

FACULTY OF LAW, OSMANIA UNIVERSITY

SYLLABUS OF LL.B. (3YDC) THREE-YEAR DEGREE COURSE

WITH EFFECT FROM 2009-2010

LL.B. I SEMESTER

PAPER-I: LAW OF CONTRACT-I

Unit-I : Definition and essentials of a valid Contract - Definition and essentials of a valid Offer - Definition and essentials of valid Acceptance - Communication of Offer and Acceptance - Revocation of Offer and Acceptance through various modes including electronic medium - Consideration - salient features - Exception to consideration - Doctrine of Privity of Contract - Exceptions to the privity of contract - Standard form of Contract.

Unit-II :Capacity of the parties - Effect of Minor's Agreement - Contracts with insane persons and persons disqualified by law - Concepts of Free Consent - Coercion - Undue influence - Misrepresentation - Fraud - Mistake - Lawful Object - Immoral agreements and various heads of public policy - illegal agreements - Uncertain agreements - Wagering agreements - Contingent contracts - Void and Voidable contracts.

Unit-III: Discharge of Contracts - By performance - Appropriation of payments - Performance by joint promisors - Discharge by Novation - Remission - Accord and Satisfaction - Discharge by impossibility of performance (Doctrine of Frustration) - Discharge by Breach - Anticipatory Breach - Actual breach.

Unit-IV : Quasi Contract - Necessaries supplied to a person who is incapable of entering into a contract - Payment by an interested person - Liability to pay for non-gratuitous acts - Rights of finder of lost goods - Things delivered by mistake or coercion - Quantum merit - Remedies for breach of contract - Kinds of damages - liquidated and unliquidated damages and penalty - Duty to mitigate.

Unit-V :Specific Relief - Recovering possession of property - Specific performance of the contract - Rectification of instruments - Rescission of contracts - Cancellation of instruments - Declaratory Decrees - Preventive Relief - Injunctions - Generally - Temporary and Perpetual injunctions - Mandatory & Prohibitory injunctions - Injunctions to perform negative agreement.

Suggested Readings:

1. Anson: *Law of Contract*, Clarendon Press, Oxford, 1998.
2. Krishnan Nair: *Law of Contract*, S.Gogia & Co., Hyderabad 1995.
3. G.C.V. Subba Rao: *Law of Contract*, S.Gogia & Co., Hyderabad 1995.
4. T.S.Venkatesa Iyer: *Law of Contract*, revised by Dr. Krishnama Chary, S. Gogia & Co.

5. Avtar Singh: *Law of Contract* , Eastern Book Company, Lucknow, 1998.

PAPER-II: FAMILY LAW-I (Hindu Law)

Unit-I : Sources of Hindu Law – Scope and application of Hindu Law – Schools of Hindu Law - Mitakshara and Dayabhaga Schools – Concept of Joint Family, Coparcenary, Joint Family Property and Coparcenary Property – Institution of Karta- Powers and Functions of Karta - Pious Obligation - Partition – Debts and alienation of property.

Unit-II : Marriage - Definition - Importance of institution of marriage under Hindu Law – Conditions of Hindu Marriage – Ceremonies and Registration – Monogamy – Polygamy.

Unit-III: Matrimonial Remedies under the Hindu Marriage Act, 1955 - Restitution of Conjugal Rights – Nullity of marriage – Judicial separation – Divorce – Maintenance *pendente lite* – importance of conciliation.

Unit-IV: Concept of Adoption - Law of Maintenance - Law of Guardianship - Hindu Adoption and Maintenance Act, 1956 – Hindu Minority and Guardianship Act 1956.

Unit-V : Succession – Intestate succession – Succession to the property of Hindu Male and Female; Dwelling House – Hindu Succession Act, 1956 as amended by the Hindu Succession (Andhra Pradesh Amendment) Act, 1986 & the Hindu Succession (Amendment) Act, 2005 – Notional Partition – Classes of heirs – Enlargement of limited estate of women into their absolute estate.

Suggested Readings:

1. Paras Diwan : *Modern Hindu Law*, 13th Edition 2000, Allahabad Agency, Delhi.
2. Paras Diwan : *Family Law*, 1994 Edition, Allahabad Agency, Delhi.
3. Mayne: *Hindu Law - Customs and Usages* , Bharat Law House, New Delhi.
4. Sharaf: *Law of Marriage and Divorce* , 1999.

PAPER-III: CONSTITUTIONAL LAW-I

Unit-I: Constitution-Meaning and Significance - Evolution of Modern Constitutions -Classification of Constitutions- Indian Constitution - Historical Perspectives - Government of India Act, 1919 - Government of India Act, 1935 - Drafting of Indian Constitution - Role of Drafting Committee of the Constituent Assembly

Unit-II: Nature and Salient Features of Indian Constitution - Preamble to Indian Constitution - Union and its Territories-Citizenship - General Principles relating to Fundamental Rights(Art.13) - Definition of State

Unit-III: Right to Equality(Art.14-18) – Freedoms and Restrictions under Art.19 - Protection against Ex-post facto law - Guarantee against Double Jeopardy - Privilege against Self-incrimination - Right to Life and Personal Liberty - Right to Education – Protection against Arrest and Preventive Detention

Unit-IV: Rights against Exploitation - Right to Freedom of Religion - Cultural and Educational Rights - Right to Constitutional Remedies - Limitations on Fundamental Rights(Art.31-A,B and C)

Unit-V: Directive Principles of State Policy – Significance – Nature – Classification - Application and Judicial Interpretation - Relationship between Fundamental Rights and Directive Principles - Fundamental Duties – Significance - Judicial Interpretation

Suggested Readings:

1. M.P.Jain, *Indian Constitutional Law*, Wadhwa & Co, Nagpur
2. V.N.Shukla, *Constitution of India*, Eastern Book Company, Lucknow
3. Granville Austin, *Indian Constitution-Cornerstone of a Nation*, OUP, New Delhi
4. H.M.Seervai, *Constitutional Law of India* (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, *Indian Constitutional Law*, S.Gogia & Co., Hyderabad
6. B.Shiva Rao: *Framing of India's Constitution* (in 5 Volumes), Indian Institute of Public Administration, New Delhi
7. J.N.Pandey, *Constitutional Law of India*, Central Law Agency, Allahabad

PAPER-IV: LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENTS AND CONSUMER PROTECTION LAWS

Unit-I : Nature of Law of Torts - Definition of Tort - Elements of Tort - Development of Law of Torts in England and India - Wrongful Act and Legal Damage - *Damnum Sine Injuria* and *Injuria Sine Damnum* - Tort distinguished from Crime and Breach of Contract - General Principles of Liability in Torts - Fault - Wrongful intent - Malice - Negligence - Liability without fault - Statutory liability - Parties to proceedings.

Unit-II General Defenses to an action in Torts – Vicarious Liability - Liability of the State for Torts – Defense of Sovereign Immunity – Joint Liability – Liability of Joint Treadors – Rule of Strict Liability (*Ryland's V Fletcher*) – Rule of Absolute Liability (*MC Mehta vs. Union of India*) – Occupiers liability – Extinction of liability – Waiver and Acquiescence – Release – Accord and Satisfaction - Death.

Unit-III Specific Torts - Torts affecting the person - Assault - Battery - False Imprisonment - Malicious Prosecution - Nervous Shock - Torts affecting Immovable Property - Trespass to land - Nuisance - Public Nuisance and Private Nuisance - Torts relating to movable property – Liability arising out of accidents (Relevant provisions of the Motor Vehicles Act).

Unit-IV Defamation - Negligence - Torts against Business Relations - Injurious falsehood - Negligent Misstatement - Passing off - Conspiracy - Torts affecting family relations - Remedies - Judicial and Extra-judicial Remedies – Damages – Kinds of Damages – Assessment of Damages – Remoteness of damage - Injunctions - Death in relation to tort - *Action personalise moritur cum persona*.

Unit-V Consumer Laws: Common Law and the Consumer - Duty to take care and liability for negligence - Product Liability - Consumerism - Consumer Protection Act, 1986 - Salient features of the Act - Definition of Consumer - Rights of Consumers - Defects in goods and deficiency in services – Unfair trade practices- Redressal Machinery under the Consumer Protection Act - Liability of the Service Providers, Manufacturers and Traders under the Act – Remedies.

Suggested Readings:

1. Winfield & Jolowicz : *Law of Tort*, XII edition, Sweet and Maxwell, London , 1984.
 2. Salmond and Heuston : *Law of Torts*, XX edition, 2nd Indian reprint, Universal Book traders, New Delhi,1994.
 3. Ramaswamy Iyyer: *The Law of Torts*, VII edition (Bombay, 1995).
 4. Achutan Pillai: *Law of Tort*, VIII edition , Eastern Book Company, Lucknow, 1987.
 5. Durga Das Basu: *The Law of Torts* ,X edition, Prentice Hall of India, New Delhi, 1998.
 6. Ratan Lal & Dhirajlal: *The Law of Torts*, 22nd edition, Wadhwa & Company Nagpur, 1992.
 7. R.K.Bangia: *Law of Torts*, XIV edition, Allahabad Law Agency, Allahabad, 1999.
 8. J.N.Pandey: *Law of Torts*, 1st edition Central Law Publications, Allahabad, 1999.
 9. Vivienne Harpwood: *Law of Torts*, 1st edition, Cavendish Publishing Ltd. London, 1993.
 10. Hepple & Mathews: *Tort - Cases and Materials* , 2nd edition Butterworth, London, 1980.
- D.N.Saraf: Law of Consumer Protection in India, Tripathi, Bombay
- The Motor Vehicles Act, 1988

PAPER-V: ENVIRONMENTAL LAW

Unit-I The meaning and definition of environment – Ecology - Ecosystems-Biosphere - Biomes - Ozone depletion - Global Warning - Climatic changes - Need for the preservation, conservation and protection of

environment - Ancient Indian approach to environment- Environmental degradation and pollution - Kinds, causes and effects of pollution.

Unit-II Common Law remedies against pollution - trespass, negligence, and theories of Strict Liability & Absolute Liability - Relevant provisions of I.P.C. and Cr.P.C. and C.P.C., for the abatement of public nuisance in pollution cases - Remedies under Specific Relief Act - Reliefs against smoke and noise - Noise Pollution.

Unit-III The law relating to the preservation, conservation and protection of forests, wild life and endangered species, marine life, coastal ecosystems and lakes etc. - Prevention of cruelty towards animals - The law relating to prevention and control of water pollution - Air Pollution - Environment pollution control mechanism - Law relating to environment protection – National Environmental Tribunal and National Environmental Appellate Authority.

Unit-IV: Art. 48A and Art. 51A(g) of the Constitution of India - Right to wholesome environment - Right to development - Restriction on freedom of trade, profession, occupation for the protection of environment - Immunity of Environment legislation from judicial scrutiny(Art.31C) - Legislative powers of the Centre and State Government - Writ jurisdiction - Role of Indian Judiciary in the evolution of environmental jurisprudence.

Unit-V International Environmental Regime - Transactional Pollution - State Liability - Customary International Law - Liability of Multinational Corporations/Companies - Stockholm Declaration on Human Environment, 1972 - The role of UNEP for the protection of environment - Ramsar Convention 1971 – Bonn Convention (Migratory Birds) 1992 - Nairobi Convention, 1982 (CFCC) - Biodiversity Convention (Earth Summit), 1992 - Kyoto Protocol 1997, Johannesburg Convention 2002.

Suggested Readings:

1. Paras Diwan: *Studies on Environmental Cases*.
2. S.N. Jain (ed.): *Pollution Control and the Law*.
3. Armin Rosencranz and Shyam Divan: *Environmental Law and Policy in India*.
4. A. Agarwal (ed.): *Legal Control of Environmental Pollution*
5. Chetan Singh Mehta: *Environmental Protection and Law*
6. V.K. Krishna Iyyer: *Environment Pollution and Law*
7. Shah : *Environmental Law*
8. Paras Diwan : *Environmental Law and Policy in India*, 1991
9. Dr. N. Maheshwara Swamy, *Environmental Law*, Asia Law House, Hyderabad.