

(Abstract)

Regulation Scheme, Syllabus of LLB (3 year) Degree programme at Manjewaram Campus - implemented w.e.f 2022 admission-Orders issued.

ACADEMIC C SECTION

Acad/C4/8657/2019

Dated: 03.10.2022

- Read:-1. U. O No. Acad A1/30322/LLB Manjeswaram/2022 Dated 30.03.2022 and 12.05.2022
2. U. O Note No. Acad A1/30322/LLB Manjeswaram/2022 Dated 30.03.2022
3. Letter No. Acad C4/8657/2019 Dated 02.06.2022
4. E mail from HoD, School of Legal Studies, dated 26.09.2022

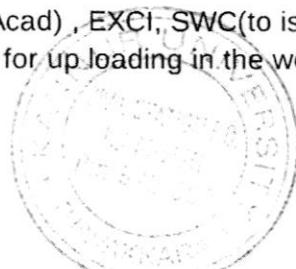
ORDER

1. As per paper read (1) and (2) above, sanction has been accorded to commence LLB (3 year) Degree Programme under the Department of Law, School of Legal Studies at Manjeswaram Campus from the Academic year 2022-23.
2. As per paper read(2) Academic A section forwarded the Draft Regulation, Scheme, Syllabus of LLB (3 year) Degree Programme prepared by the HoD, School of Legal Studies , Thalassery Campus for implementation w.e.f 2022-23 Academic year.
3. As per paper read (3) above, the Draft Regulation, Scheme, Syllabus of LLB (3 year) Degree Programme was submitted for scrutiny by the former Dean, Faculty of Law as subject expert.
4. As per paper read(4) HoD, School of Legal Studies submitted the draft Regulation, Scheme, Syllabus of LLB (3 year) Degree Programme duly scrutinised by the former Dean, Faculty of Law, for implementation w.e.f 2022-23 Academic Year.
5. The Vice Chancellor, after considering the matter in detail and in exercise of the powers of the Academic Council conferred under Section 11(1) Chapter III of Kannur University Act 1996, accorded sanction to implement the Regulation, Scheme, Syllabus of LLB (3 year) Degree Programme w.e.f 2022-23 Academic year and to report the same to the next Academic Council.meeting
6. The approved Regulation, Scheme, Syllabus of LLB (3 year) Degree Programme duly scrutinised by the former Dean, Faculty of Law, w.e.f 2022-23 Academic Year are appended and uploaded on the University Web Site(www.kannuruniv.ac.in).
7. Orders are issued accordingly

Sd/-
BALACHANDRAN V K
DEPUTY REGISTRAR (ACAD)
For REGISTRAR

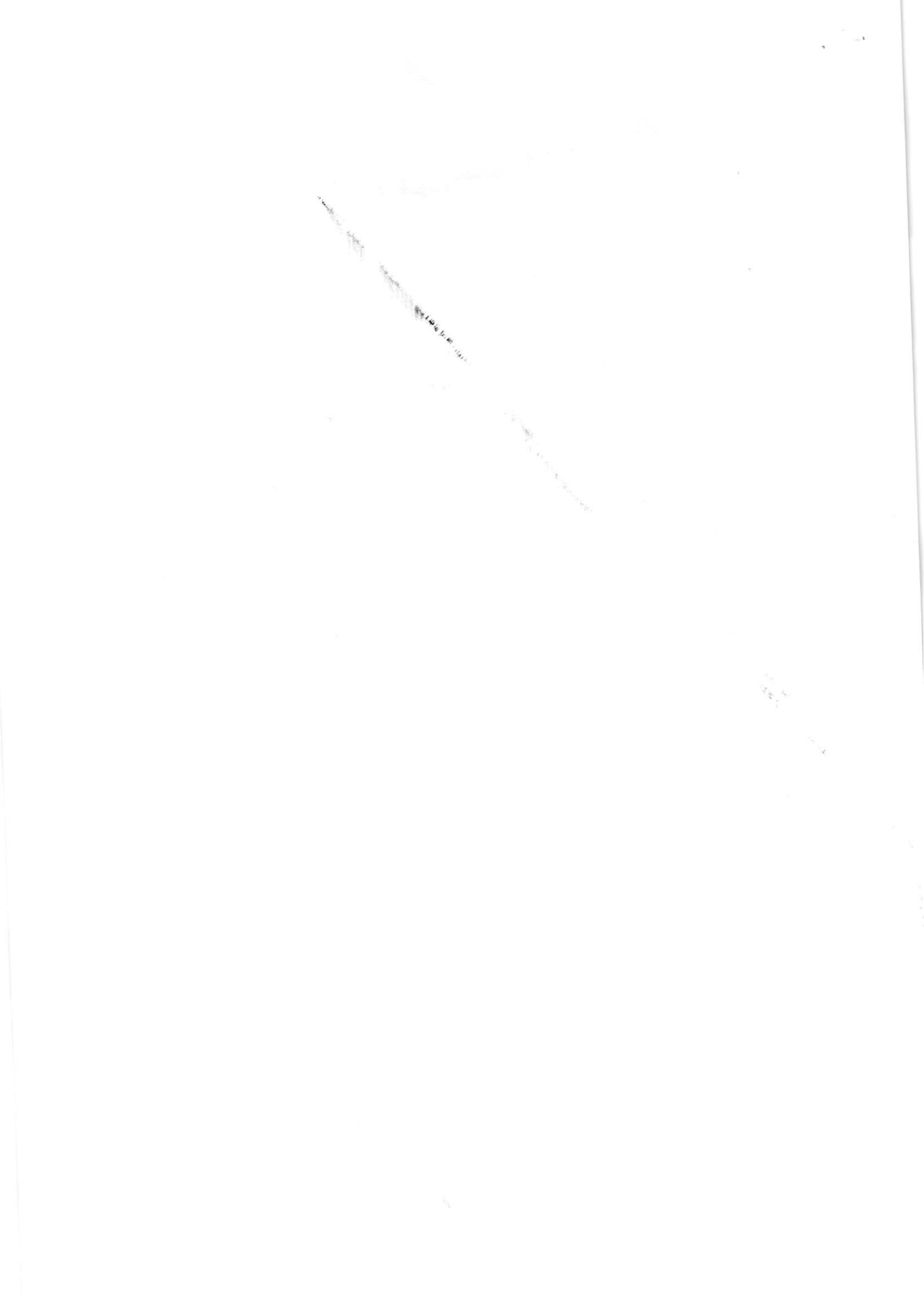
To: 1.HoD, School of Legal Studies, Thalassery Campus

- Copy To: 1. The Examination branch(through PA to CE)
2. PS to VC/PA to PVC/PA to R
3. DR/AR1/ARII (Acad) , EXCI, SWC(to issue notification)
4. Web Manager(for up loading in the website)
5. SF/DF/FC



Forwarded / By Order

[Signature]
SECTION OFFICER



KANNUR UNIVERSITY
Regulations for 3 Year LL.B. Degree Course
[from 2022 admission (2022-23 academic year) onwards]

1. Name of the Course

Bachelor of Laws (LL.B) Three-Year Degree Course

2. Admission Requirements

Candidates for admission to LL.B Three-Year Degree Course shall be required to have a Degree of this University or any other Degree recognized by this University as equivalent thereto. The percentage of marks obtained in the qualifying examination shall be 45%. Relaxation of marks will be given to eligible students as per prevailing Government norms from time to time. No candidate shall be admitted to the Course unless he/she has passed the qualifying examination and obtained 45% marks (without rounding) in the case of general category applicants and 40% marks (without rounding) in the case of SC and ST application in the qualifying examination. Such minimum qualifying marks shall not automatically entitle a person to get admission into an institution under the university, unless the applicant fulfils other institutional criteria notified by the institution/University concerned or by the government concerned from time to time to apply for admission. The student, at the time of admission, shall pay the fees prescribed by the Institution, the University and the Government from time to time.

3. Selection Procedure

The admission shall be done through the selection procedures of entrance examination in accordance with the procedures and norms laid down by the Kannur University/Government of Kerala from time to time.

4. Curriculum

The curriculum shall consist of 36 papers including 24 Compulsory Papers, 8 Optional Papers and 5 Practical Training Papers. There shall also be a Course Viva-Voce at the end of the final semester.

5. Duration of the Courses

The duration of the course of study for the Bachelor of Laws (LL.B) Three-year Degree Course shall be three years comprising of 6 semesters. A semester shall consist of not less than 90 working days. The period of a semester shall ordinarily be inclusive of the time required for conduct of examinations of the relevant semesters. However a candidate admitted for this course shall complete the programme within a period of six years from the date of admission.

6. Vacation

There shall be a vacation for the Course which shall be from 1st April to 31st May every year.

7. Medium of Study

The medium of instruction and examinations shall be English.

8. Attendance

There shall be University Examination held at the end of each semester. To be eligible for admission to examination of the particular semester, the candidate shall secure not less than 75% attendance during that semester and his/her conduct and progress should be satisfactory. Further, if a semester includes a practical paper, the candidate should secure a minimum of 75% of attendance separately for each practical paper.

9. Promotion to next semester

A student who has satisfactorily completed the course of each semester and has registered for examination of that semester shall be promoted to the next semester, subject to the stipulations regarding attendance and practical training.

10. Practical Training

Marks for the practical training papers shall be awarded by the teachers in-charge of such papers and a Register for recording marks signed by the teachers in-charge and countersigned by the Head of the Department shall be maintained in the college. The register shall show the marks separately allotted by each teacher and the average awarded. The marks shall be published and a copy of the same signed by the Head of the Department shall be forwarded to the University. Only those students who have secured a minimum of 75% attendance and 50% marks in the practical training of a semester shall be eligible to register for the examination of that semester. For all practical training papers, students have to maintain separate records of practical work done, as instructed by the head of the institution and the teachers in charge. The Records shall be submitted to the faculty in charge before the end of relevant semester. Whenever practical records are to be maintained, the students shall complete and submit the same positively on or before the last working day of the relevant semester. Students shall not be admitted for the viva-voce examination without the completed record with the signature of the faculty in-charge and the head of the institution.

11. Internship Programme and minimum period internship

The students of Three Year LL.B Course has to undergo an internship programme as per the bar Council of India Rules on Legal Education 2008. Each registered student shall have completed a minimum of 12 weeks internship during the entire period of studies @ 4 weeks per year. Thus the students have to undergo three internships, one @ 4 weeks in every year during the entire course. The internship for four weeks shall preferably be done during each summer vacation in every year of the Course. The internship may be done under NGOs, Trial and Appellate Advocates, Judiciary, Legal Regulatory Authorities, Legislatures and Parliament, other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government, and other such bodies where law is practiced either in action or in dispute resolution as directed by the head of the institution and under the guidance of the faculty in charge.

Each student shall keep Internship Diary/Record in such form as prescribed by the faculty concerned and on successful completion of internship every year the diary shall be submitted to the faculty concerned. The Diary shall be assessed by the teachers in charge each time by signing the record/diary and a maximum of 50 marks shall be awarded at the end of the Course.

12. Course viva-voce

There shall be a Course viva-voce, carrying 50 marks, to be conducted at the end of the Course. A Board of three members, of whom one shall be external, appointed by the University in this regard, shall do this. The students are evaluated for their academic skill and performances during the course including their performance in the internship programmes.

13. Internal Assessment

(i) Objectives

Objectives of introducing internal Assessment for LL. B course are– (1) to develop in the students the ability for critical analysis and evaluation of legal problems; (2) to develop communication skills, both written and oral; (3) to create an awareness of current socio-legal problems; (4) to ensure the involvement and participation of students in academic programmes; and (5) to make evaluation of students a continuous process. In order to achieve these objectives, it is imperative that internal assessment is made by teachers in a fair and objective manner and in an atmosphere of total transparency and confidentiality. The following guidelines are issued to secure fairness, objectivity and transparency in internal assessment.

(ii) Distribution of marks: The distribution of marks for Internal Assessment shall be as follows.

- i. Attendance – 5 Marks
- ii. Test Paper – 10 Marks
- iii. Class room assignments/ – 10 Marks
- iv. Seminar/debates/quiz etc.

(iii) Attendance

Separate attendance shall be maintained by the teachers for each subjects concerned either manually or electronically. For each subject attendance shall be taken from the class and recorded in a register maintained by the teacher. A statement of attendance shall be prepared every month which shall be availed for inspection by the students. Complaints, if any, shall be brought to the notice of the teacher and the principal before the seventh day of the succeeding month.

Students representing the College/University in sports/games/arts/cultural vents or Moot courts and office bearers of the College/University Union may, with the prior permission of Principal, take part in such competitions/activities and be given attendance as directed by the Principal for such participation, subject to a maximum of 10 days in a semester.

Marks for attendance shall be calculated as per the following distribution on the basis of attendance secured by students for the respective papers only.

For CP–01 to CP–24 and OP–01 to OP–08

Percentage of attendance Marks

75-80 1

81-85 2

86-90 3

91-95 4

96-100 5

(iv) Test Paper

- (a) The concerned teacher who is handling the relevant subject shall conduct at least one test paper for each subject in a semester. The day for the test shall be notified at least one week in advance. Absentees shall not be entitled for re-test normally. Exceptional cases on medical and similar grounds may be considered by the staff council of each Institution.
- (b) The marks shall be announced in the class within 15 days of the test. The marks obtained by each student in the test paper shall be recorded by the teacher in the register maintained for the purpose.
- (c) The students can receive photocopies of their answer scripts, if required, at their expense on a request in writing personally by the student within 5 days from the announcement of the marks.

(v) Assignment/Seminar/Debate/Quiz etc.

- (a) Every student shall write one assignment for each paper on a subject assigned by the teacher. The assignment should reflect the ability of the student to identify and use materials, and his/her capacity for original thinking, critical analysis and evaluation. The assignment shall be submitted to the concerned teacher positively by the due date prescribed by the teacher.
- (b) Alternatively the teacher may direct every student to participate and the student then shall participate in seminar/debate for each paper. A synopsis shall be submitted by the student to the teacher before the seminar/debate. In the evaluation, 50% credit shall be

given to the content and 50% for presentation. The topic of the seminar/debate shall be given by the teacher.

- (c) The internal assessment marks obtained by each student shall be announced by the teacher within 10 days from the end of the semester. The marks shall be recorded in a register maintained by the teacher.

(vi) Grievance Redressal Cell

A Grievance Redressal Cell shall be constituted by the Head of the Institution. Grievances, if any, with respect to internal assessments shall be submitted in writing by the concerned student personally within five days from the date of publication of marks. The decision taken by the Cell shall be final.

14. University Examinations

There shall be a University Examination at the end of each semester. No student shall be allowed to take the University examination at the end of each semester in a subject if the student concerned has not attended minimum of 75% of the classes held in the subject concerned. Separate 75% of attendance is also required in Practical Training papers. If a student for any exceptional reasons fails to attend 75% of the classes held in any subject, the head of the institution may condone the shortage of attendance as per the existing rules. Only those students who have secured a minimum of 75% attendance in a semester and 50% marks in the Practical Training Papers of a semester shall be eligible to register for the examination of that semester.

15. Pass Requirements and Classification

- (i) A candidate who secures not less than 50% aggregate for total of University Examination and Internal Assessment put together in a paper shall be declared to have passed the examination in that paper.
- (ii) A candidate who has passed all the papers for all the semesters and secured 50% or more of the aggregate marks but less than 60% of such marks shall be declared to have passed the course in second class.
- (iii) Successful Candidates who have secured 60% and above in the aggregate in all the Semesters shall be declared to have passed the course in first class.
- (iv) Ranking shall be done on the basis of the marks obtained by the candidate in the whole examination of the course passed in the first chance itself. First chance means the first opportunity made available to the candidate concerned by the university in the course.

16. Readmission

Readmission to each semester shall be according to the availability of seats in the concerned semester. This shall also be subject to Rules framed by the University and Government of Kerala from time to time. Only those students who have dropped out/been detained or discontinued from any semester of this course alone will be eligible for readmission and a candidate will be given readmission only once during the course for completing the course. These Regulations shall come into force with effect from 2022 Admission (2022-23 Academic Year) onwards.

1. Marks Distribution

A. Compulsory Papers and Optional Papers

Maximum marks for all the Compulsory and Optional Papers shall be 100. Distribution of maximum marks shall be on a 25/75 (IA/WE) basis.

i. WE – Written Examination

The maximum marks for the written examination conducted by the University at the end of each semester shall be 75 marks.

ii. IA – Internal Assessment

The maximum marks for Internal Assessment shall be 25. Distribution of marks for Internal Assessment shall be as follows.

Attendance – 5 Marks

Test paper – 10 Marks

Class room assignments/

Seminars/Debates etc. – 10 Marks

B. Practical Training Papers

- i) PT 01 – Out of the 100 Marks 75 marks are given for Record, for which students shall maintain a Record of Practical Works done under the guidance of the Faculties in charge. The remaining 25 marks are given for the viva voce to be conducted by a Board comprising of three senior Law Faculty members in the institution.
- ii) PT 02 – Out of the 100 marks 90 marks are awarded for the drafting exercises conducted as internal tests for which students shall maintain a Record, under the guidance of the Faculties in charge. The Remaining 10 marks are given for the viva voce to be conducted by a Board comprising of a Practising Lawyer and two senior Law Faculties in the institution.
- iii) PT 03 – Out of the 100 marks 75 marks are allotted by assessing the practical works done by the students as specified in the detailed syllabus, under the guidance of the Faculties in charge for which students shall maintain a Record. The Remaining 25 marks are given for the viva voce to be conducted by a Board comprising of three senior Law Faculties in the institution.
- iv) PT – 04 Out of the 100 marks 90 marks are given for 3 moot court participation, court visits, client interviewing and pretrial preparations in the senior Advocates Chamber, for which students shall maintain a Record/Diary of practical works done under the guidance of the Faculties in charge. The Remaining 10 marks are given for the viva voce to be conducted by a Board comprising of three senior Law Faculty members of the institution.
- v) PT 05 – Internship Programme
Each student shall keep Internship Diary/Record in such form as prescribed by the Principal/faculty concerned and on successful completion of Internship every year the diary shall be submitted to the faculty concerned. The Diary shall be assessed by the teachers in charge each time by the signing the record/diary and a maximum of 50 marks shall be awarded at the end of the Course.

C. Course viva-voce

There shall be a Course viva-voce carrying 50 marks, to be conducted at the end of the Course. This shall be done by a Board of three members, of whom one shall be external, appointed by the University in this regard. The students are evaluated for their academic skill and performances during the course including their performance in the internship programmes.

2. Pattern of Question Paper

The pattern of question paper shall be same as laid down Kannur University. However, the question papers on

(1) Jurisprudence (CP 8) and

(2) Legal Language and Legal Writing (OP 1) shall not have problem questions. The following shall be the pattern of question papers.

Part (A) – Short answer

This part consists of short answer questions. In this Part 8 questions will be given and the candidates have to answer any 5 questions. Each question carries 6 marks and this part carry a total of 30 marks.

5 x 6 marks = 30 marks

Part (B) – Problems Questions

This part consists of hypothetical problem questions. In this part 3 hypothetical problem questions will be given and the candidate has to answer any 2 questions. Each question carries 10 marks. The answer shall cover relevant legal provisions, farming of issues, application of legal provisions with reasoned decisions and citation of authority, the solution of the issue framed and the answer to problem as such.

2 x 10 marks = 20 marks

Part (C) – Essays

This part consists of essay questions. In this part 3 questions will be given and the candidate has to answer any 2 questions. Each question carries 12.5 marks.

2 x 12.5 marks = 25 marks

Duration of examination: 3 Hrs.

Maximum Marks: 100 Marks (75 marks for WE and 25 marks for IA)

[WE – Written Examination, IA – Internal Assessment]

3. Distribution of Papers and Marks in Various Semesters:

First Semester				
Sl. of Paper	Paper Name	Duration	IA/WE Marks	Total
1 CP 01	Law of Contracts	3 Hours	25/75	100
2 CP 02	Law of Torts (including Motor Vehicle Act and Consumer	3 Hours	25/75	100

	Protection Laws)			
3 CP 03	Constitutional Law I	3 Hours	25/75	100
4 CP 04	Family Law I	3 Hours	25/75	100
5 CP 05	Law of Crimes I	3 Hours	25/75	100
6 OP 01	Legal Language and Legal Writing	3 Hours	25/75	100
SECOND SEMESTER				
Sl. of Paper	Paper Name	Duration	IA/WE Marks	Total
1 CP 06	Constitutional Law II	3 Hours	25/75	100
2 CP 07	Special Contracts	3 Hours	25/75	100
3 CP 08	Jurisprudence	3 Hours	25/75	100
4 CP 09	Family Law II	3 Hours	25/75	100
5 CP 10	Law of Crimes II (including Cyber Crimes)	3 Hours	25/75	100
6 OP 02	Local Self Government (Including Panchayat Administration)	3 Hours	25/75	100
THIRD SEMESTER				
Sl. of Paper	Paper Name	Duration	IA/WE Marks	Total
1 CP 11	Administrative Law	3 Hours	25/75	100
2 CP 12	Labour and Industrial Laws I	3 Hours	25/75	100
3 CP 13	Code Civil Procedure- I including Civil Rules of practice) (Section 1 to 35 B and order I to XXA)	3 Hours	25/75	100
4 CP 14	Law of Criminal Procedure – I (Including Probation of Offenders Act)	3 Hours	25/75	100
5 OP03	Human Rights Law and Practice	3 Hours	25/75	100
6 PT 01	Professional Ethics and Professional Accounting System	3 Hours	25/75	100
FOURTH SEMESTER				
Sl. of Paper	Paper Name	Duration	IA/WE Marks	Total
1 CP 15	Environmental Law	3 Hours	25/75	100
2 CP 16	Code of Civil Procedure II (Including Limitation	3 Hours	25/75	100

	Act)			
3 CP 17	Property Law (including Transfer of Property Act and Easement Act)	3 Hours	25/75	100
4 CP 18	Labour and Industrial Laws II	3 Hours	25/75	100
5 CP 19	Law of Criminal Procedure II (including Juvenile Justice Act)	3 Hours	25/75	100
6 PT02	Drafting, Pleading and Conveyancing	3 Hours	10/90	100
FIFTH SEMESTER				
Sl. of Paper	Paper Name	Duration	IA/WE Marks	Total
1 CP 20	Company Law	3 Hours	25/75	100
2 CP 21	Law of Evidence	3 Hours	25/75	100
3 CP 22	Law of Direct Taxation	3 Hours	25/75	100
4OP 04	Intellectual Property Laws	3 Hours	25/75	100
5OP 05	Banking Laws (including NI Act)	3 Hours	25/75	100
6 PT 03	Alternate Dispute Resolution	3 Hours	25/75	100
SIXTH SEMESTER				
Sl. of Paper	Paper Name	Duration	IA/WE Marks	Total
1 CP 23	Law of Indirect Taxation	3 Hours	25/75	100
2 CP 24	Public International Law	3 Hours	25/75	100
3 OP 06	Land Laws (including Tenure and Tenancy System)	3 Hours	25/75	100
4OP 07	Interpretation of Statutes and Principles of Legislation	3 Hours	25/75	100
5OP 08	Gender justice and Feminist Jurisprudence	3 Hours	25/75	100
6 PT 04	Moot Court Exercise and Court Visit		10/90	100
7 PT 05	Internship Programme Course Viva-voce Conducted at the end of the Course		50/50	100

CURRICULUM/SCHEME OF SUBJECTS

1. Compulsory Papers

1. CP 01 Law of Contracts
2. CP 02 Law of Torts (including Motor Vehicles Act and Consumer Protection)
3. CP 03 Constitutional Law I
4. CP 04 Family Law I
5. CP 05 Law of Crimes I
6. CP 06 Constitutional Law II
7. CP 07 Special Contracts
8. CP 08 Jurisprudence
9. CP 09 Family Law II
10. CP 10 Law of Crimes II (including Cyber Crimes)
11. CP 11 Administrative Law
12. CP 12 Labour and Industrial Laws- I
13. CP 13 Law of Civil Procedure I (including Civil Rules of Practice) (Section 1 to 35 B and order I to XXA)
14. CP 14 Law of Criminal Procedure I (including Probation of Offenders Act)
15. CP 15 Environmental Law
16. CP 16 Law of Civil Procedure II (including Limitation Act)
17. CP 17 Property Law (including Transfer of Property Act and Easement Act)
18. CP 18 Labour and Industrial Laws II
19. CP 19 Law of Criminal Procedure II (including Juvenile Justice Act)
20. CP 20 Company Law
21. CP 21 Law of Evidence
22. CP 22 Law of Direct Taxation
23. CP 23 Law of Indirect Taxation
24. CP 24 Public International Law

2. Optional Papers (OP)

1 OP 01 Legal Language and Legal Writing
2 OP 02 Local Self Government (including Panchayat Administration)
3 OP 03 Human Rights Law and Practice
4 OP 04 Intellectual Property Rights
5 OP 05 Banking Laws (Including NI Act)
6 OP 06 Land Laws (Including Tenure and Tenancy System)
7 OP 07 Interpretation of Statutes and Principles of Legislation
8 OP 08 Gender Justice and Feminist Jurisprudence

3. Practical Training Papers (PT)

1 PT 01 Professional Ethics and Professional Accounting System
2 PT 02 Drafting, Pleading and Conveyancing
3 PT 03 Alternate Dispute Resolution
4 PT 04 Moot Court Exercise and Court Visit
5 PT 05 Internship Programme

4. Course Viva – Voce

There shall be a course viva-voce, carrying 50 marks, to be conducted at the end of the Course. This shall be done by a Board, of three members of whom one shall be external, appointed by the University in this regard. The students are evaluated for their academic skill and performances during the entire course including their performance in the internship programmes.

L.L.B Three-Year Degree Course

CP 01 Law of Contracts

Subject shall be taught by incorporating the recent developments.

Unit I

Nature of contractual obligation: – theories of contract – classification of contract – offer, acceptance and promise

Capacity of parties – disqualification by law – minority and mental incapacity- free consent – factors vitiating free consent – coercion – undue influence – fraud

Unit II

Consideration – definition – effect of contract without consideration – exceptions – intention to create legal obligations

Lawful object – void transactions -misrepresentation, mistake – PublicPolicy – agreement in restraint of trade, marriage and legal proceedings – uncertainties and wagering agreements

Unit III

Discharge of contracts – performance of contracts – anticipatory breach – impossibility of performance – alterations and novation – accord and satisfaction – quasi contracts

Unit IV

Remedies for breach – damages for breach – specific performance – rescission and cancellation – injunctions – declaratory remedies

Unit V

E-Contracts – Benefits of E-contracting – Formation of E-contracts – Essentials of E-contracts – Problems relating to E-contracts – Different types of E-contracts – Relevant Provisions of the Information Technology Act.

Suggested Readings:

Avatar Singh – Principles of Mercantile Law

Avatar Singh – An Introduction to Contract Law

Pollock and Mulla – Indian Contract and Specific Relief Acts

A.G. Guests – Anson's Law of Contract

Treitel – The Law of Contract

A. S. Burrows – Remedies for Tort and Breach of Contract

Cheshire – Law of Contracts

M Krishnan Nair M – Law of Contracts

CP 02 Law of Torts

(Including Motor Vehicles Act and Consumer Protection Laws)

Subject shall be taught by incorporating the recent developments.

Unit I

Definition and nature of Torts – Distinction between Torts, Crime, and breach of Contract – Basis of tortious liability – ubi jus ibi remedium, inuria sine damnum and damnum sine injuria

Liability for the wrongs committed by other persons – vicarious

Liability – joint tortfeasors – joint and several liabilities in payment of damages

Unit II

Negligence – Contributory negligence – Professional Negligence – proximate cause and intervening cause – foresight of harm – Composite negligence – res ipsa loquitur – last opportunity rule – doctrine of alternate danger – strict liability – Ryland v. Fletcher – absolute liability – remoteness of damage

Unit III

General defences – volenti non fit injuria – vis Major – inevitable Accident – necessity – statutory authority – judicial and quasi judicial acts, parental and quasi parental authority – mistake – act of third parties – novus actus interveniens – plaintiff's own fault

Unit IV

Specific torts – injuries to person – assault – battery – false imprisonment – trespass to goods – conversion – trespass to land – interference with contract or business – intimidation – conspiracy – injurious falsehood – passing off – negligent mis-statements – defamation – malicious prosecution – nuisance

Unit V

Consumer – definition under Consumer Protection Act – Consumer of goods and services – defects in good – deficiency in service – enforcement of consumer rights – consumer fora under the Act – jurisdiction, functions and powers – procedure – execution of orders

Liability under Motor Vehicles Act, 1988 – compensation in motor vehicle accidents – nature and extent of insurer's liability – claims tribunal – award of compensation

Suggested Readings:

Winfield – Law of Torts

Ramaswamylyer – Law of Torts

Achuthan Pillai P.S. – Law of Torts

Vivienne Harwood – Modern Tort Law

P.K. Sarkar – The Motor Vehicles Act, 1988

D.N. Saraf – Law of Consumer Protection in India

P. Leelakrishnan (Ed.) – Consumer Protection and Legal Control

CP 03 Constitutional Law I

Subject shall be taught by incorporating the recent developments.

Unit I

Constitution of India – Historical Perspective – constitutional development – Political developments – Making of the Constitution – Constitutional Assembly Debates – Constitutional Law: Meaning and Constitutionalism – Various models of Constitution: Written, Unwritten, Unitary, Federal, flexible – Parliamentary vs. Presidential – preamble: Sovereign, Socialist, Secular and Democratic Republic – 42nd Amendment – Basic Structure theory – Citizenship – Who is a citizen of India – Rights under Migration due to Partition – Acquisition of Citizenship – Citizenship Rules – jus soli and jus sanguinis – Termination of Citizenship – Related Case Laws

Unit II

State and Fundamental Rights – Concept of State – Meaning of Law under Article 13 – Principle of Equality – Articles 14, 15, 16 and Article 17 – Special Reference to the equal Rights and Equality before Law under Article 14 – Rules for Classification – Protective Discrimination under Article 15 – Gender justice – Article 16 and Reservation Criteria – Article 17 and untouchability Abolition Strategy- relevant case laws.

Unit III

Fundamental Freedoms and Social Control – Right to know – Personal Liberty – Rights of accused persons and judicial attitude – Double Jeopardy – Right against Self incrimination – Article 21 and Judicial contributions with special reference to A.K. Gopalan v. State of Madras, Maneka Gandhi v. Union of India, Sunil Batra's case – Procedure established by Law –Due Process – Post Maneka Gandhi decisions – Fair Procedure, Handcuffing, Legal Aid, Natural Justice, Duty to Hear, Right to Health, Right to Food, Right to Environment, Preventive Detention, Right against Torture, Right to Die, Right to Privacy, etc. – Important case Laws

Right to Education – Free and Compulsory Education – Freedom of Education Act -Relevant Case Laws – Right against Exploitation – Child Labour – Prohibition of Bonded Labour, Human Trafficking, Beggar etc. – Case Laws – Secularism and Minority Rights – Concept of Religion under Indian Constitution – Minority Rights – Right to Educational Institution – Controversy on Conversion of Religion – Relevant Case Laws

Unit IV

Judicial Review and Constitutional Remedies – Article 32, 226 and Article 227 – Nature of Writs – Classification – Article 32 as Fundamental Right – Laches or delay in instituting Writs – Limitation – Public Interest Litigation – Judicial Activism and Judicial Restraint

Directive Principles of State Policy – Directive Principles and Fundamental Rights a Comparative Approach – Rights under Articles 31A, 31B and 31C – Judicial Response and Relevant Case Laws – Principles – Social and Economic Justice – Equal Pay for Equal Works, Free Legal Aid – Uniform Civil Code – Promotion of International Peace and Security –Local Self Government as Directive Policy – Constitutional Amendmentsand Constitutional Position of Three Tier system of Governance - Fundamental Duties

Unit V

Relations between the Union and States – Extent of Laws made by Parliament and State Legislatures, Subject Matter – Power of the Parliament to Legislate on Matters under the StateList – Residuary Power of Legislation – Effect of Inconsistency between State Law and Union Law – Doctrine of Colourable Legislation, Pith and Substance and Doctrine of Occupied Field – Administrative relation – Duties and Powers of Union and State – Control of Union over State – Disputes relating to Water – Financial Relations – Finance Commission

Suggested Readings:

Shukla. V.N. – Constitution of India

J. N. Pandey – Constitution of India

Austin Granville – The Indian Constitution – Cornerstone of a Nation

Durga Das Basu – Constitutional Law of India

M.P. Jain – Indian Constitutional Law

H.M. Seervai – Constitutional Law of India

SubhashKashyap – Indian Constitution

Constitutional Assembly Debates

CP 04 Family Law I

Subject shall be taught by incorporating the recent developments.

Unit-I

Marriage and Kinship: Evolution and importance of Marriage and family- Role of Religion, Impact of customs on marriage and Family – Definition of Hindu, Muslim, Christian – Sources of Hindu Law, Muslim Law and Christian Law

Unit-II

Concept of marriage – Essential conditions of a valid Hindu Marriage under Hindu Marriage Act-Distinction between Valid, void and Voidable marriages -Legal consequences of a Valid Marriage – Essential requirements of a valid Muslim marriage – Option of puberty, Legal effects of a Minor's marriage – Essential conditions of a valid Christian marriage – Kinds of marriages under Hindu and Muslim system – dowry and dower as applicable to Hindus, Muslims and Christians

Unit-III

Matrimonial remedies: Annulment, Restitution of Conjugal Rights, Judicial Separation and Divorce – Theories of Divorce: Fault/Guilt Theory, Consent Theory, Consent Theory, Irretrievable breakdown of marriage – Conditions for grant of matrimonial remedies under Hindu marriage Act and Indian Divorce Act – Matrimonial remedies for Muslims (Talaq, IlaZihar, Tafweez, KhulaMubaarak) – Talaq: different kinds of talaq – Deleganttalaq – Divorce under Shariat Act – Judicial and Extrajudicial methods of Divorce – Significance of Dissolution of Muslim Marriages Act – Divorce by Mutual consent – Matrimonial relief under Special Marriage Act

Unit-IV

Child and Family: Legitimacy, Adoption, Custody and Maintenance of Child – Guardianship of the Child – Child Marriage and legal provisions prohibiting child marriage

Unit-V

Recent developments – Family Court: Composition, powers and functions- dowry and Dowry Prohibition Act – Need for Uniform Civil Code – Article 44 of the Constitution of India – Compulsory registration of marriage

Suggested Readings:

Mulla – Principal of Hindu Law

ParasDiwan – Hindu Law

Mulla – Mohammedan Law

Tahir Mohammed – Muslim Law in India

Sebastian Champappally – Christian law

E.D. Devadasan – Handbook of Christian law

AAA Fyzee – Outlines of Mohammedan Law

CP 05 Law of Crimes I

Subject shall be taught by incorporating the recent developments.

Unit I

Definition of Crime – Concept of Crime – Distinction between Crime, Tort and Breach of Contracts – Functions of Criminal Law – Types of Punishments – Purposes of Punishment – Sentencing Policy – Types of criminal justice systems - Character -History of Indian Penal Code

Unit II

Elements of Crime – Actus Reus – Mens Rea – Statutory Offences – Mens Rea under the Indian Penal Code - Intention, knowledge, Recklessness, Negligence, Rashness – Vicarious liability – Corporate Liability

Unit III

General Explanations (Sections 6 to 52 A) – Intra-territorial and Extra – territorial jurisdiction of the Penal Code – Joint Liability – Common Intention-Common Object – Principles of Criminal Responsibility – Parties to Crime – Inchoate offences – Attempt – Conspiracy – Abetment

Unit IV

General Exceptions (Section 76 to 106) – Justifiable and excusable defences- trivial acts

Unit V

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 Election – Contempt of the Lawful Authority of Public Servants

Suggested Readings:

1. Kenney – Outlines of Criminal Law
2. Glanville Williams – Text Book On Criminal Law
3. Cross and Jones – Criminal Law
4. Smith and Hogan – Criminal Law
5. Ratanlal and Dhirajlal – Indian Penal Code
6. Achuthan Pillai – Criminal Law
7. K. D. Gaur – Indian Penal Code
8. KNC Pillai – General Principles of Criminal Law

CP 06 Constitutional Law II

Subject shall be taught by incorporating the recent developments.

Unit – I

Union and State Executive – Presidential vs. Parliamentary form of Government – Term of Office, Qualification and impeachment of President – Powers of President, extent of Power – Vice President – Qualification, Functions and Powers – Governor of a State, Qualification, Appointment and Tenure – Powers – Relevant Case Laws

Unit – II

Union and State Legislature – Parliament – House of State and House of People, Members Qualification and Disqualification – Privileges – Office of Profit – State Legislature – Unicameral and Bicameral Legislative system – Special Procedure on Money Bill and Finance Matters (Union and State) Union Cabinet-Council of Ministers – Collective responsibility – Prime Minister's appointment – powers, duties and functions – Shamsher v. State of Punjab, S.P. Gupta v. Union of India and other relevant Case Laws.

Unit – III

Indian Judiciary – Nature of Indian Judicial System with its distinctive features – Supreme Court of India – Judges appointments, Qualification and Removal – Chief Justice of India – Qualification, appointment and removal – the Original Appellate and Advisory Jurisdiction of Supreme Court – Binding nature of law declared by the Supreme Court – Independence of Judiciary and Judicial Accountability – The State Judiciary – High Court – Appointments, Qualifications, conditions of Service and removal of Judges – Ordinary Jurisdiction – Writ Jurisdiction – Powers including supervisory power – Subordinate Courts – appointment and control over Subordinate Courts.

Unit – IV

Comptroller and Auditor General of India – Appointment, duties, powers and Functions – Macro Economic Management under the Constitution of India – Fiscal Responsibility, Taxation Planning and Management – Financial Accountability – Stat's role in business – Trade, Contractual Obligation and responsibilities, Revenue Distribution – Official Language Service under the Union and States – Recruitment, Conditions of Service, tenure, Dismissal, All India Service – Doctrine of Pleasure – Public Service Commission – Appointment Powers, functions duties removal of Chairman and members.

Unit – V

Emergency Provisions – kinds - Failure of Constitutional Mechanisms Amendment of the Constitution — Principles — Comparison U.S.A, France and India — Miscellaneous Provisions — Temporary and Transitional Provisions — Schedules

Suggested Readings:

Shukla. V.N. – Constitution of India

J.N. Pandey – Constitution of India

Austin Granville – The Indian Constitution – Cornerstone of a Nation

Durga Das Basu – Constitutional Law of India

M.P. Jain – Indian Constitutional Law

H.M. Seervai – Constitutional Law of India

Subhash Kashyap – Indian Constitution

CP-07 Special Contracts

Subject shall be taught by incorporating the recent developments,

Unit I

Indemnity – definition – Rights and Liabilities of the Indemnifier and Indemnified – Guarantee – Continuing Guarantee – Nature and Duration of Liability – Rights and Liabilities of Parties

Unit II

Bailment: General features – Division of bailments – Requirements of consideration – Rights and Liabilities of bailor and bailee – pledge or pawn – special property in favour of pledge by limited owners – finder of lost goods

Unit III

Agency – Kinds of Agency – creation of Agency – Rights, Duties and Liabilities of Agents – Liability of Principal for act of Agents – Termination of Agency – Contract of Bailment and Pledge – Rights and Liabilities of Bailor and Bailee – Rights and Liabilities of Pawner and Pawnee

Unit IV

Partnership – Nature and Creation – Types of Partnership – Mutual Relationship of Partners -- Authority of Partners – Rights and Liabilities of Partners – Admission of New Members – Partnership Property – Dissolution of Partnership – Registration of Partnership – Limited liability Partnership Act

Unit V

Sale of Goods – Concept of Sale – Subject Matter of Sale – Conditions and Warranties – Passing of Property and Risk – Delivery of Goods – Rights of Unpaid Seller – Remedies for Breach

Suggested Readings

Avtar Singh – Principles of Mercantile Law

Pollock and Mulla – Indian Partnership Act

Friedman – Law of Agency

Benjamin – Sale of Goods

KrishnanNair – Law of Contracts

Lindley – on Partnership

Bowstead – on Agency

C P 08 Jurisprudence

Unit I

Meaning of the term jurisprudence – Norms and the normative system – Different types of normative systems – Legal system as a normative order – similarities and difference of the legal system with other normative systems – Relation of Jurisprudence with other Social Sciences

Schools of jurisprudence – Natural Law School of jurisprudence – Analytical legal Positivism – Historical School – Sociological School – Realist Movement – Economic interpretation of law – Critical Legal Studies (CLS) – Feminist Jurisprudence – The Concept of Dharma

Unit II

Austin's Theory of Sovereignty and Law – Salmond's definition of law – Kelsen's Pure Theory of Law – H.L.A Hart's Theory of Primary and Secondary Rules – Jurisprudence of Interests: Rudolf Von Ihering and Roscoe Pound Purpose of Law – Justice – Theories of Justice – Relation of Justice to Law – Justice and Law: Approaches of different Schools – Administration of Justice according to Law

Law and Morality – interrelation – Enforcement of Morals through Law – Hart and Fuller Debate – Hart and Devlin Debate

Unit III

Sources of Law – Formal and Material Sources – Legal and Historical Sources – Legislation – supreme and subordinate – place of legislation among other sources of law.

Interpretation of statutes – Precedents – importance of precedents – doctrine of stare decisis – ratio decidendi and obiter dictum – theories about the creative role of judges – comparative merits and demerits of precedents over legislation

Custom – reasons for recognition of custom as a source of law – essentials of a valid custom.

Juristic writings

Classification of law – International law and Municipal law – Public and Private law – substantive and procedural law

Unit IV

Meaning and Classification of Legal Rights and Duties – Theories of Legal Rights and Duties – Correlation between Rights and Duties – Rights in a Wider Sense: Hohfeld's Analysis

Definition and Nature of Personality – Legal Status of Unborn Children, Minor, Lunatic, Drunk and Dead Person – Legal Status of Animals – Legal Personality of State – Corporate Personality – Dimensions of Modern Legal Personality: Legal Personality on Non-human beings

The Definition and Nature of Liability – Kinds of Liability – Theories of Liability – General Conditions of Liability

Unit V

Definition and Nature of Obligation – Sources of Obligation – Kinds of Obligation

Meaning of Property -Kinds of Property- Intellectual Property – Modes of Acquisition of Property

Concept of Possession and Ownership – Theories of Possession Ownership -- Kinds of Possession and Ownership – Modes of Acquiring Possession and Ownership

Suggested Readings:

Friedman – Legal Theory (Fifth Edition)

Wayne Morrison – Jurisprudence: from the Greek to Post – Modernism

Dias – Jurisprudence

P.J. Fitzgerald – Salmond on Jurisprudence

Bodenheimer, Edgar Law – Jurisprudence 'The Philosophy and Method of the Law

H.L.A Hart – The Concept of Law

John Austin – Lectures on Jurisprudence

Mahajan. V.D. – Jurisprudence and Legal Theory

Roscoe Pond – Introduction to the Philosophy of Law

G.C.VenkataSubbaRao – Jurisprudence and Legal Theory

CP 09 Family Law II

Subject shall be taught by incorporating the recent developments.

Unit-I

Joint Hindu Family – Origin, nature of joint family and Coparcenary – Characteristic features of coparcenary – distinction between coparcenary and Joint family – Principal of survivorship and succession

Classification of property: joint family property and separate property – Kartha: position, powers and liabilities

Debt – pious obligation under Hindu Law

Unit-II

Partition – definition – persons entitled to demand partition – subject matter of partition – mode of partition – reopening and reunion

Law of intestate succession – general principles – exclusion from inheritance – succession as applicable to Hindus, Muslims and Christians – Hindu Succession Act: features, devolution of interest in coparcenary property (sec 6), List of heirs in class I and II of the schedule, doctrine of representation, Hindu women's Right to property- Indian Succession Act – Hanafi Law of Inheritance: doctrine of aul and radd

Unit-III

Testamentary power of Hindus, Muslims and Christians – wasiyat: definition, essentials, and kinds of valid will, abatement of legacies, revocation of will

Unit-IV

Alienation of property among Hindu, Muslims and Christians – Hindu Religious and Charitable endowments – Hiba; Definition, essentials, kinds and formalities for a valid Hiba, Revocation of Hiba – Pre-emption: definition, classification and formality – Waqf – meaning – formalities of creation – Types and administration of waqf – Mutawalli and his powers.

Unit-V

Maintenance under Hindu, Muslim and Christian laws – Conflict between personal law and statutes – Maintenance of divorced wives, neglected wives, minor children, unmarried daughters and aged parents – Distinction between alimony and maintenance, permanent alimony. alimonypendentelite – Maintenance of Muslim wives during and after divorce, maintenance under Shariat Act- Right of maintenance under Christian wife on divorce,maintenance under S. 125 Cr. P.C.

Suggested Readings:

Mulla – Principles of Mohammedan law

MunshiTayyabji – Tayyiji Muslim law

Tahir Mohamed – Muslim law in India

I.L.I., – Islamic law in Modern India

PoonamPradhanSaxena – family Law

Sebastian Chambappilly – Christian law

E.D. Devadasan – Handbook of Christian law

Fyzee AAA – Outlines of Mohammedan Law

C.P. 10 LAW OF CRIMES II

(Including Cyber Crimes)

Subject shall be taught by incorporating the recent developments.

Unit I

False Evidence – Offences against public order, health, morality – public nuisance – spreading of infectious diseases – adulteration of food and drugs- negligent and dangerous driving – Obstructing public ways – keeping dangerous animals – obscenity – Offences relating to religion – Offences relating to weight and measures – disobedience to orders of public servants – Coin and Government Stamps

Unit II

Offences against human body – culpable homicide, murder – hurt – grievous hurt – simple hurt – wrongful restraint – wrongful confinement-assault-kidnapping and abduction – rape – infanticide.

Unit III

Offences against property – theft, extortion – robbery and dacoity – criminal misappropriation – Criminal breach of trust – stolen property – cheating – mischief – criminal trespass – forgery – counterfeiting .

Unit IV

Offences relating to marriage – bigamy – adultery – cruelty by husband – defamation

Unit V

Cyber space – Cyber crime – classification – nature – crime against government, property and person – adjudication – penalty – Liability of network providers – power of police – cybercrimes punishable under various laws

Suggested Readings:

Kenney – Oulines of Criminal Law

Glanville Williams – Text Book on Criminal Law

Cross and Jones – Criminal Law

Smith and Hogan – Criminal Law

Ratanlal and Dhirajlal – Indian Penal Code

Achuthan Pillai – Criminal Law

K. D. Gaur – Indian Penal Code

KNC Pillai – General Principles of Criminal Law

R.C. Nigam – Law of Crimes in India

Yatheendra das – Cyber Law

Ahuja – Cyber Law

C P 11 Administrative Law

Subject shall be taught by incorporating the recent developments.

Unit I

Definition and scope of Administrative Law – Causes for the growth of administrative law-difference between constitutional law and administrative law – Droit Administratif

Conceptual objections against the growth of administrative law: 1. Concept of rule of law 2. Doctrine of separation of powers

Classification of administrative action – administrative instructions

Unit II

Rule making power of Administration – Delegated legislation – Classification of Delegated legislation

Constitutionality Delegated Legislation in India – Retrospective operation of delegated legislation Control mechanism of Delegated Legislation: 1. Parliamentary Control 2. Procedural control 3. Judicial Control

Unit III

Adjudicatory powers of the administration- need for administrative adjudication – problems of administrative decision making – modes of administrative decision making: 1. Statutory tribunals 2. Domestic tribunals.

Procedure of administrative adjudication – principles of natural justice – rule against bias – Audi alterum partem or the rule of fair hearing – post decisional hearing – speaking orders – exceptions to the rule of natural justice-effect of breach of principles of natural justice

Unit IV

Liability of the Administration – contractual liability – tortious liability – Privileges and immunities of the administration

Administrative discretion – abuse of discretion – non – exercise of discretion

Unit V

Judicial Review of administrative action – public law review – private law review – public interest litigation

Citizen and administrative faults – ombudsman – Lokpal – Lokayukta – Central Vigilance Commission (CVC)

Statutory and non-statutory public undertakings – control mechanism

Suggested Readings

Massey I.P. – Administrative Law
Thakwani C.K. – Lectures on Administrative Law
Sathe S.P. – Administrative Law
Upadhyaya 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.

CP 12 LABOUR AND INDUSTRIAL LAWS I

Subject shall be taught by incorporating the recent developments.

Unit I

Significance of Labour Legislations: Historical perspectives on Labour: From laissez faire to welfarism and to globalisation: transition from exploitation to protection and from contract to status: changing perspectives on labour – Industrial Jurisprudence: Labour Policy in India – Industrial Revolution in India – Labour problems and role of trade union – Industrial Peace and Industrial Harmony through collective bargaining – Industrial Relations – Principles of Labour Legislation – Social Justice – Social Security : Constitutional basis for social security-Growth of Labour Legislation in India

Unit II

Trade Unionism: Evolution and Growth of Trade Unions in India – Historical reasons for the formation of unions of workers, legal impediments – Constitutional freedom to form associations and unions – International Labour Organisation- its influence in bringing changes in national legislations – Trade Union: Definition, Registration and Recognition – trade dispute – Legal control and protection of trade union: registration, amalgamation, rights, immunities, liabilities and dissolution – Problems: multiplicity of unions, over politicization, intra-union and inter-union rivalry, outside leadership – recognition of unions- Immunities: Civil and Criminal

Unit III

Industrial Disputes: Aims and Objects of the Industrial Disputes Act-definition of Industry: Conceptual Analysis – Industrial Dispute vs. Individual Dispute: Contract – Concept and definition of Workman – Distinction between contract of service and contract of service: Due control and supervision test, Predominant nature of duty test – Strike & Lock Out: Concepts, Legality and justification – Lay off, Retrenchment and Closure: Analysis of the Concepts and Prerequisites

Unit IV

Regulation of Industrial Relations: Theoretical foundations: social justice, labour welfare, public interest, productivity, industrial peace and development and price control – Unfair labour practices – Methods of

regulation of industrial relations: Workers' participation in Industrial management: Advantages and Disadvantages – Works Committee – Reference of certain industrial disputes to grievance settlements Authorities – Board, Courts, Tribunals – comparison with courts – award and its binding nature – judicial review of awards – Unfair labour practices

Unit V

Standing Orders: Concept and nature of standing orders – Scope and coverage of the Industrial Employment (Standing Orders) Act, 1946 – Certification process: Procedure for certification, Appeals against certification, Condition for certification – Date of operation of standing orders – Binding nature and effect of certified standing orders – Posting of standing orders – Modification and temporary application of model Standing Orders – interpretation and enforcement of Standing Orders – Penalties and procedure

Suggested Readings:

1. O.P. Malhotra – The Law of Industrial Disputes
2. G. B. Pai – Labour Law in India
3. P.L. Malik's – Industrial Law
4. K. Madhavan Pillai – Labour and Industrial Laws
5. R.C. Saxena – Labour Problems and Social Welfare
6. V.V. Giri – Labour Problems in Indian Industry
7. Indian Law Institute – Labour Law and Labour Relations
8. P.L. Malik, Srivastava's – Law Relating to Trade Unions and Unfair Labour Practices in India
9. Report of the National Commission on Labour (1969)
10. Report of the Second National Commission on Labour (2002)

CP 13 Code of Civil Procedure I

(Including Civil Rules of Practice (Section 1 to 35 and order I to XXA))

Unit I

Distinction between Substantive law and Procedural law – Civil and Criminal procedure – Recent trends in Civil Procedure – Significance of Procedural Law for a just Society – History of the Civil Procedure in India – Scheme of the Code of Civil Procedure – Meaning of Suit and essentials of a suit.

Definitions – Decree- Judgement – Order – Decree holder – Judgement debtor – Legal Representative – Mesne Profits – Public Officer

Hierarchy of civil courts – Place of Suing – Jurisdiction of Civil Court – Meaning of Jurisdiction – jurisdiction and consent – lack of jurisdiction and irregular exercise of jurisdiction – decision as to jurisdiction – kinds of jurisdiction – Courts to try all suits of a civil nature unless barred

Unit II

res sub judice and res judicata – General conditions of res judicata – constructive res judicata – res judicata and Estoppel – res judicata between

Co-defendants and Co-plaintiffs

Foreign Judgment – Meaning of Foreign judgment – Conclusiveness of foreign judgment – Its enforcement and executions

Institution of Suit – Parties to suit – joinder, non-joinder and misjoinder of parties – Representative suit – Joinder of causes of action and misjoinder Frame of Suit – inclusion and splitting of claims – multifariousness

Unit III

Summons – Issue and service of Summons to defendants

Pleadings generally – Rules of pleading – signing and verification – Alternative Pleadings – Construction of pleadings – Plaint: particulars, admission, return and rejection – Written statement: particulars, rules of evidence – Set off and Counterclaim: distinction

Unit IV

Discovery, inspection and production of documents – Interrogatories -privileged documents – Affidavits

Appearance of Parties and Consequences of non-appearance – Dismissal of suit for default – Ex parte proceedings – Setting aside ex-parte decree – Recognized agents and Pleaders

Trial-summoning and attendance of witnesses – Adjournments – Hearing of suit – framing of issues – kinds of issues -importance of issues

Disposal of suit -judgement and decree – interest – costs

Unit V

Civil Rules of Practice in Kerala – presentation of documents in court – posting of cases – adjournments – interlocutory proceedings – affidavits trial of suits

Suggested Readings:

Takwani C. K. – Civil Procedure

Mulla – Code of Civil Procedure

Sarkar's – Law of Civil Procedure

C P-14 Law Criminal Procedure I

(Including Juvenile Justice and Probation of Offenders Act)

Subject shall be taught by incorporating the recent developments.

Unit I

Preliminary – Constitution of Criminal Court – Powers – executive magistrates- prosecutors – defense counsel – prison authorities – classification of offences – initiation of criminal proceedings – accused's presence at the trial – arrest – rights of arrested persons

Unit II

Process to compel appearance – summons – warrants – proclamation – process to compel production of documents – procurement of evidence – search -seizure -investigation – FIR – final report

Unit III

Jurisdiction of the Court – inquiry – trial – commencement of proceedings- Plea bargaining – attendance of persons detained in custody – limitation for taking cognizance

Unit IV

Security for keeping peace – good behaviour – Maintenance of Public Order and Tranquillity – Preventive Action of the Police – Information to the Police and their power to Investigate – order for maintenance to wives, children and parents

Jurisdiction of the Criminal Courts in inquiries and Trials – Condition requisite for Initiation

Unit V

Juvenile Justice Act-causes of Juvenile delinquency – neglected juveniles- delinquent juveniles authorities and institutions for Juveniles – Prevention and treatment of juvenile delinquency. Recent developments.

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

Ratanlal and Dhirajlal – The Code of Criminal Procedure

R.V. Kelkar – Outlines of Criminal Procedure

Sohani – Code of Criminal Procedure

R.V. Sathi – Probation of Offenders Act 1958

Sheldon and Glueck – Unravelling Juvenile Delinquency

Vijay Hansaria – Juvenile Justice System

vedkumari – Juvenile justice system India

CP 15 Environmental Law

Subject shall be taught by incorporating the recent developments.

Unit I

The Concept of Environment – Meaning and Definition of Environment- Ecology – Ecosystems – Biosphere – Biomes – Ozone Depletion -Global Warming – Climatic Change -Need for Preservation and conservation of Environment – Ancient Indian Approaches to Environment – Environmental Degradation and Pollution – Kinds, Causes and effects of Pollution – Development and environment – the conflict of interest

Unit II

Remedies – Common Law Principles – Riparian Right – Torts – Trespass – Negligence – Strict Liability – Relevant Provisions of IPC, Cr P.C and CPC – Public Nuisance – Remedies under Specific Relief Act – Reliefs against smoke and Noise

Constitution and Environment - Right to Environment – Role of Judiciary on Protection of Environment – Propounding of new principles – Strict & Absolute Liability – Sustainable Development – Polluter pays-Precautionary – Public Trust

Unit III

Legislative Measures for Prevention Control and Abatement of Pollution- Pollution Control Boards – Authority of the Central Government under Environment Protection Act and Rules – Eco-mark – Environment Impact Assessment – Laws on Protection of Forest and Wildlife – Protection of Biodiversity – National Green Tribunal's Act – Land Conservation – issues relating to construction and mining

Unit IV

Recent Developments – Public Participation in Environmental Decision Making – Environment Information – Public Hearing – Public Interest Litigation – Corporate Liability to protect Environment

Unit V

International Efforts for Environment Protection – Major Conventions, Declarations and other International Measures

(The course shall include a study of the relevant provisions of the Constitution of India, the Environment Protection Act including the Environment Protection Rules, the Water Act the Air Act, the Wildlife Protection Act, the Indian Forest Act, the Forest Conservation Act, the National Green Tribunal Act and the relevant provisions of Code of Criminal Procedure and The Indian Penal Code)

Suggested Readings :

VikasVashishth – Law and practice of Environmental Laws in India

P. Leelakrishnan – Environmental Law in India

N. S. Kamboj – Control of Noise of Pollution

ParasDiwan – Studies on Enviromental Cases

S. N. Jain – Pollution Control and the Law

Armin Rosencranz – Environmental Law and its Policy in India

CP 16 Code of Civil Procedure II

(Including Limitation Act)

Subject shall be taught by incorporating the recent developments.

Unit I

Suits in Particular Cases – By or against government – By or against corporations, trustees, executors, administrators – By or against minors and lunatics – By aliens and by or against foreign rulers or ambassadors – Public nuisance – Suits by or against firm – Suits in forma pauperis – Mortgages – Interpleader suits – Suits relating to public charities – Summary procedure – Supplemental proceedings

Unit II

Interim Orders – commissions – arrest before judgement – attachment before judgement temporary – injunctions – interlocutory orders – Receiver

Withdrawal and compromise of suits

Death, marriage and insolvency of parties

Unit III

Execution – the concept – general principles – power for execution of decrees – who may apply for execution and against whom execution may be sought- definition of court which passed a decree-transfer of decree for execution – Precept – execution, against transferees and legal representatives- Different modes of execution – arrest and detention – attachment – sale – delivery of property – stay of execution – payment under decree

Unit IV

Appeals – nature of the right of appeal – appeals from original decrees – Appeals from Appellate Decrees – Appeals from Orders – Appeals to the Supreme Court – Procedure of Appeals and Powers of Appellate Court – Reference – Review – Revision

Transfer of cases – Restitution – caveat- Inherent powers of the Court

Unit V

Law of Limitation – the concept the law assists the vigilant and not those who sleep over the rights – Object – Distinction with laches, acquiescence, prescription – bar of limitation – continuous running of time- Sufficient cause for not filling the proceedings – Illness – Mistaken legal advice- Mistaken view of law – Poverty – minority – Imprisonment – Legal disability- computation of period of limitation – effect of acknowledgement – essential requisites of acknowledgement – Continuing tort and continuing breach of contract – acquisition of ownership by possession – extinguishment of right to property

Suggested Readings:

Takwani. C.K. – Civil Procedure

Mulla – Code of Civil Procedure

Sarkar's – Law of civil procedure

M.R. Mallick (ed.) – B.B. Mitra on Limitation Act

CP 17 Property Law

(Including Transfer of Property Act and Easement Act)

Subject shall be taught by incorporating the recent developments.

Unit I

Concept of property – different kinds of property – movable and immovable property – notice – attestation – transfer of property – properties which cannot be transferred – operation of transfer Rule against inalienability – rule against repugnant conditions – transfer to unborn persons -rule against perpetuity – rule against accumulation – Conditional transfers – conditions precedent and subsequent – vested and contingent interest – doctrine of election

Unit II

Rules of apportionment – negative covenants – rule in Tulk v. Moxhay- transfer by ostensible owner – Rule of priority – co-ownership – improvement by bonafide holder – fraudulent transfer – doctrines of lis pendens and part performance

Unit III

Mortgage – various kinds of mortgages – charge – floating charge

Unit IV

Sale and exchange – sale and agreement to sell – rights and liabilities of seller and buyer

Lease – Rights and liabilities of lessor and lessee – gift – conditions for valid gifts – actionable claim

Unit V

Easement – Definition – classification -characteristic features – modes of acquisition – prescriptions – extinction and license – quasi-easement – easement of necessity

Suggested readings:

Mulla, D.F. – Transfer of Property Act

G.C. Mathur, Amin and Sastry's – Law of Easements

VenkatasubbaRao – Commentaries on the Transfer of Property Act

CP 18 Labour and Industrial Laws II

Subject shall be taught by incorporating the recent developments.

Unit I

Law Relating To Wages and Bonus: Theories of wages: marginal productivity, subsistence, wage fund, supply and demand, residual claimant, standard of living – Concepts of wages: minimum wage, fair wage, living wage, need-based minimum wage – Constitutional provisions – Minimum Wages Act, 1948: Objectives and constitutional validity of the Act – procedure for fixation and revision of minimum rates of wages – Payment of Wages Act, 1936: Regulation of payment of wages – Authorized Deductions – payment of Bonus Act: Bonus – Its historical background, present position and exemptions

Unit II

Social Security Against Employment Injury and Other Contingencies: Concept and development of social security measures – Employers liability to pay compensation for employment injury – Employees' Compensation Act, 1923 – Concept of 'accident arising out of' and 'in the course of the employment' – Doctrine of notional extension and doctrine of added peril – Total and partial disablement – Quantum and method of distribution of compensation – Employees State Insurance Act, 1948 – Benefits provided under the Act – Employees State Insurance Fund and Contributions – Machinery for the implementation of the Act – ESI Court and appeal to High Court.

Unit III

Law Relating to Retirement Benefits: Employees Provident Fund and Miscellaneous Provisions Act, 1952 – Family Pension Scheme 1971 and Employees Pension Scheme 1995 – The changing rules regarding Employees Provident Fund and Pension Schemes – Payment of Gratuity Act, 1972 – Concept of gratuity – Eligibility for payment of gratuity – Determination of gratuity – Forfeiture of gratuity

Unit IV

Law Relating to Labour Welfare: Philosophy of Labour Welfare – Historical Development of Labour Welfare Legislations – Health, Safety and Welfare measures under the Factories Act, 1948 -Welfare of Women and Child – Protective provisions under Equal Remuneration Act – Protective Provisions under the Maternity Benefits Act – Contract Labour: Problems of contract labour – Process of contractualisation of labour – Contract Labour (Regulation and Abolition) Act, 1970 – Controversy regarding Abolition of Contract Labour – Land mark cases

Unit V

Law Relating To Workers of Unorganized Sector: Problem of Definition and Identification – Unorganized Sector Workers' Social Security Act, 2008 – Weaker Sections of Labour – beedi workers, domestic workers, construction workers, inter-state migrant workmen – Legal Protection: Bonded Labour System (Abolition) Act, 1976; Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 – Child Labour (Prohibition And Regulation) Act, 1986: Aims and Objects of the Act – Definition of

Child labour – Prohibition of work by Children in certain Occupations and processes – Regulation of conditions of work by children

Suggested Readings :

G. B. Pai – Labour Law in India

P. L. Malik's – Industrial Law

R. C. Saxena – Labour Problems and Social Welfare

V. V .Giri – Labour Problems in Indian Industry

Indian Law Institute – Labour Law and Labour Relations

P. L. Malik, Srivastava's – Law Relating to Trade Unions and Unfair Labour Practices in India

Dr. V. G. Goswami – Labour and Industrial Law, Central Law Agency, Allahabad

S.N. Mishra – Labour and Industrial Law, Central Law Agency, Allahabad

Khan and Khan – Labour Law, Asia Law House Hyderabad

Reports of the National Commission on Labour

CP 19 Law of Criminal Procedure II

(including Criminal rules of Practice)

Unit I

Complaints of Magistrates -- Commencement of proceedings before Magistrates – Charge and Joinder of Charges

Unit II

Common features of trial – fair trial – inquiry and trial – Mode of taking and recording of evidence in Inquiries and Trials – Commission – Trial of summons case, warrant case – Summary trial – disposal without full trial – bar to trial

Unit III

Compounding and non compounding of offences – Trial of accused persons of unsound mind – Provisions as to offences affecting the Administration of Justice – Bail – anticipatory bail – disposal of property – irregular proceedings

Unit IV

Transfer of cases – Judgement – death sentence confirmation – appeal -revision – reference – execution – commutation of sentence

Unit V

The Criminal Rules of Practice in Kerala – Summons – Absconding Accused – Presentation of Pleadings, Reports, Documents – Remands – Affidavits – Preliminary Inquiries and Trial

Suggested Readings:

Ratan Lal & Dhira Lal – Code of Criminal Procedure

R. V. Kelkar – Outlines of Criminal Procedure

Sohoni – Code of Criminal Procedure

Chakravarty – Juvenile Justice Act

CP 20 Company Law

Subject shall be taught by incorporating the recent developments

Unit I

Meaning and nature of company with emphasis on its advantages and disadvantages over other forms of business organizations – Different kinds of company including One Person Company and Foreign Company

Promotion of Companies – Promoters: Position, duties and liabilities – Pre-incorporation Contracts Process of Incorporation – legal and procedural requirements

Constitutional documents of a company – Memorandum of Association: meaning, purpose, form, contents, alterations and the doctrine of ultra-vires- Articles of Association: meaning, purpose, form, contents, binding nature, alterations and the doctrines of Indoor management and constructive notice- relation between memorandum and Articles

Consequences of incorporation – uses and abuses of the corporate form-lifting of corporate veil Theories of corporate personality

Unit II

Different modes of corporate financing

Equity Finance:-share and share capital – meaning, nature and kinds – various rights and duties attached to these shares – pre-emptive rights and variation of class rights – prospectus: Issue, contents, kinds and liability for misstatements – statement in lieu of prospectus – information disclosure- issue and allotment of shares – shares without monetary consideration, Non-opting equity shares – share transfer, surrender, forfeiture and transmission of shares – share certificate – share warrant dividends – membership in company – its acquisition and termination – member and shareholder

Debt Finance: borrowing powers – debenture: nature, issue and kinds – creation of charges – fixed and floating charges- mortgages – convertible debentures – inter-corporate Loans and investments

Doctrine of capital maintenance – control over corporate spending – role of Court in protecting the interests of creditors and shareholders

Unit III

Company and its various organs including divisions of powers between Board of Directors and Company in General Meeting

Company meetings and Resolutions: kinds of Meetings – essential conditions of a valid Meeting – Procedure for calling Company Meetings – Resolutions: kinds and procedures-voting: emerging trends – E – Governance

Directors and other managerial personnel – position, qualifications, disqualifications, appointment, removal, powers, duties and Liabilities – remuneration – company secretary

Appointment of auditor – powers, rights and liabilities of auditor

Corporate abuses and remedies – the balance of powers within companies – majority control and minority protection – prevention of oppression and mismanagement – powers of court and Central Government

Unit IV

Emerging trends in corporate social responsibility – corporate criminal liability and corporate environmental liability

Corporate re-structuring – compromises, arrangements, mergers, acquisitions – reconstruction and amalgamation

Winding up of Company – meaning and types – grounds for compulsory winding up – appointment, powers and duties of liquidator – contributories – consequences of winding up

Unit V

Role of Registrar of Companies, Regional Director, National Financial Reporting Authority, Serious Fraud Investigation Office, SEBI, RBI,

National Company Law Tribunal, National Company Law Appellate Tribunal, Special Courts, High Court and the Supreme Court in overseeing and regulating the affairs of companies in India

Suggested Readings:

Clive M. Schmitthoff – Palmer's Company Law

L.C.B. Gower – Principles of Modern Company Law

Farrar's – Company Law

John Birds et al – Boyle & Birds' Company Law

A. Ramaiya – Guide to Companies Act

G. K. Kapoor (Dr.) & Sanjay Dhanija – Taxmann's Company Law and Practice

AvtarSingh (Dr.) – Company Law

CP-21 Law of Evidence

Subject shall be taught by incorporating the recent development.

Unit I

Nature and Purpose of Law of Evidence – Real Evidence – Circumstantial Evidence- Direct -Indirect – Fact – Fact in issue – Proof – Relevance – Admissibility – Golden Rule of Evidence

Unit II

Facts -Facts to Prove Conspiracy

Admissible Evidence – Res Gestae – Occasion – Motive – Preparation – Explanatory facts – Similar Facts – Accidental – Intentional Acts – Admission – Confession – Confession to Police.

Unit III

Statements of persons who cannot be called as witnesses – Dying Declaration – Statement under Special Circumstances- Evidentiary Value of Judgements – Opinion Evidence – Digital Evidence – Character in Civil and Criminal Cases

Unit IV

Proof – Proved – Disproved – Not Proved – Facts Need Not be Proved – Methods of Proof – Oral and Documentary Evidence – Presumption as to Documents – Exclusion of Oral Evidence – Ambiguity

Unit V

Burden Of Proof – Presumption – Estoppel – Privileged Communications – Witnesses –Accomplice Evidence – Examination of Witnesses – Judges Power to Ask Question

Suggested Read ings:

Ratanlal – The Law of Evidence

WoodroffeAmeer Ali – The Law of Evidence

Sarkar – Law of Evidence

Basu – The Law of Evidence

Avtar Singh – Law of Evidence

Vepa P Sarathi – Law of Evidence

CP 22 Law of District Taxation

Subject shall be taught by incorporating the recent developments.

Unit I

Definition and basis concepts, original and development of taxation, canons of taxation – Adam Smith, Various forms of revenue generation- tax, cess, fee, toll, excise, duties, customs – Methods of taxation-proportional, progressive, Tax avoidance, evasion, planning, management

Constitutional Provisions – federal polity and taxation issues, budget, finance Act, money bill, limits on taxing powers – Legislative entries – interstate sale – sale or purchase in the course of export or import

Unit II

Taxes on Income – residential status – scope of total income – exempted income – basis of charge – heads of income -Salaries – Income From House Property – Profits And Gains Of Business Or Profession – Capital Gains Income From Other Sources

Unit III

Clubbing of income – set off and carry forward of losses – Liability Special cases

Unit IV

Authorities of Income Tax – filling of returns and assessment – provisions for appeal – review – settlement of cases – collection – recovery – refund – penalties, offences and prosecution – provisions relating to search and seizure

Unit V

Wealth Tax – Charge, Computation, Inclusions and exclusions – Powers of Authorities, Assessment and Penalties – Appeals, Revision – settlement of cases

Suggested Readings:

Dr. Kailash Rai, – Taxation Laws

Kanga Palkhivala – The Law and Practice of Income Tax (introduction only)

Sugathan, – Law of Sales Tax in Kerala (Introduction only)

Sampathyengar – Income Tax Law (Introduction only)

D. D. Basu – Shorter Constitution of India

V. N. Shukla – Constitution of India

Sreenivasan – Principles of taxation

Gopalakrishnan – Law of taxation

CP 23 Law of Indirect Taxation

Subject shall be taught by incorporating the recent developments.

Unit I

Types of taxes – direct and indirect – merits and demerits – History, types and methods of indirect taxation – Policies of indirect taxation constitutional provisions relating to indirect taxation – relevant Taxation Enquiry Committee Reports

Unit II

Central excise Act 1944 – Definitions – Concept of manufacture, deemed manufacture, Basic concepts of levy and collection, valuation of goods, penalties

Unit III

Customs Act – custom port, airports, warehouse, prohibition on import/exports/illegal exports, Fixation of duty, Powers of authority, search, seizure, arrest, confiscation, penalties, presumption as to documents, transport by sea

Unit IV

Value Added Tax-History – General Principles – Special Reference to Kerala Value Added Tax – Sale, Dealer, Registration, Levy, Returns, Assessment, Powers of Authorities, Penalties

Unit V

Goods and Services Tax – Constitutional basis for GST – Justification for GST – Central GST, State GST, IGST Model – merits and demerits of the new system

Suggested Readings:

Dr. Kailash Rai – Taxation – Laws

Malhotra and Goyal – Direct Taxes Law and Practice (Wealth Tax Part only)

Singhania V. K. – Direct Taxes Law and Practice

R. B. Sethe – Central Excise Act and Rules

Dr. Hemalatha Rao – Value Added Tax (Design and Policy Issues)

Chandrakanth. T. Shah and – VAT Simplified, Explained & Illustrated Pradeep

CP 24 PUBLIC INTERNATIONAL LAW

Subject shall be taught by incorporating the recent developments.

Unit I

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

Unit II

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

Unit III

The law of treaties – conclusion of treaties-reservations-entry in to force- deposit and registration – invalidity of treaties-invalidity-termination and suspension-application and effects of treaties – amendments and modifications-interpretations of treaties

Unit IV

International organization – Legal personality-Performances of acts in the Law – The U.N. General Assembly – Security Council-U.N.-Peace enforcement and peace keeping – Economic and Social Council – International Court of Justice -- Organization of Courts – Jurisdiction

Unit V

Law of the Sea – Territorial Sea – Contiguous Zone – Continental Shelf – Exclusive Economic Zone – emerging issues

Suggested Readings:

Starke – International Law

Brownlie – International Law

Oppenheim – International Law

S. K. Kapur – Public International Law

M.P. Tandon – Public International Law

OP 01 LEGAL LANGUAGE AND LEGAL WRITING

The object of the paper is to give general awareness of basic concepts relating to law learning and to inculcate in students language skills.

Unit I

Law – Definition – Relevance – significance of Language in learning law

Nature of disputes – Hierarchy of courts (civil & criminal) – Jurisdiction – Tribunals

Unit II

Sources of Law – Legislation – Subordinate and delegated – Precedent – stare decisis – Ratio decidendi – obiter dictum – custom – conventional – secondary source of law

Unit III

Plaint, written statement, affidavit, interlocutory Application – Appeal, Revision, Bail, Memorandum and Articles of Association – Deeds – Conveyancing – General use of legal terms and idioms – words and phrases

Unit IV

Use of Law Library – case reading – comment – abbreviation – law journals- numbering of cases in courts – legal maxims and its usage – Important

Maxims – 1. Caveat emptor – 2. Actus non – facit reum nisi mens sit rea – 3. Nemo dat quod non habet – 4. Autrefois acquit – 5. Autrefois convict – 6. Causa Proxima, non remota spectata – 7. Damnum sine injuria – 8. Delegatus non potest delegare – 9. De minimis non curat lex – 10. Ex nudo pacto non oritur actio – 11. In turpica causa non oritur actio – 12. Fiat justitia ruat coelum – 13. Falsus in uno falsus in omnibus – 14. Generalia specialibus non derogant – 15. Ignorantia juris nominum excusat – 16. Necessitas non habet legem – 17. Novus actus interveniens – 18. Qui facit per alium facit per se – 19. Quid pro quo – 20. Ubi jus ibi remedium – 21. Audi alteram partem – 22. Nemo iudex in causa sua – 23. Rebus sic stantibus – 24. Res ipsa loquitur – 25. Spes successionis – 26. Ut res magis valeat quam pereat – 27. Expressio unius est exclusio alterius – 28. Obiter dicta – 29. Populi est Suprema lex – 30. Volenti non fit injuria – 31. Ultra vires – 32. Ratio decidendi – 33. Lis pendens – 34. Injuria Sine Damnum

Unit V

Comprehension skills – complaint and petition drafting – to quasi-judicial authorities and public authorities

Suggested Readings :

Glanville Williams – Language and the Law (19) 61 L.Q.R. 71, 179, 293, 384

U.C. Thornton – Legislative Drafting, Butterworth, London Chapters 1-5

James A. Holland – Learning Legal Rules Universal Book Traders Delhi, and Chapter 426

Julian S. Webb

Arthur T. Vanderbilt – Studying Law New York University Press, Washington, Chapters 6, 8

Glanville Williams – Learning the Law, Chapters 4,5,6,12

Peter Goodrich – Languages of Law

Black's Law Dictionary

Dictionary of Legal Terms and Expressions

OP 02 LOCAL SELF GOVERNMENT INCLUDING PANCHAYAT ADMINISTRATION

Unit I

Local Government: Evolution, Meaning, Features and Significance – village panchayats in ancient India – Gandhiji's idea of village panchayats – various committee reports

Unit II

Urban Local Bodies: Municipal Corporation, Municipal Council and Municipal Committees – their Meaning Features, Role and Significance.

Unit III

Panchayat raj institutions – The nature and scope of Article 40 – 73rd and 74th Constitution Amendment Act

Unit IV

Panchayat raj institutions – Composition, Functions, Sources of Income of Gram Panchayats, Panchayat Samiti and Zila Parishads, District Planning Committee:

Unit V

Statutory Authorities under local government system – State Finance Commission, State Election Commission – governmental and judicial control over panchayat raj institutions – Tribunals - ombudsman – audit

Suggested Readings:

Radhakumud Mukherjee – Local government in ancient India

Avasthi A. (Ed.) 1972 – Municipal Administration in India; Lakshmi Narayan Agarwal

Bhattacharya, B., 1979 – Urban Development in India

Gandhi, M. K. 1959 – Panchayati Raj, Navjeevan

Jain, S. P. (ed.) 1995 – Panchayat Raj Institutions in India: An Appraisal.

Venkataramaiah – Local Government in India

Puri, K. K. 1985 – Local Government in India, Bharat Prakashan, Jalandhar

Puri, V. K. 2005 – Local Government and Administration

Singh Sahab and Singh Swinder – Public Administration, Development and Local Administration

OP 03 HUMAN RIGHTS LAW AND PRACTICE

Unit I

Foundational Aspects – Meaning and Concept of Human Rights – Notion and Classification of Rights: Natural, Moral and Legal Rights, Three Generations of Human Rights (Civil and Political Rights; Economic, Social and Cultural Rights; Collective Solidarity Rights) Theoretical Dimensions – Basis and Sources of Human Rights –

Theories of Human Rights – Relevance of ratification by states-Impact of ratifying with reservation – Meaning of Legal Instrument – Binding Nature – Types of Instruments: Convention –Covenant – Charter – Declaration – Treaty – Optional Protocols

Unit II

Evolution of the Concept of Human Rights – Journey from Magna Carta to the Universal Declaration of Human Rights (Magna carta; The United States Declaration of Independence; The French Declaration of the Rights of Man and the Citizen; United States Bill of Rights; Geneva convention of 1864; Provision of Charter of UN; Universal Declaration of Human Rights, 1948.) -International Bill of Rights (Significance of Universal Declaration of Human Rights, International Covenant on Civil and Political Right and optional Protocols; and the International Covenant on Economic, Social and Cultural Rights)- Right to Development

Unit III

The Convention on the Prevention and Punishment of the Crime of Genocide -UN Convention Against Torture, Cruel and Degrading Treatment and Punishment – UN Declaration and Duties and Responsibilities of Individuals 1977- UN agencies to monitor compliance with Human Rights and mechanisms for enforcement – Meaning and Concept of Human Rights Education – Transformation of human rights framework from international to national level with special reference to India – Role of Indian judiciary, Human Rights Commissions – Role of advocacy groups – NGOs, Mass media

Unit IV

Meaning and Concept of Vulnerable and disadvantaged Human Rights Of Socially Excluded (Brief Idea may be given about each)- Human Rights of Children with special emphasis to Convention on the Rights of the Child 1989-Human Rights of Indigenous People with special reference to Declaration on the Rights of Indigenous People to – Human Right of Disabled with special focus on UN Convention of Persons with Disabilities – United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Unit V

Women – Convention on the Nationality of married Women – Convention on Minimum Age, Consent and Registration of Marriage-Importance of Four World Conferences for Women Convention on the Elimination of All Forms Of Discrimination Against Women-Role of Commission on the Status of Women-UN Women, UN Initiatives To Protect Oider People, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 Convention relating to the Status of Refugees, 1954 – Brief introduction to International Humanitarian Law

Suggested Readings:

H. O. Agarwal – Human Rights

Dr. S. K. Kapoor – Human Rights under International Law and Indian Law

JanuszSymonides – Human Rights: Concepts and StandardsText of UN Conventions and Declarations

AmartyaSen – The Idea Justice

ConorGearty and adam Tomkins (eds) – Understanding Human Rights

David Beethsm – Politics and Human Rights

Michael Freeman – Human Rights: An InterdisciplinaryApproach

OP 04 INTELLECTUAL PROPERTY LAWS

Unit I

Concept of Property – Corporeal and non-corporeal property – tangible and intangible Property – meaning of intellectual property – concept of protection of main forms of intellectual property – international convention – world intellectual property rights organisation

Unit II

Copyrights (Indian Copyright Act, 1957): Introduction to Copyright Law – Brief Introduction to related International Treaties and Conventions – Subject Matter of Copyright, Economic and Moral Rights – Authorship and Ownership, Term of Copyright and Assignment – Licensing – Infringement and Remedies -Exceptions: Fair Dealing – International Copyright Order – Issues in Digital Copyrights

Unit III

Trademarks (The Trademarks Act, 1999) – Introduction to Trademark Law- Brief Introduction to related International Treaties and Conventions – Definitions, Registration of Trademarks, Procedure, Grounds of Refusal and Well Known Trademarks – Passing Off, Infringement and Exceptions to Infringement Action, Remedies – Assignment and Licensing – Intellectual Property Appellate Board – Conflicts of Trademarks with Domain Name -- Unconventional Trademarks

Unit IV

Patent (The Patents Act, 1970 – Introduction to patent Law – Brief Introduction to related International Treaties and Conventions – Definitions, Criteria for Patents, Patentable Inventions – Non-Patentable Inventions – Procedure for Filing Patent Application – Revocation of Patent, Licensing, Compulsory Licensing – Parallel Import – Rights of Patentee, Patent Infringement and Defences

Unit V

Industrial Design (The Designs Act, 2000) – Introduction to Designs Law – Brief Introduction to related International Treaties and Conventions – Definitions, Registration of Designs and Procedure -Cancellation of Registration of Designs – Piracy of Registered Design and Remedies – Overlapping Between Designs Copyrights and Trademark – Geographical indication – traditional knowledge and trade secret

Suggested Readings:

N. S. Gopalakrishnan & T. G. Ajitha – Principles of Intellectual Property

B. L. Wadhwa – Law Relating to Intellectual Property

S. Narayan – Intellectual Property Law in India

A. K. Bansal – Law of Trademark in India

V. K. Ahuja – Law Relating to Intellectual Property Law

Elizabeth Verkey – Law of Patents

Jayashree Watal – Intellectual Property Rights in the WTO and Developing Countries

P. Narayanan – Law of Trademarks (The Trademarks Act 1999) and Passing Off

W. R. Cornish – Intellectual Property: Patents, Copyright, Trademark and Allied Rights

C. S. Lal – Intellectual Property Handbook: Copyright, Designs, Patents and Trademarks

OP 05 Banking Laws

(Including Negotiable Instruments Act)

Unit I

Indian Banking System and Reserve Bank – Indian Banking System – Evolution – social responsibility – Different Types of banking and their functions – Commercial Banks – Public sector and Private Sector Banks – Regional Rural Banks – Co-Operative Banking System – HUDCO – National Bank for Agriculture and Rural Development (NABARD)- Small Industries Development Bank of India (SIDBI) – Export import Bank of India (EXIM Bank) –

Islamic Banking – ICICI – IDBI – Scheduled Banks – Nationalization of Banks – International Banking -concepts, merits and demerits – RBI as a central bank – Functions of RBI – New Bank Licensing Policy, 2013 –Cash Reserve Ratio — Statutory Liquidity Ratio (SLR)

Unit II

Banker – Customer Relationship –Meaning of a Banking Company – Meaning of customer – Relationship between banker and customer – Rights and Obligations of a Banker and customer – Opening of account – Pass Book and Statement of Account – Special types of customers – precautions- Minor, joint account holders, company, firm, administrator, trustee, power of attorney. – Various Deposit Scheme – ‘Know Your Customer’ (KYC) Guidelines of the RBI – Closing of a Bank Account – Insurance of Bank Deposits –Salient Features of Deposit insurance – Nomination – Settlement of Claims – Banking ombudsman.

Unit III

Law relating to Negotiable Instruments–Introduction–Negotiation–legal aspects of Promissory note, Bill of Exchange, cheque, travellers’ cheque–

Differences between them–Liabilities and rights of parties to the negotiable Instruments–Crossing of a Cheque–Different types of crossing–Endorsement–different kinds of endorsements–Paying Banker–Obligations and Protection to Paying Banker–Collecting banker–Obligation and protection–Dishonour of cheque–remedies–Bill of exchange–noting and protest–Material alteration of negotiable instruments.

Unit IV

Loans Securities and Recovery – Principles of Lending – overdraft – System of loans – Credit worthiness of Borrowers – Precautions – Personal Loans – Consumer Loans – Secured advances – Kinds of securities – Guidelines of RBI against risk – Debt recovery – Principles and procedure- Debt Recovery Tribunals – Recovery under Securitisation Act –Letters of Credit and its advantages – Types of letter of credit – Rights and responsibility of respective parties

Unit V

Electronic Banking and Information Technology in Banks–Reforms in banking–Automated Teller Machines (ATMs)–Internet Banking– tele banking– Core Banking–mobile banking–Electronic clearing system–National electronic fund transfer–Real time gross settlement–Smart card–credit card–debit cards International cards–Regulatory measures–Bank Fraud–concepts and dimensions– prevention and detection –remedial measures and punishment–Risk management– Credit and liquidity risk management–Basel III-important aspects – Globalization and its effects in banking sector.

Suggested Readings

M.L. Tannan, revised by Datta & – Banking Law and Practice

S.K. Kataria Paget – Law of Banking

L. C. Goyle, – Law of Banking and Bankers

P. N. Varshney, Sultan Chand & Sons – Banking Law and Practice

Avtarsingh – Banking and Negotiable Instruments

A. B. Srivastava – Seth’s Banking Law

R. K. Gupta – Banking Law and Practice in 3 Vols.

Prof. Clifford Gomez – Banking and Finance- Theory, Law and Practice

J. M. Holders – The Law and Practice of Banking

M. S. Parthasarathy (Ed.), – Khergamwala on the Negotiable Instruments Act

S. N. Gupta, – The Banking Law in Theory and Practice

G. S. N. Tripathi (Ed.) – Sethi's Commentaries of Banking Regulation Act 1949 and Allied Banking Laws

Mukherjee. T.K., – Banking Law and Practice

Information Technology Act, 2000

OP 6 LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM

Unit I

Indian Systems of Law and relation in real property – concept of property and Constitutional Provisions – Article 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

Unit II

Land Acquisition – Public Purpose – Compensation and Remedies – modern Economic Development and Importance of Real Property – Land Conservation – Land Utilisation

Unit III

Protection of Tribal Land, Forest Land, Wet Land etc

Unit IV

Land Reforms Legislation – fixation of tenure, resumption, restoration – nature of tenant's rights – purchase of landlord's right by cultivate tenant – prohibition for future tenancies – Kudikidappu rights and liabilities – Restrictions on ownership and possession for land in excess of ceiling areas – rural and urban utilization and land development – conservation of Government Lands

Unit V

Element of environment and land laws – Protection of tribal land – forest land – wetlands – agricultural land – lands of ecological significance – rural and urban land utilisation and land development

Suggested Statutes :

Land Reforms Act, 1963

Land Acquisition Act, 2003

Urban Land (Ceiling and Regulation) Act, 1976

Land Conservancy Act, 1957

The Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999

The Kerala Conservation of Paddy Land and Wetland act, 2008

The Kerala Land Utilisation Order, 1967

The Kerala Land Development Act, 1964

The Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001

Suggested Readings:

Sugathan – Land Laws of Kerala

Sri. George Johnson and Dominic Johnson – Laws of Land in Kerala

Dr. N. Maheswara Swami – Land laws under the Constitution of India

A. Gangadharan – Law of Land Reforms in Kerala

D. K. Basu – Constitution of India

OP 07 INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Unit I

Introduction: Interpretation – Meaning, Objects and Scope of – Difference between interpretation and construction – Statutes – Nature and Kinds – Commencement, operation and repeal of statutes – Purpose of interpretation of statutes – Basic Sources of Statutory Interpretation – The General Clauses Act, 1897, Nature, Scope and Relevance (Ss, 6 – 8) – Aids to Interpretation: Internal aids and External Aids.

Unit II

Rules of Statutory Interpretation and Presumptions in statutory interpretation: Primary Rules – Literal rule. Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction – Secondary Rules: Noscitur a sociis, Ejusdemgeneris, Reddendosingulasungulits – Presumptions: 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 obligation or permitting advantage from one's own wrong, Prospective operation of statutes.

Interpretation with reference to the subject matter and purposes: Restrictive and beneficial construction, Interpretation of – Taxing statutes, Penal statutes, Welfare legislations, substantive and procedural statutes, directory and mandatory provisions, enabling statutes, codifying and consolidating statutes, statutes conferring rights, statutes conferring powers, Statutes affecting the state, Statutes affecting the jurisdiction of courts

Unit III

Maxims of Statutory Interpretation: Maxims -Delegatus non potestdelegare, Expressiouniusexclusioalterius, Generaliaspecialibus non derogant, In pari delicto potioresconditiopossidentis, Ut res magisvoleat quam pereat, Expressumfacitcessaretacitum, In bonampartem

Unit IV

Interpretation of the Constitution: Rule of Harmonious construction, Doctrine of pith and substance, Colourable legislation, Ancillary powers, Occupied field, Residuary power, Doctrine of repugnancy

Unit V

Principles of Legislation: Law-making – the legislature, executive and the judiciary – 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

Suggested Readings:

P. St. J. Langan – Maxwell on the Interpretation of Statues

Vepa P. Sarathi – Interpretation of Statutes

G. P. Singh – Principles of Statutory Interpretation

Bentham – Theory of Legislation

Bakshi – Legislation

Brown – Underlying Principles of Modern Legislations

Dr.NirmalKhanthiChakravarthi – Principles of Legislation and Legislative Drafting

S. G. G. Edgar -- Crises on Statutes Law

Swarup Jagdish – Legislation and Interpretation

K. Shanmukharn – N. S. Bindra's Interpretation of Statutes

M. P. Jain – Constitutional Law of India

M. P. Singh, (Ed.) – V. N. Shukla Constitution of India

U. Baxi – Introduction to Justice K.K. Mathews, Democracy Equality and Freedom

P.K. Tripathi – Spotlight on Constitutional Interpretation

M. P. Tandon – Interpretation of Statutes

OP 08 GENDER JUSTICE AND FEMINIST JURISPRUDENCE

Unit I

Women empowerment as a social change – Role of law in empowering women – Feminism and Feminist Jurisprudence -- Emergence of feminism and feminist jurisprudence – Different theories of feminism and feminist jurisprudence – Distinction between "sex" (nature) and "gender" (culture) – Concept of gender justice – Gender Discrimination – Gender Equality

Unit II

Gender Justice under the Constitution of India – Social justice and gender justice – interrelationship – Article 14, 15 and 16, Article 21 & 23, Directive Principles of State Policy and fundamental duties – Reservation under 73rd & 74th Constitutional amendment – Judicial approaches to equality – Formal and Substantive equality – Sameness, Correctionist and Protectionist approaches of Judiciary – Role of Human Rights Commissions, Women's Commissions and judiciary in ensuring Gender Justice

Unit III

Personal Laws and Gender Justice – Marriage and Divorce, Maintenance- guardianship – adoption Inheritance Right, Uniform Personal Code, Concept of Matrimonial property – emancipation of Women – Empowerment of Women and Local Self Government

Unit IV

Gender Justice and Criminal Law – Protection of women's interest under IPC – relevant offences Dowry death – Rape – Bigamy – Adultery Cruelty to married women – Criminal Law Amendment Act 2013 – Special legislations for Women – Prisons Act 1894, Factories Act 1948, Mines Act 1952, Immoral Traffic (Prevention Act) 1956, Dowry Prohibition Act 1961, Maternity Benefit Act 1961, Medical Termination of Pregnancy Act 1971, Equal Remuneration Act 1976, indecent Representation of Women (Prohibition) Act 1986, Commission of Sati (Prevention) Act 1987, Pre-conception and Prenatal Diagnostics Techniques (Prohibition of sex Selection) Act 1994, Prevention of Women from Domestic Violence Act 2005, Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act 2013

Unit V

Gender Justice under International Conventions and Declarations – Judicial Attitude towards Gender Justice

Suggested Readings:

G. Rajasekharan Nair – Gender Justice under Criminal Justice System

G. B. Reddy – Women and the Law

S. P. Sathe – Towards Gender Justice,

LalitaDharParihar – Women and Law; From Impoverishment to Empowerment

RathinBandyopadhyay (ed), – Women Rights Human Rights

Patricia Smith (ed.) – Feminist Jurisprudence

RatnaKapur and Brenda Crossman – Subversive Sites: Feminist Engagements with Law in India

ParasDiwan and PiyushDiwan – Women and Legal Protection

Susan Edwards (ed.) – Gender, Sex, Law

Catherine A. Mackinnon – Towards a Feminist Theory of the State

InduPrakash Singh – Women, Law and Social Change in India

Anjani Kant – Women and the Law

PRACTICAL TRAINING PAPERS

A team of three teachers shall guide all practical papers. For all practical training papers, students have to maintain separate records / Diaries of practical work done, as instructed by the head of the institution and the teachers concerned. The records shall be submitted to the teachers concerned before the end of the relevant semester. Students shall not be admitted for the viva-voce examination without the completed record with the signature of the teacher in charge and the head of the institutions

PT 01 PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

This course will be taught on the basis of the following materials.

i. Mr. Krishnamurthy Iyer's book on "Advocacy"

ii. The Contempt Law and Practice

iii. The Bar Council Code of Ethics

iv 50 selected opinions of the Disciplinary Committee of Bar Council and 10 major judgements of the Supreme Court on the subject.

v. Other reading materials as may be prescribed by the University

Examination rules of the University shall include assessment through case-study, viva and periodical problem solution besides the written tests.

Out of the 100 internal marks for the paper, 75 marks shall be given by the Faculty in charge on the basis of evaluation of exercises, assignments etc., and students are required to maintain a Record of such exercises, assignments etc. The breakup of marks shall be as follows.

1. One Classroom assignment and presentation on Judgements of the Supreme Court on the subject – 10 marks

2. One Classroom assignment and presentation on opinion of the Disciplinary Committee of Bar Council – 10 marks

3. Practical Record – 25 marks

4. Two Test papers carrying 15 marks each on the Advocates Act and the Rules Bar Council of India Rules and the Contempt of Courts Act – 30 mark

5. Viva-voce – 25 marks

The viva-voce is to be conducted internally by a Board comprising of three senior Law Faculty members of the institution

PT 02 DRAFTING PLEADING AND CONVEYANCING

Outline of the course:

a) Drafting: General principles of drafting and relevant substantive rules shall be taught

(b) Pleadings:

(i) Civil: Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Article 226 and 32 of the Constitution of India.

(ii) Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision

(iii) Drafting of Writ Petition and PIL Petition.

(c) Conveyancing:—Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will and Trust Deed

The course will be taught through class instructions and simulation exercises, preferably with the assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercise in Conveyancing carrying another 45 marks (3 mark for each exercise) remaining 10 marks will be given for viva-voce, which shall be internally conducted by the Board comprising of a practicing lawyer and two senior law faculty members of each institution. The students are required to maintain a record of the practical works, assignments, exercises etc.

PT 03 ALTERNATE DISPUTE RESOLUTION

Outline of the course:

i. Negotiation skills to be learned with simulated programme

ii. Conciliation skills

iii. Arbitration Law and Practice including International Arbitration and

Arbitration Rules

Different kinds of ADR system – Tribunals – Ombudsman – Arbitration – Conciliation, Negotiation and Mediation

IV. Awards – Making of Arbitral awards – form and Contents of Awards

V. Access to justice movement in India – increasing importance and focus on ADR system in India – Equal justice for all and Legal Aid Clinics, LokAdalats as means of dispute resolution through conciliation and mediation. The legal services Authorities Act -- Funds for legal aid Organisation – Power and awards of LokAdalats – NeethiMela – Loknyayalaya – Gram Nyayalaya under decentralised Local Government bodies

The course is required to be conducted preferably by senior legal practitioners and academicians through simulation and case studies; Evaluation may also be conducted in practical exercises at least for a significant part of the evaluation. The students are required to maintain a record of the practical works, exercises, assignments etc.

Out of the 100 internal marks for the paper, 25 marks shall be set apart for an internal viva – voce to be conducted by a Board comprising of a practicing lawyer and two Senior Law faculty of each institution.

Conduct of classes and distribution of marks shall be as follows.

i. Effective Participation in two LokAdalats – 10 marks

ii. Test Paper based on Arbitration Law – 15 marks

iii. Test Paper on Legal Services Authority Act – 15 marks

iv. Mediation/arbitration/conciliation proceedings

(Presented by groups of 5 students each on the basis of problem provided by the teacher in charge) – 15 marks

v. Practical Record – 20 marks

vi. Viva-voce – 25 marks

Statutory Materials:

1. Legal Service Authorities Act, 1987
2. Arbitration and Conciliation Act, 1996

PT 04 - MOOT COURT EXERCISE AND COURT VISIT

This paper may have three components of 30 marks each and a viva-voce for 10 marks.

i) Moot Court (30 marks)

Every student may be required to do at least three moot court exercises in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

ii) Observance of Trial in two cases, One civil and one criminal (30 marks)

Students may be required to attend two trials in the course of the last two or three 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.

iii) Interviewing techniques and Pre-trial preparations (30 marks):

Each student will observe two interviewing sessions 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 further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This will be recorded in the diary, which will carry 15 marks.

iv) Internal viva-voce

The fourth component of this paper will be an internal viva-voce examination on all the above three aspects. This will carry 10 marks.

Three senior Law faculty members of the institution will conduct the viva-voce.

Reference:

1. Amita Dhanda, Moot Court of Interactive Legal Education.

PT 05 - INTERNSHIP PROGRAMME

Each registered student shall have completed minimum of 12 weeks internship during the entire period of studies, provided that such internship in any year cannot be for a continuous period of more than 4 weeks. The internship for four weeks shall preferably be done during each summer vacation in every year of the Course. The internship may be done under NGOs, Trial and appellate advocates, Judiciary, Legal Regulatory Authorities, Legislatures and Parliament, other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government, and other such bodies where law is practiced either in action or in dispute resolution as directed by the head of the institution.

Each student shall keep Internship Diary in such form as prescribed by the faculty concerned and on successful completion of Internship every year the diary shall be submitted to the faculty concerned. The teacher in

charge shall assess the Diary each time by signing the record/diary and a maximum of 50 marks shall be awarded at the end of the Course.

COURSE VIVA-VOCE

There shall be a Course viva-voce, carrying 50 marks, to be conducted at the end of the Courses; Board of three members, of whom one shall be external, appointed by the University in this regard, shall do this. The students are evaluated for their academic skill and performances during the course including their performance in the internship programmes.