 Standards of care, Duty to take care, carelessness inadvertence 11.1.3 Doctrine of contributive negligence 11.1.4 Res Ipsa Loquitor and its importance in contemporary

11.2 Professional liability due to Negligence with special reference to consumer Protection Law

UNIT-12 ABSOLUTE/STRICT LIABILITY

12.1 The Rule in Ryland vs. Fletcher. Principle for application of these rules. 12.1.1 Storing of dangerous things 12.1.2 Escape of dangerous things-application of principles in concrete cases of damage arising out of industrial activity. (The Bhopal Disaster - Oleum Gas Escape, Machua Dam Burst, M.C. Mehta Case, Nuclear Installations and their hazards) 12.2 Defences 12.3 Liability under Motor Vehicle Act, Railway Act etc.,

UNIT-13 NUISANCE

13.1 Definition, Essentials, Types 13.2 Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air

UNIT-14 LEGAL REMEDIES

14.1 Legal Remedies 14.1.1 Award of damages-simple, special, punitive 14.1.2 remoteness of Damages - foreseeability and directness tests 14.1.3 Injunction 14.1.4 Specific Restitution of Property 14.2 Extra-Legal

Remedies-self help, Reentry in land, Re-capture of goods, distress damage peasant abatement to nuisance.

UNIT-15 JUDICIAL PROCESS IN TORT

15.1 Dilatoriness 15.2 Complicated rules of procedures and evidence 15.3 Experts trial process, Reports of Testing labs 15.4 Court fees, Problems of access.

UNIT-16 TORT AND CONSUMER PROTECTION LAW

16.1 Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professional 16.2 Caveat emptor and caveat venditor 16.3 Deceit and false advertisement 16.4 Liability for hazardous and inherently dangerous industrial activity 16.5 Product liability-EEC directives 16.6 Right to common property resources-right to pass and repass on pathways.

PAPER: XX

CONSTITUTIONAL LAW

Unit -1 HISTORICAL PERSPECTIVE

1.1 Constitutional Developments since 1858 to 1947 Morle Minto Reform dyarchy-Montague-chelmsford Reforms. Indian National Congress 1885 - Various Trends of opinion social Reform vs. political Independence. Protest against British Repression. Jalianwala Baag. Rowlatt Act-Sedition Trials of Tilak. 1.2 Making of India's Constitution - concept of constitution and Constitutionalism 'Salient features Constituent Assembly' - Sovereignty. 1.3 Preamble-Status and its goals

Unit -2 PARLIAMENTARY GOVERNMENT

2.1 Westminster Model- Indian experience before Independence choice of Parliamentary Government 2.2 President of India-Election Qualifications, impeachment, Salary, etc., 2.3 Council of Ministers-President's constitutional position 2.4 Governor and State Government-President's constitutional relationship 2.5 Legislative Process-Privileges, freedom of speech. Practice of law-making etc., 2.6 Legislative Privileges vs. Fundamental Rights. In re Art 143 of the Constitution of India. 2.7 Prime Minister- Cabinet system- collective responsibility - Individual

responsibility - President - P.M. Relationship. 2.8 Party System-Anti-defection law. Freedom of an M.P./M.L.A to dissent.

UNIT -3 FEDERALISM

3.1 Federalism-principles-Comparative study of other Federations. Why India has a federal Government 3.2 Indian Federalism-President of India-Council of States Process of Constitutional amendment. Identification of Federal Features. 3.3 Legislative Relations between the Centre and the States. 3.4 Administrative relations-Centre-States 3.5. Financial Relations - Centre-States. 3.6 Governor's position from the perspective of Federalism 3.7 Centre's Powers over the States-Art.356 3.8. J & K - Special Status 3.9. Critical problems of India Federalism - Sarkaria Commission-Greater autonomy vs. Central Control one party domination. Emergence of Political Federalism. Growth of Regional parties.

UNIT – 4 CONSTITUTIONAL PROCESSES OF ADAPTATION AND ALTERATION

4.1 Methods of Constitutional Amendment-Written-Unwritten-Rigid-flexible Constitutions. Provisions which can be amended by ordinary procedure. Special procedure, review of Constitutional Amendments. 4.2 Limitations upon Constitutional Amendments Shankari Prasad, Sajjan Singh 4.3 Golak Nath vs. State of Punjab - Why should Fundamental Rights be immune from the process of Constitutional Amendment. 4.4 Basic Structure Doctrine as limitation - Kesavanand Bharati 4.5 Development of the Basic Structure Doctrine Constituent power of the Supreme Court. Waman Rao, Minerva Mills, etc.,4.6 Indira Gandhi vs. Raj Narain; Judicial consensus on Basic Structure. 4.7 Legislature and Judicial attempts to bury the Basic Structure Doctrine, Legitimation of the Basic Structure Doctrine. Special bench to reconsider the Basic Structure issue. Forty-second Constitutional Amendment. Fortyfourth Consitutional Amendment. 4.8 Minerva Mills and subsequent developments of the basic Structure Doctrine. Responsibility of the court; Activism vs. Restraint.

UNIT -5 SECULARISM

5.1 Concept of Secularism-Indian Constitutional Provisions, Historical Perspective of India Secularism. 5.2 Religion and State-in India-State control and non-interference with Religion. Concept of Secularism; American Model-Separation of State-church-Is it relevant to India! Tradition in India Equal respect for All Religions? 5.3 Minority Rights-Why/ Scope-meaning of Minority 5.4 Minority's Right to Educational

Institutions.

UNIT- 6 EQUALITY AND SOCIAL JUSTICE

6.1 Equality before the law and Equal protection of laws meaning- Constitutional provisions-total conspectus - Articles 14,15,16,17, 29 (2), 325. 6.2. classification for Differential Treatment 6.3 Gender Justice. Arts. 15(1),(2),(3) 16, 29(2) 6.4 Administrative discretion and Equality 6.5 Compensatory Discrimination for Backward Classes/SC&ST

UNIT – 7 FREEDOMS AND SOCIAL CONTROL

7.1 Freedom of speech and expression 7.2 Freedom of the press 7.3 Freedom of speech and contempt of court 7.4 Freedom of Assembly 7.5 Freedom of Association 7.6 Freedom of movement 7.7 Freedom to Reside and Settle 7.8 Freedom of profession/business etc., 7.~ Property and social control 1950 to 1978 7.10 Property and social control After 1978

UNIT – 8 PERSONAL LIBERTY

8.1 Rights of an accused-Double Jeopardy 8.2 Right against self-incrimination 8.3 Right against Retroactive Punishment 8.4 Right to life and personal Liberty-Meaning of - Art.21. Gopalan Case 8.5 'Personal Liberty' - Meaning of - Maneka Gandhi, Sunil Batra, etc., 8.6 Procedure established by law - Gopalan, Kharak Singh 8.7 Procedure established by law - Due pro-cess - Maneka Gandhi and after. 8.8 Preventive detention constitutional Policy Art. 22 8.9 Preventive detention - Safeguards under the constitution.

UNIT -9 FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

9.1 Directive Principles-Reasons for incorporation 9.2 Directive principles-Directions of Social Change - A new social order 9.3 Fundamental! Rights and Directive principles - Inter- relationship- Judicial balancing 9.4

Constitutional amendments - Arts, 31A, 31-8 and 31-C to strengthen Directive Principles. 9.5 Judicial policy towards Directive Principles from Champakam to Minerva Mills. 9.6 What is "State"? Art.12 9.7 Naresh vs. State of Maharashtra - is Judiciary "State"?

UNIT-10 EMERGENCY

10.1 Emergency need for such a provision. Types of Emergencies. Experience in other democracies. 10.2 Proclamation of emergency-conditions- Art. 352 -Effect of Emergency on Centre-State relations. 10.3 Emergency and suspension of fundamental rights. Arts.358,359 Makhan Singh Tarasikha to A.D.M. Jabalpur. 10.4 Financial Emergency

UNIT-11 JUDICIAL PROCESS UNDER THE CONSTITUTION

11.1 Judicial Review - Art. 32, 226, 227 11.2 Nature of Judicial Review
11.3 Court system in India: Backlogs, Arrears, alternatives. Lok Adalats etc., 11.4 Judges, Appointments, conditions of service etc., 11.5 Subordinate Judiciary 11.6 Jurisdiction of Supreme Court and High Court
11.7 Advisory Jurisdiction of the Supreme Court 11.8 Public Interest Litigation

UNIT-12 SERVICES UNDER THE CONSTITUTION

12.1 Doctrine of pleasure (Art.310) 12.2 Protection against Arbitrary Dismissal, Removal! or Reduction in Rank (Art.311) 12.3 Tulsiram Patel - exceptions to Art.311

PAPER : XXI

LEGAL LANGUAGE AND LEGAL WRITING INCLUDING GENERAL ENGLISH

PART- A

UNIT -1 Uses of the Language - Three basic functions

1.1 Communicative, 1.2 Expressive, 1.3 Directive, 1.4 Ceremonial and Per formative

UNIT -2 SENTENCE

2.1 Declarative 2.2 Interrogative 2.3 Imperative 2.4 Exclamatory

UNIT -3 Reasoning, Inference, Propositions, Questions, Commands, Exclamation, Statements, Arguments (different types of arguments), conclusion indicators, premise indicators

UNIT – 4 DEFINITIONS

4.1 Purposes - Increased *Vocabulary* - Elimination of ambiguity, reducing *vagueness*, explains theoretically, influencing attitudes. 4.2 Types of definitions - Stipulative - Lexical - precision - Theoretical - Persuasive

UNIT – 5 "MEANING"

5.1 Various meanings of "Meaning". 5.2 Differential denotative and connotative

UNIT-6 LEGAL LANGUAGE

6.1 Reasons for its special characteristics 6.2. Flexibility of language 6.3 Syntactic ambiguity 6.4 Polycemey 6.5 Homonym

UNIT -7 FUNDAMENTAL PRINCIPLES OF LEGAL WRITING

7.1 Concision's - clarity - cogency 7.2 Simplicity of structure 7.3 attention and awareness of practical legal import of sentence 7.4 Communicative skills

UNIT-8 GENERAL GUIDELINES RELATIVE TO LEGAL WRITING

8.1 Titles - short straightforward - Punchy etc., 8.2 Headings : Definite message to readers, avoid general headings, uniformly brief etc., 8.3 italics - use of 8.4 Numbers 8.5 Definition of Terms R6 Contractions ego Instead of Can't prefer cannot 8.7 Use of first person 8.8 Enumeration's 8.9 Quo-tations 8.10 Ellipses and alternations 8.11 Citations 8.12 Footnotes 8.13 forms and address of references 8.14 Signing off

UNIT-9 GENERALLY USED LEGAL TERMS AND EXPLANATIONS IN TELUGU/ENGLISH

UNIT-10 The student shall be explained about reading for understanding the contents and organization of the text, reading for details and language study, *vocabulary*, identification of source a referred law book, journal or judicial decision may given from the passage.

The student may be asked to-10.1 Identify 'legal terms' 10.2 Explain those terms 10.3 Use equivalent other terms 10.4 Identify case law 10.5 Analyze the point of law involved 10.6 Precise 10.7 Answer the questions put based on that passage (Compulsory question to be answered to the examination)

PART - C

UNIT -11 LAW – CLASSIFICATION

11.1 Common law - Civil law - Public Law - Private Law Territorial Law - Personal law - Substantive law - Procedural law - Secular law - Theocratic law - Fundamental law - Derivative law. 11.2 Meanings of law as aggregate of laws as a system as a process

PART - D

UNIT-12 Translation of Legal forms - English to Telugu or Writing of Legal terms in English

PART-E

UNIT-13 Translation of brief passage from English to Telugu / Comprehension.

Pleadings and conveyancing in Telugu/English plaint, Written Statement. Sale and Agreement to sell, gift, Lease, Mortgage, Will. (essential elements of the above also to be taught) Those whose mother tongue is not Telugu they may be permitted to write in English.

REFERENCE MATERIAL

1. Introduction to logic: Irving M. Gopi, Part I i.e. Introduction use of language definition.
2. Legal Style: Language of law : Devid Mallin Koff
3. Leaning legal rules: James A. Holland & Julian S. Webb pages 88 to 101
5. Language and Law: Glanville Williams Pages 72 to 85,300 to 308
6. Legal Writing; Elliott Siskind
7. Law and Language: Irfan Habibi, Aligarh Law University Publications
8. Legal Method: Farhar 1st and relevant chapters.

