

BILASPUR VISHWAVIDAYALAYA BILASPUR

BILASPUR, CHHATTISGARH

L.L.B. PART -I

( FIRST SEMESTER )

PAPER - I

LAW OF TORT , THE MOTOR VEHICLES ACT 1988, AND  
CONSUMER PROTECTION ACT, 1986

Marks: 100

**Detailed Syllabus:**

**Unit - I-**

Tort: Definition, Nature, Scope and Objects

A wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem) - damnum sine injuria and injuria sine damnum. Justification in Tort Volenti non fit injuria Necessity, private and public Plaintiff's default, Act of God, Inevitable accident, Private defence, Statutory authority, Judicial and quasi-judicial acts ,Parental and quasi-parental authority ,Doctrine of sovereign immunity and its relevance in India.

**Unit - II -**

Liability, Principles of Liability in Torts, Fault ,Wrongful intent ,Negligence, Liability without fault, Violation of ethical codes, Statutory liability ,Place of motive in torts, Vicarious Liability ,Basis, scope and justification, Express authorization , Ratification, Abetment. Special Relationships, Master and servant - arising out of and in the course of employment - who is master? - The control test - who is servant? - Borrowed servant, independent contractor and servant, distinguished, Principal and agent, Corporation and principal officer, Motor Vehicles Accident: Motor Vehicles Act, 1988, Evolution of law relating to compensation in accidents involving motor vehicles, No fault liability, Hit and run motor accident, Insurance, against third party risks-liability of insurer-owner-driver, Compensation-who can claim-how to claim-where to claim

**Unit - III-**

Torts against persons and property, Assault, battery, mayhem, False imprisonment, Defamation- libel, slander including law relating to privileges, Marital relations, domestic relations, parental relations, master and servant relations, Malicious prosecution, Shortened expectation of life, Nervous shock, Torts generally & remedies, Trespass to land, trespass ab initio, dispossession, Movable property-trespass to goods, detinue , conversion, Torts against business interests - injurious falsehood, misstatements, passing off ,Legal remedies , Award of damages- simple, special, punitive, Injunction, Specific restitution of property.

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#### Unit – IV-

Negligence, Basic concepts, Theories of negligence, Standards of care, duty to take care, carelessness, inadvertence, Doctrine of contributory negligence, Res ipsa loquitur and its importance in contemporary law, Liability due to negligence: different professionals, Liability of common carriers for negligence, Product liability due to negligence: liability of manufacturers and business houses for their products, Nuisance, Definition, essentials and types, Acts which constitute nuisance- obstructions of highways, pollution of air, water, noise, and interference with light and air, Absolute/Strict liability, The rule in Rylands v. Fletcher, Liability for harm caused by inherently dangerous industries

#### The Consumer Protection Act 1986 ( Section 1 to 22 A Only )

#### UNIT V Leading Cases :

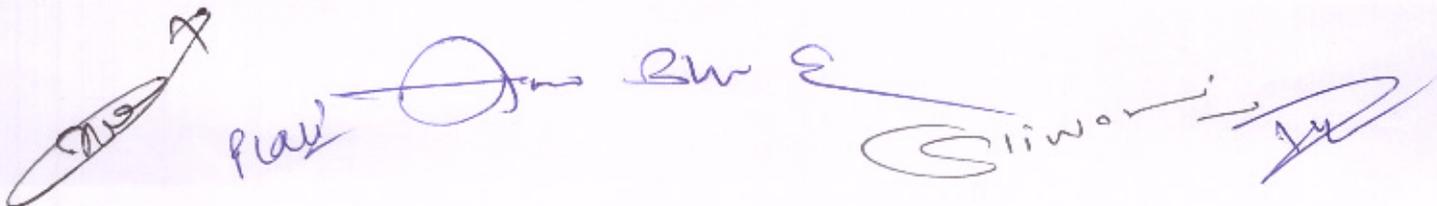
- ~~(1) Mohanlal V/s. Laxman Singh AIR 1960 M.P. 397~~
- (1) Kasturilal Ralia Ram Jain Vs. State of U.P. AIR 1965 SC. 1039.
- (2) Khusal Rao and Others Vs. Baparao Ganpatrao and others. AIR 1942 Nag. 52.
- (3) Indian Trade and General Insurance Co. V/s. Madhukar Govind Rao. MPLJ. 1966, 482.
- (4) Lucknow Development Authority V/s. M.K. Gupta. 1994 MPLJ 461 AIR 1994 SC 787.

#### Prescribed Books:

1. W.V.H. Rogers, Winfield & Jolowicz on Tort (16th ed., 2002)
2. G.P. Singh, Ratanlal & Dhirajlal, *The Law of Torts* (24th ed., 2004)

#### Recommended Books:

1. P.S. Achuthan Pillai, *The law of Tort* (1994) Eastern, Lucknow
2. A.S. Bhatnagar, *Motor Accident Compensation*, Orient Law House, New Delhi, 2008
3. Ratanlal & Dhirajlal: *The law of Torts* (1997), Universal, Delhi.
4. Avtar Singh : *The law of consumer protection- principles and practice* (2000), Eastern Book Co., Lucknow.
5. D.D. Basu : *Law of Torts* (1982), Kamal, Calcutta.
6. Salmond and Houston : *On the law of Torts* (2000) Universal, Delhi.
7. B.M. Gandhi : *Law of Torts* (1987), Eastern, Lucknow.
8. Ramaswami Aiyer: *Law of Torts*.
9. Saraf D.N. : *Law of consumer protection in India* (1995), Tripathi Sombay.
10. Winfield and Jolowicz on Tort (1999), Sweet and Maxwell, London.
11. Avtar Singh (Rev.) P.S. Atchuthen Pillai. *Law of Torts* (9<sup>th</sup> ed. 2004)
12. Motor Vehicles Act, 1988
13. डॉ. एस. के. कपूर - अपकृत्य विधि।
14. एम. एन. शुक्ला - अपकृत्य विधि



**BILASPUR VISHWAVIDAYALAYA BILASPUR  
BILASPUR, CHHATTISGARH**

**LL.B. PART -I**

**( FIRST SEMESTER )**

**PAPER - II**

**LAW OF CRIME - I-**

**Marks: 100**

**Indian Penal Code 1860 (excluding the sections relating to quantum of punishment and chapter IX A) with special reference to the following:**

**Unit - I-**

**General :**

Conception of Crime: Macaulay's draft based essentially on British notions. Distinction between crime and other wrongs. IPC : a reflection of different social and moral values. Applicability of I.P.C.: Territorial, Personal. Salient features of the I.P.C., Definition clause.

**Elements of Criminal liability:**

Author of crime - natural and legal person. Mens rea - evil intention. Importance of mens rea. Recent trends to fix liability without mens rea in certain socio-economic offences. Act in furtherance of guilty intent. Omission. Injury to another.

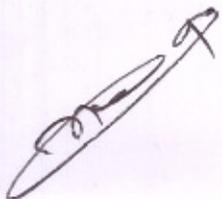
**Stages of a crime :**

Guilty intention - mere intention not punishable. Preparation: Preparation not punishable. Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures ,Attempt: Attempt when punishable - specific provisions of IPC. Tests for determining what constitutes attempt - proximity, equivocality and social danger. Impossible attempt.

**Unit - II-**

**Group liability :**

Stringent provision in case of combination of persons attempting to disturb peace. Common intention. Abetment : Instigation, aiding and conspiracy., Mere act of abetment punishable. Unlawful assembly, Basis of liability. Criminal conspiracy. Rioting as a specific offence.



### **Factors negating guilty intention:**

Mental incapacity: Minority. Insanity - impairment of cognitive faculties, emotional imbalance. Medical and legal insanity. Intoxication - involuntary. Private defense justification and limits. When private defence extends to causing of death to protect body and property. Necessity & Compulsion, Mistake of fact & Mistake of law

### **Unit - III-**

#### **Specific offences against human body:**

Causing death of human beings: Culpable homicide.. Murder. Distinction between culpable homicide and murder. Specific mental element: requirement in respect of murder. Situation justifying treating murder as culpable homicide not amounting to murder. Grave and sudden provocation. Exceeding right to private defence. Public servant exceeding legitimate use of force. Death in sudden fight. Death caused by consent of the deceased - euthanasia and surgical operation. Death caused of person other than the person intended. Miscarriage with or without consent. Rash and negligent act causing death. Hurt - grievous and simple. Assault and criminal force. Wrongful restraint and wrongful confinement - kidnapping from lawful guardianship and from outside India. Abduction.

#### **Offences against women:**

Insulting the modesty of woman. Assault or criminal force with intent to outrage the modesty of woman. Causing miscarriage without woman's consent: Causing death by causing miscarriage without woman's consent. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse. Buying a minor for purposes of prostitution. Rape; Custodial rape. Marital rape. Prevention of immoral traffic. Cruelty by husband or his relatives. Prohibition of indecent representation of women.

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## Unit – IV-

### Types of punishment:

Death : Social relevance of capital punishment. Alternatives to capital punishment. Imprisonment - for life, with hard labour, simple imprisonment. Forfeiture of property. Fine. Discretion in awarding punishment. Minimum punishment in respect of certain offences.

### Offences against Property :

Theft. Cheating. Extortion. Robbery and dacoit. Mischief. Criminal misrepresentation and criminal breach of trust. House Breaking .

### Defamation.

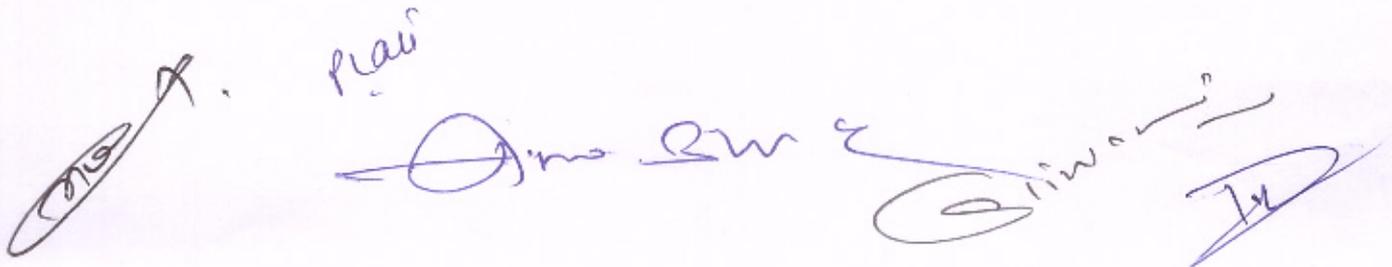
## Unit – V-

### Leading Cases :

- (1) Reg V/s. Govinda : ILR 1876 Bombay 342.
- (2) Inzargul Khan V/s. King Emperor: ILR 1936 Nag. 194.
- (3) Mehboob Shah V/s. Emperor: AIR 1945 P.C. 118.
- (4) Amzad Khan V/s. State : AIR 1952 SC 165.

### Books Recommended :

- (1) K.D. Gaur: Criminal Law - Cases and Materials (1999), Butter worths, India.
- (2) Ratanlal-Dhirajlal : Indian Penal Code (1994 Reprint).
- (3) B.M. Gandhi : Indian Penal Code (1996), Eastern, Nagpur.
- (4) K.D. Gaur, A text book on the Indian Penal Code (1998), Universal, Delhi.
- (5) P.S. Achuthan Pillai ; Criminal Law (1995), Eastern, Lucknow.
- (6) Indian Penal Code (1860)
- (7) भारतीय दण्ड संहिता - पुन.व्ही.परंजपे,
- (8) भारतीय दण्ड संहिता - अमर सिंह यादव,



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**LL.B. PART -I**

**( FIRST SEMESTER )**

**PAPER - III**

**CONSTITUTIONAL LAW OF INDIA**

**100 Marks**

**Unit - I-**

**Historical Perspective :**

Making of the Indian Constitution. Nature and special features of the Constitution.

**Parliamentary Government:**

Westminster model - choice of parliamentary government at the Centre and States. President of India: Election, qualifications, salary and impeachment. Powers legislative, executive and discretionary powers. Council of Ministers. Governor and state government - Constitutional relationship. Legislative process: Practice of law-making. Legislative privileges and fundamental rights. Prime Minister-cabinet system-collective responsibility-individual responsibility. Coalition Government: Anti-defection Law.

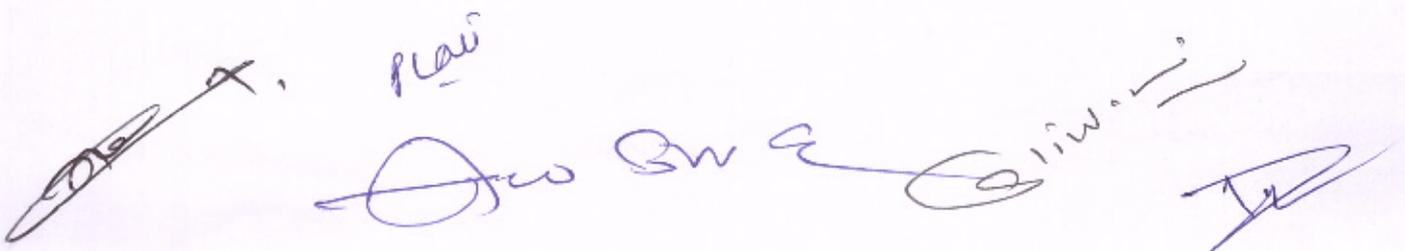
**Unit - II-**

**Federalism:**

Federalism - principles : comparative study. Indian Federalism : identification of federal features. Legislative relations, Administrative relations, Financial relations. Governor's role. Centre's powers over the states - emergency. J & K - special status. Challenges to Indian federalism.

**Constitutional Processes of Adaptation and Alteration :**

Methods of constitutional amendment. Limitations upon constituent power, Development of the basic structure : Doctrine of judicial activism and restraint.

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### Unit – III-

#### Secularism:

Concept of secularism : historical perspective. Indian Constitutional Provision. Freedom of religion - scope. Religion and the state : the limits. Minority rights.

#### Equality and Social Justice:

Equality before the law and equal protection of laws, Classification for differential, treatment: Constitutional validity. Gender justice. Justice to the weaker sections of society : scheduled caste, scheduled tribes and other backward classes, Strategies for ameliorative justice.

#### Freedoms and Social Control :

Speech and expression. Media, press and information. Freedom of speech and contempt of court. Freedom of assembly .Freedom of association. Freedom of movement. Freedom to reside and settle. Freedom of profession/business, Property : from fundamental right to constitutional right.

### Unit – IV-

#### Personal Liberty:

Rights of an accused - double jeopardy - self-incrimination retrospective punishment. Right to life and personal liberty : meaning, scope and limitations. Preventive detention - constitutional policy.

#### Fundamental Rights and Directive Principles :

Directive Principles - directions for social change - A new social order. Fundamental Rights and Directive Principles - inter-relationship- judicial balancing. Constitutional amendments - to strengthen Directive Principles. Reading Directive Principles into Fundamental Rights.

#### Fundamental Duties :

The need and status in constitutional set up, Interrelationship with fundamental rights and directive principles.

#### Emergency :

Emergency - meaning and scope. Proclamation of emergency - conditions - effect of emergency on Centre –State relations. Emergency and suspension of fundamental rights.

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## Unit – V-

### Judiciary under the Constitution :

Judicial process: Court System, The Supreme Court. High Courts. Subordinate judiciary. Judges appointment, removal transfer and condition of service, judicial, independence. Judicial review : nature and scope.

### Services under the Constitution :

Doctrine of pleasure (Article 310). Protection against arbitrary dismissal, removal, or reduction in rank, (Article 311). Exception to Article 311.

### Leading Cases :

- (1) Syed Yakoob V/s. K.S. Radha Krishnan and others : AIR 1964 SC 477.
- (2) Pt. M.S.M. Sharma V/s Sri Krishna Sinha & Others, AIR .1959 SC 395.
- (3) Bishan Das & Others V/s State of Punjab & Others : AIR 1961 SC 1570.
- (4) P.L. Dingra V/s. Union of India. : AIR 1958 SC 36.

### Select Bibliography :

- (1) Dr. V.N. Shukia : Constitution of India.
- (2) Prof. M.P. Jain : Constitution of India.
- (3) J.N. Pandey : Constitution of India.
- (4) H.M. Seervai : Constitution of India. Vol. 1 to 3 (1992), Tripathi, Rombay.
- (5) D.D. Basu : Commentaries on the Constitution of India.
- (6) D.D. Basu : Shorter Constitution of India, (1996), Prentice Hall of India, Delhi.
- (7) Constituent Assembly Debates. Vol. 1 to 12 (1989).
- (8) S.C. Kashyap, Human Rights and Parliament (1978), Metropolitan, New Delhi.
- (9) जयनाथयण पाण्डेय, भारत का संविधान.

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BILASPUR VISHWAVIDAYALAYA BILASPUR  
BILASPUR, CHHATTISGARH

LL.B. PART -I  
( FIRST SEMESTER )

PAPER - IV

Contract- I-

(GENERAL PRINCIPLES OF LAW OF CONTRACT AND COPY RIGHT ACT 1957)

Marks: 100

**Detailed Syllabus:**

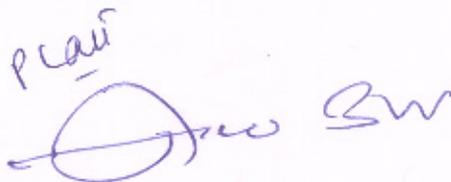
**Unit -I-**

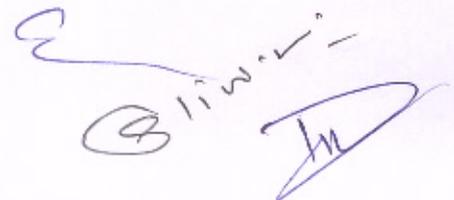
History and nature of contractual obligations, Formation of an Agreement, Intention to create, legal relationship, Proposal and acceptance- their various forms, essential elements, communication and revocation- mode of revocation of offer- proposal and invitations for proposal, Making of an Agreement – Special Situations, Tenders and Auctions, Consideration. Meaning- basis and the nature of consideration- kinds-essential elements Doctrine of Privity of Contract and of consideration, its exceptions (nudum pactum), Adequacy of consideration-present, past and adequate consideration, Unlawful consideration and its effects views of Law Commission of India on consideration- evaluation of the doctrine of consideration.

**Unit -II-**

Capacity to Contract , Legal disability to enter into contract - Minors, persons of unsound mind - person under legal disability- lunatics, idiots, Restitution in cases of minor's agreement- Liability for necessaries supplied to the minor - fraud by a minor- agreements made on behalf of a minor's agreements and estoppel- evaluation of the law relating to minor's agreements other illustrations of incapacity to contract. Free consent- Its need and definition- factors vitiating free consent. Coercion- definition- essential elements- duress and coercion- various illustrations of coercion- doctrine of economic duress- effect of coercion, Undue Influence- definition- essential elements- between which parties can it exist? Who is to prove it? Illustrations of undue influence- independent advice- pardahanashin women- unconscionable bargains - effect of undue influence. Misrepresentation - definition - misrepresentation of law and of fact- their effects and illustration., Fraud - definition - essential elements - suggestion falsi-suppressio veri – when does silence amounts to fraud? Active-concealment of truth - importance of intention. Mistake - definition - kinds- fundamental error - mistake of law and of fact - their effects - when does a mistake vitiate free consent and when does it not vitiate free consent? Legality of objects: Limitations on Freedom of Contract Void agreements - lawful and unlawful considerations, and objects – Distinction between void and voidable agreement, illegal and unlawful agreements and their effects. Unlawful considerations and objects, Forbidden by law Defeating the provision of any law, Fraudulent Injurious to person or property, Immoral Against public policy.



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### Unit -III-

Void Agreements: Agreements without consideration, Agreements in restraint of marriage, Agreements in restraint of trade- its exceptions- sale of goodwill, restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service. Agreements in restraint of legal proceedings- its exceptions. Uncertain and ambiguous agreements, Wagering agreement - its exception. Contingent Contract. Discharge of a contract and its various modes. By performance- conditions of valid tender of performance- How? By whom? Where? When? In what manner? Performance of reciprocal promises- time as essence of contract. By breach - anticipatory breach and present breach. Supervening Impossibility of performance- specific grounds of frustration application to leases theories of frustration- effect of frustration- frustration and restitution. By period of limitation, By agreement and Notation- rescission and alteration - their effect remission and waiver of performance - extension of time- accord and satisfaction. Quasi-contracts Certain relations or obligations resembling those created by contract.

### Unit -IV-

Concept and classification Remedies for Breach of Contract, Damages-kinds-remoteness of damages-ascertainment of damages Mitigation of Damages- Penalty & Liquidated Damages Injunction- when granted and when refused- Why? Refund and restitution Specific performance- When? Why?

### The Copyright Act 1957.

The following sections are prescribed for study .

Section 1 to 32 B

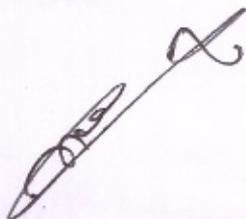
Section 37 to 39 A

Section 44 to 73

### Unit -V-

#### Leading Cases:

1. Carlill v. Carbolic Smoke Ball Company (1891-4) AIR. 127
2. Bhagwandas Goverdhandas Kedia v. Girdharilal Parshottamdas & Co., AIR 1966 SC 543
3. Mohri Bibi V/S Dharmodas Ghosh 300Cal. 538 P.C
4. Fateh Chand V/S Balkishan Das AIR 1963 S.C. 1403



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**Prescribed Legislations:**

1. The Indian Contract Act, 1872
- ~~2. The Indian Majority Act, 1875~~

**Books Recommended :**

- (1) P.S. Atiya, Introduction to the Law of Contract 1992 reprint (Claredon Law Series)
- (1) Avtar Singh : Law of Contract (2000), Eastern, Lucknow.
- (2) Mulla's : Contract Act.
- (3) Beatesen (ed.) Anson's : Law of Contract.
- (4) M.Krishnan Nair: Law of Contract. (1998).
- (5) Dutt on Contract 2000.
- (6) संविदा विधि - अवतार सिंह
- (7) भारतीय संविदा - अधिनियम 1872
- (8) Copyright Act 1957
- (9) संविदा -I - एस.एस. श्रीवास्तव,
- (10) संविदा -I - एस.के. कपूर,

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BILASPUR VISHWAVIDAYALAYA BILASPUR  
BILASPUR, CHHATTISGARH

LL.B. PART - I  
( FIRST SEMESTER )

PAPER - V

CLINICAL

Marks: 100

( PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM )

**Outline of the Course**

- (1) Professional Ethics.
- (2) Accountancy for Lawyer's.
- (3) Bar Bench Relation

The above Course will be taught in association with the practicing lawyers on the basis of the following materials.

- (A) Mr. Krishnamurthy Ayer's Book on Advocacy.
- (B) The Contempt law & practice.
- (C) The Bar Council Code of Ethics.
- (D) 50 Selected opinions of the disciplinary committee of Bar Council of India and 10 major Judgments of the Supreme Court on the subject. Out of the 100 marks, 20 marks will be reserved for Viva-Voce test, 40 marks for seminars during the course. On The Bar bench relation & Professional Ethics and remaining 40 marks for two written test on professional ethics. Accountancy for lawyers and Bar bench-relation. The duration of written test shall be one and half hrs. each.

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