



**C. U. SHAH UNIVERSITY**  
**Wadhwan City**

**FACULTY OF:-** LAW  
**DEPARTMENT OF:-** LAW  
**SEMESTER:-** I  
**CODE:-** 4LW01LOC1  
**NAME:-** LAW CRIME-1

**Teaching and Evaluation Scheme:-**

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW01LOC1	LAW CRIME-1	5	0	0	5	5	30	1.5	70	3	---	---	---	100

## LAW OF CRIMES -I- (Indian Penal Code)

### Object of the Course

Crime and Punishment has been the one of the most important task of rule of

law of the State. This course is designed with a prime object to familiarize

students with the principles of criminal liability and other concepts of substantive criminal law. So proper understanding of these offences & criminal

behaviors, methods of controlling them has now become extremely important in

the larger context of Indians development & to build a just and humane society.

The curriculum outlined here attempts to seek these objectives.

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Methods of teaching-learning: Lecture method shall be the main method of

learning to be followed. Dialectic method of mooting and argumentation plays a

very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire

course. Case comment can also be a method of research writing in this paper.

Evaluation methods:

a) Theory Examination of 70 marks (Minimum marks for Passing- 33)

b) Internal assessment of 30 marks shall consist of

i) Assignment- 10marks (Minimum marks for Passing- 4)

ii) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)

iii) Viva Voce -10 marks (Minimum marks for Passing- 4)

## **SYLLABUS**

Unit- 1 – Concept of crime.

1.1 Concept of crime & distinction between Crime ,Ethical wrongs,sin & Moral wrongs.

1.2 Applicability of Indian Penal Code, 1860

- Territorial applicability- Extra Territorial & Intra- Territorial.

- Personal applicability.

1.3 Salient features of Indian Penal Code, 1860

1.4 General Concepts under IPC 1860.

Person, Public servant, Movable Property, Document, Injury, Valuable security, Judge.

Unit- 2 - Foundation of Criminal Liability.

2.1 -Stages of Crime-Intention, Preparation, Attempt & commission.

2.2 –Elements of Crimes Liability.

-Actus Reus

-Mens Rea.

-Various concepts depicting Mens Rea under I.P.C.

Dishonestly, fraudulently, voluntarily, Good faith, Knowingly, Negligently,

2.3 Recent trends in fixing criminal liability without mens rea

2.4 & Group liability in crimes- common intention & common

Factors Negativating guilty Intention.

2.5 Need for providing defenses /exception.

Unit- 3 -General exceptions under sec. 76 to 106

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Unit- 4 - Of Punishment.

4.1 Concept & object of Punishment.

4.2 Various types of punishment under IPC.

4.3 Discretion in awarding punishments.

Unit- 5 – Inchoate Offences.

5.1 Concept of Inchoate offences.

5.2 Various types of inchoate offences.

Attempt, Abetment & Conspiracy.

5.3 Group liability offences-

Unlawful Assembly, Rioting.

Unit- 6- Offences affecting Life.

6.1 Culpable homicide. Murder

6.2 Hurt & Grievous Hurt.

6.3 Wrongful Restraint & wrongful Confinement.

6.4 Criminal force & assault.

6.5 Kidnapping & Abduction.

Unit- 7- Offences against Property.

7.1 Theft.

7.2 Extortion.

7.3 Robbery & Dacoity.

7.4 Criminal misappropriation of property.

7.5 Criminal Breach of Trust.

7.6 Receiving stolen property.

7.7 Cheating & Mischief.

7.8 Criminal Trespass

7.8.1 House Trespass & lurking house trespass.

7.8.2 House breaking & housebreaking by night.

Unit- 8- Offences of False Evidence & Offences Relating To

Documents.

8.1 Giving false evidence & fabricating false evidence.(sec.493)

8.2 Forgery & making false document

8.3 Forged document.

Unit- 9 – Of Defamation.

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-Defamation under sections 499 to 502.

Unit- 10 - Offences affecting the public Health, Safety, Convenience, Decency and Morals (Sec 268-294A)

10.1 Offences affecting the Public Health (Section 268-278)

(i) Public Nuisance (S.268)

(ii) Acts likely to spread infection (section 269-271)

(iii) Pollution of food or drink (section 272-273)

(iv) Adullualia of drugs (section 274-276)

(v) Fouling water and relating atmosphere (section 277-278)

10.2. Offences affecting the public safety and Convenience (Section

277-

278)

- (i) Rash Driving or riding on a public way. (Section 279)
- (ii) Rash or negligent navigation. (Section 280)
- (iii) Exposing false light, mark or being mislead navigator
- (iv) Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
- (v) Causing danger or obstruction to any person in public way. (Section 283)
- (vi) Negligent conduct with respect to poisonous substance.(Section 284)
- (vii) Negligent conduct with respect to fire, combustible substances. (section 285-289)
- (viii) Continuance of Nuisance. (Section 291)

### 10.3. Public Decency and Morals (ss 292-294A)

A. Prevention of obscenely (ss 292-294)

B. Keeping Lottery Office (S 294A)

C. Cases related to spreading of infectious diseases

### Reference Books

V Williams Glanville- The Text Book of Criminal Law

V Jerom Hall – Studies in Jurisprudence and Criminal Theory

V Jw Cecil Turner (edt.) – Kenny’s Outlines of Criminal Law

V Jw Cecil Turner - Russel on Crime

V Smith and Hogan – Criminal Law

V A.P. Simester & G.R. Sullivan – Criminal Law Theory and Doctrine

V R. C. Nigam – Principles of Criminal Law Asia Publishing House, Lucknow.

V Prof. K.N. Chndranshekhar Pillai – Essay’s on Indian Penal Code

V R. C. Srivastava – Law Relating to Crima Punishment

V Andrew Ashworth – Principles of Criminal Law

V P.S/Achuthun Pillai, Criminal Law (1995) Eastern, Lucknow.

V Prof K.D Gaur - Criminal Law Cases and Material(1991), Butterworths India.

V Dr. Hari Singh Gaur – Penal Law of India (4 volumes)

V R. A Nelson – Indian Penal Code

24

V Prof. K.N. Chandranshekhar Pillai – Essay’s on Indian Penal Code

V Ratan Lal and Dhiraj Lal – Indian Penal Code

V Prof. Raghavan – Indian Penal Code

B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur

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



## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-** LAW

**DEPARTMENT OF:-** LAW

**SEMESTER:-** I

**CODE:-** 4LW01CON1

**NAME:-** CONSTITUTIONAL LAW- I

### Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW01CON1	CONSTITUTIONAL LAW- I	5	0	0	5	5	30	1.5	70	3	---	---	---	100

## CONSTITUTIONAL LAW- I

Object: India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law. Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

Methods of teaching-learning: Lecture and Case-study method shall be the main method of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

Evaluation methods:

- a) Theory Examination of 70 marks (Minimum marks for Passing- 33)
- b) Internal assessment of 30 marks shall consist of
  - i) Assignment- 10marks (Minimum marks for Passing- 4)
  - ii) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - iii) Viva Voce -10 marks (Minimum marks for Passing- 4)

## **SYLLABUS:**

Unit -1 Historical Perspective-

1.1 Constitutional Development since 1858 to 1947

1.2 Making of Indian Constitution.

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1.3 Nature of Indian Constitution.

1.4 Salient features of Indian Constitution.

Unit -2 Preamble and Citizenship-

2.1 purpose, and status.

2.2 Citizenship- Meaning

2.3 Citizenship at the commencement of Constitution.

2.4 Citizenship under the Citizenship Act. 1955.

Unit -3 Fundamental Rights (Art. 12 and 13)-

3.1 Origin and development of Fundamental Rights.

3.2 Nature of Fundamental Rights.

3.3 New Judicial Trend

3.4 Doctrine of Severability.

3.5 Doctrine of Eclipse.

Unit -4 Right to Equality (Art.14 to 18)-

4.1 Equality before law and Equal Protection of Law.

4.2 Classification of differential treatment : constitutional validity.

4.3 Gender Justice and Protective Discrimination.

4.4 Justice to the weaker sections of society- Social Justice.

4.5 Abolition of untouchability.

4.6 Abolition of Title.

Unit –5 Freedoms and Social Control units-(Art-19 to 22)

5.1 Freedom of Speech and Expression.

5.2 Freedom of Assembly.

5.3 Freedom of form Association.

5.4 Freedom to Reside and Settle.

5.5 Freedom of Profession, occupation, Trade of Business.

5.6 Right to Property- from Fundamental Right to Constitutional Right.

5.7 Right to Personal Liberty---- Art 20 & 21

Rights of accused- Double Jeopardy, Self-Incrimination and Retroactive Punishments.

Right to Life and Personal Liberty- meaning, scope and limitations.

Preventative Detention and constitutional policy, Art 22

Unit –6 Secularism---

6.1 Concept of Secularism- Historical perspective.

6.2 Freedom of Religion-nature, scope and limitations.

6.3 Right to Freedom of Religion- use and misuse- Indian scenario.

6.4 Minority Rights.

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Unit –7 Right to Constitutional Remedies— Art 32

7.1 A dynamic approach- Public Interest Litigation- Nature, scope, merits and demerits.

7.2 Judicial Activism.

Unit –8 Directive Principles of State Policy and Fundamental Duties—

8.1 Underlying object and significance of Directive Principles.

8.2 Classification of Directives.

8.3 Fundamental Right and Directive principles- Interrelationship and Judicial balancing.

8.4 Fundamental Duties---

8.4.1 Need

8.4.2 Source and enforcement of fundamental duties.

8.5 Relation of Fundamental Duties with Directive Principles and Fundamental Right

9. Right to Information Act

## **List of cases (For reference)**

1. Keshavananda Bharati v. State of Kerala, AIR 1973 SC 1461;
2. Excel Wear v. Union of India AIR 1979 SC 25;
3. Bhim Singhji v. Union of India, AIR 1981 SC 234;
4. State of Kerala v. N.M.Thomas AIR 1976 SC 490
5. Waman Rao v. Union of India AIR 1981 SC 271;

6. Minerva Mills Ltd. V. Union of India AIR 1980 SC 1789,
7. Golak Nath v. State of Punjab, AIR 1967SC 1643,
8. State of West Bengal v. Anwar Ali AIR 1951 SC 75,
9. Naga People's Movements of Human Rights v. Union of India AIR 1998 SC 431,
10. BALCO Employees' Union v. Union of India AIR 2002 SC 350
11. StStephen's College v. University of Delhi AIR 1992SC1630,
12. Indian Express Newspapers v. Union of India, AIR 1986 SC 515
13. state of Sikkim v. Surendra Prasad Sharma AIR 1994 SC 2342,
14. Prabhakar v. State of Andhra Pradesh AIR 1986 SC 210,
15. Shiv Charan v. State of Mysore AIR 1965 SC 280,
16. Balaji v. State of Mysore AIR 1963 SC 649,
17. Sagir Ahmed v. State of Utter Pradesh AIR 1954 Sc 728,
18. T.M.A. Pai Foundation v. State of Karnataka AIR 2003 SC 355,
19. Express Newspapers v. Union of India AIR 1986 SC 872
20. Khare v. State of Delhi AIR 1950 SC 211,
21. State of Maharastra v. Rajendra J.Gandhi AIR 1997 SC 3986
22. Francis CoralieMullin v. Administration of Delhi AIR 1981 SC 746,
23. M.C.Mehta v. Union of India AIR 1987 SC 1086,
24. Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802,
25. Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446,
26. Vellore Citizens Welfare Forum v. Union of India AIR 1996 SC 2715
27. State of Punjab v. Mahinder Singh Chawla AIR 1997 SC 1225,
28. Paschim Bangal Khet Mazdoor Society v. State of West Bengal, AIR 1996 SC 2426

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29. Air India Statutory Corporation v. United Labour Union AIR 1997 SC 645,
30. Maneka Gandhi v. Union Of India AIR 1978 SC 597,
31. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 186,
32. People's Union of Civil Liberty v. Union of India AIR 1997 SC 568,
33. Hussainara v. Home Secretary, State of Bihar AIR 1979 SC 1819
34. J.P.Unnikrishnan v. State of Andhra Pradesh AIR 1993 SC 2178
35. Mr. X v. Hospital Z AIR 1999 SC 495
36. Gopalan v. State of Madras, AIR 1950 SC 27,
37. M.C.Mehta v. State of Tamil Nadu, AIR 1997 SC 699,
38. Gaurav Jain v. Union of India AIR 1990 SC 1412,
39. Acharya Jagadiswarananda v. Commissioner of Police, Calcutta AIR 1984 SC 51,
40. Ratlam Municipality v. Vardichan, AIR 1980 SC 1622,
41. M.C.Mehta v. Union of India AIR 1987 SC 1086, and AIR 1999 SC 2583,
42. Pramod v. Medical Council, (1991) 2 SCC 179,
43. Ahmedabad Women Action Group v. Union of India AIR 1997 SC 3614
44. Vishakha v. State of Rajasthan, AIR 1997 SC 3011

#### Reference Books

1. T,K, Tope : Constitutional of India.
2. G.Austin, History of Democratic Constitution: The Indian Experience (2000) Oxford.
3. D.D. Basu : Shorter Constitution of India : (1996) Prentice Hall of India, Delhi.
4. Constituent Assembly Debates Vol. 1 to 12 (1989).



5. H.M. Seervai : Constitution of India. Vol.-1-3 (1992), Tripathy, Bombay.
6. M.P. Singh (ed) V.N. Shukla : Constitutional Law of India (2000) Oxford.
7. G.Austin: Indian Constitution:- Cornerstone of a Nation (1972)
8. M.Glanter: Competing Equalities – Law and the Backward Classes in India (1984) Oxford.
9. B. Sivaramayya : Inequalities and the Law (1984) Eastern, Lucknow.
10. S.C. Kashyap : Human Rights and Parliament (1978) Eastern Lucknow.
11. Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.
12. P.M.Bakshi, Constitution of India, Universal
13. M.P.Jain Indian Constitutional Law, Wadhwa
14. Granville Austin The Constitution of India, Oxford



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**FACULTY OF:-** LAW  
**DEPARTMENT OF:-** LAW  
**SEMESTER:-** -I  
**CODE:-** - 4LW01CON2  
**NAME:-** – CONSTITUTIONAL LAW- II

**Teaching and Evaluation Scheme:-**

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW01CON2	CONSTITUTIONAL LAW- II	5	0	0	5	5	30	1.5	70	3	---	---	---	100

## CONSTITUTIONAL LAW – II

Object : To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of

growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Method of study: Lecture method and interactive sessions of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation

and new interpretation

Evaluation methods:

- a) Theory Examination of 70 marks (Minimum marks for Passing-33 )
- b) Internal assessment of 30 marks shall consist of
  - i) assignment- 10marks (Minimum marks for Passing- 4)
  - ii) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
  - iii) Viva Voce -10 marks (Minimum marks for Passing- 4)

## Syllabus

Unit-1 Parliament-

1.1 Composition

1.2 Election, qualifications and tenure of members.

1.3 Functions of Parliament.

1.4 Privileges of Members

1.5 Parliamentary Privileges and fundamental rights.

Unit-2 Parliamentary Government

2.1 Westminster Model- Choice of Parliamentary form of Government at the Centre and the State.

2.2 President of India- Election, qualification and Impeachment, powers and privileges.

2.3 Governor of the State- Appointment, tenure etc., position and status of Governor.

2.4 Council of Minister and Prime Minister Cabinet system, collective responsibility- individual responsibility.

2.5 Coalition Government- Anti Defection Law.

Federalism -----

2.6 Federalism Principles- comparative study.

2.7 Indian Federalism- Identification of federal features.

2.8 Challenges to Indian federalism- Sarkaria Commission.

Unit-3 Relations between Union and States-

3.1 Legislative Relations----

3.1.1 Distribution of Legislative Powers

3.1.2 Principles of interpretation of Lists.

3.1.3 Parliament's power to legislate on State subjects.

3.2 Administrative Relations ---

3.2.1 All India Services

3.2.2 Grants in aid.

3.3 Financial Relations---

3.3.1 Distribution of Revenue between Centre and

State.

- 3.3.2 Finance Commission.
- 3.3.3 Process of Law making- Ordinary Bill, Money Bill, procedure etc.
- Unit-4 Freedom Trade-Commerce ---
- 4.1 Historical Perspective.
- 4.2 Object and significance of such provision in federal constitution.
- 4.3 Restrictions on Trade and Commerce.
- Unit-5 Services under the State---
- 5.1 Doctrine of Pleasure.
- 5.2 Constitutional safeguards to Civil Servants.
- 5.3 Limitations on Doctrine of Pleasure.
- 5.4 Public Service Commission
- Unit-6 Emergency Provisions---
- 6.1 Emergency---meaning.
- 6.2 Various kinds of Emergencies.
- 6.3 Effects of emergency.
- Unit-7 Judiciary under Constitution---
- 7.1 Supreme Court---composition, appointment, Jurisdiction, removal etc.
- 7.2 High Court---Composition, Appointment, jurisdiction etc.
- 7.3 Doctrine of Judicial Review- Nature and scope.
- 7.4 Independence of Judiciary.
- Unit-8 Constitutional process of Adaptation and alteration--
- 8.1 Amendment- meaning
- 8.2 Methods of Constitutional amendment
- 8.3 Limitations upon constituent power.
- 8.4 Doctrine of Basic Structure.

## Books:

- 1) T.K. Tope: Constitutional of India.
- 2) G.Austin, History Democratic Constitution: The Indian Experience (2000) Oxford.
- 3) D.D. Basu : Shorter Constitution of India (1996) Prentice Hall of India, Delhi.
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**FACULTY OF:-** LAW  
**DEPARTMENT OF:-** LAW  
**SEMESTER:-** -I  
**CODE:-** - 4LW01LOT1  
**NAME:-** – LAW OF TORTS

**Teaching and Evaluation Scheme:-**

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW01LOT1	LAW OF TORTS	5	0	0	5	5	30	1.5	70	3	---	---	---	100

**LAW OF TORT INCLUDING MV ACCIDENT  
& CONSUMER PROTECTION LAWS**

**OBJECT :** Independent of criminal or contract law, Tort law provides individuals and groups with redress for injury to every dimension of life from physical injury, to property damage, to personal insult. Over past decades no area of law within the civil justice system has experienced greater ferment than the law of Tort and this has resulted in vital changes the thinking of the tortuous liability. The object of the course is to familiarize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the wrongs committed against the individual and their property, and to develop sound knowledge, skills and disposition amongst students of law on some of the

contemporary issues of Specific Torts, Cyber Tort, Family Tort, and Economic Tort, Product Liability etc.

Presently the emphasis is on extending the principles not only to harmful acts

but also to failure to comply with standards that are continuously changing due

to advancement in science and technology. In the modern era of consumer,

concern of goods and services, the law of torts has added significance in consumer protection. Taking this into consideration, a topic on Motor Vehicle

Accident claims has been added. It emphasizes liability, Insurance and working of claim Tribunals.

Methods of teaching-learning: Lecture method shall be the main method of

learning to be followed. Dialectic method of case study, mooted and argumentation plays a very convincing procedure of learning. The information

sharing and flow of information among the teacher and taught has to work as

bonding of the entire course. Paper writing and presentation may be gainfully

employed to maximize the teaching-learning devise.

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**SYLLABUS:**

Unit 1- Definition, Nature and Scope.

1.1 Definition of Tort, Distinction between Tort and Crime.

1.2 Concept of unliquidated damages.

1.3 Relevance of Mental Elements in determining tortious liability-

1.3.1 Intention, Motive, Malice, Knowledge, Negligence.

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1.4 General principles of tortious liability-

1.4.1 A wrongful act

1.4.2 Legal damage- a) Damnum Sine Injuria

b) Injuria Sine Damno

1.4.3 Legal remedy- Ubi jus ibi remedium

1.5 Who may sue?- Aggrieved individual, Class action and social action groups.

1.6 Who may not be sued?

Unit –2 - Justifications or Defenses in tort-

2.1 Volenti non fit injuria

2.2 Necessity

2.3 Act of God

2.4 Inevitable accident

2.5 Private defense

2.6 Statutory Authority

2.7 Judicial and Quasi-Judicial Acts

Unit –3 - - Discharge of tortious liability-

3.1 By death of parties- actio personalis moritur cum persona exceptions

3.2 Waiver and acquiescence

3.3 Release

3.4 Accord and satisfaction

3.5 Limitation

Unit –4 - – Vicarious Liability

4.1 Basis and scope

4.1.1 Express authorization

4.1.2 Ratification

4.1.3 Abetment

4.2 Master and servant- relationship arising out of and in the course of employment-who is master?- The control test- who is servant?

Distinction between independent contractor and servant.

Strict and Absolute Liability

4.3 The rule in Rylands Vs Fletcher along with exceptions.

4.4 Application of the rule in India.

Unit –5 - - Negligence

5.1 Definition and concept of Negligence

5.2 Standard of care

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5.3 Doctrine of contributory negligence

5.4 Res ipsa loquitur and its importance in compensatory laws.

Unit –6 - The Consumer Protection the Act, 1986

Definitions under the Act.

6.1 Consumer, complaint, complainant, manufacturer, consumer dispute, unfair trade practices, restrictive trade practices

6.2 Rights of the consumer, who is not consumer?

Consumer of goods

6.3 Meaning of defects in goods, standards of purity, quality, quantity and potency of goods.

Consumer of Service

6.4 Service and deficiency in service

6.5 Medical, Housing, Electricity, Telecommunication and postal services, Public Transportation, Educational services.

Unit –7 - Consumer Dispute Redressal Agencies

7.1 The District Forum, State Commission, National Commission composition,

jurisdiction, procedure and powers.

Remedies under Consumer Protection Act. Motor Vehicles Act, 1988

Liability without fault in certain cases-

7.2 Liability to pay compensation in certain cases on the principle of no fault [Sec.140]

7.3 Provision as to other right to claim compensation for death or permanent disablement. . Motor Vehicles Act,1988

a. Chapter-X Liability without Fault (Ss.140-144)

b. Chapter-XI Insurance of Motor Vehicles (Ss.145-164)

c. Chapter- XII Claims Tribunal (Ss. 165-173)

Unit –8 - - Insurance of Motor vehicles against third party risks-

8.1 Necessity for insurance against third party risk [Sec.146]

8.2 Requirements of policies and limits of liability [Sec.147]

8.3 Duty of insurers to satisfy judgments and awards against persons insured in respects of third party risks [Sec. 149]

8.4 Special provisions as to compensation in case of hit and run motor accident [Sec.161]

8.5 Refund in certain cases of compensation [Sec.162]

8.6 Special provisions as to payment of compensation on structured formula basis [Sec. 163-A along with Second Schedule]

Claims Tribunals- Sec.165 to Sec. 176

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List of Cases: ( For reference )

1. Ashby v. White (1703)2 LR 938;

2. Rudal Shah v. State of Bihar, AIR 1983 SC 1086

3. Saheli v. Commissioner of Police, Delhi AIR 1990 SC 513;

4. Gloucester Grammer School case (14190 V.B. Hill 11.;

5. Mayor of Broadford Corporation v. Pickles (1895) AC 587;

6. Bhim Singh v. State of Jammu & Kashmir AIR 1986 SC 494;

7. Usha Ben v. Bhagya Laxmi Chitra Mandir, AIR 1978 Guj.

8. Lucknow Development Authority v M.K. Gupta AIR 1994 1 SC 243;

9. State of Rajasthan v. Vidyawati Devi AIR 1962 SC 933;

10. Donoghue v. Stevenson, 1932,AC 562;

11. Kasturi Lal v. State of U.P. AIR 1965 SC 1039;

12. Nicholes v. Marshland (1876)2 Ex.D. 1;

13. Smith v. London and South Western Railway Co. (1870) LR 6;



14. Loyd v. Grame Smith &Co. (1912) AC 716;
15. Jay Laxmi Salt Works (P) Ltd. V. State of Gujarat 1994(4) SCC 1;
16. Dr.Laxman V. Dr. Trimbak AIR 1969 SC 128;
17. Davis v. Redcliffe, (1990)2 AER 536;
18. F V. Birkshire Health Authority (1989) 2 All ER 545 (HL);
19. Maynard V. Midlands Health Authority ( 1985) 1 All ER 635 (HL);
20. Achutrao Haribhau Khodwa V. State of Maharashtra AIR 1996 SC 2377 ;
21. M.P. State Road Transport Corp. v. Basanti bai (1971) MPLJ 706 (DB);
22. Indian Air Lines v. Madhuri Chaudhri AIR 1964 Cal. 252;
23. Glasgow Corporation v. Muir (1943) AC 448;
24. Municipal Corporation of Delhi v. Subhagwati AIR 1966 SC 1750;
25. Ratlam Municipality v. Vardhichand (1980) 4SCC 162
26. Hall v. Brookaland Auto Racing Club ;
27. Smith v. Backer (1981) AC 325;
28. Stanley v.Powell (1891)11 Q.B. 86;
29. Heynes v. Harwood (1935) 1 KB 146
30. Leta Fay Ford V. Revlon, Inc. Supreme Court of Arizona (153 Ariz. 38, 734 P.2d 580) 1987;
31. Noor Mohd. v, Mohd Jiauddin AIR 1992 MP 244;
32. Hayward v. Thompson (1981)3All E R 450;
33. M.C. Verhese v. T.J. Poonam, AIR 1970 SC1876;
34. T.S. Bhatt v. A. K. Bhatt AIR 1978 Ker 111;
35. Girija Prasad Sharma v. Uma Shankar Pathak AIR 1973 MP 79;
36. Quinn v. Leathem,( 1901)AC 495;
37. Municipal Board of Kanauj v. Mohanlal AIR 1951 All 867
38. State v. Gangadhar AIR 1967 Raj 199;
39. Rajalingam v. Lingaiah (1964) 1ALT 391;
40. Sobha Ram v. Tika Ram(1936) ILR 58 All 903
41. Reyland v. Fletcher (1868) L.R. 3 H.L. 30;
42. M.C. Mehta v.Union of India (1987)1 SCC395
43. In Re Polemise Case (1921)3 KB 560 CA;
44. Wagaon Mound Case (1961)AC 388
45. Leisbosch Dredger v. Edison, (1933) AC 449 HL.
46. Barrett v. Fonorow, 799 N.E.2d 916 (Ill. App. 2003)
- 20
47. .Barrett v. Rosnethal, 112 Cal. App. 4th 749 (2003).
48. Bill Mc Laren, Jr. V. Microsoft Corporation, Courtof Appeals of Texas, Dallas (1999)  
WL 339015.;
49. CompuServe Inc. v. Cyber Promotions, Inc., 962 F.Supp 1015 (SD Ohio 1997).
50. Doe v. AOL, Inc., 783 So. 2d 1010 (FI 2001).
51. EBAY, Inc., Plaintiff, V. BIDDER'S EDGE, Inc., Defendant. United States District Court for the Northern District of California . 100 F.Supp. 2d 1058(2000).
52. Hotmail Corp. v. Van\$ Money Pie Inc., WL 388389 (1998).Kremen v. Cohen, 337 F.3d 1024 (9th Cir 2003).
53. School of Visual Arts v. Kuprewicz, 771 N.Y.S.2d 804 (2003).
54. United States of America V. Hambrick U.S District Court, W.D. Virginia 55F. Supp.  
2d 504, (1999)]

## Books

1. Wienfield and Zolowicz, Torts, 17th Edi., Sweet & Maxwell 2006
2. Salmond, J W, Salmond's Law of Torts (8th edition, Sweet & Maxwell, London, 1934)
3. Fleming, J G, The Law of Torts (9th edition, LBC Information Services, Sydney, 1998)
4. Ratan Lal and Dhiraj Lal on Law of Torts,
5. A Lakshminath M Sridhar, Ramaswamy Iyer's, The Law of Torts, Lexis Nexis, Tenth Edi 2007
6. Tony Weir, An Introduction to Tort Law, 2nd Edi Oxford University Press 2006.
7. John Murphy, Street on Torts ,Eleventh Edi Oxford University Press 2006.
8. Tabrez Ahmad "Cyberlaw, E-Commerce & M-Commerce". APH Pub.Corp. NewDelhi 2003.
9. Lee B. Burgunder, Legal Aspects of Managing Technology 2nd Edition West 2001.
10. Ramaswamy Iyer Law of Tort
11. Bangia's Law of Torts
12. Madden & Owen, On Product Liability, West Grou
13. D.D. Basu- The Law of Torts (1982), Kamal, Kalkatta
14. Dr.Avtar Sing- The Law of Consumer Protection : Prpinciples and practice (2004), Eastern Book Company, Lucknow
15. The Motor Vehicles Act, 1988,- Bare Act, Universal, Delhi
16. Saraf D.N.- The Law of Consumer Protection in India, Tripathi, Bombay