

Session - 2022-23

FIRST SEMESTER

Chandrashekhar 2/11/22

Chandrashekhar 7/11/22

Chandrashekhar 7/11/22

अकादमिक प्रभारी
महाराजा सुरजमल बृज विश्वविद्यालय
भरतपुर (राज.)

अकादमिक प्रभारी

Max. Marks: 100

Min. Pass Marks: 40

Note : (1) In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.
(2) Leading cases prescribed under this paper may be read wherever they are relevant.

1. (a) Meaning , elements and characteristics of Contract.
(b) Basic of Contract.
(c) Classification of Contract, including the standard form Contract.
2. (a) Proposal: Meaning, Elements, Characteristics and kinds of proposal, Distinction between Proposal and invitation to proposal.
(b) Acceptance: Meaning, Modes and characteristics of Acceptance.
(c) Communication, revocation and termination of proposal and acceptance.
3. Consideration:
(a) Meaning definition and Elements of consideration.
(b) Significance and adequacy of consideration.
(c) Unlawful consideration and object.
(d) Concept of stranger to contract.
4. Capacity to Contract:
(a) Who cannot make a contract: Who is minor: The place of minor under the law of Contract
(b) Person of unsound mind, nature of contract by person of unsound mind.
(c) Person deprived of the capacity to contract.
5. Free consent:
(a) Meaning of consent and free consent;
(b) Factors rendering consent not free and their effect upon the validity of contract.
- Void Agreements:
(a) Agreement in restraint of marriage; freedom of trade and right to initiate legal proceedings.
(b) Agreement involving uncertainty, wager and impossibility.
6. Performance of Contract:
(a) Contingent Contract
(b) Who is liable to perform? Joint right and joint liability and performance of reciprocal promises.
(c) Time, place and manner of performance.
(d) Discharge from liability to perform the contract.
7. Certain relation resembling to those created by Contract (Quasi Contract).
8. Breach of Contract:
(a) Meaning and kinds;
(b) Remedies for breach of Contract:
(i) Damages – Measure of Damages and remoteness of damage
(ii) Specific Performance of Contract and Injunctions under Specific Relief Act.
9. Contract of Indemnity and Guarantee:
(a) Meaning, Distinction between indemnity and guarantee and kinds of guarantee.
(b) Rights of Indemnity holder.
(c) Rights of Surety, Extent of the Liability of the surety.
(d) Discharge of Liability of the surety.
10. Contract of Bailment and Pledge:
(a) Meaning of kinds of contract of Bailment --- bailment without consideration.

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(b) Right and duties of bailee and bailor.

(c) Termination of Contract of Bailment.

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(d) Contract of Pledge- meaning and definition, Pledge by unauthorised persons.

11. Contract of Agency:

(a) Definition, kinds and modes of creation of Agency.

(b) Relation between:

(i) The Principal and agent.

(ii) The principal and third party, and

(iii) The agent and the third party.

(c) Determination of agent's authority---

(i) By act of parties; and

(ii) By operation of Law ---- Irrevocable authority.

Leading Cases :

1. Carlill v. Carbolic Smoke Ball Co. (183) 1 QB 256.
2. Bhagwandas v. Girdhari Lal & Co. AIR /1966 /SC / SC 543.
3. Motilas Padampur Sugar Mill Co. Ltd v. State of U.P. AIR /1979/SC 621
4. Lalman Shukla v. Gauri Dutt, (1913) 11 All L J 489.
5. Mohiri Bibi v. Dharmodas Ghoseh, (1903) 30 I.A.114

Suggested Readings:

1. Atiyah P.S. : An Introduction the Law of Contract.
2. Pollack: Principles of the Law of Contract.
3. Pollack & Mulla : Indian Contract and Specific Relief act.
4. V.G. Ramchandra: The Law of Contract in India.
5. P.R. Desai: Principles of Law of Contract.
6. Avtar Singh : Law Of Contract. (English & Hindi)
7. R.K. Bavegia Contract 1 (English & Hindi)
8. I.C. Saxena & R.L. Nawalkha lafonk fof/k
- 10 शर्मा सत्येन्द्र कुमार : संविदा विधि प्रथम

मि
शर्मा

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1. Definition, Nature, Scope, Object and Elements of Tort, Maximums, Extinction or Discharge of Tortious Liability, Joint Tort-feasors, Maxims,
2. General Defence of Tortious liability.
3. Vicarious Liability, Doctrine of Common employment, State Liability, Absolute of Strict Liability.
4. Remedies, Kinds and measure of damages, Remoteness of damages.
5. Tort to person—Assault, Battery and False Imprisonment
6. Tort to person and property including Negligence, Nuisance, nervous shock, interference with Contract or business, Intimidation, Conspiracy, deceit or fraud, Malicious Prosecution, Defamation.
7. Motor Vehicles Act, 1988

Leading Cases :

1. Ushaben v. Bhagya Laxmi Chitra mandir, AIR (1978) Guj. 13.
2. N. Nagendra Rao v. State of Andhra Pradesh, AIR (1994) SC 2663.
3. Municipal Corporation of delhi v. Smt. Subhagwati, AIR (1966) SC 17.
4. Rylands v. Fletcher, (1868) LP, 3 HL 330.
5. Indian Medical Association v. V.P. Shantha, AIR (1966) SC 558.

Suggested Readings:

1. Winfield, Law of Tort.
2. Ramaswami Iyer : Law of Torts.
3. B.S. Sinha : law of Torts.
4. Salmond : law of Torts.
5. Street :Law of Torts.
6. G.S. Karkara : Contributory Negligence.
7. पाण्डे, जयनारायण : अपकृत्य विधि :
- 8- अग्रवाल शर्मनलाल : अपकृत्य विधि :
- 9- वींगिया, आर. के. : अपकृत्य विधि एवं उत्पन्नोक्ता संरक्षण अधिनियम
- 10- शुक्ला, एम.एन. : अपकृत्य विधि ।
11. Gurbax singh : Law of Consumer Protection.
12. P.Leelakrishan : Consumer Protection & Legal Control.
13. के.दीक्षित - अपकृत्य विधि उत्पन्नोक्ता संरक्षण कानून
14. Avtar Singh : Law of consumer Protection (Principles and Practice).

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1. Hindu Law : Sources, school and application, Coparcenary, Joint family property and self -acquired property ; Karta and his powers and obligation, Religious and Charitable endowments—essentials of an endowment, kinds, shebait and Mahant.
2. The Hindu Marriage Act, 1955: condition of a Hindu marriage. Its ceremonies and registration, Void and Voidable marriage : restitution of Conjugal right ; Judicial separation , Legitimacy of children of void and voidable marriage ; Divorce by mutual consent, Alternative relief in divorce proceeding, Divorce by mutual consent, One year bar to divorce ; divorced person when may marry again; Jurisdiction and procedure.
3. The Hindu Succession Act, 1956: Succession to the property of a Hindu female; General rules and disqualification of succession, Escheat.
4. The Hindu Adoption and Maintenance Act, 1956: Requisites of a valid adoption, Effect of Adoption ; Miscellaneous provision of adoption; Maintenance of wife, children and parents; Maintenance of widowed daughter -in - law; Dependants and their maintenance; Amount of Maintenance.
5. The Minority and Guardianship Act 1956: Natural Guardians and their powers; Testamentary guardian and their powers, de facto guardian, general provision of guardianship.
6. Partition under Hindu law --- Meaning. Property for partition, persons entitled to sue for partition and allotment of shares, Re-opening of partition, Reunion debts--- Doctrine of pious obligation; Antecedent Debts

Leading Cases:-

1. Shastri Yagna Purusdasji v. Muldas, AIR 1956 SC 1119
2. Hanuman Prasad v. Mussamat Babooes Munraj Koonware; (1856) 6MIA 395.
3. Brij Narayan v. Mangla Prasad , (1924) 51 IA 129
4. Bipin Chandra v. Prabhavati, AIR (1957) SC 176
5. Dr. Nararan Ganesh Dastsne v. Sucheta Dastsne AIR (1975) SC 1534.
6. Dharmendra Kumar v. Usha Kumar, AIR (1977) SC 2218
7. Tulsamma v. Sessa Reddi, AIR (1977) SC 1944.

Suggested Readings :-

1. Mulla: Principles of Hindu Law .
2. Raghavachariar : Hindu Law— Principles and precedents.
3. Paras Diwan : Modern Hindu Law.
4. Tahir Mehmood : Hindu law .
5. पारस दीवान : आधुनिक हिन्दू विधि।
6. केसरी, यू पी. डी. : हिन्दू विधि।

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1. Preliminary: Definition, Essentials of transfer, Competence of parties, Subject matter of transfer, transfer to unborn person, registration of Transfer, etc. General Rules of Transfer:
(a) Restraints of alienation absolute or partial, Restraints of free enjoyment, Covenants affecting enjoyment, divesting on insolvency, perpetuities Future estates, Doctrine of acceleration –Accumulation of income. Exceptions, Covenants and transfers, General Rules of Transfer.
(b) Conditional Transfer: Condition precedent, Condition subsequent; Vested and contingent interest.
2. Election, Priority of rights, Notice, Implied transfers by limited owners, transfer of property out of which maintenance claims have to be met, ownership by holding out, ownership by estoppels, Doctrine of part – performance, Sale.
3. Mortgage and charge: Kinds of mortgage, Rights and liabilities of Mortgagor and Mortgagee, priority, marshalling, contribution and Subrogation.
4. Exchange, Lease, Gift, Actionable claims.
5. Easement: Essentials of Easement, Imposition Acquisition, Incidents, Disturbance, Extinction. Suspension and Revival of Easement, licence, Difference between Lease and Licence.

Leading Cases:--

1. J.B.Rao v. Vassarayappa, AIR 1956 SC 727,
2. Gokal das gopal Dass v. Premsukh Dass, ILR 10—Cal. 1035 (PC)
3. Ram Kumar Khundoo and others v. Jhon and Maria Mequeen (1872)
4. Webb v. Macpherson, ILR 31 Cal 57 (PC).
5. Associated Hostels of India Ltd v. R.N. Kapoor. AIR 1959 SC 1262.
6. Raja Bajrang Bahadur Singh v. Thukurani Bakhraj Kaur, AIR 1953 SC 7.

Suggested Readings:-

1. The Transfer of Property Act (Act IV of 1882) as amended up to – date.
2. Mulla: transfer of Property Act.
3. Joshi: The Indian Easement Act (Act V of 1882).
4. Menon, A.K.: The Law of Property.
5. Sarthi, V.P.: Law of Transfer of Property.
6. Shukla , S.N.: Transfer of Property Act
7. Saxena, I.C.: Transfer of property Act.
8. Bhansali & Sharma: Transfer of Property Act (Hindi)
9. Kulshrestha, J.N.: Transfer of Property Act (Hindi)
10. Tripathi, J.P. Transfer of Property Act (Hindi)

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1. Legal System

- (a) Major Legal System of the World, Civil Law System, Common Law System
- (b) Indian Legal System

2. Legal Method

- (a) Introduction to the Legal Process
- (b) Using Law Library
- (c) Reading of Statutes and decided cases by the higher judiciary

3. Sources of Law: Ancient and Modern Sources

- (a) Constitution and Federalism
- (b) Nature and Characteristics under Govt. of India Act 1935,
- (c) Constituent assembly—its formation and contribution of laws, General Clause Act
- (d) Precedent
- (e) Custom

4. Growth of Legal Profession in India

- (a) History of Indian Legal Profession
- (b) The Advocate Act, 1961: By BCI

5. Judicial & Tribunal Set Up

Hierarchy of Court & Jurisdiction

- (a) District Courts
- (b) High Courts
- (c) Supreme Court

Suggested Readings:

- 1. Tripathi G. P.: Legal Method, Central Law Publications, 1st Ed. (Rep.) 2016
- 2. Pandey J.N.: Constitutional Law of India, Central Law Agency, 54th Ed. (2017)
- 3. Mahajan, V.D.: Jurisprudence and Legal Theory, Eastern Book Company, 5th Ed. (Reprint 2016)
- 4. Rama Jois, Justice M: Legal and Constitutional History of India, Universal Law House, Ed. 2016, Reprint

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