



# Shri Vaishnav Vidyapeeth Vishwavidyalaya

## LL.B. (Hons.)

### SEMESTER I

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLB101	DC	LAW OF TORTS INCLUDING MV ACT AND CONSUMER PROTECTION LAWS	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

#### Course Objectives:

1. To teach tortious Acts objectives of tort nature and scope etc.
2. To teach Doctrine of Sovereign Immunity, Negligence, Nuisance and the provision of Consumer Protection Act.

#### Course Outcomes:

After completion of this course the students are expected to be able to:

1. Understand the concepts of tortious liability and defences.
2. To demonstrate the Various Maxims of tort, negligence, nuisance and rights of consumers.

#### Syllabus:

##### UNIT I: Evolution of Law of Torts

England - Forms of action, specific remedies from case to case, India - principles of justice equity and good conscience-unmodified, character- advantages and disadvantages

##### Definition, Nature, Scope and Objects of Tort

A wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem) - damnum sine injuria and injuria sine damnum-doctrine and applicability, Tort distinguished from crime and breach of contract and trusts, The contract of unliquidated damages, Changing scope of law of torts : expanding character of duties owed to people generally due to complexities of modern society, Objects-prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.



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## UNIT II: Justification in Tort

- Volenti non fit injuria
- Necessity, private and public
- Plaintiffs default
- Act of God
- Inevitable accident
- Private defense
- Statutory authority
- Judicial and quasi-judicial acts
- Parental and quasi-parental authority
- Extinguishment of liability in certain situations

## UNIT III: Doctrine of sovereign immunity and its relevance in India

- Vicarious Liability
- Torts against persons and personal relations
- Defamation
- Parental relations, master and servant relation
- Malicious prosecution, wrongful confinement
- Wrongs affecting property
- Trespass to land
- Constitutional torts and Public liability for victim's compensation.

## UNIT IV: Negligence

- Basic concepts
- Theories of negligence
- Contributory negligence
- Special situations of negligence – Hazardous Substance and Machinery product liability, liability towards ultimate transferee.

### Nuisance

- Definition essentials and types
- Acts of obstructions (view and formation of queues)
- Absolute and Strict liability
- Legal remedies
- Award of damages
- Injunction
- Extra-legal remedies



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## UNIT V: Consumer Protection Act

- Concept and definition of Consumer and service
- Unfair trade practices
- Supply of essential commodities and services
- Enforcement of consumer rights

## Motor Vehicles Act

- Types of Accident, At road intersections, collision, involving children, excessive speed, in floods, pedestrian, Running over cyclist and Hit and run case.
- Compensation and Right to Just Compensation.
- Claims and Claim Tribunal – Composition, Powers, Procedure and appeal against its orders.
- Liability – Insurance company, Third Party, Vicarious Liability Fault and no Fault liability, Right to fixed compensation. Motor Vehicle Amendment Act, 2019.

## References:

1. Salmond and Heuston (2000). On the Law of Torts. Universal: Delhi.
2. Basu, D.D. (1982). The Law of Torts. Kamal: Calcutta.
3. Gandhi, B.M. (1987). Law of Tort. Eastern Book Company: Lucknow.
4. Pillai, P.S.A. (2008). The law of Tort. Eastern Book Company: Lucknow.
5. Ratanlal and Dhirajal (1997). The Law of Torts. Universal: Delhi.



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							THEORY			PRACTICAL	
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LLB102	DC	LAW OF CONTRACT - I (GENERAL CONTRACT)	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

#### Course Objectives:

1. To teach basic principles of general contract, contractual obligations etc.
2. To teach the provision of Specific Relief Act.

#### Course Outcomes:

After completion of this course the students are expected to be able to:

1. Understand the concepts of common laws and Indian laws of contract and contractual obligations thereof.
2. To demonstrate the provisions of specific relief Act.

#### Syllabus:

##### UNIT I: Introduction

- History and nature of contracted obligations
- Agreement and contract: definitions, elements and kinds of contract.
- Proposal and acceptance
- Consideration
- Theories of Contract

##### UNIT II: Capacity to contract

- Free consent
- Undue Influence
- Misrepresentation
- Fraud
- Mistake
- Unlawful considerations and objects
- Fraudulent.



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#### UNIT III: Void and void able agreements

- Injurious to person or property
- Immoral
- Against public policy
- Void and void able agreements
- Contract without consideration
- Agreements in restraint of marriage, trade etc
- Contingent contract, Wagering contract and its exception.

#### UNIT IV: Contractual obligations

- Contractual obligations – remedies, discharge of
- Damages, remoteness of damages, ascertainment of damages
- Government Contracts.
- Quasi Contract - Obligations

#### UNIT V: Specific Relief Act

- Specific performance of contract and Specific Relief Act
- Contract that can be specifically enforced & that cant be enforced
- Persons against whom specific enforcement can be ordered
- Rescission and cancellation of contracts and documents
- Injunctions, temporary, perpetual, Mandatory, Obligatory
- Declaratory Decree
- Discretion and powers of court

#### References:

1. Beasten (1998). Anson's Law of Contract. Universal: Delhi.
2. Atiya, P.S. (1992). Introduction to the Law of Contract 1992 reprint (Clare don Law Series).
3. Singh, A. (2000). Law of Contract. Eastern: Lucknow.
4. Cheshire, Fifott and Furmston (1992). Law of Contract. Butterworth: London.
5. Nair, M.K. (1998). Law of Contracts. Orient Longman: Jaipur.
6. Triltet, G.H. (1997). Law of Contracts. Sweet & Maxwell: United Kingdom
7. Abhichandani, R.K. (1999). Pollock & Mulla on the Indian Contract and the Specific Relief Act. Tripathi: Bombay.
8. Banerjee, S.C. (1998). Law of Specific Relief. Universal: Delhi.
9. Saharay, H.K. (2000). Dutt on Contract 1872. Universal: Delhi
10. Anand and Iyer (2017). Commentary on The Specific Relief Act 1963. Universal: Delhi
11. Rai, K. (2019). Contract I & Specific Relief Act. Edition: 4<sup>th</sup>. Central Law Publication: Allahabad.



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							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLB103	DC	LAW OF CRIMES - I : INDIAN PENAL CODE	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

#### Course Objectives:

1. To teach basic principles of criminal law and criminal liability.
2. To teach the offences against human body and various kinds of punishments.

#### Course Outcomes:

After completion of this course the students are expected to be able to:

1. Understand the concepts of criminal law and criminal liability.
2. To demonstrate the provisions of offences against human body and various kinds of punishments.

#### Syllabus:

##### UNIT I: General

- Concept of crime
- Distinction between crime and other wrongs
- McCauley's draft based essentially on British notions
- Salient features of the I.P.C.
- IPC: a reflection of different social and moral values
- Applicability of I.P.C.- territorial and personal

##### UNIT II: Element of Criminal Liability

- Person definition - natural and legal person
- Mens rea- evil intention
- Recent trends to fix liability without mens rea in certain socio- economic offences
- Act in furtherance of guilty intent- common object
- Factors negating guilty intention
- Definition of specific terms



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## UNIT III: Group liability

- Common Intention
- Abetment
- Instigation, aiding and conspiracy
- Mere act of abetment punishable
- Unlawful assembly
- Basis of liability
- Criminal conspiracy
- Rioting as a specific offence

### General Exceptions :

- Mental incapacity
- Minority
- Insanity
- Medical and legal insanity
- Intoxication
- Private defence-justification and limits
- When private defence extends to causing of death to protect body and property
- Necessity
- Mistake of fact
- Offence relating to state
- Against Tranquility
- Contempt of Lawful Authority

## UNIT IV: Offences against human body

- Culpable homicide
- Murder
- Culpable homicide amounting to murder
- Grave and sudden provocation
- Exceeding right to private defence
- Hurt - grievous and simple
- Assault and criminal force
- Wrongful restraint and wrongful confinement- kidnapping- from lawful guardianship, outside India
- Abduction
- Offences Relating to Marriage
- Theft
- Robbery, Dacoity



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### SEMESTER I

- Cheating
- Extortion
- Mischief
- Criminal misrepresentation and criminal breach of trust
- Offences relating to Documents and properties.

#### UNIT V: Types of Punishment

- Death
- Social relevance of capital punishment
- Imprisonment- for life, with hard labour, simple imprisonment
- Forfeiture of property
- Fine
- Discretion of court in awarding punishment
- Minimum punishment in respect of certain offences

#### References:

1. Dhirajlal, Ratanlal. (1994). Indian Penal Code, (reprint).
2. Gandhi, B.M. (1996). Indian Penal Code, Eastern Book Company: Nagpur.
3. Gaur, K.D. (1998). A Text Book on the Indian Penal Code, Universal: Delhi.
4. Gaur, K.D. (1999). Criminal Law: Cases and Materials, Butterworths: India.
5. Hidaythulla, M., et.al. Ratanlal and Dhirajlal, (1994). The Indian Penal Code, Wadhwa & Co.: Nagpur.
6. Pillai, Achuthan, P.S. (1995). Criminal Law, Eastern: Lucknow.





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							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
<b>LLB104</b>	<b>DC</b>	<b>COMPANY LAW</b>	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

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#### Course Objectives:

1. To teach the Law related to companies and its promotion.
2. To teach the management of Corporate structure and winding up of Companies.

#### Course Outcomes:

After the completion of the course the students should be able to

1. Understand the concept of Corporate Personality, MOA and AOA etc.
2. Demonstrate the corporate structure in a Company and the provisions related to dissolution and liquidation of Companies and its liability.

#### Syllabus:

##### UNIT I: Meaning of Company

- Theories of corporate personality.
- Creation and exemption of corporations.
- Lifting the corporate veil.

##### UNIT II: Forms of Corporate and Non-Corporate Organizations

- Corporations.
- Partnership and other association of persons.
- State corporations.
- Government companies, small scale, cooperative, corporate and joint sectors.

##### UNIT III: Law Relating to Company: Public and Private

- Promoters and its position.
- Need of company for development, formation of a company, registration and incorporation.
- Memorandum of association - various clauses - alteration therein – doctrine of ultra vires.
- Articles of association-binding force-alteration-its relation with memorandum of association-doctrine of constructive notice and indoor management- exceptions.



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### SEMESTER I

- Prospectus- issue - contents- liability for misstatements in lieu of prospectus.
- Shares-general principles of allotment, statutory restrictions, transfer of shares, relationship between transferor and transferee.
- Shareholder-who can be? And who cannot be shareholder- modes of becoming shareholder- calls on shares- forfeiture and surrender of shares, lien on shares.
- Share capital-kinds-alteration and reduction of share capital, further issue of capital-conversion of loan and debentures into capital-duties of courts to protect the interests of creditors and shareholders.

#### UNIT IV: Management of Corporate Structure

- Directors - position- appointment-qualifications-vacation of office-removal resignation-powers and duties of directors - meeting, registers, loans - remuneration of directors - role of nominee directors - companies for loss of office - managing directors and other managerial personnel.
- Meetings – kinds, procedure – voting.
- Dividends payment - capitalization – profit.
- Audit and accounts.
- Borrowing powers, effect of unauthorized borrowing - charges and mortgages – investments.
- Debentures - meaning - fixed and floating charges - kinds of debentures, shareholder and debenture holder, remedies for debenture holders.
- Protection of minority rights.
- Protection of oppression and mismanagement - who can apply? Powers of the company, court and of the central Government.
- Investigations, powers.
- Private companies - nature and advantages- government companies holding and subsidiary companies.

#### UNIT V: Winding Up and Corporate Liability

- Winding up -types – Concept (Dissolution and liquidation):
  - By court - reason - ground who can apply - procedure -powers of liquidator - powers of court - consequences of winding up order.
  - Voluntary winding up.
  - Subject to supervisions of courts.
  - Liability of past members - payment of liability preferential payment, Unclaimed dividends.
  - Winding up of unregistered company.
- Legal liability of companies-civil and criminal.
- Remedies against civil, criminal and tortuous - specific relief Act, writs, liability under special statutes.



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**SEMESTER I**

## **References:**

1. Gower, L.C.B. (1997). Principles of Modern Company Law, Sweet and Maxwell: London.
2. Palmer, Palmer's (1987). Company Law, Stevens Publication: London
3. Pennington, R.R. (1990). Company Law, Lexis Nexis Butterworths.
4. Ramaiya, A. (1998). Guide to the Companies Act, Wadhwa and Company.
5. Shah, S.M. (1998). Lectures on Company Law, M.N. Tripathi, Bombay.
6. Singh, Avtar. (1999). Indian Company Law, Eastern Book Company: Lucknow.



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**HONOURS/ OPTIONAL COURSES**



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							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLBHO101	DE	INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION	4	0	0	4	60	20	20	0	0

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#### Course Objectives:

1. To provide knowledge on how to maintain uniformity in the process of discovering meaning of the words, various rules for interpretation of statutes have been evolved with the passage of time.
2. To learn that the statutes remain same for application and reference for the courts yet there may be possibility of difference of opinion as to the meaning of the words used in the language of the statutes.

#### Course Outcomes:

After the completion of the course the students will be able to:

1. Understand that in case of disputes between individuals regarding their interests, is recognized through legislation.
2. Understand that Courts play an important role in applying the law to the life of individuals through the means of interpretation.
3. Demonstrate the possible difference of opinion as to the meaning of the words used in the language of the statutes.

#### Syllabus:

##### UNIT I: Principles of Legislations and Introduction to Statutes

Law-making: the legislature, executive and the judiciary, Principles of legislation, Principle of utility, Relevance of John Rawls and Robert Nozick: individual interest to community interest, Operation of these principles upon legislation, Distinction between morals and legislation, Meaning of the term statutes, Commencement, operation and repeal of statutes



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#### **UNIT II: Rules of Statutory Interpretation**

Primary Rules: Literal rule; Golden rule, Mischief rule (rule in the Heydon's case) and Rule of harmonious construction, Secondary Rules; Noscitur a sociis, Ejusdem generis and Reddendo singula singulis

#### **UNIT III: 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

#### **UNIT IV: Maxims of Statutory Interpretation**

Delegatus non potest delegare, Expressio unius exclusio alterius, Generalia specialibus non derogant, In pari delicto potior est conditio possidentis, Utres valet potior quam pareat, Expressum facit cessare tacitum, In bonam partem

#### **UNIT V: Principles of Constitutional Interpretation**

Harmonious construction, Doctrine of pith and substance, Colourable legislation, Ancillary powers, Occupied field, Residuary power, Doctrine of Repugnancy

#### **References:**

##### **Books:**

1. Bakshi, P.M. (2008). Interpretation of Statutes. Orient Publishing Company: Allahbad.
2. Benion, A.F. (2008). Benion's on Statutory Interpretation. Lexis Nexis: United Kingdom.
3. Definition clauses in various Legislations: Nature and Interpretative Role.
4. Langen, J. (2006), Maxwell on Interpretation of Statutes, Lexis Nexis: Delhi.
5. The General Clauses Act, 1897 : Nature, Scope and Relevance (with special reference to sections 6 to 8 of the Act)
6. Rao, M.N., Dhanda, A. & Bindra, N.S. (2007). Interpretation of Statutes. Lexis Nexis: Delhi.
7. Singh, G.P. (2010). Principles of Statutory Construction, Lexis Nexis: Nagpur.
8. Sarathi, V.P. (2015). Interpretation of Statutes. Eastern Book Company: Lucknow.

##### **Case-Laws:**

1. Prufulla Kumar v. State Bank of Khulna, AIR 1946 Bom. 568
2. Biswambhar Singh v. State of Orissa, AIR 1954 SC 139
3. Jugalkishore v. Raw Cotton Co. AIR 1955 SC 376
4. Avtar Singh v. State of Punjab, AIR 1955 SC 1107
5. Bengal Immunity Co. v. State of Bihar, AIR 1955 SC 61
6. R.M.D.C. v. Union of India, AIR 1957 SC 628



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7. Commissioner of Income-tax. v. Smt. Sodra Devi, AIR 1957 SC 832
8. Sri Venkataramana Devaru v. State of Mysore, AIR 1958 SC 255
9. Manoharlal v. State of Punjab, AIR 1961 SC 418
10. Ramavtar Budhaiprasad v. Assistant Sales Tax Officer, AIR 1961 SC 1325
11. M.V. Joshi v. M.U. Shimpi, AIR 1961 SC 1494
12. K.M. Nanavati v. State of Bombay, AIR 1961 SC 112
13. M. Pentiah v. Muddala Veeramallapa, AIR 1961 SC 1107
14. Atiabari Tea Co. Ltd. v. State of Assam AIR 1961 SC 232
15. Calcutta Gas Co. v. State of West Bengal, AIR 1962 SC 1044
16. M/s. Motipur Zamindary Co. (Private) Ltd. v. State of Bihar, AIR 1962 SC 660
17. Sirsilk Ltd. v. Govt. of Andhra Pradesh, AIR 1964 SC 160
18. Corporation of Calcutta v. Liberty Cinema, AIR 1965 SC 661
19. The Remington Rand of India Ltd. v. The Workmen, AIR 1968 SC 224
20. Tej Kiran Jain v. N. Sanjiva Reddy (1970) 2 SCC 272.
21. G. Narayanaswami v. Pannersevan (1972) 3 SCC 717 73
22. M/s. Hiralal Rattanlal v. State of U.P. (1973) 1 SCC 216
23. State of West Bengal v. Wasi Ahmed (1977) 2 SCC 246
24. B.N. Mutto v. T.K. Nandi (Dr.) (1979) 1 SCC 361.
25. Chief Justice of Andhra v. I.V.A.Dikshitulu AIR 1979 SC 193.
26. Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama, AIR 1980 SC 981
27. Jagdish Sharan v. Union of India AIR 1980 SC 820
28. Utkal Contractors & Joinery (P) Ltd. v. State of Orissa, AIR 1987 SC 1454.
29. M.L.Kamra v. Chairman- cum Managing Director, New Indian Assurance Co. Ltd. AIR 1992 SC 1072.
30. Oswal Agro Mills Ltd. v. CCE, 1993 Supp (3) SCC 716.
31. The Supreme Court Advocates on Record Association v. Union of India AIR 1994 SC 268
32. Calcutta Municipal Corporation v. East India Hotels Ltd., AIR 1996 SC 419
33. P. Ramachandra Rao v. State of Karnataka (2002) 4 SCC 578
34. Padma Sundara Rao v. State of Tamil Nadu (2002) 3 SCC 533
35. Saurabh Choudhry v. Union of India AIR 2004 SC 361
36. D.M., Aravali Golf Club v. Chander Hass, 2007 (14) SCALE 1



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							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLBHO102	DE	PENOLOGY AND VICTIMOLOGY	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

#### Course Objectives:

1. To introduce the students to the concepts of Penology and Victimology and will acquaint them with the study of law from this perspective.
2. To provide the students an understanding of the various theories of punishment, penal reforms, prison reforms, etc.
3. To learn about the various impacts of victimization, restorative justice and compensatory schemes for benefit of victims.

#### Course Outcomes:

After the completion of the course the students will be able to:

1. Understand the various dimensions of the various aspects of the Indian law related to penology and victimology.
2. Understand the various aspects of the Indian legal structure like that of the concepts of restorative justice and compensatory schemes for victims
3. Demonstrate a thorough and contextual knowledge of penal laws and the various leading cases particularly in its application to real law problems.

#### Syllabus:

##### UNIT I: Penology and Theories of Punishment

Concept and Meaning of the study of penology, Theories of punishment: Retributive, Reformative, Preventive and Deterrent, Hindu and Islamic approach to punishment, Forms of punishment, Judicial approach of India towards capital punishment.





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#### **UNIT II: Sentencing and Imprisonment**

Types of sentences in India Law, Corrective Labour, Collective Fine, Reparation by the offender or by the Court, White collar crimes, sentencing as summary punishment, Plea bargaining, Prison Reforms in India, Right of Prisoners, Classification of prisoners, status of Indian jails as of today, Concept of open jail, duties of custodial staff, Deviance by custodial staff, development of Judicial surveillance.

#### **UNIT III: Probation and Parole**

Meaning and concept of probation and parole, Probation of offenders Act and recent changes, Parole system in India, Role of judiciary on probation and parole.

#### **UNIT IV: Victim and Victimology**

Concept and study of victimology, meaning of victim and victimization, Victims of Crime, Victims of abuse of power, Impact of victimization: Physical Impact, Financial Impact and Psychological Impact, Understanding of Secondary Victimization.

#### **UNIT V: Restorative Justice and Compensatory Relief to Victims**

Concept of restorative justice for victims, Various victim assisted programs run by different organisations in India, Legal reforms in India towards justice to victims, Compensatory provisions under criminal procedure code; probation of offenders act; Motor vehicle act, judicial trend on compensatory relief provided to victims, De-Victimization and victim welfare fund.

#### **References:**

1. Chaturvedi, J.C (2006). Penology and Correctional Administration. Isha Books: Delhi.
2. David, S. (2008). Penology. Sage Publications: California.
3. Gillian, J. L. (1971). Criminology and Penology. Praeger Publishers: Westport.
4. Ponnaian, M. (1992). Criminology and Penology. Edition 3<sup>rd</sup>. Pioneer Books: Delhi.
5. Paranjape, N.V. (2014). Criminology, Penology and Victimology. Central Law Publication: Prayagraj.
6. Qadri, S.M.A. (2009). Ahmad Siddique's Criminology & Penology. Edition: 6<sup>th</sup>. Eastern Book Company: Lucknow.
7. Rajan, V.N. (1981). Victimology in India: An Introductory Study. Allied Publishers: Delhi.
8. Sen, P.K. (2015). Penology Old and New. Gyan Books: Delhi
9. Vedder, C.B. & Kay, B. (1973). Penology: Realistic Approach. Charles C. Thomas Publisher: Unites States of America.



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### SEMESTER I

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							THEORY			PRACTICAL	
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
<b>LLBHO103</b>	<b>DE</b>	<b>EQUITY AND TRUST</b>	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

#### Course Objectives:

1. To acquaint students with general principles of equity, trust and fiduciary relations and remedies available under equity.
2. To learn the various existing legislations on Trust and Equity.

#### Course Outcomes:

After the completion of the course the students will be able to:

1. Understand the concept of equity, trust and fiduciary relations.
2. Understand the administration & managements of charitable units.

#### Syllabus:

##### UNIT I: Introduction to Trust

History of the trust, Definition of trust and its comparison with other analogous relations: Trust and condition, Trust and bailment, Trust and agency, Trust and contract, Types of Trust: Private and Public, Creation of Trust, Essentials of trust.

##### UNIT II: Legislations

Indian Trust Act: Appointment of Trustees, Rights, Duties and liabilities, Rights and Powers, Disabilities, Rights and liabilities of the Beneficiary, Discharge of Trustees, Extinction of Trusts, Public Trust doctrine. Charitable and Religious Trust under The Charitable and Religious Trusts Act, 1920, The Religious endowment Act, 1863, The Charitable Endowments Act, 1890, The Religious Societies Act, 1880, Bombay Public Trust Act, 1950, Societies Registration Act, 1860

##### UNIT III: Equity

Origin and growth of Equity, Nature and Scope of Law and Equity, Sources of Law, Equity as a Source of Law. Importance of Equity under Roman, English and Indian Legal Systems, Importance of English Equity in the Indian Legal System, Concept of Equitable Rights and interests under Indian Law.



# Shri Vaishnav Vidyapeeth Vishwavidyalaya

## LL.B. (Hons.)

### SEMESTER I

#### **UNIT IV: Maxims of Equity**

Working Principles of Equity, Equity will not suffer a wrong to be without a remedy, Equity follows the law, He who seeks equity must do equity, He who comes into equity must come with clean hands, Delay defeats equities, Equality is equity, Equity looks to the intent rather than the form, Equity imputes an intention to fulfil an obligation. Equity acts in personam, Application of the maxim under Indian Law.

#### **UNIT V: Fiduciary Relationship**

Meaning and scope, Definition, Kinds of Fiduciary relations, Transfer without intent to dispose beneficial Interest, Trust incapable of execution and trusts executed fully without exhausting property, the cypress doctrine, Transfer and request for illegal purpose, Transfer pursuant to rescindable contract, Debtor becoming creditor's representative, Advantage from undue influence, Advantage by qualified owner, Property acquired with notice of existing contract, Purchase by person contracting to buy property to be held on trust, Possession of property without whole beneficial interest, Duties of constructive trustees, Rights of bonafide purchasers.

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1. Ahmad, A. (2020). Equity, Trusts and Specific Relief. Edition:20<sup>th</sup>. Central Law Agency: Prayagraj.
2. Basu, D.D. (2002), Equity Trust and Specific Relief. Edition: 6<sup>th</sup>. Kamal Law House: Kolkata.
3. Desai S.T. (1991). T R Desai's Equity, Trusts and Specific Relief. N.M. Triparhi Publication: Mumbai.
4. Gandhi, B.M. (2007). Equity, Trust and Specific Relief. Edition: 4<sup>th</sup>. Eastern Book Co.: Lucknow.
5. Jhabvala N.H. (2017). Elements of Equity, Trusts and Specific Relief. Jamnadas & Co.: Chennai.
6. Pant, C. P. (2001). N Suryanarayana Iyer's- The Indian Trust Act, Edition:5<sup>th</sup>. LexisNexis: Delhi.
7. Rao, C.R. (2009). Trusts: Public, Private, Charitable, Religious, Educational. Puliani & Puliani: Bangalore.
8. Sarvaria, S.K. (2010). Commentary on the Indian Trusts Act. Edition: 6<sup>th</sup>. Universal Law Publishing: Delhi.
9. Singh, G.P. (2015). Principles of Equity Trusts, Mortgage and Fiduciary Relations. Central Law Agency: Prayajraj.
10. Tripathi, S.C. (2015): Equity, Mortgages, Trusts and Fiduciary Relations. Central Law Publication: Allahabad.