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डॉ. भीमराव अम्बेडकर विधि विश्वविद्यालय, जयपुर

**LL.B. Three Year Course**  
**(Semester Scheme)**



**SYLLABUS AND COURSE COMPONENT**

**FIRST SEMESTER 2024-25**

**(July to December)**

# **COURSE CREDIT**

## **.LL.B. FIRST SEMESTER**

<b>S.NO.</b>	<b>PAPER No.</b>	<b>PAPER NAME</b>	<b>NO. OF CREDITS</b>		
			<b>LECTURES</b>	<b>TUTORIAL</b>	<b>CREDITS</b>
1.	1.1	Law of Torts, Consumer Protection and Motor Vehicle Act.	3	1	4
2.	1.2	Constitutional Law I	3	1	4
3.	1.3	Law of Contract I	3	1	4
4.	1.4	Family Law I	3	1	4
5.	1.5	Labour and Industrial Laws I	3	1	4
6.	1.6	General English, Legal Language, Legal Writing	3	1	4
<b>TOTAL=</b>			<b>18</b>	<b>6</b>	<b>24</b>

**TOTAL CONTACT HOURS PER WEEK = 18 + 6 = 24**

**TOTAL COURSE CREDIT = 24**

### **Examination Scheme-**

- Total marks=100

End Term Examination-80 marks Internal Assessment-20 marks

Out of 20 marks

Project-10 marks (5 marks for written submission and 5 marks for presentation)

Mid Term Examination-10 marks (covering 50% syllabus).

Paper pattern (Mid Term Examination) will as per following scheme-

- (a) Section A -students are supposed to answer two (2) Short question out of three (3). Each carry equal marks 2 (Two)
- (b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

### **Mid-Term examination shall be conducted by the College.**

- End Semester Question paper pattern for UG will be as under:

Every question paper will be divided into two sections:

- (a) Section A will consist of 7 short questions out of which 5 questions are to be attempted. Each question will carry 4 marks.  
Out of 7 questions, at least 3 questions must be application based.
- (b) Section B will contain 6 long questions out of which 4 are to be attempted. Each question will carry 15 marks.  
Section A and Section B will respectively cover whole syllabus.

## **Law of Torts, Consumer Protection & Motor Vehicle Act.**

### **(Paper No.1.1)**

#### **INTRODUCTION:**

Law of Torts is primarily concerned with the redressal of wrongful civil actions by awarding compensation for personal injury, injury to reputation, psychological damage, economic loss or incursions on private property as a result of accidents, disease or intentional acts. With rapid industrialization, law of tort has taken a dynamic shape and came to be used as an effective remedy against manufacturers and industrial units for their activities injurious to human beings. Product liability is now assuming a new dimension in developed economics. Hence, the basic purpose for introducing this law to the students is to make them understand the constituents of tort and its general principles.

This syllabus provides a foundation in tort law and explores specialized statutes like the Motor Vehicles Act and Consumer Protection Act. By studying these laws, students will understand the legal mechanisms available for addressing civil wrongs, traffic-related incidents, and consumer grievances.

#### **COURSE OBJECTIVES:**

- 1.To explore the nature, scope, and function of tort law within the broader context of the legal system.
- 2.To develop students' ability to analyze and apply legal principles to factual scenarios, understanding how tort law operates in practice.
- 3.To encourage critical thinking regarding the justifications for imposing liability and the impact of tort law on society.
4. To familiarize students with the fundamental principles of tort law, including negligence, strict liability, absolute liability and so on.
- 5.To study specific torts, such as assault, battery, false imprisonment, defamation, nuisance, and trespass, and understand the conditions under which liability arises.
6. To educate students on the general and specific defenses available in tort cases, such as consent, necessity, self-defense, and contributory negligence and
7. To examine how these defenses affect the outcome of tort claims and their significance in determining liability.
8. To provide students with an understanding of the various remedies available in tort law, including compensatory damages, punitive damages, and injunctions.

#### **LEARNING OUTCOMES:**

On the successful completion of the course, students will be able to:

1. Understand the general principles of the law of torts.
2. Demonstrate substantive knowledge of tort law, Draft legal memoranda and apply legal rules to varied factual situations.



3. Recognize various forms of legal authority, read and analyse legal cases accurately and efficiently.

4. Learn the basic principles of consumer rights as well as the Motor Vehicle norms.

### **UNIT – I Introduction, Definition, Nature and Scope**

- 1.1. Meaning, Evolution and Development of Law of Torts;
- 1.2. Constituents of tort - wrongful act, legal damage and remedy - *injuria sine damno* and *damnum sine injuria*; *ubi jus ibi remedium*;
- 1.3. Tort vis-a-vis other wrongs e.g. crime, breach of contract;
- 1.4. Mental Elements in Law of Torts;
- 1.5. Defences against Tortious Liability; Consent - *Volenti non fit injuria*, Act of God, Statutory Authority

### **UNIT – II Specific Torts**

- 2.1. Negligence: Meaning, Definition and Essentials; Contributory Negligence;
- 2.2. Remoteness of Damages;
- 2.3. Nuisance: Kinds of Nuisance;
- 2.4. Defamation: Libel and Slander, Essentials of Defamation;
- 2.5. Nervous Shock.

### **UNIT – III Liability**

- 3.1. Rule of Strict Liability- Rule in *Rylands v. Fletcher*- origin, scope and exceptions;
- 3.2. Rule of Absolute Liability in *M. C. Mehta v Union of India*;
- 3.3. Vicarious Liability;
- 3.4. State liability- Position in England and India; Government Liability in Torts - (1) Constitutional Provisions; (2) Sovereign and non-sovereign functions, Violation of Fundamental Rights and sovereign immunity. Concept of Constitutional Torts;
- 3.5. Liability for animals -The *Scienter* rule

### **UNIT – IV Consumer Protection Act, 2019 & Motor Vehicles Act, 1988**

Consumer Protection Act, 2019:

- 4.1. Definitions; Consumer Protection Councils;
- 4.2. Central Consumer Protection Authority and Consumer Disputes Redressal Commission;
- 4.3. Product Liability; Mediation; Product Liability; Offences and Penalties;

**Motor Vehicles Act, 1988:** including the Amendment Act, 2019 and the amendments of The Jan Vishwas (Amendment of Provisions) Act, 2023:

- 4.4. Definitions; Key Features of the Amendments; Fault and No-Fault Liability of Driver

and Owner in hit and run cases; Concepts regarding Third Party; Driving Licenses;  
National and State Register of Driving Licenses;

4.5. National Transportation Policy; Offences and Penalties, Powers and  
Jurisdiction of a Motor Accidents Claims Tribunal

**LEADING CASES:**

1. Donogue v. Stevenson (1932) AC 562
2. Indian Medical Association v. V. P. Shantha, AIR (1996) SC 558.
3. Municipal Corporation of Delhi v. Smt. Subhagwati, AIR (1966) SC 17.
4. N. Nagendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
5. Rylands v. Fletcher, (1868) LP. 3 HL 330.

**PRESCRIBED LEGISLATIONS:**

1. The Constitution of India, 1950.
2. The Consumer Protection Act, 2019.
3. The Law Reform Contributory Act, 1945 (England).
4. The Motor Vehicle (Amendment) Act, 2019.

**PRESCRIBED BOOKS:**

- i. Avtar Singh and Harpreet Kaur, Introduction to the Law of Torts and Consumer Protection, 3<sup>rd</sup> ed, 2013, LexisNexis.
- ii. Bangia, R.K.: Law of Torts, Allahabad Law Agency, Faridabad, 2015.
- iii. Basu, D.D.: The Law of Torts, Kamal Law House, Kolkata, 2008.
- iv. Clerk and Lindsell: Torts, Sweet and Maxwell, London, 2008.
- v. Gandhi, B.M.: Law of Torts, Lucknow. Eastern Book Company, 2019.
- vi. Howarth, D. R., Hepple Howarth, and Mathews. Tort: Cases & Materials. London: Oxford University Press, 2005.
- vii. Iyer, Ramaswamy: Law of Torts, New Delhi. Lexis Nexis Butterworth, 2007.
- viii. Kapoor, S.K.: Law of Torts, Allahabad. Central Law Agency, 2018.
- ix. Pandey, J.N. & Pandey, Vijay K.: Law of Torts, Allahabad. Central Law Publications, 2019.
- x. Salmond on the Law of Torts, Sir John William Salmond, R. F. V. Heuston, Sweet & Maxwell, 1977.
- xi. Sir Percy Henry Winfield, Tom Ellis Lewis; Winfield on Tort: A Textbook of the Law of Tort, Sweet & Maxwell, 1954.

## **Constitutional Law I**

### **(Paper No.1.2)**

**INTRODUCTION:**

Constitution is fundamental law of the land. To have a clear understanding of nature and working of the Constitution, this course on Constitutional Law provides an in-depth

exploration of the foundational legal framework that governs the nation. The Indian Constitution, adopted in 1950, is the supreme law of the land and outlines the political principles, procedures, rights, and duties that structure the country's governance. This course is designed to familiarize students with the essential features of the Constitution, including the Preamble, the definition of territory, citizenship provisions, and the core principles that protect fundamental rights, outline fundamental duties, and guide state policy through the Directive Principles of State Policy (DPSP).

### **COURSE OBJECTIVES:**

1. To introduce the students to the key features of the Indian Constitution including its federal structure, significance of the Preamble and its role in reflecting the Constitution's objectives and guiding principles.
2. To analyse the constitutional provisions relating to Union and its Territory citizenship, touching the emerging issues.
3. To analyse the scope and limitations of Fundamental Rights as enshrined in Part III of the Constitution and to interpret judicial decisions that have shaped the understanding and application of Fundamental Rights.
4. To analyse the Directive Principles of State Policy as enshrined in Part IV and their relationship with Fundamental Rights, understanding their importance in shaping government policies and their influence on social and economic justice.
5. To examine Fundamental Duties and their role in promoting a sense of civic responsibility among citizens.

### **LEARNING OUTCOMES:**

On the successful completion of the course, students will be able to:

1. Comprehend the basic postulates of the Indian Constitution
2. Demonstrate a thorough understanding of Preambular promise, emerging issues relating to citizenship and judicial interpretations.
3. Develop ability to evaluate the significance and widened scope of Fundamental Rights
4. Understand the constitutional remedies for safeguarding the Fundamental Rights
5. Understand the concept and need of Fundamental Duties & Directive Principles of State Policy and their inter-relation with Fundamental Rights.

### **UNIT – I Key Features of the Constitution**

- 1.1. Salient Features of the Constitution
- 1.2. Nature of Indian Federalism

- 1.3. Preamble: Meaning and contents, Object, Purpose, Scope, Utility of Preamble in interpretation of the Constitution
- 1.4. The Union and its Territory (Articles 1 - 4): Defining the Nation's boundaries
- 1.5. Citizenship (Articles 5 - 11) including Citizenship Act 1955, as amended from time to time

## **UNIT – II Fundamental Rights Part – III (State and Code of Equality)**

- 2.1. 'State' under Article 12
- 2.2. Judicial Review; Doctrine of Severability, Doctrine of Eclipse, Doctrine of Waiver; (Article 13)
- 2.3. Right to Equality (Article 14): Concepts, Reasonable Classification and non-Arbitrariness
- 2.4. Prohibition of discrimination under Article 15
- 2.5. Equality of opportunity in public employment (Article 16); Abolition of Untouchability and Titles (Articles 17 and 18)

## **UNIT – III Right to Freedoms and Right against Exploitation**

- 3.1. Right to Freedoms (Articles 19)
- 3.2. Protection in respect of conviction for offences (Article 20)
- 3.3. Protection of Life and Personal Liberty (Article 21); Right to Education (Article 21A)
- 3.4. Protection against Arrest and Detention (Article 22)
- 3.5. Right against exploitation (Articles 23-24)

## **UNIT – IV Freedom of Religion; Educational & Cultural Rights; Constitutional Remedies; Directive Principles of State Policy**

- 4.1. Freedom of Religion (Articles 25 - 28);
- 4.2. Educational and Cultural Rights (Articles 29 - 30); Articles 31A, 31B, 31C;
- 4.3. Constitutional Remedies (Article 32 - 35);
- 4.4. Right to Directive Principles of State Policy (Articles 36 - 51); Fundamental Duties (Article 51A)
- 4.5. Constitutional Right to Property (Article 300A);

### **LEADING CASES:**

- 1) A. K. Gopalan v. State of Madras, AIR 1950 SC 27
- 2) Justice K.S. Puttaswamy v. Union of India and Ors. (Retd.) and Anr. (2017) SC
- 3) Kesavananda Bharthi v. State of Kerala, AIR (1973) SC 1476
- 4) Maneka Gandhi v. Union of India, AIR (1978) SC 597
- 5) Minerva Mills v. Union of India, AIR (1978) SC 1789

**PRESCRIBED LEGISLATIONS:**

1. The Constitution of India, 1950.
2. Citizenship Act 1955

**PRESCRIBED BOOKS:**

- Arvind Datar, Commentary on Constitution of India (3 Vols.), LexisNexis (2010).
- Austin, Granville: Working a Democratic Constitution: Indian Experience 2nd Edition, Oxford University Press, 2000
- Bakshi, P.M.: Constitution of India- 8th Edition, Universal Law Pub., 2017.
- Basu, D.D.: Introduction to the Constitution of India (English & Hindi)
- Basu, Durga Das: Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- Constitution of India as amended up to-date.

**Law Of Contract- I****(Paper No.1.3)****INTRODUCTION**

The law of contract is a fundamental area of law that deals with the creation and enforcement of agreements between parties. It is essential for the functioning of any society as it underpins commerce, trade, and a wide range of personal and professional relationships. The Indian Contract Act, 1872, is the primary legislation governing contracts in India, providing a legal framework for the formation, performance, and enforceability of contracts.

This course covers Sections 1-75 of the Indian Contract Act, 1872, which outline the general principles of contract law. These sections define what constitutes a contract, the elements necessary for its formation, and the rules governing the performance and breach of contracts. Additionally, the course explores standard form contracts and electronic contracts (e-contracts), which have become increasingly relevant in today's digital and fast-paced commercial environment.

**COURSE OBJECTIVES:**

To apply the basic principles in contractual relations, there need to be a clear understanding of the basic sources of law of contract. As the major source of contract law being the principles of English common law, we need to discuss the evolution of law of contract and the similarities and dissimilarities with the English law of contract. Hence, this course is designed to acquaint the students with the conceptual and operational parameters of these various general principles of contractual relations. Specific enforcement of contract is an important aspect of the law of contract. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study. A practical overview of Specific Relief Act which gives a judicial remedy to enforce performance of contract is also included in the study.

**LEARNING OUTCOMES:**

1. Understanding the common types of contracts, the situations in which the party who is not in a bargaining position is exploited and remedies for the same.
2. After the completion of this module students will be conversant with the principles underlying the grant of reliefs and the different remedies provided under the Act.
3. Develop the ability of analyzing the contract law in relation to contemporary developments at national and international level.

**UNIT – I Definition and Classification of Contracts**

- 1.1. Meaning elements and characteristics of Contract
- 1.2. Formation and Classification of Contract: Deeds and Simple Contracts, Bilateral and Unilateral Contracts, Express and Implied Contracts, Valid, Void, Voidable and Illegal Contracts, Executed and Executory Contract
- 1.3. Offer and Invitation to Offer, Communication of Offer and Revocation of Offer
- 1.4. Acceptance, Communication of Acceptance and Revocation of Acceptance
- 1.5. Standard form of Contract and e-Contracts

**UNIT - II Consideration**

- 2.1. Consideration: Meaning, Definition and Elements of Consideration; Significance and Adequacy of consideration; Privity to Contract; Kinds and Exceptions of Consideration.
- 2.2. Capacity to Contract: Minors, Lunatics, Idiots, Nature and Effects of an Agreement with a person under legal disability.
- 2.3. Free Consent: Factors vitiating free consent; Coercion; Undue Influence; Fraud; Misrepresentation; Mistake of Law and Fact.
- 2.4. Limitation on freedom of Contract: Unlawful Agreements, Public Policy, Agreements and Unlawful Consideration in Part and Objects.
- 2.5. Agreement without Consideration, Agreement in Restraint of Marriage, Agreement in Restraint of Trade, Agreement in Restrain of Legal Proceeding, Wagering Agreement

**UNIT – III Contingent Contract**

- 3.1. Contingent Contract: Performance of Contingent Contract, Conditional Contract, when enforcement depends upon happening or non-happening of an Event, Event linked with Human Conduct.
- 3.2. Performance of Contract: Parties to perform the contract, Joint rights and joint liability and performance of reciprocal promises; Time, Place and Manner of Performance;
- 3.3. Discharge of a Contract: Discharge by Performance, Discharge by Agreement, doctrine

of impossibility; Discharge by Operation of Law, Discharge by Breach and Novation.

- 3.4. Quasi Contracts: Obligations Resembling those Created by Contract, Concept and Classification.
- 3.5. Remedies for Breach of Contract: Damages, Remoteness of Damages, Mitigation of Damages, Penalty and Liquidated Damages

#### **UNIT – IV Specific Relief Act, 1963**

- 4.1. Meaning of Specific Relief, Specific Performance of Contracts,
- 4.2. Contracts which cannot be specifically enforced, against whom contracts may be specifically enforced,
- 4.3. Injunction and its kinds
- 4.4. Declaratory Suits
- 4.5. Rescission and Cancellation of Contract; Discretion of Court.

#### **LEADING CASES:**

1. Carlill v. Carbolic Smoke Ball Co. (1892) Civ. 1 QB 256
2. Bhagwandas v. Girdhari Lal & Co. AIR 1966 SC 543
3. Motilal Padampat Sugar Mills v. State of U.P. AIR 1979 SC 621
4. Mohori Bibi v. Dharmodas Ghose, (1903) 30 I.A. 114
5. Satyabrata Ghose v. Mugneeram Bangur & Co. and Another AIR 1954 SC 310

#### **PRESCRIBED LEGISLATIONS:**

1. The Indian Contract Act, 1872
2. The Specific Relief Act, 1963

#### **PRESCRIBED BOOKS:**

- i. Anson, Law of Contract, Oxford University Press, New York, 2016
- ii. Atiyah P.S.: An Introduction to the Law of Contract, Clarendon Law Series, OUP
- iii. Avtar Singh, Law of Contract, 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)
- iv. Jill Poole, Textbook on Contract Law, Oxford University Press, New York, 14th ed. 2019
- v. Mulla, Indian Contract Act, Lexis Nexis, New Delhi, 15<sup>th</sup> Ed. 2015
- vi. Neil Andrews, Contract Law, Cambridge University Press, 2011
- vii. P.R. Desai: Principles of Law of Contract
- viii. Pollock & Mulla: Indian Contract and Specific Relief Act
- ix. V.G. Ramchandra: The Law of Contract in India

## **Family Law – I**

### **(Paper No.1.4)**

#### **INTRODUCTION:**

This course involves the student with the introduction of Hindu law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations and other provisions relating to marriage, succession etc. in Hindu law. The study of the course will attempt to view Hindu law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfil the constitutional directive of uniform civil code.

#### **COURSE OBJECTIVES:**

1. To provide an in-depth understanding of the foundations, sources, and evolution of Hindu law, both codified and uncoded, in the context of family law in India.
2. To examine key statutes under codified Hindu law, understanding their objectives, key provisions, and scope of application.
3. To study landmark judicial decisions and interpretations that have shaped Hindu family law, recognizing the role of the judiciary in balancing tradition and modernity.
4. To engage with contemporary debates and reforms in Hindu family law, considering issues of gender justice, equality, and human rights.

#### **LEARNING OUTCOMES:**

On the successful completion of the course, students will be able to:

1. Demonstrate a comprehensive understanding of the historical, cultural, and religious foundations of Hindu law, distinguishing between its codified and uncoded forms.
2. Critically analyze the key provisions of codified Hindu law, including marriage, divorce, succession, guardianship, adoption, and maintenance, and apply these to various legal scenarios.
3. Evaluate the significance of uncoded Hindu laws and customary practices, understanding their impact on legal judgments and their continuing relevance in family law.
4. Interpret and assess the impact of significant judicial decisions on the development and transformation of Hindu family law in India.
5. Critically engage with ongoing debates on reforms in Hindu family law, articulating informed perspectives on the need for change in areas like gender equality, inheritance rights, and marriage laws.



6. Apply knowledge of Hindu family law to hypothetical cases, demonstrating an ability to navigate complex legal situations involving both codified and uncoded laws.

#### **UNIT – I Sources and Application of Family Law**

- 1.1. Evolution of Personal Laws in India
- 1.2. Hindu Law: Sources and Application
- 1.3. Coparcenary, Joint Family Property and Self-acquired property; Karta and his powers and obligations,
- 1.4. Religious and Charitable Endowments
- 1.5. Emerging Trends in Family Law: Same Sex Marriage; Live-in-relationship

#### **UNIT – II The Hindu Marriage Act, 1955**

- 2.1. Conditions of a valid Hindu Marriage; Its ceremonies and registration, Void and Voidable Marriage;
- 2.2. Restitution of Conjugal Rights; Judicial Separation,
- 2.3. Legitimacy of Children of Void and Voidable Marriage;
- 2.4. Divorce and its grounds; Alternative relief in divorce proceedings, Divorce by Mutual Consent,
- 2.5. One year bar to Divorce; Divorced persons when may marry again; Jurisdiction and Procedure.

#### **UNIT – III The Hindu Succession Act, 1956 and The Hindu Adoption and Maintenance Act, 1956**

The Hindu Succession Act, 1956:

- 3.1. Succession to the property of a Hindu male; Succession to interest in Coparcenary property,
- 3.2. Property of a Female Hindu to be her absolute Property; Succession to the property of a Hindu female;
- 3.3. General rules and disqualifications of succession, Escheat; Judicial Responses.

The Hindu Adoption and Maintenance Act, 1956:

- 3.4. Requisites of a valid adoption; Capacity to take in adoption; Capacity to give in Adoption,  
Effects of Adoption; Miscellaneous provisions of adoptions;
- 3.5. Maintenance of wife, children and parents; Maintenance of widowed daughter-in-law; Dependents and their maintenance; Amount of Maintenance; Judicial Responses;

#### **UNIT – IV The Hindu Minority and Guardianship Act, 1956**

- 4.1. Natural Guardians and their powers; Testamentary guardian and their powers, De Facto Guardian,

4.2. General Provisions of Guardianship; Judicial Responses.

4.3. Partition under Hindu Law: Meaning, Property for Partition, person entitled to sue for partition and allotment of shares, Partition, and allotment of shares, how effected,

4.4. Determination of shares, Re-opening of Partition, Reunion,

4.5. Debts – Doctrine of Pious Obligation; Antecedent Debts; Judicial Responses;

**LEADING CASES:**

1. Arunachala Gounder (Dead) by L.R.'s. v. Ponnusamy and others Civil Appeal No.

6659 of 2011, (2022) SCC OnLine SC 72

2. Chanmuniya v. Virendra Kumar Singh Kushwaha (2011) 1 SCC 141

3. Dr. N.G. Dastane v. Mrs. S. Dastane AIR 1975 SC 1534

4. Roxann Sharma v. Arun Sharma Civil Appeal No. 1966 of 2015 SC

5. Seema v. Ashwani Kumar, AIR 2006 S.C 1158

6. Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi, 1977 SCR (3)

7. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469

8. Vineeta Sharma v. Rakesh Sharma, AIR 2020 SC 641

**PRESCRIBED LEGISLATIONS:**

The Hindu Minority and Guardianship Act, 1956

The Hindu Adoption and Maintenance Act, 1956

The Hindu Succession Act, 1956

The Hindu Marriage Act, 1955

**PRESCRIBED BOOKS:**

- Kusum, Family Law Lectures : Family Law I, LexisNexis, New Delhi.
- Mulla : Principles of Hindu Law
- Paras Diwan : Modern Hindu Law
- Paras Diwan, Law of Marriage and Divorce (5th Edn. 2008)
- Professor Kusum, Family Law Lectures- Family Law-I, Lexis Nexis Publications, (3<sup>rd</sup> Ed. 2011)
- Raghavachariar : Hindu Law – Principles and Precedents
- RanganathMisra (Rev.), Mayne's Treatise on Hindu Law & Usage (16th Ed.2008)
- Satyajeet A Desai, Mulla's, Hindu Law, LexisNexis, New Delhi.
- Tahir Mahmood, Principles of Hindu Law, Universal Law Publishing, New Delhi.

# **Labour And Industrial Laws – I**

## **(Paper No. 1.5)**

### **INTRODUCTION:**

Labour and industrial laws in India are a crucial part of the legal framework that governs the relationship between employers, employees, and trade unions. These laws aim to create a balanced and fair environment for industrial relations, ensuring the rights of workers are protected while also fostering an environment conducive to industrial growth and stability.

The course on Labour and Industrial Laws primarily focuses on two key pieces of legislation: the Industrial Disputes Act, 1947 and the Trade Unions Act, 1926. The Industrial Disputes Act provides mechanisms for the investigation and settlement of industrial disputes, promoting peaceful resolution and industrial harmony. It also deals with issues such as strikes, lockouts, layoffs, and retrenchments. The Trade Unions Act facilitates the formation and regulation of trade unions, safeguarding the collective rights of workers to organize and advocate for their interests.

### **COURSE OBJECTIVES:**

1. To provide a comprehensive understanding of the legislative framework governing ILO, labour relations in India, focusing on the Industrial Disputes Act, 1947, and the Trade Unions Act, 1926.
2. To examine the principles and key provisions of these Acts, including the rights and duties of employers, employees, and trade unions.
3. To explore the mechanisms provided under the Industrial Disputes Act for the resolution of industrial disputes, and the role of various authorities involved.
4. To understand the formation, registration, rights, and liabilities of trade unions under the Trade Unions Act, and their role in industrial relations.
5. To analyze landmark judicial decisions that have shaped the interpretation and implementation of labour laws in India.
6. To discuss contemporary issues in the field of labour law, including globalization, technological advancements, and changes in labour policies.

### **LEARNING OUTCOMES:**

On the successful completion of the course, students will be able to:

1. Demonstrate a clear understanding of the legal framework of ILO and principles underpinning labour and industrial laws in India.
2. Critically analyze the provisions of the Industrial Disputes Act and the Trade Unions Act and their application in various industrial scenarios.
3. Interpret and evaluate judicial decisions related to labour laws, understanding their impact on the development of industrial jurisprudence in India.

4. Apply knowledge of dispute resolution mechanisms under the Industrial Disputes Act to hypothetical industrial disputes, proposing appropriate legal solutions.
5. Assess the role and functioning of trade unions in industrial relations and their impact on labour welfare and industrial peace.
6. Engage critically with current debates and issues in labour law, articulating informed perspectives on the future direction of labour policy in India.

#### **UNIT – I Introduction**

- 1.6. Object, Nature and Development of Labour Legislation;
- 1.7. Concept and Growth of Labour Welfare Jurisprudence;
- 1.8. Natural Justice, Concept of Social Justice and Labour;
- 1.9. Constitution of India, 1950 [Articles: 14,19,21,23-24, 38, and 41-43A];
- 1.10. Labour and Judicial Process and Public Interest Legislation

#### **UNIT – II The Trade Unions Act, 1926 (including the Amendment Act, 2001)**

- 2.1. Need, importance, objectives, definitions, concept and key features of the Act;
- 2.2. Rights and Liabilities of Trade Unions;
- 2.3. Registration; Immunities and Privileges of a Registered Trade Union;
- 2.4. Trade Union Funds; Amalgamation and Dissolution of Trade Union
- 2.5. Collective Bargaining;

#### **UNIT – III The Industrial Disputes Act, 1947**

- 3.1. Scope and Applicability and Definitions; Appropriate Government-Workmen-Industry-Industrial Disputes-Award-Settlement-Public Utility Service-Strike-Lock out-Retranchment-Lay Off-Closure;
- 3.2. Prohibition of Strikes and Lock-outs;
- 3.3. Right of Compensation– Layoff – Retranchment and Closure of Undertaking;
- 3.4. Machinery for the settlement of Industrial Disputes; Works Committee – Conciliation Officers- Board of Conciliation; Court of Inquiry- Labour Court-Industrial Tribunal- National Industrial Tribunal; Reference Power of the Government; Voluntary Arbitration;
- 3.5. Unfair labour practices Industrial Employment (Standing Orders) Act, 1946: Scope and Definitions; Procedure for Certification of Standing Orders; Duration and Modification of Certified Standing Orders; Domestic Enquiry and Disciplinary Proceedings

#### **UNIT – IV International Labour Organization**

- 4.1. Need, Importance, Objectives;
- 4.2. Definition, Concept, Key features and History of the Organization;
- 4.3. How the ILO works: ILO Director General; Multilateral system; Partnering for Development Programme and budget; Accountability and Transparency;
- 4.4. Organizational Structure; Member States; 2030 Development Agenda,

4.5. Mission and Impact of I.L.O.; I.L.O. and Human Rights in India;

**LEADING CASES:**

1. Excel Wear v. Union of India 1978, L.C.J. 527 SC
2. National Textiles Workers Union v. Ram Krishna AIR 1983 S.C. 759.
3. People Union for Democratic Rights & others. v. Union of India. 1982 II L.L.J. 454 S.C.
4. Som Prakash v. Union of India. A.I.R. 1981 S.C. 212.
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8. D. S. Nakara v. Union of India A. I. R. 1983 SC 130.
9. Express Newspaper Ltd. & others v. Union of India & others. AIR 1958 SC 578.
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4. ILO Official Website:
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5. India and ILO: <https://labour.gov.in/lcandilasdivision/india-ilo>

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## **General English, Legal Language, Legal Writing (Paper No. 1.6)**

### **INTRODUCTION**

Ability to effectively communicate in English, particularly within the context of Law, is a vital skill for law students and legal professionals in India. It includes grammar, vocabulary, and comprehension for general English proficiency. Mastery of General English enhances comprehension and articulation, which are essential for legal practice. The course further focuses on Legal Language and Legal writing while catering to the specific requirements of legal communication. The course focuses on the unique aspects of legal language used in legal texts, statutes, case laws, and court proceedings, focusing on a practical approach.

### **COURSE OBJECTIVES**

1. To introduce students to the nuances of legal language and writing.
2. To familiarize students with the use and application of legal language and writing through the study of judicial opinions, common legal maxims and legal terminology.
3. To identify and recall key legal lexicons frequently used by legal professionals.
4. To enhance critical thinking and analytical skills required for constructing coherent legal arguments and opinions.

### **LEARNING OUTCOMES**

On the successful completion of the course, the students will be able to:

1. Demonstrate an understanding of common legal terminology and its application in various legal contexts.
2. Use legal lexicons accurately in written and verbal communication within legal scenarios.
3. Analyze legal documents and cases by identifying and interpreting the legal terminology used.
4. Develop and hone the skills of students in drafting and translating legal documents, judgments, and legislations.

## **UNIT I FUNCTIONAL GRAMMAR AND ENGLISH LANGUAGE SKILLS**

- 1.1 Use of Prepositions; Correction of errors in Sentences.
- 1.2 Narration- Direct and Indirect Speech, Active and Passive Voice.
- 1.3 Reading Comprehension.
- 1.4 Precis writing.
- 1.5 Translation: from English to Hindi and Hindi to English.

## **UNIT II LEGAL LANGUAGE**

- 2.1 Legal language: meaning, scope and issues.
- 2.2 Constitutional provisions relating to language.
- 2.3 Comprehension and analysis of any two Supreme Court judgments.
- 2.4 Selection of language in drafting of documents/ judgments.
- 2.5 Language to be used in representations for grievance redressal.

## **UNIT III LEGAL VOCABULARY AND MAXIMS**

- 3.1 Utility of legal vocabulary and maxims.
- 3.2 Selection of legal vocabulary appropriate to situation and context.
- 3.3 Illustrative list of legal vocabulary: Meaning and use in sentences  
Act of God, Affidavit, Adverse possession, Anticipatory Bail, Amicus curiae, Benefit of doubt, Civil rights, Compounding of offence, Contempt of Court, Constitutionality of an Act, Rarest of Rare, Per incurium, FIR, Natural justice, Secularism, Uniform Civil Code, Locus standi, Laissez-faire,
- 3.4 Illustrative list of legal maxims and their meanings:
  1. Actus non facit reum nisi mens sit rea (The act itself does not constitute guilt unless done with a guilt intent).
  2. Actio personalis moritur cum persona (A personal right of action dies with the person).
  3. Audi Alteram Partem (No man shall be condemned unheard).
  4. Communis error facit jus (Common error sometimes makes law).
  5. Delegatus non potest delegare (Delegate cannot further delegate).
  6. Ex nudo pacto non oritur actio (No cause of action arises from a bare promise).
  7. In pari delicto potior est conditione defendentis (Where the parties are equally at fault, the defendant is better placed).
  8. Generalia specialibus non derogant (General things do not derogate from special things).
  9. Ignorantia facti excusat, ignorantia juris non excusat (Ignorance of fact excuses, ignorance of law does not excuse).
  10. Omnia praesumuntur contra spoliatores (All things are presumed against a wrong doer).
  11. Qui facit per alium facit per se (He who does an act through another is deemed in Law to do it himself).
  12. Respondeat superior (Let the principal be held responsible).
  13. Res ipsa loquitur (The thing itself speaks).
  14. Sic utere tuo ut alienum non laedas (Enjoy your property in such a manner as not to injure that of another person).

15. Ubi jus ibi remedium (Every right has a remedy).
  16. Volenti non fit injuria (Damage suffered by consent is not a cause of action).
  17. Salus populi est suprema lex (Regard for the public welfare is the highest law).
  18. Rex non-potest peccare (The king can do no wrong).
  19. Vigilantibus non dormientibus, jura Subveniunt (The laws give help to those who are vigilant and not to those who sleep over their rights).
  20. Nemo debet esse judex in propria causa (No one ought to be a judge in his own cause).
- 3.5 Legal colloquialisms and commonly used legal terms : Uncle judge syndrome, Pro bono publico, Doli incapax, Paper tiger.

#### UNIT IV FUNCTIONAL AND LEGAL WRITING

- 4.1 Importance of legal writing in the legal profession; Differences between legal writing and other forms of writing; Characteristics of good legal writing: clarity, conciseness, accuracy, and persuasiveness.
- 4.2 Writing of case comments, reports, notices and memos.
- 4.3 Writing official letters.
- 4.4 Preparation of a personal Resume for professional purposes.
- 4.5 Writing legal opinion-based short editorials.

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