

BHAKTA KAVI NARSINH MEHTA UNIVERSITY



FACULTY OF LAW

LL.B. Syllabus -3-Years- [CBCS]

Effective From June - 2018

Bhakta Kavi Narsinh Mehta University

Junagadh-362263

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**BHAKTA KAVI NARSINH MEHTA UNIVERSITY
JUNAGADH**

(Established under the Gujarat Act, No. 23 of 2015)

Faculty of Law

Regulations for the Degree of (Provisional)

Bachelor of Law (LL. B.)

(Based on the Standards and Rules of the Bar Council of India and CBCS)

Effective from June- 2018

R. Law -1

Candidates must forward their applications for admission to University examination to the Registrar on or before the prescribed date with a certificate of attendance duly signed by the principal along with the examination fees fixed by the University.

R. Law-2

An affiliated Law college may assess the component of 30% internal evaluation i.e. CCA on the bases of assignments and viva-voce examination etc. to be held by the CLE after 5th, 10th and 15th week of the concerned Semester. The student shall have to obtain at least 12 marks out of 30 maximum marks for passing in this component. The principal shall communicate the same to the University along with the application form for admission in Semester End Examination to be conducted by the University.

R. Law-3

To pass any of the Semester End Examination, candidate must obtain not less than (a) 40% marks in each course/subject and not less than 50% marks in the aggregate in SEE. In case of the final Semester end Examination.

R. Law-4

Thirty percent internal evaluation i.e. CCA shall be within the exclusive purview of the concerned affiliated College which requires purity, transparency & accuracy in the evaluation & assessment of students. Benefits of Re-assessment scheme will not be made available to the students in this regards.

R. Law -5 Marking Scheme

Every paper shall carry 100 marks out of which 70 marks are for written examination, i.e. SEE and 30 marks for internal assessment, i.e. CCA. The criteria for internal assessment shall be as follows:

i)	Viva- Voce	10 Marks
ii)	Home assignments	10 Marks
iii)	Presentation	10 Marks

TOTAL MARKS (CCA)		30 Mark

R. Law -6: Paper Style

Question No.	Type	Weightage (Marks)
1,2,3 & 4	Essays Type Question	56 (14 each)
5	Short Note / Essay	14 (7 each)
	Total	70

Every paper shall be evaluated externally for 70 marks in addition to the continuous comprehensive assessment of 30 marks described in R. Law – 5.

R. Law -7

Class shall be awarded on the basis of total marks obtained in the aggregate i.e. A successful candidate who obtains 66% or more of the total marks obtainable in the aggregate i.e. of semester I to VI taken together, will be placed in the First Class. A successful candidate who obtains less than 66% but not less than 50% of the total marks obtainable in the aggregate i.e. of semester I to VI taken together, will be placed in the Second Class.

R. Law -8 : Course Structure :

The following are the subjects/papers for the study of Semester -I to VI under the Three years LL.B. Degree programme.

Semester – 1

No.	Course Title	C	IM	EM	TM
1.	Law of Torts, etc.	5	30	70	100
2.	Constitutional Law-1 & Right to Information	5	30	70	100
3.	Law of Crime – 1	5	30	70	100
4.	Law of Contract-1 & Specific relief Act	5	30	70	100
5.	Banking Law	5	30	70	100

C = Credits

IM=Internal Marks

EM=External Marks

TM=Total Marks

CCT=Core Course

SO=Sill Oriented Course

ICT=Interdisciplinary Course

SS=Self Study Course

DP=Dissertation / Project Work

ECT=Elective Course

Syllabus LL.B. (Three Years) -CBCS– 2018

Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core		Law of Torts	5	30	70	100	Two Hours Thirty Minutes

	EXT	+	INT	=	TOTAL
1. Law of Torts	25		10	=	35
Consumer Protection Act	25	+	10	=	35
MV Accident Law	20	+	10	=	30
	70		30		100

Course objectives:

- With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings.
- Presently, the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology.
- Product liability is now assuming a new dimension in developed economies.
- In the modern era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection.

Course Contents: LAW OF TORTS.

(60)

Unit -1. Evolution of Law of Torts : Definition, Nature, Scope & Object.

- 1.1 England – forms of action – specific remedies from case to case.
India – principles of justice equity and good conscience – uncoded character - advantages and disadvantages.
- 1.2 A wrongful act – violation of duty imposed by law, duty which is owed to people generally (in-rem) – damnum sine injuria and injuria sine damnum.
Tort distinguished from crime and breach of contract.
- 1.3 The concept of unliquidated damages.
Changing scope of law of torts : expanding character of duties owed to people generally due to complexities of modern society.
- 1.4 Objects – prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

Unit-2. Principles of Liability in Torts : Justification in Tort liability.

- 2.1 Fault :
Wrongful intent.
Negligence.
Liability without fault.
Violation of ethical codes.
Statutory liability.
Place of motive in torts.
- Volention fir injuria.
Necessity, private and public.
Plaintiff's default.
Act of God.
Inevitable accident.
Private defence.
Statutory authority.
Judicial and quasi-judicial acts.
Parental and quasi-parental authority.

Unit-2.2 Extinguishment of liability in certain situations.

Actio personalise moritur cum persona-exceptions.
Waiver and acquiescence.
Release.
Accord and satisfaction.
Limitation.

Unit-2.3 Standing.

Who may sue-aggrieved individual – class action – social action group.
Statutes granting standing to certain persons or groups.
Who may not be sued?

Doctrine of sovereign immunity and its relevance in India.

Unit-3. Vicarious Liability.

- 3.1. Basis, scope and justification.
Express authorization
Ratification.
Abetment.
Special Relationships:
Master and servant – arising out of and in the course of employment – who is master? – the control test – who is servant ? – borrowed servant – independent contractor and servant, distinguished.
Principal and agent.
Corporation and principal officer.

Torts against persons and personal relations, Trespass.

- 3.2 Assault, battery, mayhem
False imprisonment
Defamation – libel, slander including law relating to privileges.
Marital relations, domestic relations, parental relations, master and servant relations.
Malicious prosecution.
Shortened expectation of life.
Nervous shock.

Unit-3.3	Wrongs affecting property.	
	Trespass to land, trespass ab initio, dispossession. Movable property – trespass to goods, detainment, conversion. Torts against business interests – injurious falsehood, misstatements, passing off.	
Unit-3.4	Negligence.	
	Basic concepts. Theories of negligence. Standards of care, duty to take care, carelessness, inadvertence. Doctrine of contributory negligence. Res ipsa loquitur and its importance in contemporary law. Liability due to negligence : different professionals. Liability of common carriers for negligence. Product liability due to negligence : liability of manufacturers and business houses for their products.	
Unit-4.	Nuisance.	
4.1	Definition, essentials and types.	
	Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air.	
Unit-4.2	Absolute / Strict liability.	
	The rule in Rylands v. Fletcher. Liability for harm caused by inherently dangerous industries.	
Unit-4.3	Legal remedies.	
	Legal remedies : Award of damages – simple, special, punitive. Remoteness of damage – foreseeability and directness. Injunction.	
4.4	Specific restitution of property. Extra-legal remedies – self-help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance.	
Unit-5.	M.V. Act.	(20)
5.1	Liability without fault in certain cases Liability to pay compensation on the principle of no fault	
	Provisions to the right to claim compensation for death or permanent disablement Necessity for insurance third party risk. Requirement of policies and limits of liability Rights of third parties against insurer on insolvency of insured Settlement between insurer and insured persons Duty to furnish particulars of vehicle involved in accident Special provisions as to compensation in case of hit and run motor accident Refund in certain cases of compensation paid under section 161. Scheme for payment of compensation in case of hit and run under motor vehicle act	

Text Books:

1. D.M.Gandhi, law of Tort (1987), Eastern, Luck now.
2. Consumer Protection Act
3. Motor Vehicle Act

Bhakta Kavi Narsinh Mehta University, Junagadh**Faculty of Law**

Name of Course	Semester	Core/Elective/ Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core		Constitutional Law-1 & Right to Information	5	30	70	100	Two Hours Thirty Minutes

	EXT	+	INT	=	TOTAL
2. Constitutional Law-1	50	+	20	=	70
(Article 1 To 51 A)					
Right to Information	20	+	10	=	30
	70	+	30	=	100

Course Objectives:

- The purpose of teaching constitutional law is to highlight its never-ending growth.
- Fundamental Rights and Duties of the Citizens of India.
- Constitutional interpretation is bound to be influenced by one's social, economic or political Rights.
- A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation.
- Such a critical approach is necessary requirement in the study of constitutional law.

Course Contents:**Unit - 1. Historical Perspective.**

- 1.1. Constitutional development since 1858 to 1947.
- 1.2. Gandhi Era – 1919 to 1947 : social political, economic and spiritual influence.
- 1.3. Making of Indian Constitution.
- 1.4. Nature and special features of the constitution.
- 1.5. Federalism.

Unit-2. Equality and Social Justice & Freedoms and social control.

- 2.1. Equality before the law and equal protection of laws.
- 2.2. Classification for differential treatment: constitutional validity.
- 2.3. Gender justice.
- 2.4. Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards classes.
- 2.5. Strategies for ameliorative justice.
- 2.6. Speech and expression.
- 2.7.1 Media, press and information.
- 2.2 Freedom of speech and contempt of court.

- 2.3 Freedom of assembly.
- 2.4 Freedom of association.
- 2.5 Freedom of movement.
- 2.6 Freedom to reside and settle.
- 2.7 Freedom of profession/business.
- 2.8 Property: from fundamental right to constitutional right.

Unit-3. Fundamental Rights and Directive Principles.

90-Marks

- 3.1 Rights of an accused – double jeopardy – self-incrimination retroactive punishment.
- 3.2 right to life and personal liberty: meaning, scope and limitations.
- 3.3 Preventive detention – constitutional policy.
- 3.4 Directive Principles-directions for social change – A new social order.
- 3.5 Fundamental Rights and Directive Principles-inter-relationship – judicial balancing.
- 3.6 Constitutional amendments – to strengthen Directive Principles.
- 3.7 Reading Directive Principles into Fundamental Rights.

Unit-4. Fundamental duties, Secularism.

- 4.1 The need and status in constitutional set up.
- 4.2 Interrelationship with fundamental rights and directive principles.
- 4.3 Concept of secularism: historical perspective.
- 4.4 Indian constitutional provision.
- 4.5 Freedom of religion – scope.
- 4.6 Religion and the state: the limits.
- 4.7 Minority rights.

Unit-5. Right to Information.

10-Marks

DEFINITION.

Unit-5.1 RIGHT TO INFORMATION & OBLIGATIONS OF PUBLIC AUTHORITY

- Right to Information.
- Obligation of public authority.
- Designation of public information officer.
- Request for obtaining information.
- Disposal of request.
- Exemption from disclosure of information.
- Grounds for rejection to access in certain cases.
- Severability.
- Third party information.

Unit-5.2 CENTRAL INFORMATION COMMISSION.

- Constitution of Central Information Commission.
- Term of office and condition of service.
- Removal of information commissioner or Deputy Information Commissioner.

Unit-5.3 STATE INFORMATION COMMISSION.

- Constitution of Central Information Commission.
- Term of office and condition of service.
- Removal of information commissioner or Deputy Information Commissioner.

Reference Books.

1. The Constitution of India.
Noshirvan H. Jhabrala, C. Jamanadas & Co.
2. Constitution of India, D. K. Shukla,
Eastern Books Company.
3. Constitution Law versus Legislatures,
Dr. Upendra Baxi, Vedpal Law House.
4. The Constitution of India,
D.D. Basu, Lexis Nexis
Butterworth's Wadhwa.

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Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core		Law of Crime – 1	5	30	70	100	Two Hours Thirty Minutes

3.	Law of Crime - 1	EXT	+	INT	=	TOTAL
	Indian Penal Code	70	+	30	=	100
		70	+	30	=	100

Course Objectives:

- The Indian society has changed very rapidly since Independence.
- A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skills to build a just and humane society.
- The curriculum outlined here attempts to bring in these new perspectives.

Course Contents:

Unit - 1. General.

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

Unit - 2. Elements of criminal liability & Group liability.

- 2.1 Author of crime – natural and legal persons.
Mens rea – evil intention.
Importance of mens rea.
- 2.2 Recent trends to fix liability without mens rea in certain socio-economic offences,
Act in furtherance of guilty intent,
Omission,
Injury to another.
- 2.3 Stringent provision in case of combination of persons attempting to disturb peace,
Common intention,
Abetment,
Instigation, aiding and conspiracy,
Mere act of abetment punishable,
- 2.4 Unlawful assembly,
Basis of liability,
Criminal conspiracy,
rioting as a specific offence.

Unit - 3. Stages of a Crime & Factors Negating Guilty Intention & Types of Punishment.

- 3.1 Guilty intention – mere intention not punishable.

Preparation.

Preparation not punishable.
- 3.2 Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures,
Attempt:
Attempt when punishable – specific provisions of IPC,
tests for determining what constitutes attempt – proximity, equivocality and social danger,
Impossible attempt.
- 3.3 Mental incapacity,
Minority,
Insanity-impairment of cognitive faculties, emotional imbalance.
Medical and legal insanity,
Intoxication – involuntary,
Private defence-justification and limits,
When private defence extends to causing of death to protect body and property,
Necessity,
Mistake of fact.
- 3.4 Death:
Social relevance of capital punishment.
Alternatives to capital punishment.
Imprisonment – for life, with hard labour, simple imprisonment.
Forfeiture of property.
Fine.
Discretion in awarding punishment :
Minimum punishment in respect of certain offences

Unit - 4. Specific Offences against Human Body & offences against women.

- 4.1 Causing death ;
Culpable homicide,
Murder,
Distinction between culpable homicide and murder,
Specific mental element : requirement in respect of murder,
Situation justifying treating murder as culpable homicide not amounting to murder,
Grave and sudden provocation
Exceeding right to private defence.
- 4.2 Public servant exceeding legitimate use of force,
Death in sudden fight,
Death caused by consent of the deceased – euthanasia and surgical operation,
Death caused of person other than the person intended,
Miscarriage with or without consent,
Rash and negligent act causing death,
Hurt-grievous and simple,
Assault and criminal force,
Wrongful restraint and wrongful confinement – kidnapping from lawful guardianship and from outside India,
Abduction.
- 4.3 Insulting the modesty of women,
Assault or criminal force with intent to outrage the modesty of woman,
Causing miscarriage without woman's consent,
Causing death by causing miscarriage without woman's consent,
Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse,
Buying a minor for purposes of prostitution,
Rape.
- 4.4 Custodial rape,
Marital rape,
Prevention of immoral traffic,
Cruelty by husband or his relatives,
Prevention of Sati,
Prohibition of indecent representation of women.

Unit - 5. Offences against Property.

- 5.1 Theft,
Cheating,
Extortion,
Robbery and dacoity,
Mischief,
Criminal misrepresentation and criminal breach of trust.

Unit - 5.2 New kinds of crimes such as terrorism, pollution and adulteration.

Unit - 5.3 Law Reforms.

Text Books :

1. K.D. Gaur, A Text book on the Indian Penal code (1998), Universal, Delhi.
2. Ratanlal-Dhirajlal's Indian Penal Code (1994 reprint)
3. B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur

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Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Core		Law of Contract-1 & Specific relief Act	5	30	70	100	Two Hours Thirty Minutes

		EXT	+	INT	=	TOTAL
4.	Law of Contract - 1	50	+	20	=	70
	(Section 1 to 75) &					
	Specific relief Act	20	+	10	=	30
		70	+	30	=	100

Course Objectives:

- Every man in his day to day life from dawn to dusk makes a variety of contracts.
- Man's contract making activities increase with the increasing trade, commerce and industry.
- This course is designed to acquaint a student with the conceptual and operational parameters of various general principles of contractual relations.
- Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

Course Contents:

Unit -1. General Principles of Law of Contract.

- 1.1 Essentials of Valid Contract, Void & Voidable Contract
- 1.2 Legality of objects.
- 1.3 Un law full object.
- 1.4 agreements: Void Agreements,
- 1.5 Free Consent: Coercion, Undue Influence, Misrepresentation, Fraud, Mistake
- 1.6 Agreements in restraint of marriage, Agreements in restraint of trade, Agreements in restraint of legal proceedings, Wagering agreement

Unit - 2. Discharge of a contract

- 2.1 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.
- 2.2 By breach-anticipatory breach and present breach.
- 2.3 Impossibility of performance-specific grounds of frustration-application to leases-theories of frustration-effect of frustration-frustration and restitution.
- 2.4 By period of limitation.
- 2.5 By agreement-rescission and alteration – their effect-remission and waiver of performance-extension of time-accord and satisfaction.

Unit - 3. Types of Contracts.

- 3.1 Quasi-contracts or certain relations resembling those created by contract.
- 3.2 Contingent Contracts.

- Unit -4. Remedies in contractual relations :**
- 4.1 Damages-kinds-remoteness of damages-ascertainment of damages.
 - 4.2 Injunction-when granted and when refused-Why?
 - 4.3 Refund and restitution.
 - 4.4 Specific performance-When ? Why ?
 - 4.5 Standard Form Contracts.
 - 4.6 Government as a Contracting Party.

- Unit -5. Specific Relief Act.**
- 5.1 Introduction
 - 5.2 Recovery 'Possession of Property.
 - 5.3 Specific Performance of Contract.
 - 5.4 Rectification of Instrument.
 - 5.5 Rescission & Cancellation of Contract.
 - 5.6 Declaratory Decree & Injection.

Text Books:

- 1. Avtar singh, law of Contract (2000)Eastern, Lucknow.
 - 2. Anand and Aiyer, law of Specific Relief (1999), Universla.
 - 3. Law of Contract (Studer Edition) – D.F. Mulla
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Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	1	Elective		Banking Law	5	30	70	100	Two Hours Thirty Minutes

	EXT	+	INT	=	TOTAL
5. Banking Law					
Banking Regulation Act.	30	+	10	=	40
Negotiable Instruments Act.	40	+	20	=	60
	70	+	30	=	100

Course Objectives:

- The modern society functions, contrary to the old barter system, on monetary transactions.
- In a developing country like India, the banking system takes off and becomes quite common even among the common people.
- The services banks render to the general public do have a significant contribution to the development of the economy.
- Pari passu, the security to the assets money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the banks.
- The variety of assistance tended by the banks to the common people and business community cannot be overemphasized in this context.
- The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

Course Contents :

Unit - 1. Introduction.

- 1.1. Banking : definition – common law and statutory.
- 1.2. Commercial banks : functions.
- 1.3. Systems of Banking : Unit banking, branch banking, group banking and chain banking.
- 1.4. Banking companies in India.
- 1.5. Banks and Customers : Meaning "customer relationship".
- 1.6. Rights and obligations of banks.
- 1.7. Right of set-off. "Banker's lien".

Unit - 2. Banks And Customers:

- 2.1. Kinds of Accounts,
- 2.2. Garnishee orders.
- 2.3. Special types of customers : - Lunatics, minors, agents, administrators and executors,
- 2.4. Bankers Duty and Exceptions to the duty

Unit - 3. Control over Banks.

- 3.1. Control by Government and its agencies.
- 3.2. Control by ombudsman.
- 3.3. RBI.
 - 3.3.1. Characteristics and functions of RBI
 - 3.3.2. Objectives and organizational structure.
 - 3.3.3. Functions of RBI.
 - 3.3.4. Determination of bank rate policy.

Unit - 4. Lending by Banks.

- 4.1 Principles of good lending.
- 4.2 Securities for bank advances.
- 4.3 Kinds of guarantees : specific & continuing.
- 4.4 Surety's rights and liabilities.
- 4.5 Repayment.
- 4.6 Interest : Rule against penalties.
- 4.7 Default and Recovery.
- 4.8 Recovery of Debts Due to Banks and Financial Institutions Act, 1993.
- 4.9 Pledge, Mortgage, Charge, Goods or documents of title to goods, Life insurance policies as security, Debentures as security, Guarantees as security, Contract of guarantee and contract of indemnity.

Unit - 5. Law Relating to Negotiable Instruments.

- 5.1 Negotiable instruments kinds.
- 5.2 Holder and Holder in due course.
- 5.3 Parties.
- 5.4 Negotiation.
- 5.5 Presentment.
- 5.6 Discharge from liability.
- 5.7 Dishonor.
- 5.8 Civil liability.
- 5.9 Liability: procedure for prosecution: extent of penalty.
- 5.10 The Paying Banker.
- 5.11 Duty to honour customers' cheques.
- 5.12 Conditions.
- 5.13 Exceptions to the duty to honour cheques.
- 5.14 Money paid by mistake.
- 5.15 The Collecting Banker.
- 5.16 Liability for conversion.
- 5.17 Duties.
- 5.18 Good faith and statutory protection to the collecting banker.

Text Books :

- 1. M.S. Parthasarathy (Ed.), Kherganvala on the Negotiable Instruments Act (1998) Buterworth, New Delhi.
 - 2. M.L. Tannen, Tannen's Banking Law and Practice in India, (2000) India Law House, New Delhi.
 - 3. Mukherjee. T.K., Banking Law and Practice (1999), Universal, Delhi.
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