

VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

F.Y. LL.B.

SEMESTER – I

PAPER-1 LAW OF CONTRACT – I [GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF]

General Principles of Contract (Ss. 1-75, Indian Contract Act, 1872)	60 Marks
Specific Relief Act, 1963	25 Marks
Prescribed Cases	15 Marks

Prescribed Cases :

- (1) **Intention to create contractual obligation.**
 - Balfour Vs. Balfour (1919) 2 K.B.571
 - Carlil Vs, Carbolic Smoke Ball Co, (1893) 1.Q.B.256
 - Kedarnath Vs. Ghorie Mohd. (1886) 14 Cal. 64
- (2) **Communication of offer necessary for its acceptance.**
 - Lalman Shukal Vs. Gauri Dutt (1913) II All LJ 489
- (3) **Privity of Contract (cestui-que Trust)**
 - Khwaja Mohmmmed Khan Vs. Husaini Begum ILR(1910)32 All 410(PC)
(1910)37 I.A. 152(PC)
- (4) **Agreement with minor (void Contract)**
 - Mohri Bibee Vs. Dharmodas Ghosh (1903) 30 I.A. ILR 30 Cal.539
- (5) **Consensus ad-idem : (Mutuality of subject matter must)**
 - Cundy Vs. Lindsay (1878) 3 A.C. 459
- (6) **Anticipatory Breach of Contract**
 - Frost Vs. Knight (1878) L.R. Exch.III
- (7) **Measures of Damages Unanticipated Loss.**
 - Hadley Vs. Baxandale (1854) 9 Ex.341
- (8) **Public Policy**
 - B.U. Ramarao Vs. Jayamma AIR 1953 Mysore 33
 - Arjunsha Rajusha Vs. Mahanlal AIR 1937 Nagpur 345

The Specific Relief Act, 1963 :

Prescribed Cases

Injunction to enforce impliedly negative Covenants

Burn & Co. Vs. Mc. Donald

ILR 36 Cal. 354

An affirmative covenant would ipso-facto contain an implied negative covenant not to do the contrary- Injunction to perform negative agreement.

Lumley Vs. Wagner

(1852) 1 De.G.M. & Ca604, 21 LJ. Ch.898, 19LT264

The Paper includes the following UGC Model Curriculum Details :

(1) General Principles of Law of Contract

- 1.1 History and nature of contractual obligations.
- 1.2 Agreement and contract : definition, elements and kinds
- 1.3 Proposal acceptance-their various forms, essential elements, communication and revocation-proposal and invitations for proposal- floating offers- tenders- dumping of goods.
- 1.4 Consideration – its need, meaning, kinds, essential elements – quidum pactum – privity of contract and of consideration-its exception- 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.
- 1.5 Capacity to contract- meaning- incapacity arising out of status and mental defect-minor's agreements- definition of 'minor' – accessories supplied to a minor-agreements beneficial and detrimental to a minor- affirmation- restitution in case of minor's agreements- fraud by a minor-agreements made on behalf of a minor-minor's agreements and estoppel- evaluation of the law relating to minor's agreements- other illustrations of incapacity to contract.
- 1.6 Free consent- its need and definition- factors vitiating free consent.
 - 1.6.1 Coercion- definition- essential elements- duress and coercion- various illustrations of coercion-doctrine of economic duress- effect of coercion.
 - 1.6.2 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.
 - 1.6.3 Misrepresentation- definition- misrepresentation of law and of fact- their effects and illustration.
 - 1.6.4 Fraud-definition- essential elements- suggestion falsi-suppessio vari-when does silence amounts to fraud? Active-concealment of truth- importance of intention.
 - 1.6.5 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?
- 1.7 Legality of objects :
 - 1.7.1 Void agreements- lawful and unlawful considerations, and objects- void, voidable, illegal and unlawful agreements and their effects.
 - 1.7.2 Unlawful considerations and objects:
 - 1.7.2.1 Forbidden by law
 - 1.7.2.2 Defeating the provision of any law
 - 1.7.2.3 Fraudulent
 - 1.7.2.4 Injurious to person or property
 - 1.7.2.5 Immoral

- 1.7.2.6 Against public policy
- 1.7.3 Void Agreements:
 - 1.7.3.1 Agreements without consideration
 - 1.7.3.2 Agreements in restraint of marriage
 - 1.7.3.3 Agreements in restraint of trade- its exceptions- sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.
 - 1.7.3.4 Agreements in restraint of legal proceedings- its exceptions.
 - 1.7.3.5 Uncertain agreements
 - 1.7.3.6 Wagering agreement – its exception.
- 1.8 Discharge of a contract and its various modes.
 - 1.8.1 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.
 - 1.8.2 By breach- anticipatory breach and present breach.
 - 1.8.3 Impossibility of performance- specific grounds of frustration- application to leases- theories of frustration- effect of frustration- frustration and restitution.
 - 1.8.4 By period of limitation.
 - 1.8.5 By agreement- rescission and alteration- their effect- remission and waiver of performance- extension of time- accord and satisfaction.
- 1.9 Quasi-contracts or certain relations resembling those created by contract.
- 1.10 Remedies in contractual relations:
 - 1.10.1 Damages-kinds-remoteness of damages- ascertainment of damages.
 - 1.10.2 Injunction-when granted and when refused-Why?
 - 1.10.3 Refund and restitution.
 - 1.10.4 Specific performance-When? Why?
- (2) Government as a Contracting Party :**

Constitutional provisions- government power to contract- procedural requirements- kinds of government contracts- their usual clauses- performance of such contracts- settlements of disputes and remedies.
- (3) Standard Form Contracts :**

Nature, advantages – unilateral character, principles of protection against the possibility of exploitation- judicial approach to such contracts- exemption clauses- clash between two standard form contracts- Law Commission of India's views.
- (4) Multi-national Agreement**
- (5) Strategies and constraints to enforce contractual obligations**
 - 5.1 Judicial methods- redressal forum, remedies

- 5.2 Other methods like arbitration, Lok Adalat, Nyaya Panchayat and other such non formal methods.
- 5.3 Systemic constraints in setting contractual disputes
 - 5.3.1 Court fees, service of summons, injunction, delay.

(6) Specific relief :

- 6.1 Specific performance of contract
 - 6.1.1 Contract that can be specifically enforced
 - 6.1.2 Persons against whom specific enforcement can be ordered
- 6.2 Rescission and cancellation
- 6.3 Injunction
 - 6.3.1 Temporary
 - 6.3.2 Perpetual.
- 6.4 Declaratory orders
- 6.5 Discretion and powers of court

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- Beatsen (ed.), Anson's Law of Contract (27th ed. 1998)
- P.S. Atiya, Introduction to the Law of Contract 1992 reprint (Claredon Law Series)
- Avtar Singh, Law of Contract (2000) Eastern, Lacknow
- G.C.Cheshire, and H.S.Fifoot and M.P.Furmston, Law of Contract(1992) ELBS with Butterworths
- M.Krishnan Nair, Law of Contracts (1998)
- G.H. Treitel, Law of Contract, Sweet & Maxwell (1997 Reprint)
- R.K.Abichandani, (ed.), Pollock and Mulla on the Indian Contract and the Specific Relief Act (1999), Tripathi.
- Banerjee, S. C. Law Specific Relief (1998), Universal.
- Anson, Law of Contract (1998), Universal
- Dutt on Contract (2000), Universal
- Anand and Aiyer, Law of Specific Relief (1999), Universal
- Anson : Principles of the English Law of contract and of Agency in its Relation to Contract (20th Edn.) J.L. Brierly.
- Chitty on contracts [Vol. I General Principles (2nd Edn.)] 1983 – Chittly.
- Cases and materials on Contract (1974) – K. Ponnuswamy and K.K. Puri.
- S.T. Desai : Equity, Trust and Specific Relief (9th Edn.) (1991)
- D.D. Basu : Equity, Trust and Specific Relief (5th Edn.) (1983)

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SEMESTER – I

PAPER-2 LAW OF CONTRACT – II [Indian Contract Act, Indian Partnership Act, Sale of Goods Act, Negotiable Instrument Act and Other Specific Contracts]

Specific Contracts 35 Marks

- Indemnity
- Guarantee
- Bailment and Pledge
- Agency

Prescribed Cases 15 Marks

Partnership 20 Marks

Sale of Goods 20 Marks

Negotiable Instruments Act. 10 Marks

Prescribed Cases :

(1) Partnership Act, :

- Damodardas Khivaji Vs. Gaurishankar Harbaksh AIR 1958 Bom. 445 60 BLR 697
- Dulichand Laxminarayan Vs. Commr. of Income Tax AIR 1956 SC 345
- Ghelabhai Vs. Chunilal & Co. (1941) Rang. 219
- Markandrai Kalyanrai Mehta Vs. Virnedrarai C.Desai & Others (1917) 19 Bom. LR 837
- W. Krishnamachariar Vs. A. Sahnkera Saha (1920) 22 Bom. LR 1343 (1347), AIR 1921 PC 268
- Cox Vs. Hichman 8, H.L.C. 268
- Rahmatunissa Begum Vs. Price 45, I.A. 61 AIR 1917 PC 116
- Jagdishchandra Vs. Kajaria Traders (India) Ltd. AIR 1964 SC 1882
- New Biggins Vs. Adm. (Sweet & Maxwell) 17th Edi. 471
- M. Daddalingappa Vs. P. Natraj AIR (1970) Mysore 154
- Iallan Prasad Vs. R. Ali AIR 1967 SC 1322

(2) Sale of Goods Act :

- State of Gujarat Vs. Ramanlal & Co. AIR 1965 Gul. 60
- Baldry Vs. Marshall (1925) I.K.B. 260 C.A.
- GIP Rly. Co. Vs. Hanmandas ILR (1889) 14 Bom. 57
- Varley Vs. Whipp (1900) I.O.C. 513
- Staff Motor Guarantee Co. Vs. British Wagen Co. (1934) 2 K.B. 393

(3) Indian Contract Act (Agency) :

- Keighley Maxeted 7 Co. Vs. Durant (1901) Ac 204
- Phulzaridevi Vs. Mithailal AIR (1970) All 494

The Paper includes the following UGC Model Curriculum Details :

(1) Indemnity

- 1.1 The Concept
- 1.2 Need for indemnity to facilitate commercial transactions.
- 1.3 Methods of creating indemnity obligations.
- 1.4 Definition of Indemnity
- 1.5 Nature and extent of liability of the indemnifier
- 1.6 Commencement of liability of the indemnifier
- 1.7 Situations of various types of indemnity creations.
- 1.8 Documents/agreements of indemnity
- 1.9 Nature of indemnity clauses.
- 1.10 Indemnity in cases of International transactions
- 1.11 Indemnity by governments during interstate transactions.

(2) Guarantee :

- 2.1 The concept.
- 2.2 Definition of guarantee : as distinguished from indemnity.
- 2.3 Basic essential for a valid guarantee contract.
- 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 2.5 Position of minor and validity of guarantee when minor is the debtor, creditor or surety.
- 2.6 Continuing guarantee.
 - 2.6.1 Nature of Surety's liability.
 - 2.6.2 Duration and termination of such liability.
- 2.7 Illustrative situations of existence of continuing guarantee.
 - 2.7.1. Creation and identification of continuing guarantees.
- 2.8 Letters of credit and bank guarantees as instances of guarantee transactions
- 2.9 Rights of surety:
 - 2.9.1 Position of surety in the eye of law.
 - 2.9.2 Various judicial interpretations to protect the surety.
- 2.10 Co-surety and manner of sharing liabilities and rights.
- 2.11 Extent of surety's liability.
- 2.12 Discharge of surety's liability.

(3) Bailment

- 3.1 Identification of bailment contracts in day today life.
 - 3.1.1 Manner of creation of such contracts

- 3.2 Commercial utility of bailment contracts
- 3.3 Definition of bailment
- 3.4 Kinds of bailees
- 3.5 Duties of Bailor and Bailee towards each other
- 3.6 Right of bailor and bailee
- 3.7 Finder of goods as a bailee
 - 3.7.1 Liability towards the true owner.
 - 3.7.2 Obligation to keep the goods safe
 - 3.7.3 Right to dispose off the goods.

(4) Pledge

- 4.1 Pledge: comparison with bailment
- 4.2 Commercial utility of pledge transactions
- 4.3 Definition of pledge under the Indian Contract Act
- 4.4 Other statutory regulation(State & Centre)regarding pledge, reasons for the same
- 4.5 Rights of the pawer and pawnee.
 - 4.5.1 Pownee;s right of sale as compared to that of an ordinary bailee
- 4.6. Pledge by certain specified persons mentioned in the Indian Contract Act.

(5) Agency

- 5.1 Identification of different kinds of agency transactions in day to day life in the commercial world.
- 5.2 Kinds of agents and agencies.
 - 5.2.1 Distinction between agent and servant.
- 5.3 Essentials of a agency transaction.
- 5.4 Various methods of creation of agency
- 5.5 Delegation
- 5.6 Duties and rights of agent
- 5.7 Scope and extent of agent's authority.
- 5.8 Liability of the principal for acts of the agent including misconduct and tort of the agent.
- 5.9 Liability of the agent towards the principal.
- 5.10 Personal liability towards the parties
- 5.11 Methods of termination of agency contract
 - 5.11.1 Liability of the principal and agent before and after such termination.

(6) Sale of Goods

- 6.1 Concept of Sale as a Contract
- 6.2 Illustrative instances of sale of goods and the nature of such contracts.

- 6.3 Essentials of contract of sale
- 6.4 Essential conditions in every contract of sale
- 6.5 Implied terms in contract of sale
- 6.6 The rule of caveat emptor and the exceptions thereto under the Sale of Good Act.
- 6.7 Changing concept of caveat emptor
- 6.8 Effect and meaning of implied warranties in a sale
- 6.9 Transfer of title and passing of risk
- 6.10 Delivery of good: various rules regarding delivery of goods.
- 6.11 Unpaid seller and his rights.
- 6.12 Remedies for breach of contract.

(7) Partnership

- 7.1 Nature of partnership: definition
- 7.2 Distinct advantages and disadvantages vis-à-vis partnership and private limited company.
- 7.3 Mutual relationship between partners
- 7.4 Authority of partners
- 7.5 Admission of partners
- 7.6 Outgoing of partners
- 7.7 Registration of Partnership
- 7.8 Dissolution of Partnership

(8) Negotiable Instruments :

- 8.1 The concept
- 8.2 Various kinds
- 8.3 Essential requirements to make an instrument negotiable
- 8.4 Competent parties for making and negotiation
- 8.5 Acceptance of the instrument.
- 8.6 Dishonour by non acceptance and remedies available to the holder
- 8.7 Holder and holder in due course : meaning, essential conditions rights and privileges of holder in course and indorsee from the holder in due course.
- 8.8 Negotiation of the instrument
- 8.9 Presentment of the instrument
- 8.10 Cheques : rules regarding payment of cheque
 - 8.10.1 Liability of the collecting banker and paying banker.
 - 8.10.2 Dishonour of cheque and its effect
 - 8.10.3 Discharge from liability
- 8.11 Kinds of bills

8.12 Evidence

8.12.1 Special rules of evidence regarding negotiable instruments.

Select bibliography :

R.K. Abhichandan (ed.), Pollock and Mulla on Contracts and Specific Relief Acts (1999) Tripathi, Bombay.

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J.P. Verma (ed.), Singh and Gupta, The Law of Partnership in India (1999), Orient Law House, New Delhi.

A. G. Guest (ed.), Benjamin's Sale of Goods (1992), Sweet & Maxwell.

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S.T. Desai : Law of Partnership

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SEMESTER – I

PAPER-3 LAW OF CRIMES

General Principles of Crimes and Specific Offences

85 Marks

Prescribed Cases

15 Marks

Prescribed Cases

(1) Men Rea

- R. Vs. Prince 1875 L.R. 2C.C.R. 154
- Sherras Vs. Rutzen (1895) I.Q.B. 918 (Divisional Court)

(2) Compulsion

- R. Vs. Dudley and Stephnes (1834) 14 Q.R.D.273(Divisional Court)

(3) Sediton

- Kedarnath Vs. The State of Bihar AIR 1962 SC 955

(4) Murdar ect.

- K.M. Nanavaty Vs. The State of Maharashtra AIR 1962 SC 605, 630

(5) Defence of Insanity

- Mc. Nayghten's Cases (1830) 10 C.L.F. 200(House of Lords)

(6) Kidnapping

- S. Varadrajn Vs. The State of Madras AIR 1965 SC 942

(7) Defamation

- Gour Chand Rout Vs. Public Prosecutor AIR 1962 Orissa 197, 198, 201 , 202

(8) Common Intention

- Case of Mahboob Shah (1945) 47 Bom. L.R. 941

(9) Theft

- R. Vs. Nagppa (1890) 15 Bom. L.R. 344

(10) Criminal Conspiracy

- Keharsingh & Ors. Vs. The State (Delhi Admn.) AIR 1988 SC 1883

(11) Sec-309 (I.P.C.) – Ultra Vires the Constitution

- P. Ratnam Nathushan Patnaik Vs. Union of India AIR 1994 SC 1844

(12) Sec-303 (I.P.C.) – Ultra Vires the COnstitution

- Mithusingh Vs. State of Punjab (1983) Cr.L.J. 811 SC

(13) Constitutional Validity of Capital Punishment

- Bachchansingh Vs. State of Punjab AIR 1980 SC 898 (1980) Cr.L.J.636

(14) Death Sentence can be awarded only in rarest of rare Circumstances

- Machhisingh Vs. The State of Punjab AIR 1983 SC 957 (1983) Cr.L.J.1457

The Paper includes the following UGC Model Curriculum Details :

(1) General

- 1.1 Conception of crime
 - 1.1.1 Pre-colonial notions of crime as reflected in Hindu, Muslim and Tribal Law
 - 1.1.2 Macaulay's draft based essentially on British notions.
- 1.2 State's power to determine acts or omissions as crimes
- 1.3 State's responsibility to detect, control and punish crimes.
- 1.4 Distinction between crime and other wrongs.
- 1.5 IPC : a reflection of different social and moral values.
- 1.6 Applicability of I.P.C.
 - 1.6.1 Territorial
 - 1.6.2 Personal
- 1.7 Salient features of the I.P.C.

(2) Elements of criminal liability

- 2.1 Author of crime – natural and legal person
- 2.2 Men rea – evil intention
- 2.3 Importance of mens rea
- 2.4 Recent trends to fix liability without mens rea in certain socio-economic offences.
- 2.5 Act in furtherance of guilty intent
- 2.6 Omission
- 2.7 Injury to another

(3) Group liability

- 3.1 Stringent provision in case of combination of persons attempting to disturb peace.
- 3.2 Common intention
- 3.3 Abetment:
 - 3.3.1 Instigation, aiding and conspiracy
 - 3.3.2 Mere act of abetment punishable
- 3.4 Unlawful assembly:
 - 3.4.1 Basis of liability
- 3.5 Criminal conspiracy
- 3.6 Rioting as a specific offence

(4) Stages of crime

- 4.1 Guilty intention – mere intention not punishable
- 4.2 Preparation
 - 4.2.1 Preparation not punishable

- 4.2.2 Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures.
- 4.3 Attempt
 - 4.3.1 Attempt when punishable – specific provisions of IPC
 - 4.3.2 Tests for determining what constitutes attempt – proximity, equivocality and social danger.
 - 4.3.3 Impossible attempt
- (5) Factors negating guilty intention**
 - 5.1 Mental incapacity
 - 5.1.1 Minority
 - 5.1.2 Insanity – impairment of cognitive faculties, emotional imbalance
 - 5.1.3 Medical and legal insanity
 - 5.2 Intoxication – involuntary
 - 5.3 Private defence – justification and limits
 - 5.3.1 When private defence extends to causing of death to protect body and property
 - 5.3.2 Necessity
 - 5.3.3 Mistake of fact
- (6) Types of punishment**
 - 6.1 Death;
 - 6.1.1 Social relevance of capital punishment
 - 6.1.2 Alternatives to capital punishment
 - 6.2 Imprisonment – for life, with hard labour, simple imprisonment
 - 6.3 Forfeiture of property
 - 6.4 Fine
 - 6.5 Discretion in awarding punishment
 - 6.5.1 Minimum punishment in respect of certain offences
- (7) Specific offences against human body**
 - 7.1 Causing death of human beings
 - 7.1.1 Culpable homicide
 - 7.1.2 Murder
 - 7.2 Distinction between culpable homicide and murder
 - 7.2.1 Specific mental element : requirement in respect of murder
 - 7.3 Situation justifying treating murder as culpable homicide not amounting to murder
 - 7.3.1 Grave and sudden provocation
 - 7.3.2 Exceeding right to private defense

- 7.3.3 Public servant exceeding legitimate use of force
- 7.3.4 Death in sudden fight
- 7.3.5 Death caused by consent of the deceased- euthanasia and surgical operation
- 7.3.6 Death caused of person other than the person intended
- 7.3.7 Miscarriage with or without consent
- 7.4 Rash and negligent act causing death
- 7.5 Hurt-grievous and simple
- 7.6 Assault and criminal force
- 7.7 Wrongful restraint and wrongful confinement-kidnapping from lawful guardianship and from outside India.
- 7.8 Abduction
- (8) Offences against women**
 - 8.1 Insulting the modesty of woman
 - 8.2 Assault of criminal force with intent to outrage the modesty of woman
 - 8.3 Causing miscarriage without woman's consent:
 - 8.3.1 Causing death by causing miscarriage without woman's consent
 - 8.4 Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse
 - 8.5 Buying a minor for purposes of prostitution
 - 8.6 Rape:
 - 8.6.1 Custodial rape.
 - 8.6.2 Marital rape
 - 8.7 Prevention of immoral traffic
 - 8.8 Cruelty by husband or his relatives
 - 8.8.1. Prevention of Sati
 - 8.9 Prohibition of indecent representation of women
- (9) Offences against Property**
 - 9.1 Theft
 - 9.2 Cheating
 - 9.3 Extortion
 - 9.4 Robbery and dacoity
 - 9.5 Mischief
 - 9.6 Criminal misrepresentation and criminal breach of trust**
- (10) New kinds of crimes such as terrorism, pollution and adulteration**
- (11) Law Reforms**

Bibliography

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Ratanlal-Dhirajlal's Indian Penal Code(1994 reprint)

K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi

P.S. Achuthan Pillai, Criminal Law(1995) Eastern, Lucknow

Hidayathulla. M., et.al. Ratanlal and Dhirajlals The Indian Penal Code(1994 reprint), Wadhwa & Co; Nagpur

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Kenny's Outlines of Criminal Law

VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

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SEMESTER – I

PAPER-4 LAW OF TORTS AND CONSUMER PROTECTION LAWS

Law of Torts

75 Marks

Law of Consumer Protection

25 Marks

Statutory Material :

The Consumer Protection Act, 1986

The Paper includes the following UGC Model Curriculum Details :

(1) Evolution of Law of Torts

- 1.1 England forms of action-specific remedies from case to case
- 1.2 India- Principles of Justice, equality and good conscience, uncodified character-advantages and disadvantages

(2) Definition, Nature, Scope and Objects

- 2.1 A wrongful act- Violation of duty imposed by law, duty which is owed to people generally (in rem)- *damnum sine injuria* and *injuries sine damnum*
- 2.2 Tort distinguished from crime and breach of contract
- 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.
- 2.5 Object-prescribed standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

(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
- 3.5 Place of motive in torts

(4) Justification in Tort

- 4.1 *Volenti non fit injuria*
- 4.2 Necessity, private and public
- 4.3 Plaintiff's default
- 4.4 Act of God

- 4.5 Inevitable accident
- 4.6 Private defense
- 4.7 Statutory authority
- 4.8 Judicial and quasi-judicial acts
- 4.9 Parental and quasi-parental authority
- (5) Extinguishment of liability in certain situations**
 - 5.1 Actio personalis moritur cum persona – exceptions
 - 5.2 Waiver and acquiescence
 - 5.3 Release
 - 5.4 Accord and satisfaction
 - 5.5 Limitation
- (6) Standing**
 - 6.1 Who may sue – aggrieved individual – class action – social action group
 - 6.2 Statutes granting standing to certain persons or groups
 - 6.3 Who may not be sued?
- (7) Doctrine of sovereign immunity and its relevance in India.**
- (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 Relationships
 - 8.2.1 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.
 - 8.2.2 Principal and agent
 - 8.2.3 Corporation and principal officer
- (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

(10) Wrongs affection property

- 10.1 Trespass to land, trespass ab initio, dispossession
- 10.2 Movable property – trespass to goods, detinue, conversion
- 10.3 Torts against business interests – injurious falsehood, misstatements, passing off.

(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 contributory negligence
 - 11.1.4 Res ipsa loquitur and its importance in contemporary law
- 11.2 Liability due to negligence : different professionals
- 11.3 Liability of common carriers for negligence
- 11.4 Product liability due to negligence : liability of manufacturers and business houses for their products

(12) Nuisance

- 12.1 Definition, essentials and types
- 12.2 Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air

(13) Absolute/Strict liability

- 13.1 The rule in Rylands v. Fletcher
- 13.2 Liability for harm caused by inherently dangerous industries

(14) Legal remedies

- 14.1 Legal remedies :
 - 14.1.1 Award of damages – simple, special, punitive
 - 14.1.2 Remoteness of damage – foreseeability and directness
 - 14.1.3 Injunction
 - 14.1.4 Specific restitution of property
- 14.2 Extra-legal remedies – self-help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance.

(15) Consumer movements : historical perspectives

- 15.1 Common law protection : contract and torts
- 15.2 Consumerism in India : food adulteration, drugs and cosmetics – essential Commodities.
 - 15.2.1 Criminal sanction; Sale of noxious and adulterated substances, false weights and measures. Use of unsafe carriers.

(16) Consumer, the concept

- 16.1 General Perspectives

- 16.2 Statutory and government services : to be included or not?
- 16.3 Definition and scope : the Consumer Protection Act 1986 (CPA)
 - 16.3.1 Who is not a consumer?
- (17) Unfair Trade Practices**
 - 17.1 Misleading and false advertising
 - 17.2 Unsafe and hazardous products
 - 17.3 Disparaging competitors
 - 17.4 Business ethics and business self-regulation
 - 17.5 Falsification of trade marks.
- (18) Consumer of goods**
 - 18.1 Meaning of defects in goods.
 - 18.2 Standards of purity, quality, quantity and potency
 - 18.2.1 Statutes : food and drugs, engineering and electrical goods.
 - 18.2.2 Common law : decision of courts
 - 18.3 Price control
 - 18.3.1 Administrative fixation
 - 18.3.2 Competitive market
 - 18.4 Supply and distribution of goods
- (19) Supply of essential commodities**
 - 19.1 Quality control
 - 19.2 Sale of goods and hire purchase law
 - 19.3 Prescribing standards of quality – BIS and Agmark, Essential commodities law.
- (20) Consumer Safety**
 - 20.1 Starting, distribution and handing of unsafe and hazardous products.
 - 20.2 Insecticides and pesticides and other poisonous substances
- (21) Service**
 - 21.1 Deficiency – meaning
 - 21.2 Professional services
 - 21.2.1 Medical Services
 - 21.2.2 How to determine negligence
 - 21.2.3 Violation of statute
 - 21.2.4 Denial of medical service : violation of human rights
 - 21.2.5 Lawyeering services : duty-towards-court and duty-to-client dilemma, break of confidentiality – negligence and misconduct.
 - 21.3 Public Utilities
 - 21.3.1 Supply of electricity

21.3.2 Telecommunication and postal services

21.3.3 Housing

21.3.4 Banking

(22) Commercial services

22.1 Hiring

22.2 Financing

22.3 Agency services

(23) Enforcement of consumer rights

23.1 Consumer for a under CPA : jurisdiction, powers and functions

23.1.1 Execution of orders

23.1.2 Judicial review

23.2 PIL

23.3 Class action

23.4 Remedies

23.5 Administrative remedies

Subject bibliography

Salmond and Heuston – on the Law of Torts (2000) Universal, Delhi

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Gandhi B.M. – Law of Torts (1987), Eastern, Lacknow

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Avtar Singh, The Law of Consumer Protection : Principles and Practice (2000), Eastern Book Co., Lucknow.

J.N. Barowalia – Commentary on Consumer Protection Act 1986 (2000), Universal, Delhi.

P.K. Majundar, - The Law of Consumer Protection in India (1998), Orient Publishing Co., New Delhi.

R.M. Vats – Consumer and the Law (1994), Universal, Delhi.

Anoop K. Kaushal : Practical Guide to Consumer Protection Law (2nd Edn.) Reprint Universal 1998.

VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

F.Y. LL.B.

SEMESTER – II

PAPER-5 CONSTITUTIONAL LAW OF INDIA

The Constitution of India
Prescribed Cases

85 Marks
15 Marks

Prescribed Cases :

- (1) Indian Federalism
 - State of West Bengal Vs. Union of India AIR 1963 SC 1241
- (2) Council of Ministers at Center is Indispensable
 - U.N. Rao Vs. Indira Gandhi AIR 1971 SC 1002
- (3) Privileges of Legislative Assembly
 - In Re, Keshav Singh AIR 1965 SC 745
- (4) Fundamental Features (Basic Structure) Theory
 - Keshvanab Bharti Vs. State of Kerala AIR 1973 SC 1461
- (5) Parliamentary Democracy
- (6) Legislative Process : Responsible Government
 - Ram Jawaya Kapur Vs. State of Punjab AIR 1955 SC 4549
- (7) Inter State Trade, Commerce and Inter course:Federalism
 - Automobile Transport Ltd Vs. State of Rajasthan AIR 1962 SC 1405
- (8) Suspension of Fundamental Right during Emergency
 - Mohd. Yakub Vs. State of J & K AIR 1968 SC 765
- (9) Doctrine of Equality: Discriminatory Classification: Justified
 - Ramkrishna Dalamia Vs. Justice Tendolkar AIR 1958 SC 538
- (10) Freedom of Press
 - Bennet Colemann & Co. Vs. Union of India AIR 1973 SC 106
- (11) Due Process Clause Vs. Procedure Established by Law
 - A.K. Gopalan Vs. State of Madras AIR 1950 SC 27
- (12) Fundamental Rights of the minority to established and administer the Educational institute: Secularism
 - St. Xavier's College Society Vs. State of Gujarat AIR 1974 SC 1989
- (13) Constitutional Protection to Public Servant: Extent of
 - Union of India Vs. Tulsiram Patel AIR 1985 SC 1416
- (14) Fundamental Rights to Religion : Secularism
 - Dr. M. Ismail Farooqui Vs. Union of India (Demolition of Babri Mosque Structure Case)
- (15) Reservation Policy Mandel Commission
 - Indira Sawhney Vs. Union of India AIR 1993 SC 477
 - Romesh Tapar Vs. State of Madras 1950 SCR 594
- (16) Freedom of Movement
 - Maneka Gandhi Vs. Union AIR 1978 SC 598
- (17) Independence of Judiciary
 - Supreme Court Advocate on Record Association Ors. Vs. Union of India AIR 1994 SC 268
- (18) Federal Structure : Act-359 : Secularism
 - Keshvannd Bharti Vs. State of Kerala AIR 1973 SC 1461

- (19) Basic Structure Theory
- *Minerwa Mills Vs. Union of India* AIR 1980 SC 1718
- (20) Habeas Corpus Case
- *A.D.M. Jabalpur Vs. Shivkant Shukla* AIR 1976 SC 1207

The Paper includes the following UGC Model Curriculum Details :

(1) Historical Perspective

- 1.1 Constitutional Developments since 1858 to 1947.
- 1.2 Gandhi Era – 1919 to 1947 Social, political economic, spiritual influence
- 1.3 Manking of Indian Constitution
- 1.4 Nature and special features of the Constitution.

(2) Parliamentary Government

- 2.1 Westminster model – choice of parliamentary government at the Centre and States
- 2.2 President of India
 - 2.2.1 Election, qualification, salary and impeachment
 - 2.2.2 Powers : legislative, executive and discretionary powers
- 2.3 Council of Ministers
- 2.4 Governor and state government – constitutional relationship.
- 2.5 Legislative process
 - 2.5.1 Practice of law-making
 - 2.5.2 Legislative privileges and fundamental rights
- 2.6 Prime Minister – cabinet system – collective responsibility – individual responsibility.
- 2.7 Coalition Government Anti-defection Law.

(3) Federalism

- 3.1 Federalism – principles: comparative study.
- 3.2 Indian Federalism : identification of federal features
 - 3.2.1 Legislative relations
 - 3.2.2 Administrative relations
 - 3.2.3 Financial relations.
- 3.3 Governor's role
- 3.4 Centre's power over the states – emergency
- 3.5 J & K – special status
- 3.6 Challenges to Indian federalism

(4) Constitutional Processes of Adaptation and Alteration

- 4.1 Methods of constitutional amendment

- 4.2 Limitations upon constituent power
- 4.3 Development of the basic Structure : Doctrine judicial activism and restraint
- (5) Secularism**
 - 5.1 Concept of secularism : historical perspective
 - 5.2 Indian constitutional provision
 - 5.3 Freedom of religion – scope
 - 5.4 Religion and the state : the limits
 - 5.5 Minority rights
- (6) Equality and Social Justice**
 - 6.1 Equality before the law and equal protection of laws.
 - 6.2 Classification for differential treatment :
 - 6.3 Gender justice
 - 6.4 Justice to the weaker sections of society : scheduled castes, scheduled tribes and other backwards classes
 - 6.5 Strategies for ameliorative justice
- (7) Freedoms and Social Control**
 - 7.1 Speech and expression
 - 7.1.1 Media, press and information
 - 7.2 Freedom of speech and contempt of court
 - 7.3 Freedom of assembly
 - 7.4 Freedom of association
 - 7.5 Freedom of movement
 - 7.6 Freedom to reside and settle
 - 7.7 Freedom of profession/business
 - 7.8 Property : from fundamental right to constitutional right
- (8) Personal Liberty**
 - 8.1 Rights of an accused – double jeopardy – self-incrimination retroactive punishment
 - 8.2 Right to life and personal liberty : meaning, scope and limitations
 - 8.3 Preventive detention – constitutional policy
- (9) Fundamental Rights and Directive Principles**
 - 9.1 Directive Principles – directions for social change – A new social order
 - 9.2 Fundamental Rights and Directive Principles – inter-relationship-judicial balancing
 - 9.3 Constitutional amendments – to strengthen Directive Principles.
 - 9.4 Reading Directive Principles into Fundamental Rights
- (10) Fundamental duties**
 - 10.1 The need and status in constitutional set up

- 10.2 Interrelationship with fundamental rights and directive principles
- (11) Emergency**
 - 11.1 Emergency meaning and scope
 - 11.2 Proclamation of emergency – conditions – effect of emergency on Centre-State relations.
 - 11.3 Emergency and suspension of fundamental rights
- (12) Judiciary under the Constitution**
 - 12.1 Judicial process
 - 12.1.1 Court system
 - 12.1.2 The Supreme Court
 - 12.1.3 High Courts
 - 12.1.4 Subordinate judiciary
 - 12.1.5 Judges : appointment, removal, transfer and condition of service : judicial independence.
 - 12.2 Judicial review : nature and scope
- (13) Services under the Constitution**
 - 13.1 Doctrine of pleasure (Art. 310)
 - 13.2 Protection against arbitrary dismissal, removal, or reduction in rank (Art.311)
 - 13.3 Exceptions to Art.311

Select bibliography

- G. Austin : History of Democratic Constitution : The Indian Expenditure (2000) Oxford.
- D.D. Basu : Shorter Constitution of India, (1996), Prentice Hall of India, Delhi.
- Introduction to Constitution of India.
- Constituent Assembly debates Vol. 1 to 12 (1989)
- H.M. Seervai : Constitution of India, Vol. 1-3(1992), Tripathi, Bombay
- M.P.Singh(ed), V.N. Shukla : Constitutional Law of India (2000)' Oxford
- G. Austin Indian Constitution : Comestone of a Nation (1972)
- M. Galanter, Competing Equalitie : Law and the Backward Classes in India (1984) Oxford
- B. Sivaramayya : Inequalities and the Law (1984) Eastern, Lucknow
- S.C. Kashyap : Human Rights and Parliament (1978) Metropolitan, New Delhi
- M.P. Jain : Constitutional Law of India
- H.R. Khanna : Making of India's Constitution
- T.K. Tope : Constitutional Law of India
- M.Hidayatullah : Constitutional Law of India (Vol. 1 to 3)

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SEMESTER – II

PAPER-6 ADMINISTRATIVE LAW

Administrative Law
Prescribed Cases

85 Marks
15 Marks

Prescribed Cases :

(1) Doctrine of Separation of Powers

- Indira Gandhi Vs. Raj Narain AIR 1975 SC 2299

(2) Doctrine of Delegated Legislation

- Gwalior Rayon Silk Mfg. (weaving) Co.Ltd.,
Vs. Asst. Commissioner, Sales Tax AIR 1974 SC 1660

(3) Scope of Judicial Review/Principles of Natural Justice –

Fair Hearing- Duty to act fairly

- A.K. Kraipak Vs. Union of India AIR 1970 SC 150
- Maneka Gandhi Vs. Union of India AIR 1978 SC 597

(4) Judicial Review of Contractual Liability of State –

Definition of "State"

- R.D. Shetty Vs. International Airport Authority 1979 SSC 489

(5) Torts Liability of the State

- Shyam Sunder Vs. State of Rajasthan AIR 1974 SC 890

The Paper includes the following UGC Model Curriculum Details :

(1) Evolution, Nature and Scope of Administrative Law

1.1 From a laissez-faire to a social welfare state

1.1.1 State as regulator of private interest

1.1.2 State as provider of services

1.1.3 Other functions of modern state : relief, welfare

1.2 Evolution of administration as the fourth branch of government – necessity for delegation of powers on administration.

1.3 Evolution of agencies and procedures for settlement of disputes between individual and administration.

1.3.1 Regulatory agencies on the United States

1.3.2 Conseil d'Etat

1.3.3 Tribunalization in England and India

1.4 Definition and scope of administrative law

- 1.5 Relationship between constitutional law and administrative law
- 1.6 Separation of powers
- 1.7 Rule of law

(2) Civil Service in India

- 2.1 Nature and organization of civil service : from colonial relics to democratic aspiration
- 2.2 Powers and functions
- 2.3 Accountability and responsiveness : problems and perspectives
- 2.4 Administrative deviance – corruption, nepotism, mal-administration.

(3) Legislative Powers of Administration

- 3.1 Necessity for delegation of legislative power
- 3.2 Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
- 3.3 Requirements for the validity of delegated legislation
 - 3.3.1 Consultation of affected interests and public participation in rule-making
 - 3.3.2 Publication of delegated legislation
- 3.4 Administrative directions, circulars and policy statements
- 3.5 Legislative control of delegated legislation.
 - 3.5.1 Laying procedures and their efficacy.
 - 3.5.2 Committees on delegated legislation – their constitution, function and effectiveness
 - 3.5.3 Hearings before legislative committees
- 3.6 Judicial control of delegated legislation
- 3.7 Sub-delegation of legislative powers

(4) Judicial Powers of Administration.

- 4.1 Need for devolution of adjudicatory authority on administration
- 4.2 Administrative tribunals and other adjudicating authorities : their ad-hoc character
- 4.3 Tribunals – need, nature, constitution, jurisdiction and procedure
- 4.4 Jurisdiction of administrative tribunals and other authorities
- 4.5 Distinction between quasi-judicial and administrative functions.
- 4.6 The right to hearing – essentials of hearing process
 - 4.6.1 No man shall be judge in his own cause
 - 4.6.2 No man shall be condemned unheard
- 4.7 Rules of evidence – no evidence, some evidence and substantial evidence rules
- 4.8 Reasoned decisions
- 4.9 The right to counsel
- 4.10 Institutional decisions

- 4.11 Administrative appeals
- (5) Judicial Control of Administrative Action.**
 - 5.1 Exhaust on of administrative remedies
 - 5.2 Standing : standing for Public interest litigation (social action litigation) collusion, bias.
 - 5.3 Laches
 - 5.4 Res Judicate
 - 5.5 Grounds
 - 5.5.1 Jurisdictional error/ultra viers
 - 5.5.2 Abuse and non exercise of jurisdiction
 - 5.5.3 Error apparent on the face of the record
 - 5.5.4 Violation of principles of natural justice
 - 5.5.5 Violation of public policy
 - 5.5.6 Unreasonableness
 - 5.5.7 Legitimate expectation
 - 5.6 Remedies in judicial Review :
 - 5.6.1 Statutory appeals
 - 5.6.2 Mandamus
 - 5.6.3 Certiorari
 - 5.6.4 Prohibition
 - 5.6.5 Quo-Warranto
 - 5.6.6 Habeas Corpus
 - 5.6.7 Declaratory judgment and injunctions
 - 5.6.8 Specific performance and civil suits for compensation
- (6) Administrative Discretion**
 - 6.1 Need for administrative discretion
 - 6.2 Administrative discretion and rule of law
 - 6.3 Limitations on exercise of discretion
 - 6.3.1 Malafide exercise of discretion
 - 6.3.2 Constitutional imperatives and use of discretionary authority
 - 6.3.3 Irrelevant considerations
 - 6.3.4 Non-exercise of discretionary power
- (7) Liability for Wrongs (Tortious and Contractual)**
 - 7.1 Tortious liability : sovereign and non-sovereign functions
 - 7.2 Statutory immunity
 - 7.3 Act of state

- 7.4 Contractual liability of government
- 7.5 Government privilege in legal proceedings – state secrets, public interest
- 7.6 Transparency and right to information
- 7.7 Estoppel and waiver
- (8) Corporations and Public Undertakings**
 - 8.1 State monopoly-remedies against arbitrary action for acting against public
 - 8.2 Liability of public and private corporation – departmental undertaking
 - 8.3 Legislative and government control
 - 8.4 Legal remedies
 - 8.5 Accountability-Committee on Public Undertakings Estimate Committee, etc.
- (9) Informal Methods of Settlement of Disputed and Grievance Redressal Procedures**
 - 9.1 Conciliation and mediation through social action groups
 - 9.2 Use of media, lobbying and public participation
 - 9.3 Public inquiries and commissions of inquiry
 - 9.4 Ombudsman: Lok Pal, Lok Ayukta
 - 9.5 Vigilance Commission
 - 9.6 Congressional and Parliamentary Committees

Select Bibliography

- C.K. Allen : Law & Orders (1985)
- D.D. Basu : Comparative Administrative Law(1998)
- M.A. Fazal : Judicial Control of Administrative Action in India, Pakistan and Bangladesh(2000), Butterworths, India
- Franks: Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959
- Cane: An Introduction to Administrative Law(1996) Oxford
- H.M.R. Wade: Administrative Law(Seventh Edit. Indian print 1997), Universal, Delhi.
- C.Garner: Administrative Law(1989), Butterworths(ed. B.L. Jones)
- M.P. Jain: Cases and Materials on Indian Administrative Law Vol. I and II(1996) Universal, Delhi
- Jain & Jain: Principles of Administrative Law(1997), Universal, Delhi
- S.P. Sathe: Administrative Law(1998), Butterworths, Delhi
- De.Smith: Judicial Review of Administrative Action(1995) Swest & Maxwell with Supplement
- Shwartz: An Introduction to American Administrative Law
- Indian Law Institute: Cases & Materials on Administrative Law In India Vol. I (1006), Delhi
- I.P. Massey: Administrative Law(6th Edit.) Eastern, Lucknow.
- C.K. Thakker: Administrative Law
- C.K. Takwani: Lectures on Administrative Law (3rd Edit.1979)

VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

F.Y. LL.B.

SEMESTER – II

PAPER-7 LAW OF ENVIRONMENT

Environment Law

85 Marks

Prescribed Cases

15 Marks

Environment & Constitution

Constitution law of India(Art. 21,48A, 51A)

Industrial Development & Regulation Act-1951(Relevant Provision)

New Licensing & Environment Clearance Act,(Relevant Provision)

Provision Relating to Nuisance in IPC & Cr.P.C. (Relevant Provision)

Provisions on Public Health & Hygiene(Relevant Provision)

(I) Bengal Smoking Nuisance Act, (Relevant Provision)

(II) Environment & Labour Laws (Relevant Provision)

(III) Environment & Criminal Laws (Relevant Provision)

(IV) Environment & Wild Life Conservation Laws (Relevant Provision)

(V) Environment & Forest Laws (Relevant Provision)

The course demands an interdisciplinary approach looking at Socio-economic structure ecological knowledge.

- (1) The meaning of environment defined in environment Protection Act, 1986 and definition of pollution in the same act and in the water (Prevention & Control of Pollution) Act,1974. Forests-defined in Indian Forest Act, 1927 & Forest Conservation Act, 1980. Constitution of India- Articles 15(2)(b),24,39(a)(b)(c)(e)(f), 47, 48A, 49.
- (2) Ecological cycles and Interdependence of Eco-system in nature, Laws concerning, forestry, irrigation, town-planning, water resources utilization, use of energy resources, interface with laws of nature. Laws regulating nature and its consistency with man's social system.
- (3) Development, Economic Policies, National resources and its utilization alternative energy, generation etc. alternative housing technologies.
- (4) Types of Environment Laws:
 - 4.1 Laws for Acquisition: Land acquisition Laws, Forest Laws Ores and Fuel Resources acquisition laws.
 - 4.2 Law for Production and Planning: Tenancy laws, Land Development and Reform Laws. Industrial and Factory Laws, atomic energy Law.
 - 4.3 Laws for Distribution: Essential Commodities Laws, Wildlife, fuel, fodder and cahleuse Laws, Land and Forest use laws.
 - 4.4 Laws for Conservation: Conservation of forest, wildlife, energy's laws, Protection against pollution Laws, Protection against hazardous substances Laws.
- (5) Function of Environmental Laws: Primary Protective Laws, Secondary Laws, Territory Laws.
 - 5.1 Primary Protective Laws:
 - (I) For human beings: (a)Water (b)Air (c)noise (d)Nuclear Radiation (e)Toxic Substances
 - (II) For Non Human beings: (a)Wild Life (b)Marine Life (c)Forests (d)Restriction of Trade (e)Minor Forests.

5.2 Primary Planning Laws:

- (I) For Production : and use, irrigation, industrial mining, grazing land, catchment areas, wetlands estuaries.
- (II) For Distribution: Land ceiling Town planning, Slums, Housing, Parks, Sanctuaries Parks, Recreational Areas, Biospheres.

(6) Secondary Law :

Pertaining to administrative and functioning of pollution control Boards. Water Boards, Forest Departments, Wasteland development under the Factories Act, Forest Act, Land Reform and Development Acts, Industries Act, etc.

(7) Territory Laws:

Constitutional provisions concerning inter state relations concerning acquisition, regulation and distribution of Natural.

Resources (Water, Forests, Oil Mines)

Constitutions :

Articles : 14,19,31A, 31B, 31C, 39(b) and C

Union List : 6, 52, 56, 52

Concurrent List : 17, 17A, 17B, 18, 20 (9th schedule)

(8) Issues of Distributive Justice :

Basic principles of distributive justice applicable to utilization of Natural resources.

- (I) Constitutional Principles (Art.-39)
- (II) International Convention and Treaties.
- (III) Conventions or laws applicable to agencies funding ecologically sensitive projects e.g. World Bank.
- (IV) Principles of compensations and rehabilitation.

(9) Legal Strategies Regulation :

Basic of regulation on management of agencies likely to cause damage to the environment or the people.

- (I) Deterrence through Criminal Liability, Strict liability Vicarious liability.
- (II) Multi national Corporate liabilities.
- (III) Scope and limits of Public interest litigation in Environment issues.
- (IV) Rights in Common Law
- (V) Principles of Tortuous liability etc.
- (VI) Nature Rights Theories.

Prescribed Cases :

- (1) M.C. Mehta Vs. Union of India AIR 1987 SC 695
- (2) Rural Litigation and entitlement Kendra Vs. State of UP AIR 1985 SC 652
- (3) Union of India Vs. Union Carbide Corporation
(Bhopal Gas tragedy and its legal implications)

- | | | |
|-----|---|------------------|
| (4) | Municipal Council, Ratlam Vs. Vardhichand | AIR 1980 SC 1622 |
| (5) | Banwasi Sevashram Vs, State of UP | AIR 1987 SC 374 |
| (6) | L.K. Kulwal Vs. State of Rajasthan | AIR 1988 Raj. 24 |

Statutory Materials :

- (1) The Constitution of India(Articles: 14,15,15(2)(b), 19(c) 21, 31C, 32, 38, 39, 42, 47, 48A, 49, 51, 51A(9))
- (2) Water (Prevention and control of Pollution)Act, 1974
- (3) Air (Prevention and Control of Pollution) Act-1974
- (4) Environment (Protection) Act-1986
- (5) The Indian Penal Code-1960 (SS – 188, 268, 269, 272, 277, 288, 290, 430)
- (6) Criminal Procedure Code – 1974 (SS – 133, 141)
- (7) Indian Easement Act – 1882 (SS – 2, 7, 15, 28(d))
- (8) The Factories Act – 1948 (SS – 12, 92)
- (9) The Indian Forests Act – 1927 (SS – 26, 32(F))
(The Indian Forest [Gujarat Unification and Amendment] Act – 1960 (Private Forests [Acquisition] Act – 1972)
- (10) The Gujarat Municipalities Act – 1972
- (11) Conservation Act, 1980
- (12) Wildlife Protection Act, 1972 (Amended in 1984)
- (13) Cattle Trespass Act, 1971
- (14) Wastelands (claims) Act, 1983.

The Paper includes following UGC Model Curriculum Details :

(1) Concept of environment and Pollution

- 1.1 Environment
 - 1.1.1 Meaning and contents
- 1.2 Pollution
 - 1.2.1 Meaning
 - 1.2.2 Kinds of pollution
 - 1.2.3 Effects of pollution

(2) Legal control : historical perspectives

- 2.1 Indian tradition : dharma of environment
- 2.2 British Raj – industrial development and exploitation of nature
 - 2.2.1 Nuisance : penal code and procedural codes
- 2.3 Free India – continuance of British influence
 - 2.3.1 Old laws and new interpretations.

(3) Constitutional Perspectives

- 3.1 Constitution making – development and property oriented approach
- 3.2 Directive principles
 - 3.2.1 Status, role and interrelationship with fundamental rights and fundamental duties.
- 3.3 Fundamental Duty
 - 3.3.1 Judicial approach
- 3.4 Fundamental Rights
 - 3.4.1 Rights to clean and healthy environment
 - 3.4.2 Right to education
 - 3.4.3 Right to information
 - 3.4.4 Environment v. Development
- 3.5 Enforcing agencies and remedies
 - 3.5.1 Courts
 - 3.5.2 Tribunal
 - 3.5.3 Constitutional, statutory and judicial remedies
- 3.6 Emerging principles
 - 3.6.1 Polluter pays : public liability insurance
 - 3.6.2 Precautionary principle
 - 3.6.3 Public trust doctrine
 - 3.6.4 Sustainable development

(4) Water and Air Pollution

- 4.1 Meaning and standards
- 4.2 Culprits and victims
- 4.3 Offences and penalties
- 4.4 Judicial approach

(5) Noise Pollution

- 5.1 Legal control
- 5.2 Court's of balancing permissible and impermissible noise

(6) Environment Protection

- 6.1 Protection agencies : power and functions
- 6.2 Protection : means and sanctions
- 6.3 Emerging protection through delegated legislation
 - 6.3.1 Hazardous waste
 - 6.3.2 Bio-medical waste
 - 6.3.3 Genetic engineering

- 6.3.4 Disaster emergency preparedness
- 6.3.5 Environment impact assessment
- 6.3.6 Coastal zone management
- 6.3.7 Environment audit and eco mark
- 6.4 Judiciary : complex problems in administration of environmental justice
- (7) Town and country planning**
 - 7.1 Law : enforcement and constrain
 - 7.2 Planning – management policies
- (8) Forest and greenery**
 - 8.1 Greenery conservation laws
 - 8.1.1 Forest conservation
 - 8.1.2 Conservation agencies
 - 8.1.3 Prior approval and non-forest purpose
 - 8.1.4 Symbiotic relationship and tribal people
 - 8.1.5 Denudation of forest : judicial approach
 - 8.2 Wild life
 - 8.2.1 Sanctuaries and national parks
 - 8.2.2 Licensing of zoos and parks
 - 8.2.3 State monopoly in the sale of wild life articles
 - 8.2.4 Offences against wild life.
- (9) Bio-diversity**
 - 9.1 Legal control
 - 9.2 Control of eco-unfriendly experimentation on animals, plants, seeds and micro organism.
- (10) International regime**
 - 10.1 Stockhoim conference
 - 10.2 Green house effect and ozone depletion
 - 10.3 Rio conference
 - 10.4 Bio-diversity
 - 10.5 U.N. declaration on right to development
 - 10.6 Wetlands

Select bibliography :

Chhatrapati Singh : Common Property and Common Poverty, 1985

Aarmin Flosencranz, et al., (eds.) Environmental Law and Policy in India (2000), Oxford

R.B. Singh & Suresh Misra : Environment Law in India (1996), Concept Publishing Co., New Delhi.

S.N. Jain (ed.), : Pollution Control and the Law (1978)

Kailash Thakur : Environment Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.

Richard L. Rivesz, et.al.(eds.) : Environment Law, the Economy and Sustainable Development (2000), Cambridge.

Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana.

Leelakrishnan, P et.al.(eds.), Law and Environment (1990), Eastern, Lucknow

Leelakrishnan, P, The Environmental Law in India (1999), Butterworths-India.

Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)

Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No.3, pp.353-801

Centre for Science and Environment, The State of India's Environment 1982, The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000.

World Commission on Environment and Development, Our Common Future (1987), Oxford.

Indian Law Institute : Environment Protection : An Agenda for Implementation.

Prithvish Nag : Essays on Environment and Resources, Some Regional Issues, 1991.

VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

F.Y. LL.B.

SEMESTER – II

PAPER-8 LAW OF PROPERTY & EASEMENT ACT.

Transfer of Property Act.	50 Marks
Indian Easement Act.	15 Marks
Intellectual Property Law	20 Marks
Prescribed Cases	15 Marks

Prescribed Cases :

(1) Jayaram Mudliar Vs. Ayyaswamin & Ors.	AIR 1973 SC 569
(2) Prakash Cand Khurana Vs. Harman Singh & Bros.	AIR 1973 SC 2065
(3) M/s. Sachlmal Parasram Vs. Mst. Ratnbai & Ors.	AIR 1972 SC 637
(4) Ahmed Bin Saleh & Ors. Vs. Mohd. Basha	AIR 1972 SC 806
(5) Jegatram Sethi Vs. Rai Bahadur D.D. Jain & Ors.	AIR 1972 SC 1927
(6) Chhogmal Bhandari & Ors. Vs. Dy. Commercial Tax Officer	AIR 1976 SC 656

The Paper includes the following UGC Model Curriculum Details :

(1) Jurisprudential Controls of Property

- 1.1 Concept and meaning of property - new property – governmental largesse.
- 1.2 Kinds : property movable and immovable property – tangible and intangible property – intellectual property – copyright – patents and designs – trade – marks.
- 1.3 The concept of common property resource
- 1.4 Possession and ownership as – man – property relationship – finder of lost goods.

(2) Resources Use Pallerns and Concepts in India : Who owns land? Sovereign or the subject?

- 2.1 Pre-colonial position.
 - 2.1.1 Hindu theory
 - 2.1.2 Muslim theory
 - 2.1.3 Tribal approaches
- 2.2 Position under colonial administration
 - 2.2.1 Introduction of permanent settlement
 - 2.2.2 Ryotwari settlements
 - 2.2.3 Evaluation of eminent domain under company administration
- 2.3 Effects of colonial revenue administration.
 - 2.3.1 Intermediaries
 - 2.3.2 Tenancies
 - 2.3.3 "Land going to the market"
 - 2.3.4 Inequalities in landholding

- 2.4 Requisitioning and acquisitioning of immovable property.
 - 2.4.1 Land Acquisition : inquiry – notice and hearing – should ecological moves be examined?
 - 2.4.1.1 Concept of public purpose
 - 2.4.2 Requisitioning : powers, right, exemption and release
 - 2.4.3 Inadequacies
- (3) Forms of Control Urban Property
 - 3.1 Right to Housing and Shelter
 - 3.1.1 Slum Clearance or slum improvement?
 - 3.1.2 Housing Policy
 - 3.2 Rent Control
 - 3.2.1 Protection against eviction and fixation of fair rent.
 - 3.3 Urban development authority
 - 3.3.1 Master plan
 - 3.3.2 Zonal development plan
 - 3.3.3 Declaration of development areas
 - 3.3.4 Powers of the authority
- (4) Post-constitutional Development with Respect to Agricultural Land.
 - 4.1 "Land to the tiller"
 - 4.2 Land ceiling legislation
 - 4.3 State enactments prohibiting alienation of land by tribals to non-tribals.
- (5) **Law Relating to Transfer of Property**
 - 5.1 General principles of transfer of property
 - 5.2 Specific transfers
 - 5.2.1 Sales
 - 5.2.2 Mortgages
 - 5.2.2.1 Under the provision of the Transfer of Property Act, 1882
 - 5.2.2.2 To a land mortgage bank, land development bank, powers and functions.
 - 5.3 Charges
 - 5.4 Leases
 - 5.5 Exchanges
 - 5.6 Gifts
 - 5.7 Actionable claims
- (6) **Trusts**
 - 6.1 Definition and classification

6.2 Trust distinguished from agency, bailment and a wakf.

6.3 Charitable trusts, Resulting and constructive trusts.

(7) Law Relating to Certain Intangible Properties

7.1 Goodwill

7.2 Trademarks

7.3 Patents and designs

7.4 Copyright

7.5 Video piracy

7.6 Software

(8) Easements

8.1 Nature, characteristics and extinction

8.2 Creat of easements

8.3 Ripanan rights

8.4 Licenses

(9) Recordation of Property Rights

9.1. Law relating to registration of documents affecting property relations – Exemptions of leases and mortgages in favour of land development bank from registration.

9.2. Recordation of rights in agricultural and with special reference to respective states.

9.3. Investigating of title to property

9.4. Law relating to stamp duties

9.4.1. Of the liability of instrument to duty.

9.4.2. Duties by whom payable

9.4.3. Effect of not duly stamping instruments : Examinbation and impounding of instructions; inadmissibility on evidence; impounding of instruments.

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Subbarao, Transfer to Property Act, (1994), C. Subbiah Chetty, Madras

B. Sivaramayya, The equalities and the Law, (1997) Eastern Book Co., Lucknow.

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S.M. Shah : Lectures on Law of Transfer of Property

T.R. Desai : Indian Easement Act.

Ghosh : Transfer of Property

VEER NARMAD SOUTH GUJARAT UNIVERSITY, SURAT.

F.Y. LL.B.

SEMESTER – II

PAPER-9 WOMEN AND LAW AND LAW RELATING TO CHILD

Law relating to Woman & Child
Prescribed Cases

85 Marks

15 Marks

- (1) **Status of Woman in Pre-independence and Post-Independence India :**
Social and legal inequality : Social Reform Movement : Freedom Struggle and Role of Women :
Views of National leaders like Gandhi and Nehru on Women : Constitutional provisions : Fundamental Rights : Directive Principles : Fundamental duties : Uniform Civil and gender Justice.
Constitution of India : Articles – 14, 15, 16, 21 22, 24, 39, 39A, 226
(Reservation for women in legislature Proposed amendment)
- (2) **Woman and Family :**
Sex inequality in inheritance rights, discriminatory provisions in Family Laws in Matters relating to marriage, divorce, guardianship, maintenance, adoption etc.
- Statutory Provisions :**
- Hindu Marriage Act – 1955
 - Hindu Succession Act – 1955
 - Hindu Minority and Guardianship Act – 1956
 - Hindu Adoption and maintenance Act – 1956
 - The Muslim Women (Protection of Rights on Divorce) Act – 1986
 - The Dissolution of Muslim Marriage Act – 1939
 - The Indian Divorce Act – 1869
 - The Parsi Marriage and Divorce Act
 - Guardianship and Wards Act – 1890
 - The Family Courts Act – 1984
- (3) **Women and Property :**
Matrimonial property, Stridhan, Women's right to property, The Hindu Women's Right to Property Act – 1937.
- (4) **Women and Employment :**
Labor Harassment of Women at work place, Laws to protect women and her labor
- Statutory Provisions :**
- Maternity Benefit Act – 1961
 - Equal Remuneration Act – 1976
 - Medical Termination of Pregnancy Act – 1971
 - Factories Act – 1948
 - Contract Labour (Regulation and Abolition) Act – 1970

(5) Social Legislation :

- The Dowry Prohibition Act – 1961
(Later on Amendments in 1984, 1986)
- Pre-Natal Diagnostic Techniques Act – 1994
(Regulation, Prevention and Prohibition of Misuse)
State Laws Banning amniocentesis female infanticide
- The Commission of Sati (Prevention) Act – 1987
- The Child Marriage Restrain Act – 1929
- The Indecent Representation of women (Prohibition) Act – 1986
- Domestic Violence Act, 2006.

(6) Offences against Women :

Violence against women committed within family and outside Battering dowry deaths, Forced prostitution etc. custodial violence.

Statutory Provisions :

Indian Penal Code (relevant provisions relating to dowry death, cruelty, kidnapping, abduction, sexual offences, forced labour, offences relating to marriage)

- Immoral traffic (Prevention) Act – 1956
- Prohibition of Devdasi System (Andhra Pradesh Devdasi Prohibition of Dedication) Act – 1988

(7) Formation of National Commission for Women under the National Commission for Women Act – 1990. its Constitution, Powers and Function.

- The Human Right Act – 1993.
- International Concern regarding status of Women
- International Year of the Women – 1975
- Convention of Elimination all forms of Discrimination against women.

Prescribed Cases :

- | | |
|--|---|
| (1) Air India Vs. Nargish Mirza & Ors. | 1981 4 SC(3) AIR 1981 SC 1829 |
| (2) C.B.Muthamma Vs. Union of India | 1978 4 SC 260 AIR 1979 SC 1868 |
| (3) Adultery – right to husband – Sec. 497 IPC
Smt. Sowmithri Vishnu Vs. Union of India | 1985 SC 1681(1985) Cr.L.J.1302 SC
(42nd Report of Law) |
| Commission with dissenting note by Anna Chandy on provision of adultery p.366 | |
| (4) Pratibha Rani Vs. Surajkumar
non return of dowry Articles by husband amounts to criminal beach of trust. | AIR 1985 SC 628 |
| (5) Shobha Rani Vs. Madhukar Reddy
Andra Pradesh Demand for dowry amounts to cruelty. | AIR 1988 SC 121 |
| (6) Smt. Lichhamadevi Vs. State of Rajasthan
Murder of daughter in law (issue of dowry) imprisonment for life. | AIR 1988 SC 1975 |
| (7) Swaraj Garg Vs. V.K.M. Garg – Choise of matrimonial home | AIR 1978 SC 296 |
| (8) Abdul Rahim Undre Vs. Padma Undre
Partition of Matrimonial Home | AIR 1982 Bom. 341 |
| (9) Bai Tahera Vs. Ali Hussain | AIR 1979 SC 362 |
| (10) Mohmad Ahmed Khan Vs. Shabanu Begam
Maintenance of Muslim wife payment of sum under personal law does not absolve a husband form his obligation under - Sec. 125 Cr.P.C. | |

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|---|---|
| (11) Dr. N.G. Dastane Vs. Mrs. S. Dastane
Mental cruelty as a ground for divorce | AIR 1975 SCC 1534 |
| (12) Smt. Sarla Mudgal, President Kaluani & Ors.
Vs. Union of India & Ors. | 1995 3 SCC 635 (653)
AIR 1995 SC 1531 (Uniform Civil Code) |

Recommended Books :

- (1) Towards Equality – Report of the committee on the status of women (Govt. of India)
- (2) The Law Commission of India – 1988 (By : Lokita Sarkar)
- (3) Protection of women under the law (By : Anwal Yaquin & Badar Anwal)
- (4) Women's Rights (By : M.J. Antony)
- (5) Women and the Law (By : Anjani Kant)
- (6) Relevant Articles Published in,
 - The Annual Survey of the Indian Law
 - The Journal of Indian Law Institute
 - The Central India Law Quarterly
 - The Lawyer's Collective, Manushi etc.

LAW RELATING TO CHILD :

(1) Constitutional and International Legal Status of Child :

- Constitutional Law of India Arts. 15(3), 23, 24, 39(e) & (f), 45, 46, 47
- List-II – Entry 4, List III – Entry 5, 30, 41
- National Policy for Children – 1974
- National Policy for Children – 1987
- U.N. Declaration of the Rights of the Child – 1924, 1959
- U.N. Convention on the Rights of the Child – 1989
- International year of the child-1979
- Saare year of the girl child
- Rights of the girl child
- I.L.O. Conventions and Recommendation.

(2) Family Relations and The Child :

The status of the child matters of marriage, legitimacy, Guardianship, Adoption, maintenance and custody statutory provisions :

- Hindu Marriage Act-1955
- The Child Marriage Restraint (Aonend) Act-1973
- The Guardianship and Wards Act-1956
- Adoption Prill-1976
- Code of Criminal Procedure – 1973 (Sec.125)
- Hindu Succession Act-1859
- The Indian Divorce Act-1869
- Indian Succession Act-1925
- Corresponding law for Muslims
- Christian, Parsi and other Communities

(3) Legal Control of the Child Labour :

Regulation of the employment of children in various occupations and the protection of the health and well being of the children. International conventions, Recommendations of the ILO Recommendations of the National Commission of Labour.

Statutory Provisions:

- Child Labour (Prohibition and Regulation) Act-1986
- Child Labour (repealed) (Regulation & Prohibition) Act-1938
- The children (Pleading of Labour) Act-1933 (Amendment 1970)
- Factories Act-1948 (Ss-23, 92, 67, 68, 69, 70, 71, 72, 73, 75, 76, 78)
- Apprentices Act-1961 (Sec.3)
- Mines Act-1952 (Sec.40)
- Beedi and Cigar Workers (Conditions of Employment Act-1966) (SS. 14, 24)
- Plantation Labour Act-1952 (Ss. 25,26)

(4) Criminal Law and The Child:

Substantive Criminal Law relating to children and Judicial proceeding in Criminal cases relating to Children.

Statutory Provisions:

- Children Act-1960 (Ss. 86, 92,(23), 98, 100 to 104, 107, 108)
- Child Marriage Restraint Act-1929 (Ss. 89 to 91)
- Code of Criminal Procedure-1973 (Ss. 93, 98 to 100, 103, 105 to 108)
- Indian Penal Code-1960 (Ss. 82, 83, 299 (Exp. 3) 363A, 372, 376)
- Probation of Offenders Act-1958 (Ss. 94, 106 to 109)
- Young Persons Harmful Publication Act-1980
- Immoral Traffic Prevention in Women and Girls Act-1956, 1987
- Juvenile Delinquency Act-1986
- Juvenile Justice Act-1986

(5) Contract and Torts:

Minors Agreements, Torts and Children.

Statutory Provisions:

- Indian Contract Act-1872 (Ss.11)
- Indian Majority Act-1975 (Sec.3)
- Specific Relief Act-1963 (Sec.33(2))
- Transfer of Property Act-1882 (Sec.173)

(6) Testimony and Suits :

Testimony of children, Suits by and against minors.

Statutory Provisions:

- Civil Procedure Code-1980 (o.32)
- Indian Evidence Act-1972
- Indian Penal Code-1860
- Code of Criminal Procedure-1973 (Ss. 360, 361)

(7) Child Welfare:

Child education, health & Vaccination prevention of begging, vagrancy in state laws, discrimination against girl child.

Amniocentesis, deferred infanticide, Rights of the girls child: Right to institutional care and protection outside the family.

Statutory Provisions:

- The Women and Children Institution (Licensing) Act-1956 (Amend-1960)
- The Orphanages and other Charitable Home (Supervision and Control) Act-1960
- Gujarat Compulsory Primary Education Act-1961
- Reformatory School Act-1897 etc.
- Juvenile Justice Act-1986 (Juvenile Boards, Juvenile Courts)
- Probation of Offender Act-1956

The Paper includes the following UGC Model Curriculum Details:

(1) International Concerns and conventions**(2) Women in India**

2.1 Pre-Independence Period

2.1.1 Social and Legal inequality

2.1.2 Social reform Movement in India

2.1.3 Karachi Congress – Fundamental Rights Resolution, Equality of Sexes

(3) Women in post independence India

3.1 Preamble of the Constitution: Equality provisions in Fundamental Rights and Directive Principles of State Policy.

3.2 Personal laws – unequal position of women.

3.3 Uniform Civil Code towards gender justice.

(4) Sex Inequality in Inheritance Rights:

4.1 Feudal institution of joint family-women's inheritance position

4.2 Hindu Law

4.3 Muslim Law

4.4 Matrimonial property

4.5 Movement Towards Uniform Civil Code

(5) Guardianship

5.1 Right of Women to adopt a child

5.2 Problems of Women Guardianing

(6) Divorce

6.1 Indian Divorce Act

6.2 Christian Law

6.3 Muslim Law

(7) Criminal Law

7.1 Adultery

7.2 Rape

(8) Social Legislation

8.1 Dowry prohibition

8.2 Prevention of Immoral Traffic

- (9) Women Participation in democratic government.**
 - 9.1 Parliament
 - 9.2 State Legislation
 - 9.3 Local bodies
- (10) Women and employment**
 - 10.1 Labour force
 - 10.2 Protective Laws
 - 10.3 Exploitation and harassment in workplaces
- (11) Protection and enforcement agencies**
 - 11.1 Courts
 - 11.2 Family courts
 - 11.3 Commission for Women
 - 11.4 NGOs.
- (12) Social Constitutional and International Legal Status of Child**
 - 12.1 Magnitude of the problem
 - 12.2 Special status of Child-national polices
 - 12.3 Constitutional concern – Article 15(3), Article 24 and Article 45
 - 12.4 International concern and endeavour for the welfare of the children:
 - 12.4.1 Minimum Age conventions
 - 12.4.2 Child rights conventions
 - 12.4.3 U.N. Declaration of the rights of the child, 1924, 1959
- (13) Problems of conception, birth and nuourishment and health of the child**
 - 13.1 Legal status of child in work
 - 13.2 Tortious liability against injuries to unborn children
 - 13.3 Coparcenary and property rights of the unborn children.
 - 13.4 Law relating to maternity benefit and relief
 - 13.5 Lack of legal protection of children of impoverished parentage
- (14) State responsibility for the education of children**
 - 14.1 Evaluation of the efforts of the State towards the provision of education to children
 - 14.2 Pre-primary and nursery education-elementary education.
 - 14.3 Contributions-international Organizations for elementary education – UNESCO, UNICEF.
- (15) Legal Control of Child Labour**
 - 15.1 Regulation of the employment : protection of the heath and well-being
 - 15.2 International conventions and recommendations of the ILO.

- 15.3 Recommendations of the National Commission of Labour
- 15.4 Legislation relating to factories, plantation labour, mines, merchant shipping, motor transport workers, apprentices, shop & establishments and child labour.
- (16) Family Relations and Child**
 - 16.1 The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody.
 - 16.2 Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872.
- (17) Child and Contractual Liability**
 - 17.1 Minor's agreements
 - 17.2 Testimony of children
 - 17.3 Suits by and against minors
- (18) Child and Criminal Liability**
 - 18.1 Crimes committed by child, crimes committed by others in relation to children.
 - 18.2 Implementation of social policy through criminal sanctions in relation to child
 - 18.3 Variation of procedure in case of child offender
 - 18.4 Judicio proceedings in criminal cases relating to children
 - 18.5 Statutory provisions – Sections 82, 83, 299, Exp.3, 363A, 372 and 376 of IPC – Suppression of Immoral Traffic Act 1956 (SITA) – penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978 – Young Persons Harmful Publications Act 1956 – The Children Act 1960 – Section.
 - 18.6 27 of the Cr. P. C. – Reformatory Schools Act 1897 – Juvenile Delinquency Act, 1986.
- (19) Law and Offences Against Child**
 - 19.1 Protection of neglected children
 - 19.2 Institutions for the protection of neglected children
 - 19.3 Juvenile Justice Act.
 - 19.4 Juvenile delinquency : law and offences against child
 - 19.5 Contribution by parents; licensing
 - 19.6 Protection of girls form immoral traffic.
 - 19.7 Prevention of vagrancy and beggary
- (20) Discrimination Against Female Children**
 - 20.1 Amniocentesis,
 - 20.2 Deferred infanticide through based nutritional discrimination
 - 20.3 Termination of pregnancy.

Select Bibliography

Gandhi to the Women : (ed. Hingorani) 1941, Position of Women, 12, Tear Down the Parikh p.213, Young India, 1918.

Jawaharlal Nehru thoughts on women-economic bondage of Indian Women (Produced Memorial and Library)

7th Plan Ch. 14 Socio economic programmes for Women.

Relevant Case Law :- Inre Dr. Giovanni Ma.o. Air 1983 Bombay 242

Sheela Barse Vs. Secretary, Children Aid Society

M.C. Mehta Vs. State of TamilNadu JT 1990 SC 656

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42nd Report Law Commission, the Dissenting Note of Justice Anna Chandy on provision of acuttery P.366.

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Towards Equality :- Report of the Committee on the Status of Women (Govt. of India), Chapters-IV & Section IV General Conclusions & Recommendations.

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Lotika Sarkar: The Law Commission of India(1988)

Indian Law Institution: Child and the Law(1979, S,N, Jain ed.)

U.Baxi: Law and Poverty: Critical Essays(1988) Eastern, Lucknow.

S.N. Jain: Child and The Law (1979) Tripathi, Bombay.

Students should be encouraged to look at the distinctive legal problems of children in the area where instructions is imparted. The literature on children's plights is vast and varied. But it is important that the focus of the course be on understanding of the distinctively legal. Problems in the region and ways in which we can contribute to change.