



SARVAJANIK
UNIVERSITY

INCLUSIVE | INTEGRATED | INNOVATIVE

CORE COURSES SEMESTER - I



SARVAJANIK EDUCATION SOCIETY
SARVAJANIK COLLEGE OF LAW
(CONSTITUENT COLLEGE OF SARVAJANIK UNIVERSITY)

FIRST YEAR LL.B.

SEMESTER I

COURSE	COURSE CODE	SUBJECT	CREDIT			EXAMINATION		Total
			Lecture	Other	Total	CCE	SEE	
Core	BLLB11101	Constitutional Law of India I (Preamble and parts I to IVA)	3	1	4	50	50	100
Core	BLLB11102	Law of Contract (General Principles of Contract and Specific Relief)	3	1	4	50	50	100
Core	BLLB21103	Law of Crimes I (Bharatiya Nyaya Sanhita, 2023- Chapters I to VI)	3	1	4	50	50	100
Core	BLLB11104	Environmental Law	3	1	4	50	50	100
Core	BLLB21105	Law of Torts, Motor Vehicles Act, 1988 and Consumer Protection Act, 2019	3	1	4	50	50	100
Professional Elective	BLLB12101/02/03	Students have to select any one subject from the given list.*	2	-	2	25	25	50
Interdisciplinary Open Elective Course			2	-	2	-	-	-
Skill Enhancement Course			2	-	2	-	-	-
		Total			26	275	275	550

COURSE CODE	PROFESSIONAL ELECTIVE SUBJECT*
BLLB12101	English for Law
BLLB12102	Health Law
BLLB12103	Offences against Children and Juvenile Offences

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Constitutional Law of India I (Preamble and parts I to IVA)		
Course Type		Core Course		
Course Code		BLLB11101	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE ¹ (Marks)	External/ SEE ² (Marks)	Total
3	1	50	50	100

Object: The Constitution of India is the supreme law of India that provides a comprehensive framework to guide and govern our country, keeping in view the social, cultural and religious diversity. The main object of this paper is to provide an understanding of the basic concept of Indian Constitution and enable the students to understand their fundamental rights as well as their duties towards the State along with their remedies. A student must know about the social, economic and political dimensions of the Indian Constitution.

Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the history, economic and political dimensions of the Constitution.

CO2: Understand the basic postulates of the constitution like the constitutional supremacy, rule of law and concept of liberty.

CO3: Demonstrate an understanding of the concept of fundamental rights and Fundamental duties towards the States.

CO4: Understand the duty of the State and inter-relationship between fundamental right and directive principles.

Syllabus

Module 01. Constitutional History

- 1.1 Historical Retrospection
- 1.2 East India Company – 1600 to 1772 – Charters and Settlements
- 1.3 Regulating Act, 1773 to 1832: Act of 1781 – Charter of 1813
- 1.4 Constitutional changes during 1833 to 1856
- 1.5 First struggle for Independence, 1857 and Developments thereafter- Government of India Act 1858 – the Royal Proclamation of the British Crown – Indian Councils Act, 1861 and Indian Council Act, 1892 – Morley-Minto Reforms-1909.

¹ Continuous Comprehensive Evaluation.

² Semester End Examination.

Module 02. Making of the Constitution

- 2.1 Demand for a Constitution framed by a Constituent Assembly
- 2.2 The Cripps' offer of 1942
- 2.3 The Wavell Plan of 1945
- 2.4 The Cabinet Mission Plan, 1946
- 2.5 The Mountbatten Plan, 1947
- 2.6 The Indian Independence Act, 1947
- 2.7 Constituent Assembly in India and framing of the Constitution:
 - 2.7.1 Formation of the Constituent Assembly of India
 - 2.7.2 The issues before the Constituent Assembly
 - 2.7.3 Passing of the Constitution
 - 2.7.4 Dr. Ambedkar's warning and anxiety about the working of the Constitution
 - 2.7.5 Date of Commencement of the Constitution

Module 03. Preamble of the Constitution

- 3.1 Meaning of the Preamble
- 3.2 Contents of the Preamble
- 3.3 Utility of Preamble in interpretation of the Constitution
- 3.4 Whether Preamble is part of the Constitution - Application of the Doctrine of Basic Structure to the Preamble.
- 3.5 Amendments made
- 3.6 Salient features of the Indian Constitution
- 3.7 Idea of Citizenship – constitutional and legal provisions regarding citizenship
- 3.8 Union and its Territories

Module 04. General Principles Relating to Fundamental Rights (Articles 12 and 13)

- 4.1 Concept of Fundamental Rights – Their Origin and Development
- 4.2 History of the demand for Fundamental Rights in India
- 4.3 Justiciability of Fundamental Rights -
 - 4.3.1 Laws inconsistent with fundamental rights
 - 4.3.2 Unconstitutionality of Statute
 - 4.3.3 Doctrine of Eclipse
 - 4.3.4 Doctrine of Severability
 - 4.3.5 Waiver of Fundamental Rights
- 4.4 Concept of State and its Importance
- 4.6 Concept of Law and Law in force
- 4.7 Whether the Constitution Amendment Act is law under Article 13?

Module 05. Right to Equality (Articles 14 to 18)

- 5.1 Equality before law and Equal protection of Law
- 5.2 Permission of Reasonable Classification but prohibition of Class legislation
- 5.3 Article 14 Strikes at Arbitrariness
- 5.4 Prohibition of discrimination against citizens
- 5.5 Right to Access to Public Places
- 5.6 Special provisions for women and children

- 5.7 Special provisions for Backward Classes
- 5.8 Equality of Opportunity in Matters of Public Employment
- 5.9 Requirement as to Residence in State
- 5.10 Reservation of Posts for Backward Classes
- 5.11 Reservations in Promotion
- 5.12 Carry Forward of Reserved Vacancies
- 5.13 Percentage of Reservation - Rule of rounding up
- 5.14 Abolition of Untouchability
- 5.15 Abolition of Titles

Module 06. Right to Freedom I (Article 19)

- 6.1 Freedom of Speech and Expression and Reasonable Restrictions on it
- 6.2 Freedom of Assembly and Reasonable Restrictions on it
- 6.3 Freedom to form Association or Union and Reasonable Restrictions on it
- 6.4 Freedom of Movement and Reasonable Restrictions on it
- 6.5 Freedom of Residence and Settlement and Reasonable Restrictions on it
- 6.6 Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
- 6.7 Right to Property -
 - 6.7.1 Pre- 1978 Position - Article 19(f) and 19(5); Eminent Domain; Article 31; Inter-relation of Article 31, Article 14 and Article 19(1)(f)
 - 6.7.2 Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300 A

Module 07. Right to Freedom II (Articles 20 to 22)

- 7.1 Protection in Respect of Conviction for offences
 - 7.1.1 Protection against Ex-post Facto Law
 - 7.1.2 Guarantee against Double Jeopardy
 - 7.1.3 Privilege against Self-Incrimination
- 7.2 Protection of Right to Life and Personal Liberty
 - 7.2.1 A. K. Gopalan to Maneka Gandhi
 - 7.2.2 Relationship between Articles 19, 21 and 22
 - 7.2.3 Due Process of Law
 - 7.2.4 Extended view in post Maneka Gandhi period
- 7.3 Right to Education - Evolution and Importance
- 7.4 Protection against Arrest and Detention
 - 7.4.1 Protection against Arrest
 - 7.4.2 Protection against Preventive Detention
 - 7.4.3 Laws Authorising Preventive Detention

Module 08. Right against Exploitation (Articles 23 and 24)

- 8.1 Traffic in Human Beings
- 8.2 Begar and Similar forms of Forced Labour
- 8.3 Compulsory Services for Public Purpose
- 8.4 Prohibition of Employment of Children

Module 09. Right to Freedom of Religion (Articles 25 to 28)

- 9.1 Concept of Secularism
- 9.2 Freedom of Conscience and right to Profess or Practice and Propagate religion
- 9.3 Freedom of Religion of Religious Denomination
- 9.4 Freedom from Paying of Taxes for Promotion of any Religion
- 9.4 Prohibition of Religious Instructions in Educational Institutions

Module 10. Cultural and Educational Rights (Articles 29 to 30)

- 10.1 Concept of Minority
- 10.2 Protection of Interest of Minorities
- 10.3 Right of a Minority to Establish Educational Institution
- 10.4 Regulation of Minority Educational Institution

Module 11. Right to Constitutional Remedies (Articles 32 to 35)

- 11.1 Enforcement of Fundamental Rights
- 11.2 Procedure in Enforcement of Fundamental Rights
- 11.3 Power to issue Writs, Directions or Orders – Types of Writs
- 11.4 Comparison between Article 32 and Article 226
- 11.5 Public Interest Litigation
- 11.6 Fundamental Rights during Emergency
- 11.7 Power of Parliament to Modify Fundamental Rights with respect to some Forces
- 11.8 Fundamental Rights during operation of Martial Law
- 11.9 Legislation to give effect to Fundamental Rights

Module 12. Directive Principles of State Policy (Articles 36 to 51) and Fundamental Duties (Article 51A)

- 12.1 Nature and Importance of Directive Principles
- 12.2 Inter-relationship between Fundamental Rights and Directive Principles.
- 12.3 Directive Principles of State Policy
- 12.4 Fundamental Duties – Nature and Importance

Suggested Readings:

- M. P. Jain, Indian Constitutional Law, LexisNexis
- D.D. Basu, Constitutional Law of India, LexisNexis
- H. M. Seervi, Constitutional Law of India, N.M. Tripathi
- M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company
- Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- M. Hidaytullah (ed): Constitutional Law of India (Vol. 1-3)
- T.K. Tope: Constitutional Law of India

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Law of Contract (General Principles of Contract and Specific Relief)		
Course Type		Core Course		
Course Code		BLLB11102	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical /Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: Law of contract is the most important branch of mercantile law. The object of this paper is to familiarize the students with the circumstances under which promises made by the contracting parties shall be legally binding on them. Further, this paper will discuss the remedies that are available against a person who fails to perform the contract entered into by him, in a court of law and the conditions under which the remedies are available along with the specific relief available under the Specific Relief Act.

Course Outcome

At the end of the course, the student will be able to:

CO1: Define, distinguish and apply the basic concepts and terminology of the law of contract.

CO2: Identify the relevant legal issues that arise on a given set of facts in the area of contract law.

CO3: Understand the various processes involved in contract formation.

CO4: Understand and analyse various specific reliefs and remedy under the Specific Relief Act.

Syllabus

<u>Subject</u>	External Examination Marks
General Principles of Contract (Ss. 1 to 75 of the Indian Contract Act, 1872)	35 Marks
Specific Relief Act, 1963	15 Marks
Total	50 Marks

Module 01. General Principles of Law of Contract

1.1 Agreement and Contract Definitions elements and kinds

1.2 Proposal and acceptance-essential elements, communication, revocation, invitation for proposal, tenders, general offers.

1.3 Consideration-*nudum pactum*, meaning, need, definition-kinds, elements, privity of contract.

1.4 Application of Law to Domestic and International commercial transactions

Module 02. Capacity to Contract

- 2.1 Meaning
- 2.2 Incapacity arising out of status and mental defect
- 2.3 Minor-Definition
 - 2.3.1 Nature of minor's agreement
 - 2.3.2 Beneficial contracts
 - 2.3.3 Ratification
 - 2.3.4 Liability for necessities
- 2.4 Persons of unsound mind
- 2.5 Other illustrations of incapacity to contract

Module 03. Free Consent: meaning and definition

- 3.1 Coercion – definition-essential-elements-duress-effect
- 3.2 Undue influence - definition - essentials - elements - pardanashin lady, Unconscionable bargains, effect of undue influence
- 3.3 Misrepresentation-definition-misrepresentation of law and fact-their effects
- 3.4 Fraud-definition-essential elements – *suggestion falsi* and *suppressio veri*
silence amount to fraud-importance of intention-concealment of truth.
- 3.5 Mistake-definition-kinds-fundamental error-mistake of law and of fact-effects when mistake vitiates free consent? when it does not?

Module 04. Legality of Objects

- 4.1 Void Agreements-lawful and unlawful consideration and objects-void, voidable, illegal and unlawful agreements and their effects
- 4.2 Unlawful considerations and objects forbidden by law-fraud-injurious to person and property-immoral-against public policy.
- 4.3 Void Agreements-without consideration-in restraint of marriage, in restraint of trade, good will, its exception, in restraint of legal proceedings and its exceptions.
- 4.4 Uncertain agreements-wagering agreements and its exceptions.

Module 05. Discharge of Contracts and Quasi-Contracts

- 5.1 Modes of discharge of contract and their effects
- 5.2 By performance
- 5.3 By breach-anticipatory breach
- 5.4 Impossibility of performance
- 5.5 By period of limitation
- 5.6 By agreement
- 5.7 Quasi - Contracts and certain other relations resembling those created by Contract

Module 06. Specific Relief Act, 1963

- 6.1 Specific Performance of Contract
- 6.2 Recovery of Possession of Property
 - 6.2.1 Movable Property
 - 6.2.2 Immovable Property
- 6.3 Injunctions: Kinds – Temporary, Permanent, Interlocutory

6.4 Declaratory decree

6.5 Rescission of Contracts

6.6 Ratification and Cancellation of Instruments

Suggested Readings:

- A.G. Guest (ed): Anson's Law of Contract
- Avtar Singh: Law of Contract (Eastern)
- Law of Contract and Specific Relief (Eastern)
- P.S. Atiyah: Introduction of Law of Contract
- Mulla on Indian Contract Act, Lexis Nexis Butterworths

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Law of Crimes I (Bharatiya Nyaya Sanhita, 2023- Chapters I to VI) ³		
Course Type		Core Course		
Course Code		BLLB21103	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: The Bharatiya Nyaya Sanhita, 2023 was enacted on December 25, 2023, repealing, and replacing the Indian Penal Code, 1860 as the new penal code of the country. The new legislation, by notification was made applicable from July 1, 2024. The Indian Penal Code has now after nearly 150 years been re-enacted with the stated objective of repealing colonial laws and streamlining provisions relating to offences and penalties Crime and punishment have always been the most important aspect of the Rule of Law. A proper understanding of crimes, method of controlling and the reasons for their existence is imperative to build a just and humane society. Students are expected to refer the provisions of the Indian Penal Code while reading Supreme Court judgements on offences.

Course Outcome

At the end of the course, the student will be able to:

CO1: Understand the history, concept and definition of crime.

CO2: Demonstrate an understanding of the aspects of criminal justice.

CO3: Understand and identify the elements, stages and theories of punishment.

CO4: Illustrate how society views crime against women, children and human body.

Syllabus

Module 01. General

- 1.1 Conception of Crime-distinction between crime and other wrongs
- 1.2 Introduction to the Bharatiya Nyaya Sanhita, 2023 (“BNS”)- Objects and reasons
- 1.3 Comparative analysis between BNS and IPC
- 1.4 Territorial Applicability of BNS – Intra-territorial & Extra-territorial and
- 1.5 Elements of Criminal liability- *Mens Rea*-importance
- 1.6 Stages of a Crimes
- 1.7 Definitions
- 1.8 General Explanations

Module 02. Types of Punishment

³ Amended vide Res.No. AC15_5 of 15th meeting of the Academic Council dated 29-07-2024.

- 2.1 Theories of punishment – minimum punishment, judicial discretion in awarding punishment
- 2.2 Capital Punishment-Constitutionality, judicial approach, rarest of rare cases.
- 2.3 Kinds of punishment- Life sentence, Imprisonment – simple – rigorous – solitary confinement, Forfeiture of property, Fine- liability in default of payment of fine and related provisions and Community service

Module 03. General Defences

- 3.1 Mistake of fact and mistake of Law
- 3.2 Judicial Acts
- 3.3 Accident
- 3.4 Absence of criminal intention, acts of minors, mental incapacity, consent, involuntary intoxication, acts by a person compelled by threats, communication made in good faith, acts causing slight harm
- 3.5 Right or private defence of body and property- Justification and limits

Module 04. Abetment, Criminal conspiracy and attempt

- 4.1 Abetment – instigation – aiding – conspiracy
- 4.2 Criminal conspiracy – definition
- 4.3 Punishment for attempt to commit offences punishable with life imprisonment or other imprisonment

Module 05. Offences against Women and Child

- 5.1 Rape and other sexual offences- punishments thereof
- 5.2 Gang rape- punishments
- 5.3 Assault, sexual harassment, voyeurism, stalking, insulting modesty of a women.
- 5.4 Offences relating to Marriage- Dowry death, marrying again during lifetime of husband and related offences
- 5.5 Offences against child

Module 06. Offences affecting Human Body I

- 6.1 Offences affecting life
 - 6.1.1 Culpable homicide, murder, distinction between them
 - 6.1.2 Causing death by negligence
 - 6.1.3 Abetment of suicide of child or person of unsound mind, abetment of suicide- reasons for removing offence of attempt to commit suicide in BNS
 - 6.1.4 Organised crime, petty organised crime, terrorist act

Module 07. Offences affecting Human Body II

- 7.1 Hurt and Grievous hurt, aggravated forms
- 7.2 Wrongful restraint and wrongful confinement
- 7.3 Criminal force and assault
- 7.4 Kidnapping, abduction, trafficking of person and forced labour

Suggested Readings:

- Bare Act, Bharatiya Nyaya Sanhita, 2023
- Ratanlal & Dhirajlal: The Indian Penal Code, Lexis Nexis

- B.M. Gandhi: Indian Penal Code, Eastern
- P.K. Das: Supreme Court on Rarest of Rare Cases, Universal
- William Glanville: Text Book of Criminal Law, Universal

Note: As Indian Penal Code is now replaced by the Bharatiya Nyaya Sanhita, 2023, students are instructed to refer the above mentioned books accordingly and to peruse the Sections of IPC while referring the Apex court decisions.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Environmental Law		
Course Type		Core Course		
Course Code		BLLB11104	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: Environmental pollution and degradation of biodiversity has become one of the biggest hazards not only to human existence but also to the existence of all the gifts that nature has bestowed on mankind. The object of this paper is to create an awareness about the various environmental issues and measures to be taken for its protection by imparting basic knowledge with an aim to develop an attitude of concern and motivation to participate in environment protection and its improvement.

Course Outcome

CO1: Identify core environmental issues and legal and institutional responses to them.

CO2: Analyse the role of judiciary in environmental protection.

CO3: Understand development of environmental law in an international perspective, specifically developed and developing countries.

CO4: Introduce the basic concepts and principles of environmental law and to analyse these principles as tools of environmental protection.

Syllabus

Module 01. Introduction

- 1.1 Historical origin of Environment Law, International and Indian Jurisprudence
- 1.2 Components of Environment, Ecology, Ecosphere and Biosphere
- 1.3 Protection of Environment in Ancient India and during British period
- 1.4 Meaning and definition of Environment, Environmental Pollution, Kinds of Pollution (Natural and artificial – Air, Water, Noise, Soil), causes and effects.
- 1.5 Nature of Environmental Law - Public law or private law
- 1.6 Common law aspects of environmental law - Nuisance, Trespass, Negligence, Absolute and Strict liability.
- 1.7 Criminal Liability and Environment Protection - Offences affecting public health and safety under Indian Penal Code, 1860 and Section 133 of Cr. P.C., Chapter IV-A of Factories Act, 1948.

Module 02. Environment Protection under the Constitution of India

- 2.1 Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Implementation of International obligations
- 2.2 Distribution of Legislative Powers
- 2.3 Remedies - Writ Jurisdiction of High Court and Supreme Court
- 2.4 Public Interest Litigation and Environment Protection - Role of Indian Judiciary

Module 03. Principles of International Environmental Law - Relevance in India

- 3.1 Stockholm Conference, 1972, Rio Summit or Earth Summit-I, 1992 - Impact in India
- 3.2 UNEP, Convention on Climate Change, Convention on Biological Diversity, Earth Summit - II, 1997 - Impact in India
- 3.3 World Summit on Sustainable Development, 2002, UNFCCC, 2015 - Position in India
- 3.4 Responsibility of States in Protection of Environment - Transboundary pollution and state's responsibility - Trail Smelter Arbitration
- 3.5 Significance and Protection of Ozone Layer - Global Warming - Acid Rain Oil Spills - Gas Leak - Marine Pollution
- 3.6 Sustainable Development, Inter-generational Equity, Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine - Position in India

Module 04. Resource Management I - Legislative and Judicial Perspective

- 4.1 The Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act 1986 - Definitions, Measures taken for protection and conservation of natural resources, Authorities, offences and penalties and important judicial decisions under these legislations
- 4.2 Protection of Forests: The Forest Act, 1927 - Definitions, Types of Forests, Acts prohibited in these forests, transit of forest produce, powers of forest officers, offences and penalties, important judicial decisions
- 4.3 The Forest (Conservation) Act, 1980 - De-reservation of forest land for non-forest purpose, Advisory Committee, Penalties
- 4.4 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Forest rights, recognition, restoration and vesting of forest rights and related matters, authorities and procedure for vesting of forest rights, offences and penalties, important judicial decisions
- 4.5 The National Forest Policies of 1952 and 1988
- 4.6 The Wildlife Protection Act, 1972 - Important Definitions, Authorities under the Act, Wildlife Advisory Board, Hunting, Protection of Specified plants, Sanctuaries and National Parks, Central Zoo Authority and Recognition of Zoos, Trade or commerce in wild animals, animal articles and trophies, Forfeiture of Property Derived from Illegal Hunting and Trade, Offences and Penalties, important judicial decisions

Module 05. Resource Management II - Legislative and Judicial Perspective

- 5.1 The Biological Diversity Act, 2002 - Important Definitions, Regulation of access to biological diversity, national biodiversity authority, state biodiversity board, biodiversity management committees, equitable benefit sharing, judicial decisions

- 5.2 The Public Liability Insurance Act, 1991 - Important definitions, Liability to give relief in certain cases on principles of no fault, Duty of owner to take out insurance policies, relief and establishment of Environmental Relief Fund, offences and penalties
- 5.3 The National Green Tribunal Act, 2010 - Establishment, jurisdiction, powers and proceedings of the tribunal, penalty, Role of NGT in Environment Protection
- 5.4 Environment Protection Rules:
 - a) The Noise Pollution (regulation and Control) Rules, 2000
 - b) Guidelines for Eco-Sensitive Zones around Protected Areas
 - c) CRZ Notification
 - d) Hazardous Wastes (Management and Handling) Rules
 - e) Manufacture, Storage and Import of Hazardous Chemical Rules
 - f) Municipal Solid Wastes (Management and Handling) Rules

Module 06. Environment and Development

- 6.1 Environmental issues involved in the development projects like Silent Valley Project, Narmada Valley Project and Koondankulam Nuclear Power Plant
- 6.2 Human Rights Perspective - Displacement and Rehabilitation, Genetically
- 6.3 Modified Crops, Farmers and breeder's rights
- 6.4 Environment and Protection of Cultural Rights
- 6.5 Environment Impact Assessment (EIA) - Meaning, Evolution and history Process, Constraints, EIA Notification of 1994 and 2006
- 6.6 E-waste management

Suggested Readings:

- S.C. Shastri: Environment Law, Eastern
- Sumeet Malik: Environment Law (2008), Eastern
- R.B. Singh and Suresh Misra: Environment Law in India
- S.N. Jain (ed): Pollution Control and the Law
- Dr. S.R. Myneni: Environmental Law- Asia Law House
- P.S. Jaswal, Environmental Law, Allahabad Law Agency.
- Majumdar, Nandy, Mukherjee, Environment and Wildlife Laws in India, LexisNexis.
- Maheshwara Swamy, Textbook on Environmental Law, Asia Law House, Hyderabad.
- S. Shantakumar, Introduction to Environmental Law, Wadhwa & Company, Nagpur.
- H. N. Tiwari, Environmental Law, Allahabad Law Agency.
- Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, New Delhi.
- P Leelakrishnan, Environmental Law in India, LexisNexis, New Delhi.
- P Leelakrishnan, Environmental Law Case Book, LexisNexis, New Delhi.
- Philippe Sands, Principles of International Environmental Law, Cambridge University Press, New York.
- P. Ishwara Bhat, Natural Resources Law: Concepts and Approaches, Eastern Book.
- P B Sahasranaman, Handbook of Environmental Law, Oxford University Press.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		1		
Subject		Law of Torts, Motor Vehicles Act, 1988 and Consumer Protection Act, 2019		
Course Type		Core Course		
Course Code		BLLB21105	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

Object: The law of torts is uncodified law about civil wrongs. A tort is an act or omission, other than a breach of contract, which gives rise to injury or harm to another, and amounts to a civil wrong for which courts impose liability. The objective of this paper is to understand the nature of tort and condition of liability with reference to established case law. This course also covers the Consumer Protection Act, 2019 and the principle of liability in case of accident under the Motor Vehicles Act, 1988.

Course Outcome

At the end of the course, the student will be able to:

CO1: Demonstrate a specialized knowledge of the fundamental doctrines and principles of the law of torts and the characteristics of specific torts.

CO2: Engage in basic legal reasoning and analysis demonstrating knowledge of the principles of tort law.

CO3: Achieve a sound understanding of the concepts of Motor Vehicles Act.

CO4: Understand the existing law on consumer protection in India and major international instruments on consumer protection along with awareness on the basic procedures for filing a consumer dispute.

Syllabus⁴

Subject	External Examination Marks
Law of Torts	35 Marks
Consumer Protection Act, 2019	10 Marks
Motor Vehicles Act, 1988	05 Marks
Total	50 Marks

⁴ Amended vide Res. No. AC6_13 of 6th meeting of the Academic Council dated 10-02-2023.

Module 01. General: Evolution, Definition, Nature, Scope and Object

- 1.1 Principles of justice, equity, good conscience-uncodified character-advantages and disadvantages.
- 1.2 Wrongful act-violation of duty in *rem-damnum sine injuria* and *injuria sine damnum*.
- 1.3 Tort distinguished from crime, breach of contract etc.- concept of unliquidated damages.
- 1.4 Changing scope of law of torts, expanding character of duties.
- 1.5 Objects-prescribing standards of human conduct, redressal of wrongs prescribing unlawful conduct by injunction.
- 1.6 Foreign Torts

Module 02. Principles of liability

- 2.1 Fault – Wrongful intent, motive. Negligence-liability without fault-violation of ethical codes-statutory liability- Motor Vehicle Act.
- 2.2 Absolute/Strict Liability-Rationale Rule of *Rylands v. Fletcher*- Exceptions.
- 2.3 Vicarious liability-basis, scope justification-express authorization, ratification, abetment-special relationships master and servant, principal and agent, firm and partner, corporation and principal officer etc.
- 2.4 Occupiers of Premises
- 2.5 Persons professing greater skill-director, physicians, surgeons, advocates, bankers, manufacturers etc.

Module 03. Standing, Justification, Extinctions of Liability, Discharge of Torts and Legal Remedies

- 3.1 Standing-who may sue, who may be and may not be sued-personal capacity.
- 3.2 Justification-*Volenti non fit injuria*-necessity-plaintiff's default- Act of God Inevitable Accident-Private defense-statutory authority-judicial and quasi-judicial acts-parental and quasi-parental acts-acts of state-executive, administrative acts-leave and licence-Trifles.
- 3.3 Doctrine of Sovereign immunity and its relevance in India-Liability of State.
- 3.4 Extinction of liability-*Actio personalis moritur cum persona*-waiver and acquiescence-release-accord and satisfaction-limitation.
- 3.5 Discharge of Torts
 - 3.5.1 Waiver by election
 - 3.5.2 Accord and satisfaction
 - 3.5.3 Release
 - 3.5.4 Acquiescence
 - 3.5.5 Statutes of limitation

Module 04. Specific Torts: Torts against Person, Personal Relations, Property, Reputation

- 4.1 Torts against persons
 - 4.1.1 Assault, battery and mayhem
 - 4.1.2 False imprisonment
 - 4.1.3 Nervous shock
 - 4.1.4 Marital relations, domestic relations, parental relations, master-servant

- relations,
- 4.1.5 Justification-damages.
- 4.2 Torts against Property-Movable and Immovable
 - 4.2.1 Trespass-trespass ab initio
 - 4.2.2 Movable Property-trespass to goods, detinue, conversion, maintenance and champerty
 - 4.2.3 Torts against business interests-injurious falsehood, misstatement, passing off.
 - 4.2.4 Immovable Property-trespass to land-trespass ab initio-dispossession, injuries to reversion, waste, wrongs to easements and similar rights slander of title and slander of goods.
- 4.3 Defamation
 - 4.3.1 Libel and Slander distinction.
 - 4.3.2 Defences
 - 4.3.3 Remedies
- 4.4 Malicious Proceedings
 - 4.4.1 Malicious Prosecution civil proceedings-malicious legal process- abuse of legal process.
 - 4.4.2 Misfeasance in public office
- 4.5 Negligence – meaning, theories, existence of duty, standard of care, breach of duty
 - 4.5.1 Contributory negligence
 - 4.5.2 Breach of statutory duty
 - 4.5.3 *Res-ipsa locquitur* and its importance in contemporary law
 - 4.5.4 Professional liability-doctors, architects, lawyers, builders, engineers, common carriers etc.
 - 4.5.4 Product liability-liability of manufactures.
- 4.6 Nuisance-definition, essentials, types.

Module 05. The Consumer Protection Act, 2019

- 5.1 Consumer-concept-definition scope
- 5.2 Unfair trade practices
- 5.3 Consumer goods
- 5.4 Consumer safety
- 5.5 Service and Commercial Services, Denial of Services-Deficiency
- 5.6 Enforcement of consumer rights:
 - 5.6.1 Consumer forum under Consumer Protection Act,
 - 5.6.2 Judicial Review
 - 5.6.3 PIL and Class actions
 - 5.6.4 Remedies and administrative remedies

Module 06. The Motor Vehicles Act, 1988

- 6.1 Liability on fault basis (negligence)
- 6.2 No-fault basis (Section 140- 144),
- 6.3 Structured formula basis (Section 163A, 163B and Schedule),
- 6.4 Compensation in hit-and-run cases (Section 161 and 163),
- 6.5 Powers and jurisdiction of a Motor Accidents Claims Tribunal
- 6.6 Introduction only to the scheme of compulsory insurance under the Act (Sections 2(30),

145(b), 146 (1) and (2), 147(1)(i) and (2), 149, 151(1), 158(1), 160, 196)

Suggested Readings:

- D.D. Basu: The Law of Torts, Kamal.
- B.M. Gandhi: Law of Torts, Eastern
- P.S. Achuthan Pillai: The Law of Torts, Eastern
- Ratanlal and Dhirajlal: The Law of Torts, Universal
- Avtar Singh: The Law of Consumer Protection: Principles and Practice, Eastern
- Kannan and Vijayaraghavan, Motor Vehicle Laws, 17th edition, Volume 1, Lexis Nexis
- Janak Raj Jai, Motor Accident Claims- Law and Procedure, Universal Law Publishing Co.