

C P—01 LEGAL LANGUAGE AND LEGAL WRITING

Function and significance of Language in learning law vagueness and ambiguity of words and the need for interpretation. Symbolic and emotive function of words. Syntax, style and purpose of legislation—Words and expressions commonly used in legislation and judicial decisions—Understanding judicial decision—Ratio decidendi and obiter dictum.

General principles of legal research and legal writing—Selection of research topic and identification of research problem—Research designs. Methods of scientific research in law—Empirical and doctrinal research. Finding the law, research reporting—Style of presentation of reports.

Important Maxims:

1. Caveat emptore
2. Actus non-facit reum nisi mens rea
3. Nemo dat quod non habet
4. Autrefois acquit
5. Autrefois convict
6. Causa Proxime, non remota spectata
7. Damnum sine injuria
8. Delegatus non potest delegere
9. De minimis non curat lex
10. Ex nudo pacto non oritur action
11. In turpi causa non oritur action
12. Fiat justitia ruat coelum
13. Falsus in uno falsus in omnibus
14. Generalia specialibus
15. Ignorantia juris nominum excusat
16. Nocissitar non habet legem
17. Novus actus interveniens
18. Qui facit per alium facit per se
19. Quid pro quo
20. Ubijus ibi remedium
21. Audi alterum partem
22. Nemo judex in causa sua
23. Rebus stic stantibus
24. Res ipsa loquitur
25. Spes successionis
26. Utres magis valeat quam pereat
27. Expressio Unui est exclusio alterius
28. Obiter dicta
29. Populi est suprema lex
30. Volent non fit injuria
31. Ultravires
32. Ratio decidendi
33. Lis pendens
34. Injuria Sine Damnum

Legal Vocabulary :

General uses of Legal terms and idioms—Words and phrases— Comprehension skills— Syllogistic fallacies and other type of material and verbal fallacies—Translation from English to Malayalam and Malayalam to English.

Suggested Readings :

1. Glanville Williams . . *Language and the Law (19) 61 L.Q.R. 71, 179, 293, 384*
2. U. C. Thornton . . *Legislative Drafting, Butterworth, London Chapters 1-5*
3. James A. Holland and . . *Learning Legal Rules, Universal Book Julian S. Webb Traders, Delhi, Chapter 426*
4. Arthur T. Vanderbilt . . *Studying Law, New York University Press, Washington, Chapters 6, 8*
5. Glanville Williams . . *Learning the Law, Universal Law Publishing Co., Delhi, Chapters 4, 5, 6, 12*
6. Peter Goodrich . . *Languages of Law*
7. Blacks Law Dictionary
8. Dictionary of Legal Terms and Expressions.

CP—02 LAW OF CONTRACTS—I

General features of contracts—Classification.

Historical development of Law of Contract—Freedom of contract.

Formation of contract—Different aspects of offer and acceptance— Consideration—Necessity— Classification—Privity of contracts—Discharges of contracts, doctrine of accord and satisfaction.

Capacity of parties to contract—Minority, Mental incapacity, Drunkenness, other incapacities like political status and corporate personality.

Factors invalidating contract—Mistake Coercion, Undue influence, Fraud, Misrepresentation, Unlawful objects, immoral agreements, Agreements opposed public policy, Consequences of illegality.

Void, avoidable and contingent nature of agreements, wagering agreements, uncertain agreements, agreements in restraint of marriage and trade.

Performance of contract—Privity of contracts and its limitations— Assignment of liabilities and benefits—Offer of promises—Joint promises— Time and place of performance—Reciprocal promises—Appropriation of payments—Breach, impossibility and anticipatory breach of performance.

Doctrine of Frustration and its effects—Discharge of contract by operation of law, contracts which need not be performed.

Damages—Penalty—Liquidated damages.

Specific relief-specific performance, specific performance of part—Rescission, rectification and cancellation—Preventive relief by way of injunction.

Quasi-Contracts, instances of Quasi-Contracts, “Quantum Merit”.

Suggested Readings :

Anson . . *The Law of Contracts*

Pollock and Mulla . . . *Indian Contract Act*
Avtar Singh . . . *Indian Contract Act*
Subbah Rao . . . *Law of Contract*
Kulshreshtra, V. D. . . . *Indian Contract Act*
Krishnan Nair, M. . . . *Law of Contract*
Leake, M. S. . . . *Principles of Law of the Contract*
Guest, A. G. . . . *Anson's Law of Contract*

C P—03 LAW OF TORTS

General principles—Definitions of Torts, Distinction from breach of contract and breach of Torts—Tortious liability—Essential conditions of liability—‘Damnum Sine Injuria’—‘Injuria Sine Damno’—Malice—Insurance in Torts—General Defences—Volenti non fit injuria—Inevitable accident—Act of God—Mistake.

Private Defence—Statutory Authority.

Capacity parties—State and its subordinates—Executive officers, judicial officers, Minors, Lunatics, Married Women, corporations, incorporated and unincorporated bodies, Trade Unions, Minor, Foreign Sovereigns, Convicts, Bankrupts.

Master and servant relation—Independent contractor, common employment—Duties and liabilities—Vicarious Liability—Joint tort—features— Legal reforms, remedies—Judicial and Extra judicial remedies—Kinds of damages—Remoteness of damages.

“Novus actus interveniens”—Merger of torts in felony.

Foreign torts—Specific torts—Wrongs to person, Wrong to family relationships—Slander and Libel—Privilege—Wrongs to property—Trespass to land and goods—Specific restitution—Deceit—Negligence—Res ipsa loquitur—Contributory negligence, Nuisance, Absolute and strict liability— Duty of immediate and ultimate transfer—Occupier’s liability—Conspiracy—Passing off—Intimidation—Malicious prosecution and proceedings— Maintenance and champerty—Invasion of Privacy—Abuse of quasi-judicial powers—Discharge of torts.

Suggested Readings :

Salmond . . . *Law of Torts*
Winfield . . . *Law of Torts*
Achutan Pillai, P. S. . . . *Principles of the Law of Torts*
Ramaswamy Iyer . . . *Law of Torts*
Ratanlal & Dheeraj lal . . . *Law of Torts*
Bangia . . . *Law of Torts*

C P—04 JURISPRUDENCE

Introduction to the Legal process and the legal systems—Nature and sources of Law—legislation, Custom, Precedent etc., Schools of jurisprudence and their methodology—Different theories of law and Justice.

Merits and demerits of administration of Justice in accordance with law.

Various branches of administration of Justice.

Relationship of legal theory to the development of just-society with social space for new principles, ideas and ways of attaining justice.

Essentials of criminal justice and theories supporting punishment and their comparative evaluation.

Concepts of jurisprudence—Rights, Duties, Person, Possession, Ownership, Titles, Property, Procedure, State, Liability and obligation.

Autonomous and Heteronomous theories of obligation-contractarian theories, General will theories, Free will theories command of the sovereign theory. Liberal Legal positivism, Marxist legal positivism, transcendent theories.

Suggested Readings :

Mahajan, V. D. . . *Jurisprudence and Legal Theory*

Friedman . . *Legal Theory 5th Edn. Chapter 1, 3, 5, 7 to 14, 18, 20, 26, 27, 31.*

Salmond . . *Jurisprudence*

Paton . . *Jurisprudence*

Mare Galenter . . “*The Displacement of Traditional Law in Modern India*” in *Journal of Social Issues* (1968).

Geoffrey Sawyer . . *Law in Society*

Kelson . . *Pure Theory of Law Introduction*

Carl Marx . . *Different Writings of Marx*

Dias . . *Jurisprudence*

Llyod . . *Introduction to Jurisprudence*

C P—05 CODE OF CIVIL PROCEDURE-I

Code of Civil Procedure (Section 1 to 35 B and Order I to XXA)

Preliminary (definitions) suits in general—Jurisdiction of the courts and Res—Judicata—Place of suing—Institution of suits—Summons and discovery—Judgment and decree—Interest and costs—Parties to suits— Frame of suits Recognized agents and pleader—Institution of suits— Issues and services of summons—Pleadings generally—Plaints—Written statement— Set off— Counter claims—Appearance—Examination of parties by the court— Discovery and inspection Admission—Production, impounding and return of documents—Settlement of issues—Disposal of suit at the first hearing-summoning and attendance of witnesses—Attendance of witness confined or detained in prison—Adjournments hearing of the suit and examination of witnesses —Affidavits—Judgment and decree—Cost.

The Civil Rules of Practice Kerala—Presentation of proceedings and documents in court— Posting of cases—Adjournment—Interlocutory proceedings—Affidavit—Trial of suits.

Suggested Readings :

1. Mulla . . Code of Civil Procedure
2. Takwani . . Code of Civil Procedure (3 Volumes)

Statutory Materials :

1. Code of Civil Procedure, 1908
2. Civil Rules of Practice Kerala, 1971

C P—06 CONSUMER PROTECTION LAW

Concept of consumer—Problems of consumer—Common law and the consumer tortious liability and other remedies—Consumer and Constitution.

Consumer Protection Act, 1986—Defects in goods deficiency in service—Ambit of definition of service public utility services—Liability of Doctors and Hospitals other professionals. Consumer for a—Jurisdictional conflicts with traditional courts—Remedies for the consumer.

Suggested Readings :

1. Gordon Borarie . . *The Development of Consumer Law and Policy Bold Spirits and Timorous Souls.*
2. P. Leelakrishnan (ed.) . . *Consumer Protection and Legal Control* 3. Indian Law Institute . . *Law of Consumer Protection in India*
4. D. N. Saraf . . *Law of Consumer Protection in India*
5. Avatar Singh . . *Consumer Protection Act*

Statutory Materials :

1. Consumer Protection Act, 1986
2. Relevant Portions of other concerned law

C P—07 CONSTITUTIONAL LAW—I

Preamble—Its significance and importance—Relation with the Directive Principles of State Policy—Declaration of the objectives of the State—Its place in the interpretation of the constitution.

Union and its territory (Article 1—4) power to alter to state boundaries— Various methods of acquiring territory.

Citizenship—Articles (5—11)—Various methods of acquisition of citizenship— Deprivation and renunciation of citizenship—Parliament power to regulate the law of citizenship—Relevant provisions of the Citizenship Act, 1955

Fundamental Rights (Articles 12—35)

(a) General—Definition and the nature—Significant in the Indian Constitution—Balance between individual freedom and collective interest— Definition of state (Article 12).

(b) Violation of fundamental Rights (Article 13)—Doctrine of ultravires— Meaning of.

- (c) “Law and law in force”—Doctrine of “eclipse” and doctrine of “Severability”.
- (d) Equality (Article 14)—Prohibition against the State Doctrine of classification.
- (e) Application to Persons—Distribution between equality before the law and the equal protection of laws—Reasonable classification—Tests for reasonableness—Valid.
- (f) Classification.
- (g) The right to equality (Article 15—18)—Doctrine of equality carried further in Articles.
- (h) 15—18—Prohibition of discrimination (Article 15)—Applicable to citizen only equality of opportunity (Article 16)—Abolition of untouchability (Article 17)—Relevant provisions of the Untouchability (Offences) Act, 1955. Abolition of Titles (Article 18).
- (i) Rights of freedom (Article 19)—Applies to citizens only—Nature of restriction upon the freedom—Test of “reasonableness” to be judged with reference to that particular Article—Article 19 applies to concrete as well as abstract rights—Nature and scope of various freedom.
- (j) Protection in respect of conviction for offences (Article 20)—Meaning of the word “Prosecution”—Nature and scope of the right under Article 20—Doctrine against self incrimination—Protection of the life and liberty—Meaning of the word “to be a witness”—Rule of double jeopardy—Autifous acquit.
- (k) Protection of life and personal liberty (Article 21)—Scope of law relating to preventive detention—Grounds for detention—Rights of detainee due process of law—Various principles.
- (l) Protection against arrest and detention in certain cases (Article 22)— Right conferred by Article 22—Right to be defended counsel, by now a constitutional right under Article 22.
- (i) procedure established by law—Its significance and importance.
- (m) Right against exploitation (Article 23)—Prohibition of traffic in human beings and forced labour—Scope of the expression “compulsory service for public purposes”.
- (n) Right to freedom of religion (Article 25—28)—Concept of “secular state”— Secular but not anti-religious—Restrictions permissible.
- (o) Cultural and Educational Rights (Article 29—30)—Protection of Minorities—Scope and ambit of right.
- (p) Right to property before and after constitution (44th Amendment) Act, 1978. [Article 19(I)f, 31, 31-A, 31-B, 31-C, 31-D and 300A]— Compulsory acquisition of property by the state (Article 31)—Doctrine of eminent domain—Concept of police power—Various principles

relating to compensation and its “Adequacy”—Justiceability of compensation—Right is against the state and not against private individuals— “Public purpose”—Significance of 24th Amendment.

(q) Saving of laws providing for acquisition of estate, etc., (Article 31-A) Definition of “Estate”.

(r) Validation of certain Acts and Regulations (Article 31-B).

(s) Right to constitutional remedies (Articles 32—35) (Article 226)—Ambit of the writ jurisdiction of the Supreme Court and High Court—“Writ directions or orders”.

(t) Directive principles of state policy (Articles 35—51)—Nature and scope, classification, importance and enforceability—Their relation with fundamental rights.

Relations between the Union and States:

(a) Legislature (Articles 245—255)—Extent of laws made by Parliament and State Legislatures—Subject matter of such law—Power of parliament to legislate regarding state list (under ordinary circumstance and during emergency)—Residuary power of legislation—Effect of inconsistency between State Law and Union Law—Doctrine of colourable legislation—Pith and substance rule—Doctrine of occupied field.

(b) Administrative Relations (Articles 256—263)—Duties of Union and State—Control of Union over State—Powers of Union and States— Dispute relating to water co-ordination between States.

(c) Financial relation (Articles 268—291) Distribution of revenue—Levy and collection of taxes and duties—Financial Commission—Privy purses—Exemptions from taxations—26th Amendments.

(d) Trade, Commerce and Intercourse within the Territory of India (Articles 301—307)—Interstate trade and commerce—Commerce clause—Parliament’s power to regulate.

Suggested Readings :

Shukla, V. N. .. *The Constitution of India*

Durga Das Basu .. *Shorter Constitution of India*

Dr. Subhash C. Jain .. *The Constitutional Law of India (2000)*

Sebastian, V. D. .. *Indian federalism—The Legislative conflicts*

Jain, M. P. .. *Constitution of India*

Tope, T. K. .. *Constitutional Law of India*

Dr. J. N. Pandey .. *Constitutional Law of India*

C P—08 INTERPRETATION OF STATUTES, PRINCIPLES OF LEGISLATION AND LEGISLATIVE DRAFTING

Principles of Legislation—Distinction between Morals and Legislation— Political good and evil—Circumstances which effect sensibility—Methods of reasoning on subject of legislation.

Legislative Drafting—General Rules of Drafting Interpretation and construction—Rules of interpretation and construction.

External aids and internal aids of interpretation, maxims of interpretation. Retrospective and prospective operation of statutes. Repeal of statutes, penal and taxing statutes.

Mandatory and declaratory statutes.

Interpretation of statutes—literal and functional interpretation contextual and beneficial construction.

Suggested Readings :

Bentham . . *Theory of Legislation*

Bakshi . . *Legislation*

Maxwell . . *Interpretation of statutes*

Dr. Nirmal Kanthi Chakravarthi . . *Principles of Legislation and Legislative Drafting*

Singh, G. P. . . *Statutory Interpretation*

Statutory Materials :

General Clauses Act of 1951.

C P—09 LAW OF CONTRACTS—II

Contracts of Indemnity and Guarantee, Different aspects of Surety's liability Comparison of guarantee with indemnity—Discharge of surety. Rights of surety against creditor, principal debtor and co-sureties.

Bailment General features—Division of bailments—Requirements of consideration—Rights and liabilities of bailer and bailee—Pledge or pawn— Special property in favour of pledge by limited owners—Finder of lost goods.

Agency—General Features—Creation of agency—Kinds of agents— Delegation of authority—Sub-agents and substituted agents—Rights and duties of principal and Agents—Agent's liability to third person—Breach of warranty of authority—Undisclosed principal—Termination.

Revocation and renunciation of agency.

Sale of goods—Sale and agreement to sell, quasi—Contract to sale—Formalities of sale—Fundamental breach—Transfer of property—Passing of—C.I.F. contracts—F.O.B. contracts—Rights of buyer and against seller—Auction sale and hire purchase, unpaid sellers rights.

Partnerships—Partnership and co-ownership—Relations of partners to one another and to third parties—Incoming and out coming partners—Retirement, dissolution of partnership. Liability for drawing cheque without funds.

Suggested Readings :

Subba Rao . . *Law of Contract*
Avtar Singh . . *Indian Contract Act*
Krishnan Nair, M. . . *Law of Contract*
Pollock and Mulla-Athiya . . *Sale of Goods Act*
Pollock and Mulla . . *Indian Contract Act*
Leake, M. S. . . *Principles of the Law of Contract*
Lindely on Partnership (1984)

Statutory Materials :

Indian Contract Act of 1872
Indian Partnership Act of 1932
Sale of Goods Act of 1930

CP—10 FAMILY LAW—I

Nature and sources of Personal laws, marriage , adoptions, guardianship and maintenance

1. Nature and sources—The study will include sources (traditional and modern) of personal laws.
2. Law of marriage—The course will comprise of Hindu Muslim and Christian Law of marriage and divorce, Emphasis should be laid on the nature of the institution of marriage and its development, the capacity, the nuptial rights and effects of void and voidable marriage under the aforesaid systems of law. Hindu law of marriage and divorce will include reference to the changes brought about by the modern legislation. Muslim law of marriage and divorce will include the law of dower.
3. Law of adoptions—Hindu law of adoptions will include special reference to the justice, concept and development of case laws and changes brought about by the Hindu Adoptions and Maintenance Act of 1956. The study will also include the Muslim law of legitimacy, parentage and Doctrine of Acknowledgement.
4. The law of Guardianship—Hindu law of minority and guardianship with the changes brought about by the modern legislation. Muslim law of minority and guardianship.
5. Maintenance—The Hindu and Muslim laws relating to maintenance.

Prescribed Readings :

Mulla . . *Hindu Law*
Raghavachari, N. R. . . *Hindu Law*

Duncan M. Derrett . . *Introduction to Modern Hindu Law*
Mulla . . *Mohammedan Law*
Fyzee A.A.A. . . *Outlines of Mohammedan Law*
Subramania Iyer, V. N. . . *Hindu Law*
Paras Diwan . . *Hindu Law*
Tahir Mohammed . . *Muslim Law in India*
Sebastian Champapilly . . *Christian Law*
Davadasan, E. D. . . *Hand Book of Christian Law Statutes.*

Statutory Materials :

The Hindu Widows Re-marriage Act, 1856
The Child Marriage Restraint Act, 1929
The Special Marriage Act, 1954
Hindu Marriage Act, 1955
The Hindu Adoptions and Maintenance Act, 1956
The Hindu Minority and Guardianship Act, 1956
The Hindu Women's Right to Separate Residence Act, 1946
Guardian Land Wards Act, 1890
Indian Majority Act, 1875
The Dissolution of Muslim Marriage Act, 1939
The Christian Marriage Act, 1872
The Indian Divorce Act, 1869
Family Courts Act, 1984.

C P—11 CODE OF CIVIL PROCEDURE—II

Execution—Time limit for execution—Procedure in execution—Transferees and Legal representations, Arrest and detention—Attachment—Sale— Distribution of assets—Resistance to execution—Commission—Suits by or against the Government or public officers in their official capacity—Suits by aliens—Suit against rulers of Former Indian States—Interpleader—Special case—Public nuisance and other wrongful acts affecting the public— Supplemental proceedings—Appeals—Reference—Review—Revision— Special provisions to High Courts (not being the courts of judicial commission)—Rules—Miscellaneous.

Order

Execution of decree and order—Death, marriage land insolvency of parties—Withdrawal and adjustment of suits—Payment into courts—Security for costs—Commissions to examine witnesses—Suits by or against the Government or Public officers in their official capacity—Suits involving a substantial question of laws as to the interpretation of the constitution—Suits by or against Military or Naval Men or Air Men—Suits by or against corporations—Suit by or against firm and person carrying as business in names other than their own—Suits by or against trustees—Executors and administrators—Suits by or against minors and persons of unsound mind. Suits relating to matters concerning the family—Suits by indigent person—Suits

relating to mortgages of immovable property—Interpleader—Special cases—Summary procedure and negotiable instruments—Arrest and attachment before judgement— Arrest before judgement—Temporary injunctions and interlocutory orders. Appointment of receivers—Appeal from orders— Appeals by indigent persons—Appeals to the Supreme Court—Reference— Review—Miscellaneous—Chartered High Courts—Provincial Small Cause Courts—Presidency Small Cause Courts.

Law of Limitation

Computation of time in Applications and appeal—Inclusive and Exclusive—Extension of prescribed time in certain cases—Legal disability and limitation—Exclusion of time in appeal cases—Continuous running of time due to lack of jurisdiction—Effect of death on or after accrual of right to sue-effect of acknowledgement.

Suggested Readings :

Mulla .. Code of Civil Procedure
Takwani .. Code of Civil Procedure (3 Volumes)

Statutory Materials :

Code of Civil Procedure, 1908
The Indian Limitation Act, 1963.

C P—12 INTERNATIONAL LAW

International Law—Definition—Sources—Relation with municipal law—Subjects of international law—Theories as to the basis of international law—Subjects of international law— States—Individuals—International organizations.

State—Incidence—Various types of states—Recognition of states—Territorial sovereignty— State jurisdiction—Civil—Criminal—Extradition— Asylum—Privileges, immunities of foreign states—Diplomatic and consular relations—Transmission of rights and duties—State succession —Territorial sovereignty and domestic jurisdiction—Doctrine of reversion.

The law of treaties—Conclusion of treaties—Reservations—Entry into force—Deposit and registration—Invalidity of treaties—Invalidity—Termination and suspension—Application and effects of treaties—Amendments and modifications—Interpretations of treaties.

International organizations—Legal personality—Performance of acts in the law—Interpretation of the constituent instrument—Inherent and implied powers—Relation with member states—The functional concept of membership— Relation with states not members—Relation between organizations—Relation to municipal law—Law making by organization—Control of acts of organizations.

The U.N.—General Assembly—Security Council—U.N.—Peace enforcement and peace keeping—Economic and Social Council—International Courts of Justice—Organization of Courts—Jurisdiction.

Suggested Readings :

1. Starke .. *International Law*
2. Brownlie .. *International Law*
3. Oppenheim .. *International Law*
4. S. K. Kapur .. *Public International Law*
5. Tandon .. *Public International Law*

C P—13 CONSTITUTIONAL LAW—II

The Union Executive (Articles 52—78)—Nature of Executive Power— Definition—Extent powers and functions of the President—Procedure for impeachment.

Vice-President, powers, functions and removal. The position, powers, functions and duties of the council of Ministers—The position and powers of the Prime Minister—Scope of President's power regarding advice given by the council of Ministers.

The State Executive (Articles 152—167)—Executive power of the State—Constitutional position of the Governor—His appointment, power, functions, term of office, duties and removal—Difference between the powers, functions, term of office, duties and removal—Difference between the powers of the President and those of the Governor (especially regarding pardoning power)— Extent of executive power of the State.

Position of the Council of Ministers—Advocate General—conduct of Government business.

Union Legislature (Articles 79—123)—Constitution and composition of Parliament—Duration of Parliament.

Officers of Parliament—Powers of Chairman, Deputy Chairman, Speaker and Deputy Speaker— Their removal from office—Salaries and allowances— Conduct of business.

Powers privileges and immunities of Parliament and its members. Legislative procedure— Various stages in the enactment of a statute—Sitting houses—Procedure relating to ordinary bills, money bills and other financial bills—Annual financial statement—Assent to bills.

Legislative powers of President—Ordinance making power.

State Legislature (Articles 162—213)—Various provisions relating to constitution, composition and duration of Houses—Position and powers of Ministers, Governors, Advocate General— Powers, privilege and immunities of State Legislature and its members—Legislative procedure.

The Union Judiciary (Articles 124—147)—Part played by Supreme Court in Constitutional Law—Establishment and Constitution of Supreme Court—Qualifications, appointment, Special protection and independence—Removal of Judges—The original appellate and advisory jurisdiction of Supreme Court—Binding nature of the law declared by the Supreme Court.

The State judiciary (Articles 214—237)—High Court—Appointments, qualifications, salaries, conditions of service, removal of judges—Ordinary jurisdiction—Writ jurisdiction—Powers of High Court including supervisory power.

Subordinate courts—Appointment of district judges—Control over subordinate courts.

Comptroller and Auditor General of India (Articles 148—151) appointment, duties, powers and functions.

Union Territories (Articles 239—241) Administration—power of President. Schedules and Tribal areas (Articles 244—244A) Administration.

Finance, property, contract and state finance (Articles 264—267A)—Taxes not to imposed save by authority of law—Consolidated funds, contingency fund—Public account of union and state.

Borrowing (Articles 292—293)—Borrowing by Government of India and State Government.

Property contracts, rights, liabilities and obligations (Articles 294—298) succession to property, assets, rights, etc., Escheat, etc., powers to carry on trade.

Service under the Union and the state (Articles 308—323) Recruitment conditions of service, tenure, dismissal, reduction, reduction in rank of person employed under the state. All India service, protection of officials—Doctrine of service during pleasure.

Public Service Commissions, appointment, powers functions, duties removal of chairman and members.

Special provisions (relating to certain classes Articles 340—342). Official language (Articles 343—351).

Emergency (Articles 352—360)—Various kinds—proclamation of emergency—Effect and consequences in particular, effect on fundamental rights.

Amendment (Article 368)—Various principles—Prospective overruling.

Miscellaneous provisions (Articles 361—367). Temporary and transitional provisions (Articles 392—395)—Schedules.

Suggested Readings :

Shukla, V. N. .. *The Constitution of India*

Durga Das Basu .. *Shorter Constitution of India*

Dr. Subhash C. Jain .. *The Constitutional Law of India (2000)*

Sebastian, V. D. .. *Indian Federalisam—The Legislative Conflict*
Jain, M. P. .. *Constitution of India*
Tope, T. K. .. *Constitutional Law of India*
Dr. J. N. Pandey .. *Constitutional Law of India.*

C P—14 LAW OF CRIMES—I

Definition of crime—Concept of crime—Distinction between crime and tort, crime and breach of contracts etc., classifications of offences—Functions of criminal law—Types of punishments—Purposes of punishment.

Constituent elements of crime—Actus- Reus-Mens Rea- Mens Rea in statutory offences—Mens Rea under the Indian Penal Code—Different types of mens rea-intention, knowledge, Recklessness, Negligence, Rashness etc.

History of Indian Penal Code—Title and Extent of the code—General Explanations (Sections 6 to 52 A)—Intra-territorial and Extra-territorial jurisdiction of the Penal Code—Joint Liability—Common Intention—Common object.

General Exceptions (Section 76 to 106)—Abetment—Abetment of— Criminal conspiracy.

Offences against the State—Offences relating to the Army, Navy and Air Force—Offences against public tranquility—Offences Relating to Public Servants—Offences relating to elections—Contempt of the lawful authority of public servants.

False evidence and offences against public justice—Offences relating to coin and Governments stamps—Offences relating Weight and Measures.

Offences affecting the public Health safety, conveniences Decency and Morals—Offences relating to religion.

Suggested Readings :

1. Kenney .. *Outlines of Criminal Law*
2. Glanville Williams .. *Text Book of Criminal Law*
3. Cross and Jones .. *Criminal Law*
4. Smith and Hogens .. *Criminal Law*
5. Ratanlal and Dhiraj Lal .. *Indian Penal Code*
6. Achuthan Pillai .. *Criminal Law*
7. K. D. Gaur .. *Indian Penal Code.*

Statutory Materials :

1. The Indian Penal Code, 1860.
2. The Indecent Representation of Women and Girls Act, 1952.
3. The Sati (Prohibition) Act, 1987.

C P—15 FAMILY LAW—II

Joint family—Origin and constitution of joint Hindu family—Mitakshara coparcenary—Genesis of coparcenary—Joint family and Coparcenary. Coparcenary within a coparcenary—Incidence of coparcenary property. Hindu coparcenary and Hindu Succession Act, 1956.

Kinds—Of property in Hindu Law—Restrictions between ancestral property and separate property—Rights of coparceneres Managing member— Powers and duties of a manager—Joint family business—Dayabhaga Joint family.

Debts—Liability of heirs for debts of another liability of undivided interest of a coparcener for his debts. Liability of joint family property for personal debts of father. Nature, extent and duration of pious obligations— Avyavharika debts—Alienation by father—Antecedent debts.

Alienation—Alienation of coparcenary property—Alienation of undivided interest incoparcenary —Private voluntary alienation—Alienation in executions of decree—Dayabhaga law.

Partition—What is partition—Subject—Matter of partition—Persons entitles to a share—What constitutes partition—The mode of partition re-opening and re-union Inheritance—General Principles exclusion from inheritance— The Hindu Succession Act, 1956.

Sthridhan and women's estate—Changes effected by the Hindu Succession Act, Hindu Succession Act 1956 (Act XXX of 1956).

Religious and Charitable endowments—Endowments public and private. Religious or charitable endowment—Conditions for a valid dedication— Temples mutts (Maths)—Cypres doctrine— Statutes concerning charitable and religious endowment—Law of impartible estates—Incidents of impartible estate—Rules of succession.

Muslim law—Wills—Persons capable of making wills bequest to heirs— Bequest to non-heirs— Limits of testamentary power—Revocation of bequest— Deathbed gifts—Acknowledgement.

Gift—Definition—Hiba or Gift—Persons capable of making gift—The three essentials of gift— Delivery of possession of immovable property—Contingent gift—Gift with a condition— Revocation of gift—Hibabilivaz—Hiba_Ba shart-ul-iwas.

Wakf definition—Subject of wakf—Object of wakf—Wakf howcompleted—Reservation of life interest for the benefits of wakf—Public wakf and private Wakf. The Wakf Act, 1964— Muttawallis or manager of wakf properties— Powers—Statutory control—Removal of muttawallis.

Pre-emption—Definition—Who can claim pre-emption—Demand for pre-emption—Rights of pre-emption when lost.

Inheritance—General Rules—Life estate and vested remainder—Hanafi law of inheritance—The three classes of heirs, principles of succession among shares and residuaries—Doctrine of increase and return—comparison with shia law of inheritance—Scope of the doctrine of representation.

Suggested Readings :

1. Mulla .. *Hindu Law*
2. N. R. Raghavachari .. *Hindu Law*
3. Duncan M. Derrett .. *Introduction to Modern Hindu Law*
4. Mulla .. *Mohammedan Law*
5. A.A.A. Fyzee .. *Outline of Mohammedan Law*
6. V. N. Subramania Iyer .. *Hindu Law*
7. Sebastian Champapilly .. *Christian Law*
8. Tahir Mohammed .. *The Muslim Law of India*

Statutory Materials :

1. Caste Disabilities Removal Act, 1850
2. Hindu Inheritance Disabilities Removal Act, 1928
3. Hindu Law of Inheritance (Amendment) Act, 1929
4. Hindu Gains of Learning Act, 1930
5. Hindu Women's Right to Property Act, 1937
6. Hindu Succession Act, 1956
7. Hindu Succession Act, 1925
8. Christian Succession Act (Travancore and Cochin)
9. The Wakf Act, 1995.

CP—16 COMPANY LAW

Emergence of Corporations as commercial association History of Companies Act — Development of Corporate Law.

Procedural requirements for formation of a company—Effect of incorporation—Doctrine of lifting of corporate veil—structure of a company— Distinction of company from other associations.

Types of companies—Unlimited, limited, chartered statutory, registered, holding and subsidiary, private, public, deemed public, foreign, incorporated and Government Companies, illegal associations.

Constitutional document of company—Rights and liabilities of the corporation for the acts of its agents and organs.

Promoters

Prospectus and statement in lieu of prospectus members of a company Capital, Dividends, Accounts and Audit. Board of Directors, Managers and Secretaries and their powers and rights.

Meetings of the company, majority rules and minority protection statutory remedies against oppression and mismanagement.

Winding up of company—Winding up by court voluntary winding up—Winding up subject to the supervision of the court.

Analysis of the company structure and functions of corporate organ, corporate abuses and remedies thereto—Corporate merger and take over— Government regulations on corporations— Social responsibilities of corporations.

Monopolistic and Restrictive Trade practices of companies and Multi-National Corporations.

Foreign Exchange regulation and management capital investment.

Public Sector Undertaking Capital issued control, stock exchange, SEBI—Important and export regulation.

Concentration of economic power—Attempts and principles to prevent concentration of economic power—Disinvestments.

Nationalization, Privatization, Liberalization, Globalization, structural Adjustments.

Suggested Readings :

ICB Gower .. *Principles of Modern Company Law*

Shaw .. *Lecturer on Company Law*

A. Ramaiah .. *A Guide to Companies Act*

Boyli & Birds .. *Company Law*

Avtar Singh .. *Company Law*.

Statutory Materials :

The Companies Act

The Foreign Exchange Management Act, 1999.

Development and environment, the conflict of interest—Early development of environmental and environment concern.

Sustainable development and equitable society, Gandhian Welfare Society, problems of developmental technology constitutional provisions—Common law provisions related to environment. Tort, Public nuisance, Negligence, Strict & Absolute liability, Writ jurisdiction. Agricultural pollution and control of pesticides, Marine pollution, Effluents disposal, Industrial Effluents and Pollutions.

River Pollution

Water Pollution and Air Pollution — Control and prevention Atmosphere Pollution, Noise Pollution.

Forest protection laws—Ancient and modern India—Deforestation— Afforestation—Wildlife Protection Act.

\
Pollution Control Boards and other authorities—Enforcement of laws.

Environment protection—Authority of the Central Government.

Independent Commission on environment protection.

Laws of planning, conservation and protection in connection with environment.

Legal theories concerning, natural resources, Bio-diversity treaty. Corporate liability to protect environment.

Public interest litigation or social action litigation and environmental protection.

Land conservation—Mining construction, Distribution of resources etc.

Public participation in environment protection, Representative suits.

Pollution of coastal areas.

Suggested Readings:

Vikas Vashishth .. *Law and practice of Environmental Laws in India*

P. Leelakrishnan .. *Environmental Law in India*

N. S. Kamboj .. *Control of Noise of Pollution.*

Statutes :

Factories and Boilers Act, 1948.

Indian Forest Act, 1927.

Forest (Conservation) Act, 1980.
Wildlife (Protection) Act, 1972.
Water (Cess) Act, 1977.
Environment Protection Act, 1986.
Environment Tribunal Act, 1993.
Mines (Regulations) Act, 1951.
Atomic Energy Act, 1962.
Insecticides Act, 1968.
Water (Prevention and Control) Act, 1974.
Air (Prevention and Control) Act, 1961.

C P—18 LAW OF CRIMES—II

1. Offences affecting human body and life—Culpable homicide, murder, punishment for culpable homicide and murder—Causing death by rash and negligent act—Dowry—Death—Suicide—Attempt and abetment—Causing—Miscarriage—The medical termination of pregnancy.
2. Hurt—Grievous hurt—Aggravated forms of hurt—Wrongful restraint and wrongful confinement—Criminal force and assault—Kidnapping, abduction, slavery and forced labour.
3. Sexual offences—Rape—Custodial rape—Unnatural offences.
4. Offences against property—Theft—Extortion—Robbery—Dacoity—Criminal misappropriation of property—Criminal breach of trust—Receiving stolen property—Cheating—Fraudulent deeds and disposition of property—Mischief—Criminal trespass.
5. Offences relating to documents and property marks—Forgery—False document—Trade marks—Counterfeiting currency and bank notes—Criminal breach of contract of service.
6. Offences relating to marriage—Cruelty by husband or relatives of husband.
7. Defamation and its exceptions—Criminal intimidation—Insult and annoyance—Attempt to commit offences.

C P—19 ADMINISTRATIVE LAW

1. Definition of Administrative law—Development and scope.
2. Reasons for the growth of administrative law in different countries, delegated legislation scope, limitation and control of delegation, subdelegation, Administrative adjudicating—Judicial and quasi-Judicial power of administration—Natural Justice Principles.
3. Administrative Discretion, administrative action, control over administrative action, legal and constitutional remedies.

4. Government as a litigant. Tortious and contractual liability of state, immunities and privileges. Civil servant under the Constitution, protection and safeguards.

5. Ombudsman, parliamentary commissioner, vigilance commission, anticorruption laws—Lokpal and Lokayuktha.

6. Public co-operations and related law, Departmental inquiry.

Suggested Readings:

Massey, I. P. .. *Administrative Law*

Thankwani, C. K. .. *Lectures on Administrative Law*

Sathe, S. P. .. *Administrative Law*

Upadhaya, I. J. D. .. *Administrative Law*

Wade, H. W. R. .. *Administrative Law*

Jain and Jain .. *Administrative Law*

Allen, C. K. .. *Law and Orders*

Garner, J. C. .. *Administrative Law*

I. L. I. (1977) .. *Administrative Tribunals in India*

I. L. I. (1971) .. *Government Regulation of Private Enterprise*

I. L. I. (1966) .. *Cases and Materials on Administrative Law*

Markose, A. T. .. *Judicial Control of Administrative Action in India*

Markose, A. T. .. *Public Law—Some Aspects.*

C P—20 LAW OF CRIMINAL PROCEDURE—I

Code of Criminal Procedure (SS 1—199) Preliminary (SS 1—5)—Constitution of Criminal courts and officer (SS 26—35)—Power of Superior Officers of Police (SS 36—40)— Arrest of Persons (SS 41—60)—Processes to Compel Appearance (SS 61—105)—Security for keeping the peace and for good behavior (SS 106—124)—Order for maintenance of wives, children and parents (SS 125—128)—Maintenance of Public order and tranquility (SS 129—148)— Preventive Action of the Police (SS 149—153)—Information to the police and their power to investigate (SS 154—176)— Jurisdiction of the criminal courts in inquires and trials (SS 177—189)—Condition requisite for initiation (SS 190—199).

The criminal rules of practice in Kerala—summons—Absconding accused— Presentation of leadings reports, documents and remands—Affidavit— Preliminary enquires and trial.

Suggested Readings:

Rathanlal and Dhirajlal .. *The Code of Criminal Procedure*

R. V. Kelkar .. *Outlines Criminal Procedure*

Sohani .. *Code of Criminal Procedure*

Statutory Materials:

Code of Criminal Procedure, 1973
The Criminal Rules of Practice, Kerala, 1982.

C P—21 LAW OF EVIDENCE

Nature and purpose of the law of evidence—Difference between real evidence and evidence—Distinction between evidence and proof—Relevancy and Admissibility—Golden rules of evidence.

Fact and Law, distinctions between fact and law, Relevance of fact— Presumption regarding proof and res-Gestae—Indian and American Law— Irrelevant and Relevant facts—Mode of proving custom.

Accidental or intentional nature of event.

Admissions and confessions in evidence—Probative value of confession— Dying declaration in Indian and English law—Hear say evidence and exceptions to hear say rule. Evidentiary value of Books of accounts, Evidentiary value of court, judgment—Experts Evidence—Primary and secondary evidence—Oral evidence, Documentary evidence.

Exclusion of evidence—Ancient document. Burden of Proof in civil and criminal cases, modus operandi of proof, Estoppel—Nature and scope— Accomplice and Examination of witnesses.

Uncorroborated evidence—Impeaching the credit of evidence— Competency and compellability of witnesses—Protected statements—Dumb witness. Hostile witness—Child witness. Circumstantial evidence—Value of judgments, power to put question—Improper admission and rejection of evidence.

Prescribed Readings:

1. Ratanlal .. *The Law of Evidence*
2. Woodroffe and Ameer Ali .. *The Law of Evidence*
3. Sarkar on Evidence
4. Basu .. *The Law of Evidence*

Statutory Materials:

The Indian Evidence Act, 1872.

C P—22 LABOUR LAW—I

Origin and growth of labour laws—Object and scope—Regulation of labour in the interest of employee—Need for state interference—Special features of “Industrial Jurisprudence”.

Concept of Industry—Industrial disputes—Conciliation, adjudication and Arbitration of Industrial disputes—Collective bargaining strikes and lockouts—Lay-off and retrenchment of law relating to Trade Unions.

Suggested Readings:

1. *Labour Law and Labour Relations* .. Indian Law Institute
2. O. P. Malhotra .. *Labour Law*
3. K. Madhavan Pillai .. *Labour and Industrial Law*

Statutory Materials:

1. The Trade Unions Act, 1926
2. The Industrial Disputes Act, 1947
3. The Industrial Employment (Standing Order) Act, 1946.

C P—23 HUMAN RIGHTS LAW

Human Rights—Nature and sources—International movements for protection of human rights—Universal Declaration of Human Rights— International Covenants on Civil and Political Rights—Social economic and Cultural rights.

Enforcement of human rights through the U. N.—Right to development— National and international dimensions.

Human Rights and the Indian Constitution—The Protection of Human Rights Act, 1993—The National Human Rights Commission—Establishment powers and functions of the Human Rights Commission.

Women and Human Rights—Gender discrimination harassment of women— The judicial approaches— The National Commission for women—Establishment, powers and functions—The Kerala State Women’s Commission— Establishment, powers and functions.

Human rights and the child—Rights of the child—International Convention of the rights of the child—Child rights in India.

The Tribals and Human Rights—Right to land—Development vis-à-vis tribal displacement—The Narmada Antholen Movement as a human rights problem.

Suggested Readings:

1. V. R. Krishna Iyer .. *The Dialectics and Dynamics of Human Rights*.
2. Dr. Gokulesh Sharma .. *Human Rights and Legal Remedies*.
3. Dr. S. Mehartaj Begum (Ed.) .. *Human Rights in India, Lawyers Collective;*

Women's Right Initiative; Domestic Violence and Law.

4. Mangari Rajender .. *The protection of Human Rights Act and Relating Laws.*

5. NLSIU .. *Rights of child.*

6. R. M. Pal, G . S. Bhargava (Eds.) .. *Human Rights of Dalits.*

Statutory Materials:

Basic Documents on Human Rights

The Human Rights Act, 1993.

C P—24 LAW OF CRIMINAL PROCEDURE—II

Code of Criminal Procedure (SS 200—484)—Complaints to Magistrates (SS 200—203)—Commencement of proceedings before Magistrates(SS 204—210)—The charge (SS 211—224)—Trial before a court of session (SS 225—237)—Trial of warrant—Cases by Magistrates (SS 238—250)—Trial of summons cases by Magistrates (SS 251—259)— Summary Trials (SS 272—299)—Attendance of persons confined or detained in prison (SS 266—271)—Evidence in inquiries and trials (SS 272—299)— General Provisions as to inquiries and trials (SS 300—327)—Provisions as to accused persons of unsound mind (SS 328—339)—Provisions as to offences affecting the administration of justice (SS 340—352)— The Judgment (SS 353—365)—Submission of Death Sentence for confirmation (SS 366—371)—Appeals (SS 372—394)—Reference and Revision (SS 395—405)— Transfer of criminal cases (SS 406—412)—Execution, suspension, remission and commutation of sentences (SS 413—435)—Provision as to Bail and Bonds (SS 436—450)—Bail under special statutes—The SC and ST (Prevention of Atrocities) Act, 1989—The Narcotic Drugs and Psychotropic Substances Act, 1986.

Disposal of property (SS 451—459)—Irregular proceedings (SS 460—466)—Limitation for taking cognizance of certain offences (SS 467—473)—Miscellaneous (SS 474—484).

Justice Act—Causes of Juvenile delinquency—Neglected juveniles— Delinquent juveniles authorities and institutions for Juveniles—Prevention and treatment of juvenile delinquency.

Probation of Offender's Act—Power of the court to release offenders after admonition on probation of good conduct—Restriction on imprisonment of offenders under 21 years of age—Variations of conditions of probation— Failure of offenders to observe conditions of bond—Probation of offenders— Duties—Protection of action taken in good faith.

Suggested Readings:

Ratan Lal & Dhiraj Lal .. *Code of Criminal Procedure*

R. V. Kelkar .. *Outlines of Criminal Procedure*

Sohoni .. *Code of Criminal Procedure*

R. B. Sithi .. *Probation of Offender's Act, 1958.*

Shakravarthy .. *Juvenile Justice Act, 1986.*

Statutory Materials:

Code of Criminal Procedure, 1973.
Probation of Offender's Act, 1958.
Juvenile Justice Act, 1986.

C P—25 PROPERTY LAW (INCLUDING TRANSFER OF PROPERTY AND EASEMENTS ACT)

General Principles of transfer—Preliminary rules relating to transfer— Rules related to transfer of property.

Specific modes of transfer—Mortgage exchange, gift, lease, actionable claims.

Easement—Definition, classification, characteristic features, modes of acquisition, quasi-easement, prescriptions, right to ancient rights, extinction and license.

Suggested Readings:

Mulla .. *Transfer of Property*
G. C. V. Subharao .. *Law of Property*
K. Krishna Menon .. *Law of Property*
Shukla .. *Law of Property*

Statutes:

The Transfer of Property Act, 1882.
The Easement Act, 1882.

C P—26 LABOUR LAW—II

Social security in ancient times, the results of industrialization—The modern concept of social security—Social insurance and social assistance. The international labour organization and social security—India and the I.L.O. Social security in India—Industrial hygiene and Industrial health—Industrial accidents—Legislative protection for children and young workers— Maternity benefits, old age benefits, Provident Funds and Gratuity Schemes.

Workmen's compensation—Payment of gratuity—Payment of wages— Minimum wages.

Suggested Readings:

1. V. V. Giri .. *Labour Problems in Indian Industry*
2. K. D. Srivasthava .. *Workmen's Compensation Act*

3. Ganguly .. *Employees State Insurance Act*
4. K. D. Srivastava, .. *Commentaries on the Employee's N. K. Srivastava Provident Fund Act, 1952*
5. S. N. Misra .. *Labour Law*
6. K. Madhavan Pillai .. *Labour and Industrial Laws*

Statutory Materials :

1. Workmen's Compensation Act, 1923
2. Factories Act, 1948
3. Employee's State Insurance Act, 1948
4. The Payment of Gratuity Act, 1976
5. The Employee's Provident Fund Act, 1952
6. Employee's Liability Act, 1936
7. Maternity Benefit Act, 1961
8. The Payment of Wages Act, 1936
9. Bonus Act, 1965
10. The Kerala Shops and Commercial Establishment Act, 1960
11. Fatal Accidents Act
12. The Minimum Wages Act, 1948.

C P—27 LAND LAWS (INCLUDING CEILING AND OTHER LOCAL LAWS)

Concept of Real Property—Ownership and holding of landed property in different societies—Feudal, capital and socialist societies—State ownership and control over property.

Indian systems of law and relation in real property concept of property and constitutional provisions—Articles 31 and 300. Land Reforms Basic concept of Gandhian Philosophy, land to the Tiller Policy—Indian Development and Socialistic Society—Land Reforms ideology and practice.

Land Acquisition—Public purpose, Compensation Remedies.

Protection of Tribal Land, Forest Land, Wet Land etc., Modern Economic Development and importance of Real Property.

Land reforms Legislation—Fixity of tenure, resumption restoration— Nature of tenant's right—Purchase of landlords right by cultivate tenant prohibition for future tenancies—Kudikidapukar's rights and liabilities— Restrictions on ownership and possession for land in excess of ceiling areas— Rural and urban land utilization and land development conservation of Government lands.

Suggested Readings :

1. Kerala Land Utilisation Orders, 1967.
2. Kerala Land Conservancy Act, 1957.
3. Sugathan: *Land Laws of Kerala*.
4. A. Gangadharan: *Law of Land Reforms in Kerala*.
5. A. Gangadharan: *The Law on Lands in Kerala*.

C P—28 ARBITRATION CONCILIATION AND ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR)—The concept factors that led to the rethinking on conventional court systems and to the emergence of ADR systems—Different kinds of ADR systems—Tribunals Ombudsman—Arbitration—Conciliation Negotiation—Mediation.

Negotiation—Its meaning—Importance—Negotiation skills—The essentials of negotiation. Mediation—Its meaning—Nature, methods and merits.

Arbitration—Its meaning—Nature and essential Arbitration and Conciliation Act, 1996—The objects and reasons for the Act Arbitration Agreement—Power of Courts to refer to Arbitration composition of Arbitration Tribunal—Appointment of Arbitrators Grounds for challenge—Procedure—Termination or substitution of Arbitrators—Jurisdiction of Arbitral Tribunal—Conduct of Arbitral Proceedings.

Awards—Making of Arbitral Awards—Form and contents of awards—Termination of proceedings—Correction of alternation—Additional awards—Setting aside of Awards—Appeals—Finality, enforcement and limitation—Enforcement of foreign Awards—New York Convention Awards, Geneva Convention Awards—Definitions of Foreign awards—Binding nature—Powers to courts—Evidence of foreign awards—Binding nature--Powers of courts—Evidence of foreign awards—Conditions for enforcement appeals.

Conciliation—Its meaning—Scope and nature—The Indian Act, 1996—Its scope—Conciliation proceedings—Its commencement, conciliation—Number, appointment, duties and role of conciliation—Settlement agreement—Its effect—Confidentiality—Termination of conciliation--Proceedings—Resort to courts or Arbitration costs—Role of conciliation in other proceedings—Admissibility of the conciliation a evidence in other proceedings.

Access to justice movement in India—Increasing importance and focus on ADR system in India—Equal Justice for all and Legal Aid clinics and Lok Adalats as means of dispute resolution through conciliation and mediation—The Legal Services—Funds for legal aid—Organization—Power and Awards of Lok Adalats—Neethimela—Loknyayalaya—Grama Nyayalaya under Decentralized Local Government bodies.

Suggested Readings :

1. P. C. Rao & William Sheffield (Ed.) .. *Alternative Dispute Resolution*
2. M. A. Sajan .. *Law of Arbitration & Conciliation*
3. P. M. Bakshi .. *An Introduction to Arbitration Law*

4. Johare's Commentary on Arbitration .. and Conciliation Act, 1996
5. Gerald L. R. Williams .. *Legal Negotiations and Settlement*
6. Justice Mac Farlons (Ed.) .. *Rethinking disputes mediation alternative*
7. Inns of Court School of Law .. *Negotiations*
8. Snil Deshle .. *Lok Adalats in India*

Statutory Materials :

Legal Services Authorities Act, 1987
Arbitration and Conciliation Act, 1996.

O P—01 INTELLECTUAL PROPERTY LAW

Concept of property, corporal and non-corporal property, tangible and intangible property.

Meaning of intellectual property. Concept of protection of main forms of intellectual property.

International convention and world intellectual property rights organization.

Meaning of copyright—Literacy, Dramatic Musical works, Cinematograph film, cable T. V, Artistic work, Sound recording etc., Ownership of copyright— Joint Authorship Right of Publishers and authors—Assignment of copyright— Period of copy rights.

Infringement of copyright fair use—Video piracy remedies—Civil and criminal.

Trade marks, registration, property mark, doctrine of honest concervent user and deceptive similarity.

Passing off and infringement, standard of proof, remedies

Patent—Concept and development—Historical overview of patent law.

International conventions of patent. Public interest and patent.

Process of obtaining of patent. Grounds for objection.

Rights and obligations of patentee, durations of patent, use and exercise, right to secrecy, right to information, abuse of patent rights, compulsory license.

Inventions and innovations, Transfer of technology and know how international patents.

Infringement, onous of proof, Modes of infringement, colourable variation, Defence remedies.

Intellectual property remedies under common law principles.

Protection of intellectual property, Bio-technology patents, medicinal patents, exploitation on patents. GATT & WTO, TRIPS.

Indian Intellectual property policy.

Suggested Readings :

1. Narayanan, P. .. *Intellectual Property Law*
2. Narayanan, P. .. *Copyright and Industrial Designs*
3. Narayanan, P. .. *Intellectual Property-patents, Copyright, Trade Marks and Allied Rights.*
4. Cornish, W. R. .. *Cases and Materials on Intellectual Property*
5. Terrell on the Law of Patents.

O P—02 BANKING LAWS

Nature and development of banking, Constitutional prescriptions in the schedule Relationship of Banker and Customer, Relationship of Bankers and Customer, Law relating to Banking Companies.

Negotiable Instruments—Meaning kinds of Negotiable Instruments Promissory note, Bill of Exchange, Cheque, Holder and Holder in due course, parties of negotiable.

Instruments, Liability of parties presentment discharge from liability, dishonour, noting and payment Lending Bank, Central Bank.

Subsidiary Bank, Scheduled Bank, Co-operative Bank, Nationalization of Bank, NRI and Foreign exchange amendments, Developments and reforms in Banking Law.

Suggested Readings :

1. Nabagopal Das .. *Banking and Industrial Finance in India*
2. Patent Penington .. *Law of Banking*
3. Tanan .. *Banking Law and Practice in India*
4. G. Klein .. *Dictionary of Banking*
5. Premnath .. *Commercial Banking*
6. Bhashyam and Adiga .. *Negotiable Instruments*
7. K. N. Garg .. *Banking*
8. O. P. Goyal .. *Financial Institutions and Economic Growth of India*
9. R. R. Mehta .. *Fundamentals of Banking*
10. S. N. Maheswari .. *Banking Law and Practice*
11. L. M. Singhvi .. *Bank Nationalization and Supreme Court Judgment*
12. K. M. Ghosh .. *Banking Companies Act*
13. M. L. Tanan .. *Banking Law and Practice in India*
14. Varshinee .. *Banking Law and Practice*

Statutory Materials :

Banking Companies Act, 1949.

Banking Regulation Act, 1949.

Banking Companies (Acquisition and transfer of undertaking) Act, 1969 and 70.

Negotiable Instruments Act, 1881.
RBI Act, 1934.

OP—03 TAXATION LAW—I

Nature—Characteristics and definition of tax—Distinction between tax and fee—concepts of duty, cess and fine—Direct and indirect taxes—Classification of taxes—Cannons of taxation—Constitutional basis of taxation—No taxation without the authority of law (Article 265)—Fundamental rights and taxing statutes.

Relationship between Income Tax Act and Finance Act—Concept of Income—Person assessee—Agricultural income—Non--agricultural income— Partly agricultural income—Income—Previous Year—Assessment Year—Taxation of previous year's income during the same year—Capital and revenue— Residence and tax liability—Incomes exempt from Income Tax—Income from salaries—Income from house property—Profits and gains of business or profession—Capital Gain—Income from other sources—Clubbing of Incomes and Deemed Incomes—Set-off of losses and carry forward and set-off of losses— Deductions to be made in computing total income—Rebates of Income--Tax— Assessment of Individual—Hindu Undivided Family—Firm and Association of Persons—Assessment of Companies. Assessment of Non--resident in India— Assessment of Charitable or Religious Trust—Double taxation relief — Computation of tax—Income tax authorities and their power—Procedure for assessment—Liability of assessment in special cases—Deduction and collection of tax at source—Advance payment of tax—Collection and recovery of tax—Refunds, appeals and revision—Settlement of cases and Advance Rulings—Penalties imposable, offences and prosecution—Survey Search and Seizure—Pre-emptive purchase of property by the Central Government.

The Kerala Agricultural Income Tax Act, 1991

Definitions—Charge of agricultural income tax—Total agricultural income—Computation—Amounts not deductible—Income forming part of the total agricultural income on which no tax is payable—Rebate and deduction— Authorities—Jurisdiction and powers of Agricultural Income Tax Authorities— Procedure for Assessment—Legal representatives—Representative assessee— Agent of a non--resident—Liability of Legal representative, representative and jurisdiction Penalty—Prosecution—Appeals—Revision.

Suggested Readings :

1. Kanga & Palkiwala .. *The Income Tax*
2. Mehrotra & Goyal .. *Direct Taxes Law and Practice (Income Tax Part only)*
3. Singhanian, V. K. .. *Direct Taxes, Law and Practice*
4. N. Sugathan, A.V. R. Panickar .. *The Kerala Agricultural Income Tax Act, 1991*

Statutory Materials :

The Income Tax Act, 1961
The Kerala Agricultural Income Tax Act, 1991

O P—04 TAXATION LAW—II

The Wealth Tax Act, 1957

Definitions—Concept of net wealth—Assets—Deemed assets—Exemptions—Deductions—Total and net wealth—Valuations—Authorities—Procedure of Assessment—Collection—Offences and penalties—Appeals, Revisions and References.

Value Added Tax

VAT—History—General Principles—Federal Structure and policy issues in VAT—Special reference to Kerala Value Added Tax—Registration, Levy Computer—Assessment—Penalties—CENVAT and stat VAT Companies.

Central Excise Act, 1944

Definitions—Levy and collection of duty—Indicating Amount of Duty in the Prices of Goods etc., for purpose of refund and crediting certain amounts to the Fund power and duties of officers and land holders—Transport by Sea—Adjudications of Confiscations and penalties and appeals—Presumption as to documents—Supplemental Provisions.

Suggested Readings :

1. R.C. Sharma .. *Wealth Tax Pleadings, Practice and Procedure*
2. Mehrotra and Goyal .. *Direct Taxes Law and Practice (Wealth Tax Part only)*
3. Singhania, V. K. .. *Direct Taxes Law and Practice*
4. R. B. Setha .. *Central Excise Act and Rules*
5. Dr. Hemalatha Rao .. *Value Added Tax (Design and Policy Issues)*
6. Chandrakanth T. Shah, .. Pradeep Shah VAT Simplified—Explained & Illustrated

Statutory Materials :

1. The Wealth Tax Act, 1957.
2. The Central Excise Act, 1944.
3. Kerala Value Added Tax Act, 2005 and Rules.

PRACTICAL TRAINING

P T—01 PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS

The course will be taught in association with Judges and Practicing Lawyers.

Role and functions of a lawyer—Enrolment and qualifications—Disqualifications—Bar Council of India—Function and powers-committees—Right to practice—Professional ethics—Standard of conduct laid down by the Bar Council—Duties of a Lawyer—Ten commandments—Panchaseels of Bar.

Professional misconduct—Power and jurisdiction of the Bar Council of India—Disciplinary proceedings—Judicial decision.

Art of advocacy—Role and function of a lawyer—Qualities of lawyer— Art of presenting and winning a case—Examination of witness—Manner and skill and cross examination.

Contempt of court—Meaning and purpose—Criminal contempt—Civil contempt—Mensrea Principle in contempt cases—Innocent publication—Fair criticism—Power of the High Court—Punishment—Procedure in contempt cases—Contempt by judges—Appeal—Laminations.

Accountancy for lawyer—Introduction to book keeping and accountancy concept of double entry—Principles of accounting—Preparation of simple financial statements as trading account, Profit and Loss Account, Balance Sheet—Accounting of credit transactions—Accounting for special transaction in lawyers profession—Books, Registers to be maintain by lawyer—Legal implications of books keeping by lawyers—General aspects of Accountancy.

The written examination on this paper will have 80 marks and the viva voce will carry 20 marks.

Suggested Readings:

Krishna Murthy Iyer .. *Advocacy*

Dr. B. Mallick .. *The Art of Lawyering*

The Bar Council of Et. .. *50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject*

Batliboi .. *Fundamentals of Accountancy.*

Statutory Materials:

1. The Contempt of Courts Act, 1971.

2. The Advocates Act, 1961.

P T—02 PUBLIC INTEREST LAWYERING LEGAL AID AND PARA LEGAL SERVICES

This course will be taught partly through class room instructions including simulation exercises of about 25 hours and partly through extension programmes like Lok Adalat, Legal Aid Camp, Legal Literacy and Para Legal Training. This course will also contains lessons on Negotiations and counselling, use of computer in legal work, legal research in support of public interest litigation, writing of case comments, editing of law journals and Law Office Management. This will carry 25 marks. The evaluation shall be made internally.

The Extension programme will carry 50 marks and would be awarded taking into account the report made by the student on his work. There will be a viva--voce examinations which will carry 25 marks. The evaluation shall be made internally.

P T—03 DRAFTING, PLEADING AND CONVEYANCING

This course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of

law, the course will include 15 exercise in drafting carrying a total of 45 marks and 15 exercises in conveyancing carrying a total of 45 marks (3 marks for each exercise and viva-voce carrying 10 marks).

(a) *Drafting* :

General Principles of drafting and relevant substantive rules shall be taught.

(b) *Pleadings* :

(1) *Civil*.—(i) Plaint (ii) written statement (iii) Interlocutory Application and (iv) Memorandum of Appeal and Revision (v) Petition under Article 226 and 32 of the Constitution of India.

(2) *Criminal*.— (i) Complaints (ii) Criminal miscellaneous petition (iii) Bail Application and (iv) Memorandum of Appeal and Revision.

(c) *Conveyancing* :

(i) Sale Deed (ii) Lease Deed (iii) Gift Deed (iv) Promissory note
(v) Power of Attorney (vi) Will (vii) Mortgage Deed.

The remaining 10 marks will be given in a viva -voce examination which will test the understanding of legal practice in relation to drafting, pleading and conveyancing.

Students shall keep a record for the practical work done.

P T—04 MOOT COURT, PRE -TRIAL PREPARATIONS AND PARTICIPATION IN TRIAL PROCEEDINGS

This paper will have three components of 30 marks each and a viva for 10 marks.

- (a) Moot Court (30 marks)—Every student will do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for a written submissions and for oral advocacy.
- (b) Observance of trial in two cases, one civil and one criminal (30 marks)—Students will attend two trials in the course of the last 2 or 3 years of LL.B studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
- (c) Interviewing techniques and pre-trial preparations (30 marks)—Each student will observe two interviewing session of clients at the lawyer's office/Legal Aid office and record the proceedings in a diary which will carry 15 marks. Each student will observe the preparations of documents and court papers by the advocate and the procedure of filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

(d) The fourth component of this paper will be a viva-voce examinations on all the above three aspects. This will carry 10 marks.

Practical Training shall be internally conducted and assessed by a team of at least 3 (three) senior member of the Teaching Staff.

Regulation for pass and classification.—Same as that of II LL.B. Exam. A candidate must secure not less than 50% of marks for each of the two practical training programmes.

List of marks for practical training programme shall be forwarded to the University by the Principal along with the applications for registration for each year examinations where practical training programme is included in the syllabus. The teachers responsible to award the marks for internal assessment shall submit the marks to the principal well in advance to enable the principal to forward the same to the University.