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COURSE OUTLINE

PROGRAM: 5yr/3 Yr Professional Law

First-year BLS/LLB

Semester: V/I

Course Title:- LABOUR LAW AND INDUSTRIAL RELATIONS- I

Course Code:

Credits: 4

OBJECTIVES:

This course is designed to acquaint the students with the framework of Industrial relations in our country. Further, the importance of the maintenance of Industrial peace and efforts to reduce the incidence of Strikes and Lockout and Industrial Strike is to be emphasized. The main theme underlying the course is to critically understand the provisions of the Trade Unions, the types of machinery contemplated under the provisions of the Industrial Disputes Act for the prevention and settlement of industrial disputes. Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for Misconduct are to be studied to acquaint the students with misconduct and the procedure to be followed before punishing the misconduct alleged and established. Further, the students are to be acquainted with the social security framework prevailing in our country. It is necessary to know the concept of social security, its importance and the constitutional basis for the same in India. The importance of ensuring the health, safety and welfare of the workmen and social assistance and social Insurance Schemes under various legislations are to be emphasized. The main theme underlying the course is to critically examine the provisions in the Employee's Compensation Act-1923 and the machinery provided for protecting the interests of the workers. Further, the objectives underlying the Factories Act-1948, are to be studied to acquaint the students with various rights and benefits available to the workmen under the legislation. The course aims to impart knowledge about the social security of employees and workmen in industries and factories as per the Social Security Code, 2020. The course further aims to make the students well-versed with the occupational safety, health and working conditions of persons employed in establishments as per the Employees Compensation Act, 1923.

COURSE OUTCOMES:

After completing this course students should be able to:

1. Understand the provisions of the Trade Union Act.

2. Comprehend the standards and techniques of Collective Bargaining
3. Understand the technicalities and concepts of industrial dispute and apply the relevant provisions of law.
4. Know the legal provisions and concepts of Lay-Off and Lock-Out, Retrenchment, Strike, Wages and Workman.
5. To develop extensive knowledge regarding provisions relating to trade unionism
6. To Understand the provisions relating to health, safety and welfare of the workers.
 7. Understand in detail Laws related to Factories and Apprentices
 8. Know the Powers and Duties of Authorities under the various Acts.

MODULE 1:

THE TRADE UNIONS ACT, 1926

- 1.1 Evolution and growth of Trade Union in India.
- 1.2 International Labor Organization (ILO) – its influence in bringing changes in the Constitution and national legislation.
- 1.3 Definition, Registration and Recognition.
- 1.4 Immunities in trade disputes: Criminal and Civil.
- 1.5 Collective Bargaining – Purpose and its types.
- 1.6 Collective Bargaining Process, Advantages and Disadvantages.

MODULE 2:

INDUSTRIAL DISPUTES ACT, 1947.

1. Industry – Conceptual Analysis.
2. Concept – Industrial Dispute, Workman etc.
3. Authorities under the Act.
4. Strike and Lockout.
5. Lay off, Retrenchment and Closure.
6. Award and Settlement.

MODULE 3:

MRTU & PULP, 1971

1. Concept – Industry, Labour Courts, Unfair Labour Practices etc.
2. Authorities within the Act.
3. Recognition of Union and its rights with obligations.
4. Illegal Strikes and Lockouts.
5. Unfair Labour Practices.
6. Power of Courts and Penalties.

MODULE 4:

FACTORIES ACT, 1948 AND APPRENTICES ACT, 1961

1. Concept: Factory, Occupier, Hazardous Process, Apprentices etc.
2. Provision relating to health, safety and welfare of workers.
3. Provision relating to Hazardous Process and working conditions.
4. Penalties and Procedures.
5. Apprentices and their training with object and scope.
6. Authorities constituted and Penalties.

SUGGESTED READINGS:

1. S.C. Srivastava – Industrial Relations and Labour Laws.
2. Dr. V.G. Goswami – Labour Industrial Laws.
3. S.N. Mishra – Labour and Industrial Laws.
4. O.P. Malhotra – Law of Industrial Disputes.
5. Dr. Avatar Singh – Introduction to Labour and Industrial Laws.
6. Madhavan Pillai - Labour and Industrial Laws
7. Srivastava K D - Commentaries on Industrial Disputes Act, 1947 V
8. Giri - Labour problems in Indian Industry
9. Labour Law and Labour Relations Published by Indian Law Institute
10. S.C Srivastava - Social Security and Labour Laws, Universal, Delhi

PROGRAM: 5yr/3 Yr. Professional Law

First-year BLS LL B

Semester: VI

Course Title:- LAW OF TORTS, MOTOR ACCIDENT CLAIMS AND CONSUMER PROTECTION

Course Code:

Credits: 4

Teaching Scheme:

OBJECTIVES:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connected therewith. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, the inadequacy of the law to protect the individual is exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. The objective

of the course is to set out the law of private rights and remedies which is unique in nature as it is not covered under any statute. Students will be well acquainted with this branch of law governing actions for damages for injuries to certain kinds of rights, like the right to personal security, property, and reputation. The students will be able to conceptually understand the standing of a person in tort, justifications of tort, discharge of torts, vicarious liability, strict liability, product and services liability and remedies. Students will be acquainted with the rules for Motor Vehicle Accident Claims and the rights and remedies under Consumer Protection Act, 2019.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Understand the Concept of Tort as a civil wrong and the remedies available to the aggrieved party.
2. Gain knowledge about Torts against persons, including Assault, Battery, Mayhem, False imprisonment.
3. Understand Torts against property and the concept of Trespass.
4. Comprehend the concepts of Defamation, Nuisance, Negligence, Fraud.
5. Fathom the principles of vicarious and strict liability and the Judicial and extrajudicial remedies.
6. Grasp the concepts in the Consumer Protection Act, the importance of consumer protection law and its implementation through consumer dispute redressal commission.
7. Identify and understand the elements of Motor Accident Claims under the Motor Vehicles Act.

MODULE 1:

General Principles of Tort

- 1.1 Tort: Definition, Nature, Scope and object of Tort, Tort in India.
- 1.2 Distinction from Crime, Breach of Contract etc., who may sue, who may not be sued.
- 1.3 Damnum Sine Injuria, Injuria Sine Damnum
- 1.4 Volenti non-fit Injuria, Ubi jus ibi remedium
- 1.5 Extinguishment of Liability in Tort
- 1.6 General Defenses and Discharge of Torts

MODULE 2:

Torts against person, property, Freedom & Reputation

- 2.1 Trespass to Person: Assault, Battery, Mayhem, False imprisonment.
- 2.2 Torts affecting Property (Movable & Immovable): Trespass, Trespass ab initio etc.
- 2.3 Torts related to Reputation (Defamation) & Personal Relations
- 2.4 Torts affecting person & Property: Nuisance, Negligence, Fraud
- 2.5 Joint Tort-Feasors, Nervous Shock and Malicious abuse of Legal Process.

MODULE 3:

Principles of Liability in Torts and Legal Remedies

- 3.1 Vicarious Liability: Basis, scope, Justification, Different types.
- 3.2 Principle of Strict Liability: Ryland V. Fletcher case with exceptions.
- 3.3 Principle of Absolute Liability: Bhopal Gas Disaster case and Shree Ram Food Oleum Gas Leakage case and orientation to Public liability Insurance Act, 199.
- 3. 4 Judicial and Extra Judicial Remedies.

MODULE 4:

Concept of Consumer & Consumer Protection Act 2019

- 4. 1 Consumer: Definition; Defect in goods.
- 4.2 Services: Types of services, Deficiency-meaning, Denial of Services, Commercial & Professional Services, Medical Services.
- 4.3 Consumer Protection Councils.
- 4.4 Consumer Disputes Redressal Agencies: District Commission, State Commission & National Commission, Judicial Review.
- 4.5 Motor Vehicles Act, 1988- Motor Accidents Claims- Claims Tribunals.
- 4.6 Liability without fault and third-party risks under Motor Vehicles Act, 1988.

SUGGESTED READINGS:

1. Salmond and Heuston – On the Law of Torts, Universal, Delhi
2. D.D. Basu. The Law of Torts, Kamal, Calcutta.
D. M. Gandhi Law of Tort Eastern, Lucknow
3. P.S. Achuthan Pillai, The Law of Torts, Eastern,
Ratanlal&Dhirajlal.. The Law of Torts, Wadhwa.
Winfield and Jolowiz on Torts, Sweet and
Maxwell, London.
4. Saraf, D. N. Law of Consumer Protection in India, Tripathi,
Bombay
5. Avtar Singh. The Law of Consumer Protection, Principles and
Practice, Eastern Book Co. Lucknow.
6. J. N. Barowalia, Commentary on Consumer Protection Act, 1986,
Universal Delhi.
7. P. K. Majumdar, The Law of Consumer Protection In India,
Orient Publishing Co. NewDelhi.
8. R.M. Vats, Consumer, and the Law, Universal, Delhi.
Winfield and Jolowiz on Tort, Sweet and Maxwell London.
9. Saraf, D. n. Law of Consumer Protection in India, Tripathi, Bombay

10. P. Mathur's Law Relating to Motor Vehicles: Eastern Book Company (Revised by Justice G. C. Mathu

COURSE OUTLINE

PROGRAM: 5yr/3 Yr. Professional Law

First-year BLS LL B / LLB

Semester: V/I

Course Title: LAW OF CONTRACT AND SPECIFIC RELIEF

Course Code:

Credits: 4

COURSE OBJECTIVES:

The objective of the course is to enable the students to understand the contractual obligations and their significance. They will be able to identify the nature of contracts and various types of contracts. To enumerate and understand the essentials of a valid contract and make out what amounts to the performance of a contract. They will acquire the ability to identify if there is a breach of contract and to explain the remedies in case of breach of contract. The course also covers the Specific Relief Act 1963 and hence aims to understand the remedies available therein and actions aggrieved parties can seek.

COURSE OUTCOMES:

After completing this course, the students will be able to

1. Identify the commencing point of contractual obligations.
2. Test the validity of contracts by applying the essentials of valid contracts.
3. Identify the nature of the contract and contractual liabilities.
4. Understand the performance of a contract
5. Identify and Apply the remedies available in case of breach of contract from the Contract Act and Specific Relief Act.
6. Understand the remedies that can be availed by adopting various legal proceedings.

MODULE 1:

Sections 1 – 9, 30 – 37 and 68 – 72 of the Indian Contract Act 1872

1.1 INTRODUCTION

History and nature of a contractual obligation

Contemporary Relevance

1.2 OFFER, ACCEPTANCE AND ITS COMMUNICATION

1.3 Types of Contracts

Including – Contingent Contract, Quasi Contracts, Standard Form Agreements and E-Contracts

(Includes Legal Recognition to E-Contracts as per the Information Technology Act (Section 2 – 16)

Definitions, Digital Signatures, Electronic Governance, Attribution, Acknowledgment and Despatch of electronic records, Clickwrap and Shrink Wrap Contracts)

MODULE 2:

Section 10-30

- 2.1 Essential Ingredients for Enforceability (Sections 10 – 30)
- 2.2 Competency of Parties
- 2.3 Free Consent
- 2.4 Consideration
- 2.5 Unlawful Object and Consideration
- 2.6 Void Agreements

MODULE 3:

Sections 36 – 67 and 73-75

- 3.1 Performance of Contract
- 3.2 Discharge of contract
- 3.3 Breach of Contract
- 3.4 Types of Damages & Remedies for Breach

MODULE 4:

4.1 Origin of Specific Relief as Equitable Relief

4.2 KINDS OF RELIEF IN Specific Relief Act 1963

- 4.2.1 Possessory Remedies
- 4.2.2 Specific Performance of Contracts
- 4.2.3 Contracts that cannot be specifically performed
- 4.2.4 Substituted Performance of Contract
- 4.2.5 Rectification of Instruments
- 4.2.6 Rescission of Contract
- 4.2.7 Cancellation of instrument
- 4.2.8 Declaratory Decree
- 4.2.9 Injunctions

Recommended Resources :

1. Ansons, Law of Contract, (OUP UK)
2. Bajaj Puneet, Law of Contract (Macmillan)
3. Bangia, R.K, Contract I: With Specific Relief Act (LexisNexis)
4. Bhatt Sairam, Law Of Business Contract s In India Sage Publications
5. Chopras D.S, Cases And Materials On Contract Law & Specific Relief (Thomson Reuters)
6. Charles Fox, Working with Contracts, What they don't teach you at Law Schools
7. Cracknell, D.G, Obligations: Contract Law, (Old Baily Press London)
8. Fifoot, Law of Contract (Butterworth).
9. Gupta Ritu, Law of Contract: Includes the Specific Relief Act 1963, (LexisNexis Haryana)
10. Shetty Krishna, Simplest Book on Contract Law, Naveen Publications.

11. Kapoor S.k, “ Law of Contracts I Section 1 to 75 of the Indian Contract Act, 1872 and the Specific Relief Act 1963, (Central Law Agency)
12. Mitra S.C, Law of Contracts, (Orient Publishing)
13. Mulla Dinshaw F, Indian Contract Act, (LexisNexis)
14. Muray, Rayan, Contract Law: The Fundamentals, (Sweet & Maxwell)
15. Pathak Akhileshwar, Contract Law, (Oxford)
16. Pollock & Mulla "Indian Contract Act and Specific Relief Act" (LexisNexis)
17. Ramaswamy, B.S, Contracts and their Management, (Lexis Nexis).
18. Singh Avatar, (EBC)
19. Singh, R. K, Law Relating to Electronic Contracts (LexisNexis).

PROGRAM: 5yr/3 Yr. Professional Law

First-year BLS LL B/LLB

Semester: V/I

Course Title:- LEGAL LANGUAGE

Course Code:

Credits: 4

COURSE OBJECTIVES:

The Course aims at training students for the legal profession from the perspective of language of the law and its interpretation and enabling them to get familiar with concepts and principles of law. This course will equip students to become familiar with the formalized and professional language which is used in the Court of Law. They will be able to understand the meaning and application of legal Maxims in written and oral submissions advanced before the Courts. This course intends to train the students in reading, intellectually understanding and citing cases. The students will acquire expertise in comprehending the abbreviation of Law Reports and search of case laws in the relevant Law Reports and e-data bases. The students will be well versed in the study of precedents with relation to case laws involving matters of public importance, decided by the various Courts.

COURSE OUTCOMES:

After completing this course the students will be able to-

- 1) Get accustomed to the language of the Court and with the legal concepts.
- 2) Search the case laws with ease.
- 3) Understand the application of Legal Maxims.
- 4) Understand the use of Law Reports.
- 5) Read and understand statute and its classification

6) Use the precedents in the litigation.

MODULE 1:

1. Legal Concepts -

Law, Custom, Justice, Right, Duty, Wrong, Remedy, Fact, Person, Offence, State, Complaint, Suit, Affidavit, Judgment, Appeal, Review, Revision, Reference, Writ, Stay Order, Injunction, Adjournment, Cause of Action, Issue, Charge, Bail, Ex-Parte, Discharge, Acquittal, Conviction, Legal heirs, Legal Representative, Power of Attorney, International Law, Arbitration, Jurisdiction, Amicus Curiae.

1.2 Legal Maxims -

Actus de nemini facit injuriam
Salus Populi Est Suprema Lex
Nemo Tenetur Sepisum Accusare
Leges postprios prioras contrarias abrogant
Nova constituto futris formam imponere debet non praetertis.
Noscitur a sociis
Expressio unis est exclusio alterius
Vigilantibus, non domientibus, jura subveniunt
Quod ab initio non valet in tractu temporis non convalesscit
Nullus commodum capere potest de injuria sua propria
Cessante retione legis cessat ipsa lex
Acta exteriora indicant interiora secreta
Domus sua cuique est tutissimum refugium
Nemo est haeres viventis
Ignorantia facti excusat, ignorantia lex non excusat

MODULE 2:

2.1 Law Reports, Magazines and References to Case Laws

Law Reports
Law Magazines
Explanation of citations
The search of a case law
Abbreviations of law Reports

2.2 Statutes (Enactments) - Meaning and Classification

2.3 Commencement of Statutes- Prospective application, Retrospective effect, Repeal of Statutes, Provisions dealing with repeal under the General Clauses Act.

2.4 General English: Essay writing, comprehension, and rules of grammar
Active-passive, direct and indirect speech, degrees of comparison, kinds of sentences-
interrogative, exclamatory, imperative, assertive, positive, and negative

Question tags.

MODULE 3:

3.1 Legislative Material -

Internal Aids -Parts of a statute and their function in interpretation of a statute – Short and long titles, preamble, schedules, marginal headings, parts, and their captions, chapters and their captions, marginal and section-headings, Definition's clause and types of definitions, Explanations, exceptions, illustrations, and provisos, Language, and punctuation, non-obstante clause and saving clause.

External Aids - External Aids to the interpretation of a statute – Dictionaries, Translations, Travaux Preparatoires, Statutes in pari materia, Contemporanea Exposito, Debates, and Reports.

3.2 Judicial material – Ratio and guidelines of courts in the following cases, minority, and majority judgements:

D.K. Basu v. State of West Bengal - AIR1997 SC610

M.C. Mehta V. Union of India - AIR1987SC965

Vishakha v. State of Rajasthan - AIR1997SC3011

Joseph Shine v. Union of India - AIR2018SC4898

Aruna Shanbaug v. Union of India – AIR2011SC1290

Young Lawyers Association v. the State of Kerala – AIR2018SC1690

MODULE 4:

4.1 Rules of interpretation of Statutes – Literal, Mischief and Golden rule of interpretation
Secondary Rules or Subsidiary Rules of Interpretation- Noscitur a Sociis, Ejusdem Generis, Reddando Singula Singulis, Interpretation with reference to the subject matter and purpose – Restrictive and beneficial construction, Taxing statutes, Penal statutes and Welfare legislation, Interpretation of directory and mandatory provisions, Interpretation of substantive and adjunctively statutes.

4.2 Presumptions in Statutory interpretation – Statutes are valid, Statutes are territorial in operation, Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against impairing obligations or permitting advantage from one's own wrong.

4.3 General Clauses Act, 1897

SUGGESTED READINGS:

1. Legal language and Legal Writing by Prof D.K. Shukla.
2. Legal Language and Legal Writing by Prof. Dr. K.L.Bhatia.
3. G.P Singh, Principles of Statutory Interpretation
4. Golden Legal Maxims by Maxwell
5. Broom's Legal Maxims, Lexus Nexis
6. Law Lexicon
7. Latin words, phrases, and maxims by R. S. Vasant
8. Maxwell on Interpretation of Statutes.
9. N.S. Bindra's Interpretation of Statutes

10. V. Sarthy, Interpretation of Statutes
11. Avatar Singh Interpretation of Statutes
12. Dr. Shrikant Mishra's Legal Language and Legal Writing
13. Wren and Martin, English Grammar

LL B Semester I / Semester V BLS LLB

Practical Training – I Professional Ethics and Professional Accounting System

Course Objectives

Professional legal education cannot be sans practical aspects. This course is as prescribed by the Bar Council of India(BCI) as a compulsory clinical course. The objective of this course is to equip the students with the knowledge about the Bar, enrolment into the Bar, different terminology used to refer to practitioners of law, Bar Councils under the Advocates Act, qualities of a good lawyer, Right to practice and privileges, The course is designed to imbibe in students the values forming the basis of the profession so that they can live up to those standards in their professional life and hence includes BCI laid down professional ethics and the disciplinary powers of Bar Council over the advocates for misconduct in the teaching-learning of this course. The course aims at providing an insight into the Contempt of Courts Act, 1971 as prescribed by BCI. The course endeavors to teach the bar- bench relations and accountancy for lawyers.

Course Outcomes

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

1. Understand the eligibility and procedure for enrolment and required ethical standards of the legal profession.
2. Distinguish between the different kinds of lawyers and their roles
3. Know the qualities of a good lawyer, privileges of a lawyer and the right to practice
4. Know duties of advocates and the rules of legal professionalism
5. Know professional misconduct and powers and procedure for disciplinary action against erring advocates
6. Know and apply the contempt of court law and basic accountancy required for advocates

Module 1

- 1.1 Enrolment of Lawyers- Qualifications prescribed u/s 24 of the Advocates Act 1961 and procedure
- 1.2 Common Terminology: Solicitor, Advocate, Lawyer, Senior Counsel, Junior Counsel, Legal Practitioners, Barrister, AOR, Amicus Curie
- 1.3 Seven Lamps of Advocacy: Honesty, Courage, Industry, Wit, Eloquence, Judgment and Fellowship
- 1.4 The Bar Council of India and the State Bar Council- Constitution, Powers and Functions
- 1.5 Privileges of a lawyer- Salient features of the Advocates Act, 1961
- 1.6 Right to Practice
- 1.7 Designation as Senior Counsel: Indira Jaising v/s SC of India (SC 2017)

Module II

- 2.1 Professional Ethics- Power of Bar Council of India, Meaning and Standards of professional conduct and etiquette
- 2.2 Duties
 - A. Duty to the court

- B. Duty to the client
 - C. Duty to the opponent
 - D. Duty to the profession
 - E. Duty to the colleagues
 - F. Duty to public, state and society
- 2.3 Duty to Render Legal Aid

Module III

- 3.1 Professional Misconduct
- 3.2 Punishment for misconduct
- 3.3 Remedies against the order of punishment
- 3.4 Review by the State Bar Council of its own order 3.5 Disciplinary Committee of the State Bar Council- Organisation and powers and procedure
- 3.6 Disciplinary Committee of the Bar Council of India- Organisation and powers and procedure
- 3.7 Transfer of proceedings from the State Bar Council to the Bar Council of India
- 3.8 Selected opinions of the Disciplinary Committee of Bar Councils and Major Judgments of the Supreme Court on the subject.

Module IV

- 4.1 The Contempt Law and Practice- Articles 129 and 215 of the Constitution of India, Contempt of Courts Act, 1971
- 4.2 Bar Bench relations - Role of the Bar to Strengthen Bar-Bench Relations
- 4.3 Accountancy for Lawyers

- i. Amount due to the client or amount due by the client;
- ii. Penalty for not keeping Account Books;
- iii. Bar council Rules relating to accounting.
- iv. Basic principles of accounting, financial statements, balance sheet, income statement

Recommended Readings:

- Mr. Krishnamurthy Iyer's book on "Advocacy"
- Professional Conduct and Advocacy B S Raman
- Advocates Act, 1961
- Contempt of Courts Act, 1971
- N R Madhava Menon, (ed,) - Clinical Legal Education (1998), Dr B Malik, (Ed)
- Art of Lawyer (New Delhi, Universal Book Agency, 1999)

COURSE OUTLINE

PROGRAM: 5yr/3 Yr. Law