

**REGULATIONS**  
**RELATING TO**  
**UNITARY DEGREE**  
**COURSE IN LAW**

# **REGULATIONS RELATING TO UNITARY DEGREE COURSE IN LAW**

## **1. Title**

The regulations shall be called the Regulations relating to Unitary Degree Course in Law

## **2. Commencement**

These regulations shall come into force with effect from Academic Year 2011 - 2012.

## **3. Duration of the Course**

(a) The course of study for the Bachelor degree in Law (LL.B) shall consist of regular course of study for a minimum period of 6 Semesters in Three Years and shall consist of 20 compulsory papers, 4 compulsory clinical papers and 6 optional papers in Law.

(b) Each semester shall consist of 90 instructional days having 5 hours per day for lectures, seminars, debates and test papers. There shall be not less than four hours per subject per week and one/two hours for seminar/debates/test paper.

## **4. Eligibility for Admission**

(a) No candidate shall be admitted to the course unless he has passed the graduation in any faculty of University of Kerala or any other University recognized by the University of Kerala as equivalent thereto with not less than 45% marks for general category and 40% marks for SC and ST.

## **5. Attendance and Progress**

No candidates shall be permitted to register for the end semester examinations conducted by the University unless the Principal has certified that he has obtained not less than 75% of the attendance in each paper and his conduct and progress have been satisfactory.

## **6. Examinations**

(a) There shall be a University examination at the end of each semester. Each written paper carrying 100 Marks is divided into 80 Marks for written examination and 20 Marks for internal assessment.

(b) Paper V in Third, Fourth, Fifth and Sixth semesters shall be evaluated internally. Internal Viva shall be conducted by the board of examiners constituted by the Principal from among Senior Teachers.

(c) Paper I in Fourth Semester, Paper I & II in the Fifth Semester and Paper I and II in the Sixth Semester is optional paper. 1/3 (one third ) of the total number of the students of that semester can choose either of the two papers.

(d) Internship - Each student shall have completed minimum of 12 weeks internship during the entire period of legal studies under NGO, 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 or in management.

Provided that internship in any year cannot be for a continuous period of more than Four weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates.

Each student shall keep internship diary and the same shall be evaluated by the Guide in Internship and also a Core Faculty member.

(d) Viva-voce examination in the Sixth semester shall be conducted by the Board of Examiners constituted by the University.

## **7. Internal Assessment**

Marks for the internal assessment in each written paper shall be distributed as follows.

- (i) Attendance - 5 Marks (2.5 Marks for 75% of attendance and additional 0.5 Marks for every 5% attendance above 75%)
- (ii) Test Paper – 5 Marks
- (iii) Assignment – 5 Marks
- (iv) Seminar/Debate – 5 Marks

The marks for internal assessment shall be awarded by the Teacher in charge of each paper, countersigned by the Principal and forwarded to the University before the commencement of the written examination. A statement containing the marks awarded to every student as internal assessment in each paper shall also be published.

Guidelines for Internal Assessment –

- (i) – Introduction -The objectives of introducing internal assessment are: (i) to develop in the students the ability for critical analysis and evaluation of legal problems; (ii) to develop communication skill, both oral and written; (iii) to create an awareness of current

socio-legal problems; (iv) to ensure the involvement and participation of students in academic programmes; and (v) 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 confidence. The following guidelines are issued to secure fairness, objectivity and transparency in internal assessment.

- (ii) Attendance – (a) For each subject attendance shall be taken in the class and recorded in a register maintained by the teacher. A statement of attendance shall be prepared every month which shall be available 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 events or Moot Courts, Client Counseling competitions, Academic activities and Office bearers of the College/University Union may, with the prior permission of the Principal, take part in such competitions or activities and be given attendance as directed by the Principal for such participation, subject to a maximum of 10 days in a semester.
- (iii) Test Paper – Two test papers shall be conducted for each subject in a semester. The marks obtained by each student in the test paper shall be announced by the teacher within ten days from the date of the test paper and shall also be recorded in a register maintained by the teacher.
- (iv) Assignment – Every student shall write one assignment for each paper, on a subject chosen in consultation with 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. Each student shall select the topic of assignment before the 20<sup>th</sup> working day of the semester.  
The assignment shall be submitted before a date prescribed by the teacher. If the assignment submitted by a student is found to be unsatisfactory by the teacher, the student shall be given an option

to revise the assignment or write an assignment on another subject chosen in consultation with the teacher.

The marks obtained by each student and the criteria adopted for evaluation of assignments shall be announced by the teacher within 10 days from the date of submission of the assignment. The marks shall also be recorded in a register maintained by the teacher.

- (v) Seminar/Debate – Every student shall participate in one seminar or debate for each paper. A synopsis of not more than one page shall be submitted by each participant 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 selected by the student in consultation with the teacher before the 20<sup>th</sup> working day of the semester. The marks awarded for the seminar/debate shall be announced by the teacher at the end of the seminar/debate and shall also be recorded in a register maintained by the teacher.

## **8. Pass minimum and classification**

(a) A candidate who secures not less than 50% marks for each paper in a semester shall be declared to have passed the examination in that semester.

(b) A candidate who obtains pass marks (50%) in one or more papers, but fails in other papers in a semester is exempted from appearing in the papers in which he/she has obtained pass marks.

(c) A candidate who fails in Paper V of Third or Fourth or Fifth or Sixth semester shall appear in that paper in the next academic year without obtaining re-admission.

(d) A candidate who fails in Internship or viva-voce has to complete the internship and viva-voce in the next academic year without obtaining re-admission.

(e) There shall be no chance to improve either the internal assessment marks or written examination marks.

(f) Classification is as shown below:-

Distinction – 80% and above

First Class - 60% and above, but below 80%

Second Class-50% and above, but below 60%

(g) Ranking shall be done on the basis of the marks obtained by the candidate in the whole examination (Six semesters) passed in the first chance.

(h) A candidate admitted in this course shall complete the course and shall pass all papers within a period of Six years from the date of admission.

### **9. Publication of Results**

The results of the Sixth semester examination shall be published only after the candidate has passed the First, Second, Third, Fourth and Fifth semester examinations.

### **10. Award of Bachelor Degree in Law**

A candidate who successfully completes all the Six semesters shall be eligible for the award of LL.B Degree from the faculty of Law.

### **11. Applicability of Regulations**

This regulations supersede the existing regulations relating to LL.B Three Year semester course provided however that students of Third, Fourth, Fifth and Sixth semester LL.B Three Year semester course shall continue to be governed by the existing regulations till they complete the course.

## **Scheme of the Course**

### **First Semester**

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Jurisprudence	3 hrs	20	80	100
2	Law of Contract	3 hrs	20	80	100
3	Law of Crimes – Paper - I – Penal Code	3 hrs	20	80	100
4	Law of Tort including MV Accident and Consumer Protection Laws	3 hrs	20	80	100
5	Constitutional Law -I	3 hrs	20	80	100
	<b>Total</b>				<b>500</b>

### **Second Semester**

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Special Contracts	3 hrs	20	80	100
2	Constitutional Law – II	3 hrs	20	80	100
3	Family Law – I	3 hrs	20	80	100
4	Administrative Law	3 hrs	20	80	100
5	Property Law	3 hrs	20	80	100
	<b>Total</b>				<b>500</b>

### **Third Semester**

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Interpretation of Statutes and Principles of Legislation	3 hrs	20	80	100
2	Law of Crimes – Paper - II – Criminal Procedure Code	3 hrs	20	80	100
3	Civil Procedure Code and Limitation Act	3 hrs	20	80	100
4	Family Law - II	3 hrs	20	80	100
5	Drafting Pleading and Conveyance		100		100
	<b>Total</b>				<b>500</b>

### **Fourth Semester**

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Information Technology Law Or	3 hrs	20	80	100

	Competition Law				
2	Principles of Taxation Law	3 hrs	20	80	100
3	Company Law	3 hrs	20	80	100
4	Law of Evidence	3 hrs	20	80	100
5	Professional Ethics and Professional Accounting System		100		100
	Total				500

#### Fifth Semester

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Banking Law Or Land Laws including Tenure & Tenancy System	3 hrs	20	80	100
2	Private International Law Or Human Right Law and Practice	3 hrs	20	80	100
3	Labour and Industrial Law - I	3 hrs	20	80	100
4	Environmental Law	3 hrs	20	80	100
5	Alternate Dispute Resolution		100		100
	Total				500

#### Sixth Semester

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Trade in Intellectual Property Or Local Self Government including Panchayet Administration	3 hrs	20	80	100
2	Criminology and Penology Or Women and the Law	3 hrs	20	80	100
3	Public International Law	3 hrs	20	80	100
4	Labour and Industrial Law - II	3 hrs	20	80	100
5	Moot court exercise, Observance of Trial, Interviewing techniques and Pre-trial preparations.		100		100
	Internship		50		50
	Viva voce				50
	Total				600



**First Semester**  
**Paper – I**  
**JURISPRUDENCE**

1. Nature and value of jurisprudence, various Schools of jurisprudence and their methodology – Positivist schools – Austin, Salmond, Kelsen, Hart. Hart–Fuller Conflict – Comparative Jurisprudence – Marxist theory – Historical Schools – Savigny and Henry Maine – Modern status of Natural Law – Sociological Jurisprudence – Legal realism. Feminist Jurisprudence – Critical Legal Studies.
2. International Law, Constitutional Law, Authority and Territorial Nature of Law, Law and Fact, Functions and purpose of Law.
3. Law and Justice – Different Theories of Law and Justice – Rawls Theory – Distributive Justice – Corrective Justice – Natural Justice – Civil and Criminal Justice – Merits and defects of Administration of justice – Essentials of Criminal and Civil Justice – Theories of Punishment and their comparative evaluation.
4. Sources of Law – Meaning of the term sources – Legislation – Codification of statutes – Interpretation of enacted law – Custom – Reasons for the reception of custom and prescription – Customary Law – Legal custom and conventional custom – General custom and local custom. Precedent – authority of precedent – over-ruling – prospective and retrospective – *Ratio decidendi* and *obiter dicta* and *stare decisis*.
5. Elements of law – The juristic concepts of Rights and Duties; possession and ownership – Titles – Liability and Obligations; persons, property and procedure.

**Prescribed Readings:**

1. Friedman, Legal Theory. (5th Edn. Chapter 1,3,5,7 to 14,19,20, Columbia University Press)
2. Salmond, Jurisprudence (Sweet and Maxwell, 1966)
3. Paton, Jurisprudence.
4. Dias, Jurisprudence. (Aditya Books, 1985)
5. Lloyd, Introduction to jurisprudence, (Sweet and Maxwell, 1994)
6. Prof.P.S.Achutan Pillai, Jurisprudence.
7. L.S.Carzon, Jurisprudence (1996)

8. J.W.Harris, Legal Philosophies. (Butterworths, 1993)
9. N.K. Jayakumar, Lectures in Jurisprudence.
10. V.D. Mahajan, Jurisprudence and Legal Theory

## **Paper – II** **LAW OF CONTRACT**

1. General features of Contracts - classification – Historical Development, of the law of contracts.
2. Formation of contracts with special reference to the different aspects of offer and acceptance – Consideration – Privity of contracts – Charitable subscriptions Consideration and discharge of contracts – Doctrine of accord and satisfaction.
3. Capacity of parties – Minority – Indian and English Law - Mental incapacity. Drunkenness – Other in – capacities like political status and corporate personality.
4. Factors invalidating contracts like, mistake, coercion, undue influence, fraud, misrepresentation and unlawful object, immoral agreements and those opposed to public policy, consequences of illegality.
5. Void, voidable and contingent agreements – Legal proceedings and uncertain agreements – Wagering agreements – contingent contracts.
6. Performance of contracts – privity of contracts and its limitations – Assignment of liabilities and benefits – Time and place of performance – Reciprocal promises – Appropriation of payments – Contracts which need not be performed.
7. Breach and impossibility – Meaning of Breach – Anticipatory breach – strict performance – Impossibility of performance and doctrine of frustration – Effect of frustration – discharge of contract by operation of law.
8. Damages – Nature and meaning of Rule in Hadley’s case penally and liquidated damages.
9. Quasi contracts – Nature and basis of Quasi contracts, Insurance of Quasi Contracts – Quantum merit.
10. Specific Relief – General Principles – Parties in relation to specific performance – Specific performance of part – Rescission, rectification and cancellation – Preventive relief by way of injunction.

**Prescribed Readings: (With amendments)**

1. Guest A.G. Anson's Law of Contract, (Clarendon Press, Oxford).
2. Pollock and Mulla. Indian Contract Act.
3. M.Krishnana Nair. The Law of Contracts. (Orient Longman, Ltd)
4. Subba Rao, Law of Contracts
5. Dr. Avtar Singh. Law of Contracts
6. V.D. Kulshreshta. Indian Contract Act.
7. Halsbury's Law of England ( IV Edn. Reissue) Vol. 31 p. 611-690, Vol.32p.1-45
8. Leake M.S. Principles of the Law of Contract

### **Paper – III**

### **LAW OF CRIMES – PAPER - I – PENAL CODE**

1. Concept and Nature of Crime – definitions – General principles of Criminal Liability – Constituent Elements of Crime – Intention – Dishonestly – Fraudulently – Maliciously etc. – Exceptions to Mens rea in Statutory Offences - General Defences and Exceptions.
2. Inchoate Offences – Attempt – Distinction between preparation and attempt – group liability – common object – aiding and abetting – unlawful assembly – rioting – Principal and Accessories.
3. Joint and Constructive Liability – Accessories after – Jurisdiction – personal – Territorial – extra-territorial – Extradition as an exception to Jurisdiction – Punishment.
4. Offences affecting the State - Armed Forces – Public Peace – Public Administration – Offences by Public Servants and by Others – Administration of Justice – Elections – Public Economy – Public Nuisance – Offences against Religion.
5. Offences against Human Body – Causing Death – Culpable Homicide – Murder – Culpable Homicide not amounting to murder – Rash and negligent act causing death – Dowry death – Attempts – Suicide – Abetment – Hurt – Grievous hurt – Criminal force and Assault – Offences affecting liberty – Kidnapping – abduction etc – Sexual Offences – Rape – Custodial Rape – Homosexuality – Prostitution – Suppression – Regulation and abolition of Abortion – M.T.P.Act.
6. Offences against property – Theft – Extortion – Robbery – Dacoity – Criminal misappropriation – Criminal breach of trust – cheating – forgery – fraudulent deeds – mischief – trespass – house breaking – arson etc. –

Offences against public safety and health – Terrorist activities – disturbances of public order – adulteration of food and drink – offences against environment.

7. Offences by or relating to public servants – illegal gratification – corruption – Offences relating to marriage – mock marriages – adultery – bigamy – offences relating dowry – Offences relating to reputation – defamation – libel and slander – Property Dispossession without consent – fraudulent deeds – fraudulent transfers – mischief – use of false tokens for fraudulent purpose.

**Prescribed Readings: (With amendments)**

1. Outlines of Criminal Law, Kenny
2. Indian Penal Code, Ratanlal
3. Criminal Law Text and Materials 1990, Clarkaon and Keaty
4. Penal Law of India, Dr.Sir Hari Singh Gour
5. Some Aspects of Criminal Law, K.K.Dutta
6. A Text Book on the Indian Penal Code, D.D.Gaur
7. Law of Crimes, D.A.Desai
8. Criminal Law Cases and Materials, Ratanlal & Dhiraj Lal
9. Criminal Law, B.M.Gandhi
10. Criminal Law, P.S.Achuthan Pillai
- 11.Principles of Criminal Law, Andrew Ashwarth 1995
12. Text Book of Criminal Law, Glanville Williams
13. Law of England, Halsbury, Vol II pp,16-536

**Paper – IV**

**LAW OF TORT INCLUDING MOTOR VEHICLES ACCIDENT AND CONSUMER PROTECTION LAWS**

1. Definition – Distinction between tort and crime – Tort and contract – foundations of tortuous liability – Essential conditions of liability in tort – *damnum sine injuria* – *injuria sine damnum* – Principles of insurance in tort – defences – capacity of parties.
2. Master and Servant – vicarious liability -distinction between servant and independent contractor – course of employment – common employment – servant with two masters – liability of the state.

3. Joint tortfeasors – Remedies – judicial and extra judicial remedies – kinds of damages – Remoteness of damages – *Novus actus interveniens* – Foreign torts – Effect of death of parties in tort – Strict liability – Rule in *Rylands v. Fletcher* -
4. Assault – Battery – False imprisonment – Nervous shock – Defamation – slander – libel – *Innuendo* – Defences – Justification – fair comment – privileges – Trespass to land – trespass to goods – Deceit – Rule in *Derry v. Peak* – Negligence – *Res ipsa loquitur* – contributory negligence – The last opportunity rule – Nuisance
5. Liability under Motor Vehicles Act 1988 – Compensation in Motor Vehicle Accidents – nature and extent of insurer's liability – claims tribunal – award of compensation.
6. Concept of consumer protection – Consumer protection under the Consumer Protection Act 1986 – Definitions – consumer – goods – services- Defect – Deficiency - Unfair Trade Practice – Restrictive Trade Practices - Commercial Service - Consumer Safety - Public Utility Service- Liability of Doctors and Hospitals and Other Professionals, Engineers, Lawyers etc – Consumer disputes redressal agencies – composition and jurisdiction – Remedies – Role of consumer protection councils.

**Prescribed Readings: (With amendments)**

1. Salmond, Law of Torts
2. Winfield, Law of Torts
3. Prof.P.S.Achutan Pillai, Law of Torts
4. Consumer Protection Act, 1986
5. Gurjeet Singh, The Law of Consumer Protection in India (New Delhi, Deep and Deep Publications 1996)
6. Avtar Singh, The Law of Consumer Protection (2<sup>nd</sup> Ed. )
7. Halsbury's Laws of England (IV Ed. Reissue Vol.45 pp 555-725)
8. R.K. Bangia, A Handbook of Consumer Protection Laws and Procedure
9. P.K. Sarkar, The Motor Vehicles Act, 1988
10. R.K. Bangia, Law of Torts

**Paper – V**  
**CONSTITUTIONAL LAW – I**

Introduction: - Historical Background – The nature of the Constitution – Salient features of the Constitution.

Preamble: - Significance and importance – Declaration of the objectives of the State - Preamble and interpretation of the Constitution.

Union and its territory (Art. 1-4): - Territory of India – Admission and alteration of boundaries – formation of new States - Cession of Indian Territory to foreign country.

Citizenship (Art: 5-11) - Meaning of citizenship – Various Methods of acquiring citizenship – Termination of citizenship – Relevant provisions of the Citizenship Act, 1955.

Fundamental Rights (Art 12-35): - (a) General – Definition and nature of Fundamental Rights – Balance between individual liberty and collective interest – Definition of State (Art :12)

(b) Violation of Fundamental right (Art. 13) – Doctrine of ultravires – Pre-constitution Laws – Doctrine of severability – Doctrine of eclipse – Post Constitutional Laws – Doctrine of waiver – “Law” and “Law in Force”.

(c) Equality (Art.14-18) – Introduction – Equality before Law and equal protection of Laws classification – Test of reasonable classification Rule against arbitrariness – No discrimination on grounds of Religion, Race, Caste etc. Special provisions for Women and Children – Special provisions for advancement of Backward classes – Equality in Public Employment – Reservation for Backward Classes – Abolition of untouchability – Abolition of Titles.

(d) Right to Freedom (Art. 19) - Meaning and Scope -Test of Reasonableness –Rights apply to Citizens only.

(e) Protection in respect of conviction for offences (Art. 20) – Nature and Scope – Doctrine of expost facto Law – Rule of double prohibition against double jeopardy – protection against self incrimination.

(f) Right to life and personal liberty (Art. 21) – “Personal liberty” – Meaning and Scope - Interrelation of Art. 14, 19 and 21 – New judicial trends in interpretation of Art. 21 “Due Process of Law” and “Procedure established by Law” – Concept of Liberty and Natural Justice – Emergency and Art. 21.

(g) Protection against Arbitrary Arrest and Detention (Art. 22) – Rights of detainee – Rights to be informed of grounds of arrest, right to be defended by a lawyer of his own choice, right to be produced before a magistrate – Preventive detention Laws.

(h) Right against exploitation (Art. 23-24) – “Traffic in Human beings” and “Forced Labour” – Prohibition of employment of children in factories etc.

(i) Freedom of Religion (Art. 25, 26, 27, 28) – Concept of “Secular State” – Secular but not anti – religious – Restriction of Freedom of Religions.

(j) Cultural and Educational rights (Art. 29-30) – Protection of Minorities – Right to establish and manage their Educational Institutions.

(k) Saving of certain laws (Art. 31 A-31 G) – Savings of laws providing for acquisition of estates etc. – Validation of certain Acts and Regulations.

(l) Right to Constitutional Remedies (Art. 32-35&226) – Introduction who can apply Public Interest Litigation – Scope of Writ Jurisdiction of the Supreme Court and High Courts – Distinction between Art.32 and 226 – Res Judicata Restrictions while material Law in force.

Directive Principles of State Policy (Art. 36-51) - Underlying Principles behind Directive Principles Social and Economic Charter – Social Security Charter – Community Welfare Charter – Relation between Fundamental Rights and Fundamental Duties (Art. 51 A) - Need for fundamental duties – Enforcement of Fundamental Duties.

**Prescribed Readings: (With amendments)**

- |   |   |                           |
|---|---|---------------------------|
| 1. Shorter Constitution<br>(Wadhwa and Co.)   | : | D.D. Basu                 |
| 2. Constitutional Law of India<br>(N.M. Tripathi Pvt. Ltd.1993)   | : | H.M.Seervai               |
| 3. Constitutional Law of India<br>(Wadhwa and Co.)  | : | Jain, M.P.                |
| 4. Constitutional Law of India  | : | J.H. Pandey               |
| 5. Law of Indian Constitution   | : | Prof. P.S.Achuthan Pillai |
| 6. Constitution of India  | : | V.N. Shukla               |
| 7. Working a Democratic Constitution<br>(Oxford University Press, 1999)   | : | Austin,G.                 |
| 8. Directive Principles of State Policy<br>in the Indian Constitution (A.B.S.<br>Publications, Jalandhar 1987). | : | K.C. Markandan            |
| 9. Constitutional Questions in India.<br>(Oxford University Press 2000)   | : | Noorani,                  |

**Second Semester**  
**Paper – I**  
**SPECIAL CONTRACTS**

1. Contract of indemnity and guarantee – Different aspects of surety's liability. Comparison of guarantee with indemnity – Discharge of surety – Rights of surety against creditor; principal debtor and co-sureties.
2. Bailment – General features – Divisions of bailments – Requirement of consideration – Rights and liabilities of bail and bailees. Finder of lost goods – Pledge or pawn special property in Favour Pawnee – Pledge by limited owners.
3. Agency – General Features – Creation of agency and different method of such creation – Different kinds of agent – Delegation of authority - Sub Agents and substituted agents. Rights and duties of agents and principal inter se notice to agent – Fraud of agent - Agent's liability to third persons – Rights against agent personally, Breach of warranty of authority – Undisclosed principal – Termination of agency – Revocation and renunciation – Termination by operation of law.
4. Sale of goods – sale and agreement to sell – Formalities of sale – The price – Conditions and warranties (implied and express) – Fundamental breach – Transfers of property – Passing of risk – Effecting the performance of sale of goods – C.I.F. contracts – F.O.B. contracts - Right of buyer against seller – Suits for breach of contract – Rights of unpaid seller – Action sale and hire purchase.
5. Partnership – Essentials partnership compared with ownership Company, Joint Hindu Family business and Society – Partnership. A creation of status – Mode of determining partnership – Firm and firm name – Different type of partnership – Formation of partnership – Partnership property. Partnership by holding out – illegal partnership – Relations of partners to one another and to third parties – Incoming and outgoing partners – Retirement – Dissolution – Settlement of accounts – Sale of goodwill – Registration of firm.

**Prescribed Readings: (With amendments)**



1. Sale of Goods Act : Pullock and Mulla  
(Orient Longman)
2. The Law of Contracts : M. Krishnan Nair
3. Law of Contracts : Avtar Singh
4. Law of Contracts : Subba Rao
5. Law of Contracts : Anson
6. Laws of England : Halsbury's (IV ed.Reissue Vol.

1

(2) pp 1 – 136. Vol.2. pp 829 – 905.

## **Paper – II**

### **CONSTITUTIONAL LAW – II**

Union Executive, President, Vice-president and Council of Ministers (Art.52 – 78) and 123): - Constitutional position and powers of the President – Privileges of the President \_ Constitutional position and powers of Vice – President – Council of Ministers – Principle of Collective Responsibility – Power of the Prime Minister – Dismissal of the Cabinet – Attorney General of India.

Parliament (Art. 79 – 122) - Composition of Parliament – Rajya Sabha and Lok Sabha – Qualification for Membership of Parliament – Speaker and Deputy Speaker – Session of Parliament – Functions of Parliament.

Union Judiciary (Art. 124 – 147) - Composition of Supreme Court – Jurisdiction of Supreme Court Independence of Judiciary how maintained under the Constitution.

State Executive (Art. 153 -167) - The Governor – Constitutional powers and functions – Council of Ministers – Chief Ministers, Appointment – Advising the President for the proclamation of State Emergency under Art. 356.

State Legislature (Art.169 -212) - Creation and abolition of Legislative Councils – Compositions and functions of the Houses – Qualification for membership – Speaker and Deputy Speaker – Session of the Houses.

State Judiciary (Art. 214 -237) - Appointment of Judges – Jurisdiction of the High Courts Writ jurisdiction under Art.226 – Subordinate Courts.

Legislature Privileges (Art. 105 and 194) - Powers, privileges and immunities of Parliament and its members – Powers and Privileges of State Legislature and its members – Privileges and courts.

Relation between Union and State (Art. 245 – 293):

- a. Legislative relations (Art. 245 – 255) – Extent of Laws passed by the Parliament and State Legislatures – Residuary Power of Legislation – Doctrine of Colourable Legislation – Pith and substance – Doctrine of occupied field.
- b. Administrative Relations (256 – 263) – Duties of Union and States – Control of Union over States – Co-ordination between States.
- c. Financial Relations (Art.268 -291) – Distribution of revenue – Collection of taxes – Restriction on Taxing powers.

Trade, Commerce and Inter course within the territory of India (Art. 301-307):

Parliament's power to regulate imposition of taxes. Services under the Union and States (Art. 303 -323):

Doctrine of pleasure – Rights given to Civil servants – Recruitment conditions, tenure – Dismissal – Reduction in rank. Compulsory retirement.

Election Commission (324). Powers and Functions Emergency Provisions (352-360):

National Emergency- State Emergency – Financial Emergency – Emergency and Fundamental Rights – Emergency and judicial Review.

Amendment (Art. 368):

Various methods of amendment – concept of basic structure – Amendment and Fundamental Rights – Amendment and Judicial Review.

### **Prescribed Readings: (With amendments)**

- |   |   |                            |
|---|---|----------------------------|
| 1. Constitutional Law of India<br>(N.M. Tripathi Pvt. Ltd.) | : | H.M. Seervai               |
| 2. Shorter Constitution of India<br>(Wadhwa and Co.)        | : | D.D. Basu                  |
| 3. Constitutional Law of India<br>(Wadhwa and Co.)          | : | Dr. Jain                   |
| 4. Constitutional Law of India                              | : | J.N. Pandey                |
| 5. Constitutional Law of India                              | : | Prof. P.S. Achuthan Pillai |
| 6. Constitution of India                                    | : | V.N. Shukla                |

(Eastern Book Co.)

**Paper – III**  
**FAMILY LAW - I**

Nature and sources of personal laws, marriage, divorce, adoption, guardianship and maintenance among various communities.

1. Nature and Sources – The study will include the nature and sources (traditional and modern) of personal laws.
2. Laws of marriage - This course will comprise, Hindu, Muslim and Christian Law of marriage and divorce. Emphasis should be laid on the nature of marriage and its development, Hindu Law of marriage and divorce and the changes brought about by modern legislation.  
Matrimonial remedies – Hindu, Muslim and Christian Laws
3. Law of adoptions – Hindu law of adoption will include special reference to the juristic concept and development of case laws & changes brought about by the Hindu Adoptions and Maintenance Act, 1956. The study will also include the Muslim law of Legitimacy. Parentage and Doctrine of Acknowledgement.
4. Law of Guardianship – Hindu Law of Minority and Guardianship with the changes brought about by the modern legislation. Provisions in the Muslim Law of Minority and Guardianship.
5. Maintenance – Hindu Law relating to maintenance – Muslim law relating to maintenance with reference to the Muslim Women (Protection of Rights on Divorce Act, 1986).

Matrimonial Remedies through Family Courts.

**Statutory materials: (With amendments)**

1. The Hindu Widows Remarriage Act, 1856.
2. The Child Marriage Restraint Act, 1929.
3. The Special Marriage Act, 1954.
4. The Hindu Marriage Act, 1955.
5. The Hindu Adoptions and Maintenance Act, 1956.
6. The Hindu Minority and Guardianship Act, 1956.
7. Guardian's and Wards Act, 1890.
8. The Dissolution of Muslim Marriage Act, 1939.

9. The Christian Marriage Act, 1872.
10. The Indian Divorce Act, 1869.
11. Dowry Prohibition Act, 1961.
12. Family Courts Act, 1984.
13. Family Courts Act

**Prescribed Readings: (With amendments)**

- |     |  |   |                        |
|-----|--|---|------------------------|
| 1.  | Hindu law<br>(N.M.Tripathi Pvt. Ltd.)  | : | Mulla                  |
| 2.  | Mohammedian Law  | : | Mulla                  |
| 3.  | Introduction to Modern Hindu Law   | : | Duncan M. Derrett      |
| 4.  | Hindu Law – I  | : | Paras Diwan            |
| 5.  | Family Law   | : | Prof.M.Krishnan Nair   |
| 6.  | Muslim Law   | : | A.A.A. Fyzee           |
| 7.  | Outlines of Muhammedan Law   | : | Asaf.A.A. Fyzee        |
| 8.  | Marrriage and Divorce<br>(5 <sup>th</sup> Edition Eastern Law House 1987)            | : | A.N. Saha              |
| 9.  | Laws of England IV Edition Re –issue<br>Vol.13 pp 239 - 665<br>Vol. 22 pp 565 - 717. | : | Halsbury's             |
| 10. | Hindu Law  | : | Raghavachari, N.R.     |
| 11. | Hindu Law  | : | Subramania Iyer, V.N.  |
| 12. | Muslim Law in India  | : | Tahir Mohammed.        |
| 13. | Christian Law  | : | Sebastian Champapilly. |
| 14. | Hand Book of Christian Law   | : | Devadasan, E.D.        |

**Paper – IV**

**ADMINISTRATIVE LAW**

1. *Introduction to Administrative Law* : - Definition and scope of administrative law – Causes for the growth of Administrative Law with special reference to India. Difference between Constitutional Law and Administrative Law. Droit Administration (French Administrative Law) Concept of Rule of Law – Evaluation of Dicey's Thesis. Doctrine of separation of powers.

2. *Anatomy of Administrative Actions* : Quasi legislative Action - Quasi judicial Action - Administrative Action - Ministerial Actions - *Administrative Instructions*: - Administrative Discretion – Judicial behaviour and administrative discretion in India.
3. Rule-Making Power of the Administration (Quasi legislative action) - Reasons for the growth of Administrative rule – making action of Delegated Legislation. Classification of Administrative Rule making power or Delegated Legislation. Constitutionality of Administrative Rule making action or Delegated Legislation. - Control Mechanism of Administrative Rule making action or Delegated Legislation in India - Legislative Control - Procedural Control - Judicial Control
4. Adjudicator Power of the Administration - Need for Administrative Adjudication. - Court of Law and Administrative Agency, exercising adjudicatory powers. - Problems of Administrative Adjudication. - Needs of Administrative decision making - Statutory Tribunals. - Domestic Tribunals. - Practices and Procedure of Administrative Adjudication - Rule against Bias. - Audi Alteram partem or the Rule of Fair Hearing. - Reasoned Decisions. - Post Decisional Hearing. - Exception to the rules of natural justice.
5. (A) Judicial Review of Administrative Action – Principles - Remedies against Administrative Action - Public Law Review (Constitutional Remedies) - Jurisdiction of the Supreme Court under Art. 32 and 136. - Jurisdiction of the High Courts under Art. 226 and 227. - Against whom writ can be issued. - Locus standi to challenge Administrative Action. - Laches or unreasonable delay. - Alternative remedy, Res – judicata. - Finality of Administrative Action.  
 (B) Judicial Review of Administrative Action – Modes - Remedies against Administrative Action - Public Law Review (Constitutional Remedies) - Writ of Certiorari - Writ of Prohibition - Writ of Mandamus - Writ of Quo – warrantum - Writ of Habeas - Corpus  
 Private Law Review ( Statutory Remedies) – Injunction – Declaration - Suit for damage - Administrative action for the enforcement of Public Duties.
6. Public Interest Litigation or Social Action Litigation: - Nature and Purpose, Constitutional Habitat. - Locus Standi – Procedure; Complexities and Problems. - Notable Case Laws- Class Actions.

7. Liability of the Administration: - Liability of the Administration in Contract – Constitutional Provisions and the Development of the concept of liability. - Liability of the administration in Tort. - Privileges and immunities of the Administration in suits. - Privileges of Notice. - Privileges to withhold documents. - Immunity from Statute operations. - Immunity from Estoppel.  
Promissory Estoppel – Change of Policy decision of the Government.
8. Statutory and Non-Statutory Public undertakings: - Relative Merits and Demerits of various organizational forms of Public enterprises. - Statutory Public Corporations-Control devices. - Government Companies.
9. Citizen and the Administrative Faults: - Ombudsman-Development in U.K., U.S.A. and in India. - Central Vigilance Commission.- Lokpal and Lokayuktha in India.
10. Constitutional Protection of Civil Servants and the Administrative Service Tribunals: - Service Rules- Doctrine of Pleasure. - Constitutional Safeguards to Civil Servants - Procedural Safeguards. - Administrative Service Tribunals. - Relevant provisions of Administrative Tribunals Act, 1985.

### **Prescribed Readings:**

1. H.W.R. Wade, Administrative Law. : (Claredon Press-Oxford)
2. Jain & Jain, Principles of Administrative. : Law (N.M. Tripathi)
3. Cases and Materials Administrative Law. : Indian Law Institute
4. Dr.A.T. Markose, Judicial Control of Administrative Action in India. :
5. I.P. Massey Administrative Law : (Eastern Book Company)
6. Dr.N.K. Jayakumar, Administrative Law. :
7. Constitution of India Relevant Chapters :
8. Administrative Law :
9. Halsbury's Laws of England (IV Ed. Re-issue Vol. 1 pp. 1-376) :
10. Thakwani C.K. Administrative Law :
11. S.P.Sathe, Administrative Law :
12. J.F. Garner and B.L. Jones, Garner's Administrative Law : (Butterworths 1985)
13. Tapash Gan Choudhary, Penumbra of

- |   |   |                               |
|---|---|-------------------------------|
| Natural Justice   | : | (Eastern Law House 1997)      |
| 14. Steven J. Cann Administrative Law   | : | (Sage publications 1995)      |
| 15. Schwartz, Administrative Law Company  | : | (Little Brown and 1991)       |
| 16. S.H. Bailey., R.L. Jones and A.R.Mowbrav: Cases and Materials on Administrative Law | : | (Sweet and Maxwell 1992)      |
| 17. Neil Hawke: An introduction to Administrative Law Ltd.1993)                         | : | (ESC publishing,              |
| 18. Peter Cane, An Introduction to Administrative Law                                   | : | (Clarendon Press Oxford 1987) |
| 19. Genevra Richardson and Hazel Genn: Administrative Law and Government Action         | : | (Clarendon Press Oxford 1994) |
| 20. Craig P.P Administrative Law (1999)   |   |                               |

### **Paper – V** **PROPERTY LAW**

1. Concept of property, Kinds of property, Intellectual property, General principles of transfer, Definitions of immovable property notice, transformability of property, Effect of transfer, Rules against inalienability and restriction on enjoyment by transfers Conditional transfers, Transfer to urban persons, Rules against perpetuity and accumulation of income. Transfer to a class vested and contingent interests, condition precedent and condition subsequent.
2. Doctrine of Election , Appointment, Covenants running with land, Transfer by Ostensible owners and doctrine of Estoppel Transfer by limited owner, Improvement effected by bona fide purchaser, Transfer to defraud creditors, Doctrines of lis Pendens and part performance.

3. Sales of Immovable Property: Sale meaning and scope of sale and contract for Sale how made – Rights and liabilities of seller and buyer Marshalling, Discharge of encumbrances on sale.
4. Mortgage: Different types of mortgages and their distinctions, Rights and liabilities of Mortgagor and Mortgagee (Sec.60 to 77) Priority: Marshalling and Contribution, Deposit in Court, Redemption : Who may sue for Redemption – Subrogation, Taking Rights of redeeming co-mortgagor : Mortgage by deposit of Title Deed, Anomalous Mortgage.
5. Charge Doctrine of Merger, Notice & Tender, Floating charge.
6. Lease – Rights and liabilities of lesser and lessee, Termination of lease.
7. Exchange – Scope and meaning of Rights and liabilities of parties of Exchange of money.
8. Gift – Onerous gift universal done, Donatio, mortis cause.
9. Actionable claims: Scope and meaning of, Notice, Liability on transfer – Assignment of different policies – Incapacity of certain Officers – Saving of negotiable instruments.
10. Easements – Definition – Classification and Characteristic features – Modes of acquisition – Easement of necessity – Quasi Easement by prescription – Right to ancient light – Extinction of easements – Easement compared with license and lease.
11. A comparative study of the corresponding provisions of the English real property law is to be made for better appreciation of the Indian Law.

**Statutory Materials: (With amendments)**

1. Transfer of Property Act, 1882
2. Easement Act, 1892

**Prescribed Readings: (With amendments)**

1. Halsbury's Laws of England (IV Ed. Reissue Vol. 1 pp. 1-127, Vol. 35 pp.721 -770, Vol.32 pp. 181-474.
2. D.F.Mulla : Transfer of Property Act
3. M.Krishna Menon : Law of property
4. Sukla : Law of Property

## **THIRD SEMESTER LLB**

### **PAPER - 1**

## **INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION**



## Interpretation of Statutes

Meaning, Objects and Scope of 'interpretation' and 'construction' of statute

Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, Uncodified, State-made and State-recognised laws.

Judge as an interpreter - Commencement, operation and repeal of statutes

Basic Sources of Statutory Interpretation

The General Clauses Act, 1897: Nature, Scope and Relevance (Ss.6- 8)

Definition clauses in various Legislations: Nature and Interpretative Role

Aids to Interpretation (Parts of the statute and their interpretative role )

Internal aids - Title-Preamble- Headings and marginal notes- Sections and sub-sections-Punctuation marks- Illustrations- exceptions-provisos-saving clauses-explanations and schedules-Non-obstante clause.

External aids - Role of Constituent Assembly debates in the interpretation of the Constitution of India

Legislative history- Legislative Intention, Statement of objects and reasons, legislative debates, Committee reports, Law Commission reports etc.-

International-law and human-rights documents-

Dictionaries-Translations-Statutes in pari materia

### 3. Rules of Statutory Interpretation

Primary Rules

Literal rule-Golden rule-

Mischief rule

Rule of harmonious construction

Secondary Rules

Noscitur a sociis

Ejusdem generis

Reddendo singula singulis

Presumptions in statutory interpretation

Statutes are valid -Statutes are territorial in operation-Presumption as to jurisdiction-Presumption against what is inconvenient or absurd-Presumption against intending injustice-Presumption against impairing obligations or permitting advantage from one's own wrong- Prospective operation of statutes

### 4. Maxims of Statutory Interpretation

Delegatus non potest delegare

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

#### 5. Interpretation with reference to the subject matter and purpose

Restrictive and beneficial construction  
Taxing statutes - Penal statutes - Welfare legislation  
Interpretation of substantive and adjunctive statutes  
Interpretation of directory and mandatory provisions  
Interpretation of enabling statutes  
Interpretation of codifying and consolidating statutes  
Interpretation of statutes conferring rights  
Interpretation of statutes conferring powers

#### 6. Principles of Constitutional Interpretation

Harmonious construction  
Doctrine of Eclipse  
Doctrine of pith and substance  
Colourable legislation  
Doctrine of Severability  
Ancillary powers  
"Occupied field"  
Residuary power  
Doctrine of repugnancy  
Doctrine of Immunity of instrumentalities

#### 7. Principles of Legislation

Law-making - the legislature, executive and the judiciary  
Principle of utility – Principles of Ascetic and Arbitrary Theory – Principles of sympathy and Antipathy - Relevance of John Rawls and Robert Nozick - individual interest to community interest.

Operation of these principles upon legislation  
Distinction between morals and legislation

## 8. Legislative Drafting

Principles of drafting a bill - Montesquieu rules in drafting

### ***Prescribed Legislation:***

The General Clauses Act, 1897

### ***Prescribed Books:***

1. P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)
2. Vepa P. Sarathi, *Interpretation of Statutes* (4th ed., 2003)
3. G.P. Singh, *Principles of Statutory Interpretation* (11th ed., 2008)
4. Theory of Legislation - Bentham

### ***Recommended Books:***

S.G.G. Edgar, *Craies on Statute Law* (1999)

Swarup Jagdish, *Legislation and Interpretation*

P. St. Langan (Ed.). *Maxwell on The Interpretation of Statutes* (1976)

N.M.Tripathi, Bombay

K.Shanmukham, *N.S.Bindras's Interpretation of Statutes*, (1997) The Law Book Co. Allahabad.

V.Sarathi, *Interpretation of Statutes*, (1984) Eastern, Lucknow

Bakshi , *Legislative Drafting*

Dr. Nirmal Kanti Chakravarthi, *Interpretation of Statutes Principles of Legislation and Legislative Drafting*

## **PAPER - II**

### **CODE OF CRIMINAL PROCEDURE**

#### **1.Introduction**

Constitution and powers of Criminal Courts and Offices – Court of sessions – Assistant Sessions Judges – Judicial Magistrates - Special Judicial Magistrates Jurisdiction – Executive Magistrate – Public Prosecutors – Assistant Public Prosecutors.

#### **2.Provisions for Investigations**

a. Arrest and Bail provisions

b. Information to the Police and their powers to investigate

#### **3.Process to Compel Appearance and Production of things**

- a. Summons for Appearance
- b. Warrant of arrest
- c. Proclamation and attachment
- d. Other rules regarding processes
- e. Summons procedure
- f. Search Warrants
- g. General provisions as to search
- h. Miscellaneous

#### **4.Proceedings before Magistrate**

- a. Conditions requisite for initiation of proceedings
- b. Complaints to Magistrates
- c. Commencement of proceedings before Magistrates
- d. Security Proceedings

#### **5.Introduction to Trial Procedures**

- a. The charge
  - i. Form of charges
  - ii. Joinder of charges
- b. Evidence in inquiries and trials
- c. General provisions as to inquiries and trials Double jeopardy- Legal aid to accused—Tender of pardon to accomplices -313 examination-examination of accused persons as witness-compounding of offence
- d. Provisions as to accused persons of unsound mind.

#### **6. Plea Bargaining**

#### **7.Trials and Execution Proceedings**

- a. Trial before a court of session
- b. Trial of warrant cases by magistrates
- c. Trial of summons – cases by Magistrates
- d. Summary Trials
- e. Judgement
- f. Submission of death sentences for confirmation
- g. Execution, suspension, remission and commutation of sentences

#### **8. Appeals, Reference and Revisions**

#### **9. Miscellaneous**

- a. Maintenance of wives, children and parents
- b. Transfer of criminal cases
- c. Irregular proceedings

d. Limitations for taking cognizance

***Prescribed Legislation:***

Code of Criminal Procedure, 1908 with Amendment Acts

Criminal Rules of Practice in Kerala

***Book Recommended:***

1. Kelkar, R.V. : Outlines of Criminal Procedure
2. Ratanlal Dhirajlal : The Code of Criminal Procedure
3. Tyagi Shrivir : The Code of Criminal Procedure, 1973
4. Mishra, S.N. : The Code of Criminal Procedure
5. Ganguly – Criminal Court, Practice and Procedure

**PAPER - III**

**CODE OF CIVIL PROCEDURE & LAW OF LIMITATION**

**1. Introduction**

a. Definitions: Decree, Judgement, Order, Foreign Court, Foreign Judgement, Mesne,

Profits, Affidavit, Suit, Complaint, Written Statement

b. Jurisdiction of the civil courts- Kinds of jurisdiction-suits of civil nature  
Res Sub-Judice, Resjudicata,

**2. Initial steps in a suit**

a. Place of suing

b. Parties to suit

c. Institution of suit

d. Pleadings: Meaning, object, General rules, Amendment of pleadings

e. Complaint and written statement

f. Issue and service of summons

g. Discovery, Inspection and production of documents

h. Appearance and non-appearance of parties

i. Framing of issues and First hearing

j. summoning and attendance of witness

k. adjournments

**3. Supplementary Proceedings**

a. Commissions

b. Arrest before judgement

- c. Attachment before judgement
- d. Temporary Injunctions
- e. Interlocutory orders
- f. Receiver
- g. Security of costs

#### **4. Suits in Particular Cases**

- a. Suits by or against Government
- b. Suits by Indigent persons
- c. Suits by firm/partners
- d. Suits by corporations
- e. Interpleader Suit
- f. Summary Procedure
- g. Suits relating to public nuisance
- h. Suits relating to public trust

#### **5. Judgment and Decree**

- a. Judgment: Definition, Essentials, Pronouncement, Contents, and Alteration
- b. Decree: Definition, Essentials, Types, Drawing up of a decree, Contents, and Decree in particular cases
- c. Interest
- d. Costs-compensatory costs

#### **6. Execution**

- a. Courts by which decree may be executed
- b. Payment under decree
- c. Application for Execution
- d. Mode of Execution
- e. Stay of Execution
- f. Questions to be determined by executing court

#### **7. Appeals**

- a. Appeals from original decree
- b. Appeals from appellate decrees
- c. General provisions relating to appeals
- d. Appeals to the Supreme Court
- e. Appeals by Indigent persons

#### **8. Reference, Review and Revision**

- a. reference to High Court
- b. review
- c. revision

## **9. Other important provisions**

- a. Restitution
- b. Caveat
- c. Inherent Powers
- d. Affidavit
- e. withdrawal or compromise of suits
- f. Effect of Death

## **10. Law of Limitation**

- a. Meaning, nature and scope of law of limitation
- b. Bar of Limitation and its efficacy
- c. Sufficient Cause: its meaning and applicability
- d. Legal Disability: Meaning, Scope and Effect
- e. Continuous running of time: General principle, meaning, scope and its exceptions
- f. Exclusion of time
- g. acquisition of easement by prescription-adverse possession etc

### ***Statutory materials: (With amendments)***

Code of Civil Procedure, 1976

Limitations Act, 1963.

### ***Prescribed Readings: (With amendments)***

Code of Civil Procedure (Students Edition) - Mulla

Civil Rules of Practice (Kerala) 1971.

## **PAPER - IV FAMILY LAW II**

### **Hindu Law**

#### ***Joint Family***

Origin and Constitution of Joint Hindu Family – Mitaksharara co-parcenary, Co-parcenary Joint Family, Co-parcenary within a co-parcenary – Incidents of co-parcenary property. Right of co-parceners - Powers and duties of a manager in a Joint family business. Dayabhaga Joint Family - Hindu Succession Act, 1956.

#### ***Partition***

Meaning of partition – Subject matter of partition – Persons entitled to a share – The mode of partition – Re-opening and reunion.

3. Inheritance – General Principles - Exclusion from inheritance – Hindu Succession Act, 1956.

4. Sreedhana and Women's estate – Changes effected by the Hindu Succession Act. Right of widow and other female heirs, Religion and charitable endowments – Endowments Public and Private.

5. Marumakkathayam Law – Tharavadu and its management – Karanavan - his position, powers etc. Statutory changes – Debits and alienations – Partition – Nature of property allotted to a Marumakkathayi female member in particular of her tharavad property on the subsequent birth of a child to her. Acquisitions – Nature and effect of sthanoms – Statutory changes.

6. General rules of succession of Hindu males and females – Order of succession. Rules of succession - persons governed by Marumakkathayam Law – Right of child in womb - rules of evidence in case of simultaneous death, preferential right to acquire the share of another heir Dwelling house.

## ***Muslim Law***

### *Introduction*

#### *General principles*

General Principles – Life estate and vested remainder – Hanafi Law of inheritance – The three classes of heirs – Principles of succession among shares and residuaries – Doctrine of Increase and Return- Comparison with Shia law of inheritance – Scope of the doctrine of representation.

Wills – Persons capable of making Wills -Bequest to heirs – Bequest to non-heirs Limits to testamentary power – Revocation of Bequest –Death bed gifts and acknowledgement.

Gifts –Persons capable of making gifts – The three essentials of a gift – Delivery of possession of immovable properties contingent gifts – Revocation of gift – Hiba Bill –Iwaz- Hiba-Behart-UI-Iwaz.

Wakf.- Wakf definition-Subject of Wakf - object of Wakf - Wakf how completed-Reservation of life interest for the benefit of Wakf- Public wakf and private wakf. The Wakf Act, 1954 –Muttawallis or managers of wakf properties-Powers-Statutory control. Removal or Muttwallis.

#### *Law of Pre-emption*



### ***Christian Law***

Law of succession of Christians, Rules of Succession under Indian Succession Act.

Interpretation of Wills, words of limitation.

Probate and letters of administration, duties of executor or administrator, succession certificate.

#### ***Prescribed Readings: (With amendments)***

Indian Succession Act 1925	:	
Hindu Law (N.M. Tripathi Pvt. Ltd.):		Mulla
Hindu Law	:	Paras Diwan
Introduction to Modern Hindu Law	:	Duncan M Derret
Mohammedan Law	:	Mulla
Outlines of Mohammedan Law	:	A.A.A. Fyzee
Marumakkathayam Law	:	K. Sreedhara Warrrier
Family Law	:	Prof. M.KrishnanaNair
Christian Law	:	Dr. Sebastian
Family Law	:	Paras Diwan

### **PAPER V**

#### **DRAFTING, PLEADING AND CONVEYANCING**

This paper shall be taught through class room instructions and simulation exercises. Examination and allocation of marks:

1 Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).

2 Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).

3 The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on the Record. The Record shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.

5 There shall be a contents page.

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva- voce examination shall be conducted by a panel of 2 senior teachers.

- I Drafting: - General principles of drafting and relevant substantive rules.
- II Pleadings:
  - a. Pleadings in General
  - b. Object of pleadings
  - c. Fundamental Rules of Pleadings
- A. Civil:
  - 1. Complaint
  - 2. Written Statement
  - 3. Interlocutory Application
  - 4. Original Petition
  - 5. Affidavit
  - 6. Execution Petition
  - 7. Memorandum of Appeal
  - 8. Memorandum of Revision
- B. Petition under
  - 1. Article 226 and
  - 2. Article 32 of the Constitution of India.
- C. Criminal:
  - 1. Complaints
  - 2. Criminal Miscellaneous petition,
  - 3. Bail Application and
  - 4. Memorandum of Appeal and Revision.
- D. Forms of Pleadings: Practical exercise on the following topics:
  - 1. Suit for recovery under Order XXXVII of the Code of Civil Procedure 1908
  - 2. Suit for Permanent Injunction
  - 3. Application for Temporary Injunction under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908
  - 4. Application under Order 39, rule 2-A of the Code of Civil Procedure, 1908
  - 5. Suit for Ejectment and Damages for Wrongful Use and Occupation.
  - 6. Petition for Restitution of Conjugal Rights under S. 9 of the Hindu Marriage Act, 1955

7. Petition for Judicial Separation under S. 10 of the Hindu Marriage Act, 1955

8. Petition for Dissolution of Marriage by Decree of Divorce under S. 13 of the Hindu Marriage Act, 1955

9. Petition for Dissolution of Marriage by Decree of Divorce under S. 13B (1) of the Hindu Marriage Act, 1955

10. Petition for Grant of Probate in High Court

11. Petition for Grant of Letters of Administration

12. Contempt Petition under Ss. 11 and 12 of the Contempt of Courts Act, 1971 before the High Court

13. Writ Petition under Article 226 of Constitution of India

14. Caveat under s. 148-A of the Code of Civil Procedure, 1908

15. Special Leave Petition (Civil) under Article 136 of the Constitution of India

16. Counter Affidavit in Special Leave Petition (Civil)

18. Application for Bail

19. Application for Grant of Anticipatory Bail

20. Complaint under Section 138 of the Negotiable Instruments Act, 1881

21. Application U/S. 125 of the Code of Criminal Procedure, 1973

22. Special Leave Petition (Criminal) under Article 136 of the Constitution of India

25. Complaint under Section 12 of the Consumer Protection Act, 1986

26. Written Statement to the Complaint under the Consumer Protection Act, 1986

### III. Conveyancing:

#### A. Conveyancing in General

Object of Conveyancing

Component parts of a deed

B. Forms of deeds and notices: practical exercise on the following topics: (any fifteen)

1. Agreement

2. Exchange

3. Sale Deed

4. Mortgage Deeds

5. Lease Deed,

6. Gift Deed

7. Promissory Note
8. Receipt
9. Licence
10. Power of Attorney- General and Special Power of Attorney
11. Will.
12. Relinquishment Deed
- 13 Partnership Deed
- 14 Deed of Dissolution of Partnership
- 15 Hire-Purchase Agreements
16. Settlement Deed
17. Notice
19. Partition
20. Rectification deed
21. Trust.

#### 5. Viva-Voce examination

Viva voce examination will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

Students shall keep a record for the practical work done by them

#### ***Prescribed Legislation:***

The Code of Civil Procedure, 1908,  
 Civil Rules of Practice  
 Criminal Procedure Code 1976  
 Criminal Rules of Practice

#### ***Prescribed Book:***

1. M.C. Agarwal and G.C. Mogha, *Mogha's The Law of Pleadings in India*
2. J.M. Srivastava and G.C. Mogha, *Mogha's The Indian Conveyancer*
3. K.Mony and K.Usha Legal Drafting (2010)

#### ***Recommended Books***

1. M.R. Mallick, Ganguly's, *Civil Court: Practice and Procedure*
2. C.R. Datta and M.N. Das, *De Souza's, Forms and Precedents of Conveyancing*
3. N.S. Bindra, *Conveyancing*, Vol 1-5, Law Publisher, Allahabad

## **FOURTH SEMESTER**

### **PAPER - I INFORMATION TECHNOLOGY LAW (OPTION-I)**

#### **1. Introduction**

- Fundamentals of Cyber Space
- Understanding Cyber Space
- Interface of Technology and Law Defining Cyber Laws –
- Global trends in Cyber Law

#### **2. Jurisdiction in Cyber Space**

- Concept of Jurisdiction
- Internet Jurisdiction
- Indian Context of Jurisdiction
- International position of Internet Jurisdiction Cases in Cyber Jurisdiction

#### **3. E-commerce- Legal issues**

- Legal Issues in Cyber Contracts
- Cyber Contract and IT Act 2000
- The UNCITRAL Model law on Electronic Commerce

#### **4. Intellectual Property Issues and Cyberspace – The Indian Perspective**

- Overview of Intellectual Property related Legislation in India
- Copyright law & Cyberspace
- Trademark law & Cyberspace
- Law relating to Semiconductor Layout & Design

#### **5. Understanding Cyber Crimes**

- Defining Crime
- Crime in context of Internet –Actus Rea/Mens Rea
- Types of crime in Internet
- Computing damage in Internet crime

#### **6. Indian Penal Law & Cyber Crimes**

- Fraud
- Hacking
- Mischief
- Trespass
- Defamation
- Stalking

Spam

7. Obscenity and Pornography

Internet and Potential of Obscenity

Indian Law on Obscenity & Pornography

International efforts

Changes in Indian Law

8. Penalties & Offences

Under the IT Act

Offences under the Indian Penal Code

Investigation & adjudication issues

9. The Evidence Aspect in Cyber Law

Applicability of the Indian Evidence Act on Electronic Record

Prescribed Legislations:

Information Technology Act, 2000

Information Technology Rules, 2000

Cyber Regulation Appellate Tribunal Rules, 2000

The Indian Penal Code, 1860

The Indian Evidence Act, 1872

Bankers Book Evidence Act.1891

Reserve Bank of India Act, 1934

**Prescribed Books:**

Farooq Ahmed, *Cyber Law in India*, Pioneer Books, New Delhi-110009

Vakul Sharma, *Information Technology Law and Practice*, Universal, Delhi

:

**Recommended Books:**

Dr. A Prasanna, *Cyber Crimes, Law & Cyber Security*, Institute of Management in Government, Thiruvananthapuram

Arun Baweja, *Information Technology and Development*, Kalpar Publication, Delhi

P.S. Yivek Shane, Banerjee, *Science and Society*, Himalaya Publishing House, Bombay

Ashok Korde, A. Sawant, *Science and Scientific Method*, Himalaya Pub. House, Bombay

B.B.Batra, *Information Technology*, Kalpar Publications, Delhi

Nandan Kamamth, *Guide to Information Technology Act*. University Law Pub.Co. Delhi-33

Suresh T. Viswanathan, *The Indian Cyber Laws*, Bharat Law House, New Delhi-83.\_

8. Ankit Fadia and Jaya Bhattacharjee, *Encryption-Protecting your Data*

9. P. Narayan, *Intellectual Property Law*, Eastern Law House, New Delhi

10. Vijay kumar. Na – Cyber laws for every netizen in India

11. UNESCO, *The International Dimensions of Cyber Space Law*

## **PAPER - I**

### **COMPETITION LAW (OPTION-II)**

1. CONCEPTS: Competition, market (geographical and product), perfect competition, monopoly, oligopoly, competition policy and competition law.

2. PURPOSE OF COMPETITION POLICY AND LAW: THEORIES

Competition and Regulation, Classical theory, Neo-Classical theory, Chicago School, the Neo Austrian School and Harvard School.

3. HISTORY OF REGULATION OF COMPETITION IN INDIA

Constitutional vision of social justice, Sachar Committee, MRTP Act-Salient features and its amendment in 1991, Raghavan Committee Report, Competition Act 2002. Fundamental basis of competition policy in India in comparison with Anti-trust law and anti-cartel law,

4. REGULATION OF COMPETITION IN MARKET UNDER COMPETITION ACT 2002:

In the background of MRTP Act, US and UK Law:

- (i) Anticompetitive Agreements-Horizontal and vertical restraints
- (ii) Abuse of Dominant Position
- (iii) Regulation of combination
- (iv) Penalties and Damages

5. REGULATORY STRUCTURE

(i) COMPETITION COMMISSION OF INDIA: Original Provision under the Competition Act 2002 and the controversy, the amendment in 2007 and the bifurcation; constitution of the CCI, powers and functions, jurisdiction of the

CCI; adjudication and appeals; independence and accountability of the CCI and its members.

(ii) DIRECTOR GENERAL

(iii) CCI & OTHER REGULATORY BODIES

## 6. COMPETITION ADVOCACY

### 7. AN INTERNATIONAL COMPETITION LAW?

Competition Agreement under WTO? - Future initiatives, challenges.

Legislations

MRTP Act

Competition Act 2002

#### ***Prescribed Books:***

1. Competition Law in India - T.Ramappa.

2. Competition Act, 2002- Law and Practice. Suresh T.Vishwanathan.

#### ***Reference Books:***

1. Competition Law-Emerging Trends—P.Satyanaraya Prasad

2. Competition Act, 2002.

3. Piet Jan Slot and Angus Johnston, *An Introduction to Competition Law* ( Oxford and Portland, Oregon),chapter 1.

4.Einer Elhauge and Damien Geradin, *Global Competition Law and Economics* ( Oxford and Portland, Oregon) Chapter Chapter 1, 2.A, 3.A

5. S.M. Dugar, *Commentary on MRTP Law, Competition Law & Consumer Protection Law*, Wadhwa Nagpur

6. Martyn Taylor, *International Competition Law: A New Dimension for the WTO* (Cambridge University Press, 2006).

## **PAPER - II**

### **PRINCIPLES OF TAXATION LAW**

#### UNIT-I

Indian Constitution on Tax – Meaning, Nature and characteristics of tax- Distinction between tax and fee, tax and cess - Direct and Indirect taxes- Tax evasion and tax avoidance- Scope of taxing powers of Parliament, State Legislatures and Local bodies. The Income Tax Act: Basis of taxation of Income- Agricultural Income – Residential status of individuals, HUF, firms, association



of persons, Co-operative Societies and Non- Residents - Income from salaries- Income from house property- Income from business or profession and vocation- Income from other sources- Incomes exempted from tax – Procedure for assessment of Tax

#### UNIT-II

Income Tax Authorities- Their appointment- Jurisdiction- Powers and functions- Provisions relating to collection and recovery of tax- Refund of tax, appeal and revision provisions, offences and penalties. Wealth Tax: Charge of Wealth tax, assets, deemed assets, and assets exempted from tax- Wealth tax Authorities- Offences and penalties.

#### UNIT - III

Central Excise Laws: Nature, scope and basis of levy of Central Excise duty- Meaning of goods-Manufacture and manufacturer- Classification and valuation of goods- Duty payment and exemption provisions- Provisions and procedure dealing with registration and clearance of goods-An overview of set-off of duty scheme.

#### UNIT-IV

Central and State Sales Tax Laws: Evolution and scope of levy of Sales tax- Inter- State sale outside a State and sale in the course of import and export- Basic principles- Registration of dealers and determination of taxable turnover Service Tax - Main features of Service Tax -VAT -. Tax code

#### ***Prescribed Books:***

1 Dr. V K Singhania - Students Guide to Income tax, Taxmann Publications

2 V S Datey - Indirect taxes- Law and Practice, Taxmann Publications

#### Reference Books:

1) Girish Ahuja and Ravi Gupta- Systematic Approach to Income - tax and Sales -tax, Bharat Law House

2) Kailash Rai – Taxation Laws, Allahabad Law Agency

3) B. B. Lai- Direct Taxes- Practice and Planning; Konark Publishers Pvt Ltd, Delhi

4) Dr. H C Malhotra and Dr S P Goyal- Direct taxes, Sahitya Bhawan, Agra

5) Sharad Bhargava- Income tax for Students, Mashbra Industires (P) Ltd, New Delhi

- 6) V Balachandran- Indirect Taxes, Sultan Chand and Sons, New Delhi
- 7) J K Jain and Anand Jain- Law of Central Sales Tax in India, Anand prakashan, Jaipur
- 8) P L Malik- Commentaaaries of Customs Act, Eastern Book Company, Lucknow
- 9) G Sarangi- Introduction to Indian Tax System and Central Excise Law and Procedure, Censes Publications, New Delhi
- 10) Kerala General Sales Tax Act

## **PAPER - III**

### **COMPANY LAW**

#### **1. Concept of corporate personality; Evolution; Nature and features of Company:**

Theories of corporate personality/Separate Legal Entity, Limited liability of members/shareholders, Holding and disposal of property, Management divorced from capital, Perpetual succession, Transferable shares, Power to sue and being sued : Lifting of the Corporate Veil – Tax Evasion, Enemy Character, Fraud or Improper conduct, Statutory

Exceptions to Limited Liability - Reduction in number of members below minimum (s.45), Mis-description of Company's Name (s. 147), Holding and Subsidiary Relationship (ss. 4 and 212), Personal liability of promoters, directors, etc. for fraudulent conduct of business (s. 542)

#### **2. Kinds of company:**

Public and Private Companies (ss. 3, 43)- Holding and Subsidiary Companies (s. 4); Limited and Unlimited Companies (ss. 12(2) (c), 27, 32)- Share-holding and Guarantee Companies (ss. 12, 37)- Producer Companies (Part – IXA, ss. 581A – 581ZT)- Provisions relating to Un-registered Companies (ss. 582-590)- Foreign Companies (ss. 591-608)- Application of the Companies Act, 1956 to Companies governed by Special Acts e.g. insurance, banking, electricity supply, etc. (s. 616)- Government Companies (s. 617)

#### **3. PRE-INCORPORATION PHASE**

Promotion of company

Promoters: position - Rights, Powers and Duties as Trustee- Contract with the company-

Liability for Negligence and Personal Profit Pre-incorporation contracts  
Ratification of pre-incorporation contract

#### **4. INCORPORATION OF COMPANY**

Memorandum of Association various clauses - alteration therein Articles of Associations binding force - alteration - its relation with memorandum of association. Registration of the company Doctrine of Ultra vires Doctrine of Indoor Management Doctrine of Constructive Notice

#### **5. RAISING OF CAPITAL**

Prospectus: issue; contents Kinds of Prospectus: Statement in lieu of Prospectus; shelf prospectus, Deemed Prospectus; Information Memorandum liability of misstatements in Prospectus Share Capital: general principles of allotment- statutory restrictions- share certificate -its objects and effects- transfer of shares, restrictions on transfer, procedure for transfer, refusal of transfer, role of public finance institutions, relationship between transferor and transferee, issue of shares at premium and discount, depository receipts - dematerialised shares(DEMAT)-Shareholder - who can be and who cannot be a shareholder - modes of becoming a shareholder - calls on shares - forfeiture and surrender of shares -lien on shares, Share capital - kinds - alteration and reduction of share capital - further issue of capital -conversion of loans and debentures into capital - duties of courts to protect the interests of creditors and share holders

Debenture Capital - meaning; kinds; remedies of debenture holders Dividend – declaration; payment; interim dividend;

#### **6. CORPORATE MANAGEMENT - I (DIRECTORS)**

Position; kinds; qualification; Appointment; ; removal; resignation; casual vacancies; remuneration; powers and duties; Register of Directors

#### **CORPORATE MANAGEMENT - II (MEETINGS)**

Kinds; Procedure; voting

#### **7. Regulation of Corporate Mismanagement**

Nature and function of the provision Protection against oppression Protection against mismanagement Shareholder's Derivative Action – Nature, Scope, and Development

Investigation power -Role of Central Government

## **8. Corporate Collapse**

Modes of Winding Up Contributories Liquidators – Appointment, powers and functions - Winding up by the Tribunal Analysis of grounds of non-commencement of business, inability to pay debts, and just and equitable clause. Voluntary Winding up - by members- by creditors Stepwise Procedure of Winding up

## **9. Securities and Exchange Board of India [SEBI]**

Establishment and Jurisdiction-Role of SEBI in Capital Market-Powers and Functions Securities Appellate Tribunal – Establishment and Scope of Jurisdiction-Different Scams in Indian Securities Market – Modus Operandi

## **10. Securities Market and its Control**

Introduction to Capital Market – Reforms and Development. General concept of securities market products Securities Contract Regulation Act, 1956 Concept of Corporatization and Demutualization Stock Exchanges, OTCEI Conditions of Listing and Delisting Credit Rating Agencies – Concept, Scope and regulatory framework Concept of Dematerialization and Depositories

## **11. Corporate Reconstruction**

Mergers

Amalgamation

Acquisition

Takeover

Demergers

(Global and National scenario: Historical background; Meaning; Need; Scope; Methods)

SEBI Takeover Code

Regulation & Takeover of Sick Industries

### ***Prescribed Books:***

1. Paul L. Davies, *Gower and Davies Principles of Modern Company Law* (8th ed., 2008)
2. Avtar Singh, *Indian Company Law* (2008 ), Eastern, Lucknow.
3. L.C.B. Gower, *Principles of Modern Company Law* (1997) Sweet and Maxwell, London
4. A. Ramaiya, *Guide to the Companies Act*, (2007), Wadha.

### ***Recommended Books***

1. Palmer, *Palmer's Company Law* (1987), Stevens, London.

2. R.R. Pennington, *Company Law* (1990), Butterworths.
3. A. Ramaiya, *Guide to the Companies Act*, (2007), Wadha.
4. S.M. Shah, *Lectures on Company Law* (1988), Tripathi, Bombay
5. A. K. Majumdar, Dr. G. K. Kapoor *Company Law & Practice*, Taxman
6. Gower & Davies, *Principles of Modern Company Law*
7. Law and Procedure For Mergers, Amalgamations, Takeovers & Corporate Restructure./Sampath, K.R. Mumbai : 2006
8. E-Filing of Forms & Returns under Company Law (Comprehensive Guide to): With Specimen Filled in & Ready to File Forms./ Jain, D.K. New Delhi : 2006
9. Takeovers, Restructuring and Corporate Governance./ Weston, J. Fred , Mitchell, MarkL. and Mulherin, J. Harold London : 2006
10. Manual of Companies Act & Corporate Laws: Including SEBI Rules, Regulations, etc../New Delhi: 2003, Puliani, Ravi & Puliani Mahesh

### **Webliography:**

1. <http://www.sebi.gov.in/> [Securities Exchange Board of India]
2. <http://www.nse-india.com/> [National Stock Exchange]
3. <http://www.bseindia.com/> [Bombay Stock Exchange]
4. <http://www.mca.gov.in/> [Ministry of Corporate Affairs, GOI]
5. <http://finmin.nic.in/> [Ministry of Finance]
6. <http://www.crisil.com/index.jsp> [CRISIL]

### **Articles:-**

#### Important Committee Reports

1. Kumar Mangalam Birla Committee
2. Naresh Chandra Committee
3. N.R. Narayan Murthy Committee
4. Irani Committee

#### Law Commission Report(s), if any

188th report on proposals for constitution of hi-tech fast – track commercial divisions in High Courts

142nd report on Legislative Safeguards for protecting the small depositors from exploitation

#### Important Act(s) – Indian Foreign

1. Companies Act, 1956
2. SEBI Act, 1992
3. Securities Contract Regulation.

## **PAPER - IV**

### **LAW OF EVIDENCE**

#### **UNIT-I**

Introduction: Distinction between substantive and procedural law, Evidence in customary law systems, Introduction to the British 'Principles of Evidence'. Salient features of the Indian Evidence Act, 1861, Applicability of the Indian Evidence Act. Central Conceptions in Law of Evidence: Facts, Facts in issue and relevant facts, Evidence, Circumstantial and Direct evidence, Presumptions, Proved, Disproved, Not Proved, Witness, Appreciation of evidence. Relevancy: Facts connected with facts in issue, Doctrine of Res gestae; SS 6, 7,8 and 9 of Evidence Act, Evidence of Common Intention, Sec.10, Relevancy or otherwise irrelevant facts- Facts to prove right or custom (sec-13)-Facts concerning state of mind/state of body or bodily feelings (SS. 14 and 15) -Relevancy and admissibility of admissions, privileged admissions- evidentiary value of admissions (SS. 17 to 23, IEA).

#### **UNIT-II**

Relevancy and admissibility of confessions: Admissibility of information received from an accused person in custody, Confession of co-accused (SS. 24 to 30), Admitted facts need not be proved (58). Dying declaration: Justification for relevance, Judicial standards for appreciation of evidentiary value-32 (1) with reference to English Law, Other statements by persons who cannot be called as witnesses (SS. 32(2) to (8) 33)- Statement under special, circumstances (SS. 34 to 39) Relevance of judgments: General principles, Fraud and Collusion (SS. 40 to SS. 44) Expert testimony: General principles (Sec. 45-50), who is an expert, Types of expert evidence, Problems of judicial defence to expert testimony.

#### **UNIT-III**

Character evidence: Meaning – Evidence in Civil Criminal cases English Law (SS. 52-55), Oral and Documentary Evidence. Introduction on Proof of facts, General principles concerning oral Evidence (59-60), General principles concerning documentary Evidence (61-90), General principles regarding exclusion by evidence (SS. 91-100)

#### **UNIT-IV**

Burden of Proof:

The general conception of onus probandi (SS. 101), General and Special exception to onus probandi (SS. 102-106)- The justification of presumption and burden of proof (SS. 107 to 114) with special reference to presumption to legitimacy of child and presumption as to dowry death- Doctrine of judicial notice and presumptions.

Estoppel

Scope of Estoppel, Introduction as to its rationale (SS. 115), Estoppel distinguished from Resjudicata, Waiver and Presumption, Kinds of Estoppel- Equitable and Promissory Estoppel, Tenancy Estoppel (Sec. 116)

#### UNIT-V

Witness, Examination and Cross Examination: Competence to testify (SS. 118 to 120), Privileged communications (121 to 128), General principles of examination and cross examination (SS. 135 to 166), Leading questions (141- 145), Approver's testimony (SS.133), Hostile witnesses (SS. 154), Compulsion to answer questions (147, 153), Questions of corroboration(156-157), Improper admission of evidence.

#### ***Prescribed Book:***

1. Ratanlal and Dhirajlal - Law of Evidence

#### ***Reference Books:***

1. Best - Law of Evidence

2. Sarkar - Law of Evidence

4. Batuklal - Law of Evidence

5. Wodroff and Amir Ali - Law Evidence

## **PAPER V**

### **PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM**

#### UNIT-I

Advocates as professionals:

Introduction, Importance of legal profession, Lawyers's Role in Accelerating and facilitating the social change visualized by the Indian Constitution, Categories of Advocates, Restrictions imposed on Senior Advocates, Admission and enrolment of advocates, Professional opportunities, Women Lawyers, Opportunities and Handicaps Advocates' right to practice, to act and to plead - The right of

pre-audience Advocates' duty to society, to render legal aid, to educate and to accept public office.

Restrictions on other employment and penalty for illegal practice Trial Advocacy- Important tools of successful advocacy- Study, preparation and presentation of case- Art of examination (chief, cross and re-examination), Arguments on facts and law- How to address the court. Appellate advocacy- Original side Advocates- Supreme Court Advocates-

Advocates on record- Mofussil Advocates- Retired Judges as Advocates.

## UNIT-II

Professional ethics - Advocate and Client:

Acceptance of brief, withdrawal from engagement, advocate's role as potential witness- Duty of advocate to make full and frank disclosure to client- Breach of obligation to client- Advocate to act only on the instruction of the client- Contingent fee- Advocate's lien for fee- Share in claim or purchase of property sold in execution- Financial dealing between advocate and client- Prohibition on lending or borrowing money- Prohibition on changing of sides- Legal Profession and Strike.

## UNIT-III

Bar-Bench relationship-Duty towards Court:

Duty to conduct himself with dignity and self-respect and not to commit contempt of court, Avoidance of illegal and improper means to influence decisions, Advocate not to be mere mouth piece of client- Dress code- Prohibition on practicing before relatives, Other duties, powers and obligations of Notary public. Duty of advocates towards colleagues in the profession:

Bar council of India Rules governing professional conduct and etiquette, Soliciting and advertising, Professional services and name not to be used for unauthorised practice of law, Fees not less than fees taxable under the rules, Restriction on entering appearance without the consent of the advocate already engaged, Advocates not to demand fees for imparting training to juniors, Advocate's duty to opponent counsel, Advocates duty to report disqualification.

## 2. The Contempt Law and Practise.

Law of contempt of court: Meaning, nature and categories of contempt of court, Constitutional validity of the Contempt of Court Act, 1972, Salient features of the Act, Contempt jurisdiction of Supreme Court, High Court and Subordinate Courts- Contempt by lawyers, judges and by State- Contempt procedure-



Punishment for contempt- Defence open to contemnor and remedies against punishment.

4. Fifty (50) selected opinions of the Disciplinary Committees of Bar Councils

5. Cases on Professional Misconduct:

1. *Salil Dutta v. T.M. and M.C. (P) Ltd.* (1993) 2 SCC 185

2. *Vinay Chandra Mishra, In re* (1995) 2 SCC 584

3. *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee* (1995) 5 SCC 457

4. *P.D. Gupta v. Ram Murti* (1997) 7 SCC 147

5. *R.D. Saxena v. Balram Prasad Sharma* (2000) 7 SCC 264

6. *D.P. Chadha v. Triyugi Narain Mishra* (2001) 2 SCC 221

7. *Shambhu Ram Yadav v. Hanuman Das Khatry* (2001) 6 SCC 1

8. *Pravin C. Shah v. K.A. Mohd. Ali* (2001) 8 SCC 650

9. *Bhupinder Kumar Sharma v. Bar Assn., Pathankot* (2002) 1 SCC 470

10. *Ex-Capt. Harish Uppal v. Union of India* (2003) 2 SCC 45

6. Accountancy for lawyers:

Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts. The cash and bulk transaction: The Cash book, Journal proper especially with reference to client's accounts, Ledger, Trial balance and final accounts, Commercial mathematics.

Scheme of Internal/ Written Examinations.

Internal examinations should be conducted through periodical test papers - case study / field survey/Simulation exercise – Writing articles/Paper presentation in seminars - projects works on topics identified by the concerned teacher. The distribution of marks as follows:

I. Marks for internal/Written examinations shall be distributed as follows

(i) Test Paper (average of two test papers)	20 marks
(ii) Project work/ dissertation writing	20 marks
(iii) Case study/comment	10 marks
(iv) Paper presentation/writing articles	10 marks

Each student shall prepare a combined record on all Internal/written examinations (answer sheets of two test papers are to be attached with the record) and produce before the viva-voce board.

## II. VIVA – VOCE EXAMINATION

Total marks for viva-voce examination

40 marks

Viva-voce examination shall be conducted by a panel consists of Principal and two senior teachers other than teacher in charge of the subject.

***Prescribed Legislation:***

## The Advocates Act, 1961

## Contempt of Court Act

***Prescribed Book***

Mr. Krishnamurthy Iyer's book on *Advocacy*.

## Recommended Books

Bhagavati, P.N., *Challenges to the Legal Profession - Law and Investment in Developing Countries*

J.B.Gandhi, *Sociology of Legal Profession and Legal System* (1987).

Sathe, Kunchur, Kashikar - “*Legal Profession: Its Contribution to Social Change*” in 13 ICSSR

Research Abstracts Quarterly 111-127 (1984) Also see 10 Indian Bar Rev. 47-81 (1983).

K.L.Sharma “Sociology of Law and Legal Profession: Cross Cultural Theoretical perspective”

24 J.I.L.I. 528 (1982).

A.N.Veeraraghavan “*Legal Profession and the Advocates Act, 1961*” 14 J.I.L.I. 229 (1972)

Upendra Baxi, “*The Pathology of the India Legal Profession*”, 13 Ind. Bar. Rev. 455 (1986)

S.P.Sathe, *Administrative Law* (1998)

K.L.Bhatia, *Socio-Legal Study of Occupational Status of Law Graduates*, (1994)

## **FIFTH SEMESTER LLB**

### **PAPER I**

#### **LAW OF BANKING AND NEGOTIABLE INSTRUMENTS – (OPTION - I)**

##### **UNIT – I**

Indian Banking Structure: Origin, Evolution of Banking Institutions, Types and functions of banks, Commercial banks, functions, Banking companies in India, Central Banking: i Organizational Structure of RBI ii. Major functions of the Reserve Bank a. Bank of Issue b. Banker to the Government c. Bankers Bank-Lender of the Last Resort d. Regulation of money/s and monetary mechanism – Domestic and Foreign currency. e. Credit Control. f. Exchange control g. Fixation of bank rate policy formulation. iv. Control function of RBI over Banking and Non Banking Companies

##### **UNIT II**

Banking Regulation Act, 1949 - Control over State Bank of India, UTI, IDBI, RRBs, Local Banks, NABARD and other Financial Institutions – An Overview. The role of banking institutions in the socio-economic development of the country- Advanced to priority sector and Credit Guarantee Scheme.

Social Control of Banks.

ii. Nationalization of Banks.

iii. Priority lending.

iv. Protection of Depositors

Promotion of underprivileged classes, Development work and participation in national economy – Development work and participation in national economy – Narashimam Committee Recommendations – 21<sup>st</sup> century reforms and technological revolution in Banking Industry.

##### **UNIT III**

Negotiable Instruments, 1881 Act. Negotiable Instruments, Kinds, Holder and holder in due course , Parties, Negotiation, Assignment, Presentment, Endorsement, Liability of parties, Payment in due course, Special rules of evidence, Material alteration, Noting and protest.

## UNIT – IV

Banker and customer Relationship: Definition of banker and customer, General relationship, Special relationship, Banker's duty of secrecy, banker's duty to honour cheques, banker's lien, banker's right to set off, Appropriation of payments, Garnishee order, Customer's duties towards his banker, Paying banker and collecting banker, Bills in sets, Penal provisions under NI Act, Banker's Book Evidence Act.

## UNIT – V

Opening of New Accounts: Special types of customers, Minor's A/C, Joint A/C, Partnership A/C, Company's A/C, Married women's A/C, Trust A/C, Joint Hindu family A/C, Illiterate persons, lunatics, executors, Precautions required in case of administrators, clubs, societies and charitable institutions to open an account. Ancillary Services and E- Banking: Remittances - General, DD, MT, TT, Traveller's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest E – Banking: Definition – E – Banking includes, Internet banking, mobile banking, ATM banking, computerized banking, E-banking services: retail services, wholesale services, E- Cheque-authentication, Cyber Evidence, Banking Ombudsman.

## UNIT – VI

Employment of funds: Loans and Advances, Guarantees, Advances secured by Collateral securities, Agency Services- Financing of Exports, Special Banking Services, Advances to Priority Sectors and Credit Guarantee schemes, Securitisation Act, 2002.

### **Prescribed Books:**

1. M. L. Tannan - Law of Banking
  2. Khergamvala - Negotiable Instruments Act – M. S. Parthasarathy (Ed.)
  3. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of financial assets and Enforcement of Security Interest Act, 2002
- M.L. Tannan, *Tannan's Banking Law and Practice in India* (Eighth Edition-2008),

### **Reference Books:**

1. Avtar Singh – Negotiable Instruments Act.

2. Basu - Review of current banking theory and practise, Macmilan.
  3. Pagets Law of Banking - Butterworths, London.
  4. L. C. Goyle – The Law of Banking and Bankers – Eastern Book Co.
  5. K. Subramanyan – Banking Reforms in India
  6. R. K. Talavar- Report of working group on customer service in Banks
  7. S. N. Gupta - The Banking law in theory & practice.
  8. G. S. N. Tripathi (Ed.) Sethi's commentaries on Banking Regulation Act 1949 and allied Banking Laws.
  9. Bashyam and Adiga – The Negotiable Instruments Act.
  10. Mukherjee. T. K. - Banking Law and practice.
  11. Chorley – Law of Banking
  12. Paget – Law of Banking
  13. Bashyam and Adiga - The Negotiable Instruments Act
  14. Information System for Banks - Taxmann
  15. Vasantha Desai and Joshi - Managing Indian Banks.
- Relevant provisions of Information Technology Act, 2000

## PAPER I

### LAND LAWS INCLUDING TENURE AND TENANCY SYSTEMS (OPTION - II)

- 1 . Land – immovable property – right to hold Land - Constitutional scheme – land reforms – ARTICLE 31A of Constitution – scope and implications.
  - 2 . Historical background of Kerala Land Reforms Act - fixity of tenure – purchase of landlord's rights by cultivating tenants – vesting of landlord's right in govt – right to purchase kudikidappu – Role of Land Tribunals and Land Boards
  - 3 . Rights of forest dwellers – Objectives of Wet land laws, Kerala Land Utilization order, Land Conservancy and Land Assignment Act – Revenue Recovery Act
  - 5 . Kerala Land Acquisition Act 1894– Rehabilitation and Re settlement laws - urban land ceiling – Building lease – rent control Act. REFERENCE:
- 1 . Sugathan, Land laws of kerala
  - 2 . A Gangadharan, Law of land reforms in Kerala
  - 3 . A Gangadharan, The laws on land in Kerala

**PAPER II**  
**PRIVATE INTERNATIONAL LAW (OPTION - I)**

1. Introduction

Origin and development of Private International Law

Nature and basis of Private International Law

Choice of jurisdiction

Choice of law

Recognition and enforcement of foreign judgment

Distinction between Private International Law and Public International Law

Theories of Conflict of Laws

2. Domicile - Nationality - Residence – Property – Torts - Contracts

Fundamental Principles of Domicile - Nationality

Property

Assignment of movable property

Testamentary Succession ( Wills)

Trusts

Torts

Proper law - Modern trends

Contracts

Formation, interpretation, illegality and discharge

3. Matrimonial

Marriage- Assignment of property on marriage

Matrimonial causes and Disputes

Divorce

Nullity of Marriage

Judicial Separation

Restitution of Conjugal Rights

Legitimacy – Legitimation and Adoption

4. Doctrine of Renvoi- Theories of Renvoi - Foreign Court Theory

5. Foreign Law

Recognition and Enforcement of Foreign Judgments and Arbitral Award

The limits of Application of Foreign Law

***Prescribed Books:***

R.H. Graveson, *Conflict of Laws*

S.L. Khanna, *Conflict of Laws*  
Paras Diwan, *Private International Law*  
G.C.Cheshire, *Private International Law*

**PAPER II**  
**HUMAN RIGHTS LAW AND PRACTICE (OPTION - II)**

Unit-I:

Human Rights: Meaning, Evolution of Human Rights: Ancient and Natural law perspective,  
Natural Rights and Human Rights, Legal Right and Human Rights, Human Rights-Classification,  
Human Rights and League of Nations, Sources of International Human Rights Law, Human Rights-Importance

Unit-II:

U.N.Charter and Human Rights, Universal Declaration of Human Rights and its legal Significance. Covenants and Conventions: International Covenant on Economic, Social and Cultural Rights, 1966; International Conventions on Civil & Political Rights, 1966 The European Convention on Human Rights, 1950, The American Convention on Human Rights, 1969, African Charter on Human and Peoples Rights, The Vienna Conference on Human Rights, Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Rights of the Aged.

Unit III:

Human Rights in India, Human Rights and Indian Constitution, The Protection of Human Rights Act, 1992 Judicial activism & Protection of Human Rights in India, Role of Non-Governmental organization in the Promotion and Protection of Human Rights; Refugees

Unit IV:

National Human Rights Commission, National Commission for Minorities, National Commission for Safai karamcharis, National Commission for Women, National Commission for Backward Classes and National Commission for Schedule Castes and Schedule Tribes.

**Acts**

1. The Charter of UNO

2. The Protection of Human Rights Act, 1993
3. The Universal Declaration of Human Rights, 1948
4. The Protection of Human Rights Act, 1993

**Books:**

1. Prof. S.K.Verma, Public International Law (1998) Prentice Hall of India
2. Wallace, International Human Rights, 1996 Sweet & Maxwell
3. Theodor Meron (ed.), Human Right in International Law
4. V.R.Krishna Iyer, The Dialectics and Dynamics of Human Right in India
5. S.K.Kapoor, Human Right under Int.Law & Indian Law

### **PAPER III**

#### **INDUSTRIAL AND LABOUR LAWS – I**

1.Origin and development of labour laws-object and scope -regulation of labour in the interest of employee-need for state interference-special features of industrial jurisprudence –social justice and industrial jurisprudence-constitutional principles- new trends

2. Law relating to Trade unions

Trade union movement in India- labour participation in management-role of trade unions- registration of trade unions-cancellation and withdrawal of trade unions-out side leadership-rights and liabilities of trade unions-immunities of trade unions

3. Settlement of Industrial dispute

Concept of industry- industrial disputes-conciliation, adjudication and arbitration of industrial dispute-collective bargaining-strikes and lock outs- lay off and retrenchment-public utility services- unfair labour practice-reference of industrial dispute-jurisdiction of labour court, industrial tribunal and national tribunal-awards of tribunal

4. Regulation of service conditions of workmen

Scope and object of Industrial Employment Standing Orders Act1946  
Construction of standing orders- certification of standing orders-modification –duties of certifying officer

***Statutory materials***



Trade Unions Act 1926  
Industrial Dispute Act 1947  
Industrial Employment standing Orders Act 1946  
Labour and Industrial Law , H.L.Kumar ( Universal)  
Labour and Industrial Laws , Prof. K. Madhavan Pillai  
An Introduction to Labour and Industrial Law, Dr. S.K. Puri  
Labour and Industrial Laws, Dr. V.G. Goswami  
Hand book of Labour and Industrial Law, P.L. Malik

## **PAPER IV**

### **ENVIRONMENTAL LAW**

Environment – Meaning and perspective

Meaning of Environment, the basic concepts of ecology and ecosystem, Biosphere and Biomes. Ancient and Medieval Writings; Ancient Indian approach to Environment, Traditional approach. Natural and Biological Sciences. Perspectives: Modern concept, Conflicting dimensions, Anthropogenic V. Anthropocentric approaches- Recent issues relating to Environment, Environment and sustainable development, National and International Perspectives, Population and Developmental impact on environment.

#### **UNIT – II**

Environmental Law and Policy:

An over view of Environmental Policy during Pre & Post Independence era, present policy. The Role of Central and State Governments - Five year Plans – Implementation of the policies. Forest Policy - Conservation strategy – National Water Policy, National Environment Policy-Conservation of Natural Resources and its Management. Indian Constitution and Environment: Right to Environment, Constitutional provisions on Environment and its Protection, Role of Judiciary on

Environmental issues, Evolving of new Principles, Absolute liability, Polluter pays principle, Precautionary principle, Public trust doctrine.

#### **UNIT – III**

International Law and Environmental Protection:

International conventions in the development of Environmental Laws and its Policy - From Stockholm to recent conventions (Special Emphasis on Major

conventions & Protocols) Brown and Green agreements-Multilateral environmental agreements- Control on Marine Pollution- Common Law aspects of Environmental Protection- Riparian rights and prior-appropriation. Relevant Provisions of I.P.C., Cr.P.C, C.P.C, for preventing pollution.

#### UNIT – IV

The Pollution Prevention Laws:

Prevention and Control of Pollution through Scientific methods; prevention of Water pollution- Ground water conservation. Legal Control of Water and Air pollution; The Water Act 1974 - The Air Act, 1981. Pollution controlling mechanisms- Modalities of control, - Noise Pollution and its control, Noise Pollution control order. Disposal of Waste, laws on waste, disposal and its control - Trans-boundary Pollution hazards & Regulation on Bio-Medical Waste. Laws relating to Conservation of Flora and Fauna: Bio-diversity and Legal regulation - Authorities under Biological Diversity Act -Utilization of flora and fauna - Experimentation on animals; Legal and Ethical issues. Depletion of natural resources; Genetic Engineering-legal and ethical issues. Major provisions relating to Indian Forest Act, 1927- Wildlife Protection Act 1972 - Forest (Conservation) Act, 1980 - Prevention of Cruelty against animals - Problems in Legal regulation of medicinal plants – objectives of the Plant Varieties Act - Wetland Conservation and law.

#### UNIT – V

Environment Protection and Legal Remedies:

Environment Protection Act, 1986 including Environment Protection Rules-Major Notifications relating to Coastal Zone Management, ECO-Mark, Environment Impact Assessment, Environmental Audit, Public Participation in Environmental decision making, Environment information, public hearing. Legal remedies for environmental problems: Environmental Disputes and its Redressal agencies: Environmental Tribunals, Public liability Insurance and Environment Relief Fund and remedies under other Laws. Green Benches, National Environment Appellate Authority -United Nations Initiatives, Civil society and environment, Role of NGO's (National and International level) and voluntary organizations, Funding agencies, Complex problems in administration of Environmental Justice.

#### ***Prescribed Books:***

1. Armin Rosen Cranz - Environmental Law and Its Policy in India.
2. Leelakrishnan - Environmental Law in India /Cases

### 3. Introduction to Environmental Law – S. Shantha Kumar

#### Reference Books:

1. Simon ball Stuart Bell - Environmental Law.
2. Sanjay Upadhyay and Videh Upadhyay - Handbook on Environmental Laws
3. Environmental Law – Dr.S.R.Myneni.
4. Relevant Bare Acts/Notifications.
5. Environmental Protection an Policy in India, Kailas Thakur
6. Law Relating to Environmental Pollution and Protection, Dr. H. Maheswara Swami
7. Environmental Law, Susan Wolf and Anna White
8. National ( Environmental ) Tribunal Act 1995

## **PAPER V**

### **ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

The students are required to study:

#### UNIT - I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like arbitration, conciliation, negotiation, mediation, etc; Advantages and disadvantages of above methods; Need for ADRs. International commitments; Domestic needs; Suitability of ADRs to particular types of disputes Civil Procedure Code and ADRs

#### UNIT -II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996

#### UNIT -III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996

#### UNIT -IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate

#### UNIT - V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process - voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators

#### UNIT-VI

Provisions of Legal Services Authorities Act 1987- Lok Adalat practice in kerala  
Scheme of Evaluation

### **I. INTERNAL/ WRITTEN EXAMINATION - 60 MARKS**

Marks for internal /written examinations shall be distributed as follows

- (i) Test paper (average of two test papers) 20 marks
- (ii) Role play (Report of the Role Play shall be submitted in writing) 20 marks
- (iii) Survey/Field study 10 marks
- (iii) Participate and report on Lok Adalat conducted by KELSA or Legal Aid Clinic of the Law College 10 marks

Each student shall prepare a combined record on all Internal /written examinations (answer sheets of two test papers shall be attached with the record) and produce before the viva-voce board.

### **II. VIVA – VOCE EXAMINATION - 40 MARKS**

Viva-voce examination shall be conducted by a panel consists of Principal and two senior teachers other than teacher in charge of the subject.

#### ***Prescribed Books:***

1. Sridhar Madabhushi, *Alternative Dispute Resolution*, 2006, Lexis Nexis Butterworths, New Delhi.
2. Rajan R.D., *A Primer on Alternative Dispute Resolution*, 2005, Barathi Law Publications, Tirunelveli.

#### ***Reference Books:***

1. Sampath D.K., *Mediation*, National Law School, Bangalore.
2. Gold Neil, et.al., *Learning Lawyers Skills*, (Chapter-7)

3. Michael Noone, *Mediation*, (Chapters-1,2&3)

## **SIXTH SEMESTER**

### **PAPER - I**

## **LAWS ON INTELLECTUAL PROPERTY AND TRADE MARKS (OPTION I)**

### **UNIT – I**

Intellectual Property and Industrial Property: Historical evolution of Intellectual Property law, the main forms of Intellectual property, Rationale for protection of rights. Intellectual property and economic development.

### **UNIT – II**

Meaning of Patent. Historical evolution of the concept of patent, Acquisition and loss of the right to the patentee, Grounds of opposition, Wrongfully obtaining the invention, Prior publication, lack of inventive step, insufficient description. Rights conferred by patents and obligation of patentee, Patents as chose in action, Duration of patent, Use and exercises of rights, right to secrecy, Abuse of patent rights, Compulsory licensing. Remedies.

### **UNIT - III**

Historical evolution of Trademark Law: Definition, Registration, Rights conferred, Registered user, Assignment and transmission, Well-Known trademarks, domain name, collective trademark, action for passing off and infringement of trademarks. Remedies.

### **UNIT – IV**

Historical evolution of Copyright law: Definition, Copyright in literary, dramatic and musical works, cinematograph films, computer software, etc- Ownership of copyright, Author's Special rights, Infringement-Fair use provisions. Remedies.

### **UNIT – V**

Provisions of TRIPS on IPR and its impact on India. Plant varieties protection. Utility models: Transfer of technology patents, Patenting Biotechnological Inventions, Integrated Circuits, Industrial designs, Geographical Indications. Protection of Traditional Knowledge. Legal Practice in IPR

### ***Prescribed Books***

1. P. Narayanan - Intellectual Property Law

2. B. L. Wadehra – Intellectual Property Law Handbook

**Reference Books:**

1. WIPO Reading Material on Intellectual Property Law
2. Brainbridge, David – Cases and Materials in Intellectual Property Law, 2nd ed. London, Pitman Publishing 1999.
3. Cornish W.R. Cases and Materials in Intellectual Property Law, 3rd Ed, Sweet & Maxell 1999.
4. Patents(Amendment) Act, 2002
5. Copy Right Act, 1957
6. Trade Marks Act, 1999.
7. The Biological Diversities Act, 2002
8. The Protection of Plant Varieties and Farmers' Right Act, 2001
9. Geographical Indications of Goods (Registration and Protection Act, 1999.

**PAPER - I**  
**LOCAL SELF GOVERNMENT INCLUDING PANCHAYAT**  
**ADMINISTRATION (Option II)**

**UNIT -1**

Meaning, Nature, Characteristics of Local Self Government

Advantages and disadvantages of local self government-Constitutional provisions

**UNIT -2**

Evolution of Local Self Government in India

- i) Lord Ripen's Resolution.
- ii) Royal Commission.
- iii) Community development programme, National Extension Service.
- iv) The Balvantrai Mehta committee report
- v) The Vasantrao Naik committee report.

**UNIT -3**

Panchayat Raj

- i) Gram Sabhas, Establishment and constitution of panchayats.

Constitution of Panchayats at Different Levels- Delimitation of Constituencies- State Election Commission-Preparation of Electoral Rolls- Qualifications and Disqualifications-Conduct of Elections-Disputes Regarding Election- Corrupt Practices and Electoral Offences- Provision Relating to Members and President of Panchayats- Meetings, Powers, Functions, Duties and Property of Panchayats-Officers and Employees of Panchayats-Finance Commission and Its Powers- Functions of the Government- Finance and Taxation- Public Safety, Convenience and Health-Buildings  
-Registration of Private Hospitals and Paramedical Institutions-Right to Information-

#### Unit -4

Municipalities

Composition

Qualification and disqualification of membership

Election to the Municipalities

Functions of Municipalities

#### Unit-5

Finance Commission on Panchayat and Municipalities-Ombudsman for Local Self Government Institutions- Tribunal for Local Self Government Institutions

1.The Kerala Panchayat Raj Act 1994

2. The Kerala Municipality Act 1994

3. Local Government in India, Venkata Rangaiya

4. Local Government in Crisis, William A. Robson

5. Local Government in Ancient India, Radha Kumud- Mookerly

6. Proposal For Model Legislation for Municipal Corporation IIPA

## **PAPER - II**

### **WOMEN AND LAW (Option I)**

#### Unit-I

Women in Pre-Constitution Period: Social and Legal Inequality; Social Reform Movement in India; Legislative response in India Women & children in Post-Constitution Period. Provisions of Constitution of India; Preamble, Art 14, 15,23, and Part IV; Legal Measures in relating to Child Labour; Women and Political Representation.

#### Unit-II

Different Personal Laws- Unequal Position of Indian Women-Uniform Civil Code; Sex Inequality in Inheritance Rights: Right of Inheritance by birth for Sons and not for Daughters; Inheritance under Christian Law; Inheritance under Muslim Law; Matrimonial Property Law; Right of Women to be Guardian of her minor sons and daughters.

#### Unit-III

Law of Divorce - Christian Law-Discriminatory Provision; Muslim Law-Inheritance divorce Women and Social Legislation: Dowry Prohibition Law; Sex Determination Test, Law relating to Prevention of immoral Trafficking in Women Act.

#### Unit-IV

Women and Criminal Law: Adultery; Rape; Outraging the Modesty of Women; Kidnapping; Sati Prohibition Law; Law relating to Domestic Violence; Law relating Eve-Teasing; Indecent Representation of Women Act.

#### Unit-V

Women and Employment: Factories Act- Provisions relating to women; Maternity Benefit Act; Equal Remuneration Act; Law Relating to Sexual Harassment at Working Place; NCW-Aims, Functions and Performance.

#### ***Prescribed Books:***

1. Indu Prakash Singh, Women, Law and Social Change in India, 1989, Radiant Publishers, New Delhi
2. Paras Dewan, Dowry and Protection to MalTied Women, 1995, Deep and Deep Publication, New Delhi
3. SPSathe, Towards Gender Justice, 1993, RCWS, SNTD WV Bombay
4. Dwarka Nath Mitter, Position of Women in Hindu Law, 1989, Inter-India Publications, New Delhi
5. Shaukat Nasir, Muslim Women and their Rights, 1992, Ashoka Law House, New Delhi

#### ***Reference material:***

- 1 Relevant Provisions of Constitution of India
- 2 Relevant Provisions of Indian Penal Code
- 3 S125, Criminal Procedure Code
- 4 National Commission on Women Act, 1990
- 5 Matrimonial Property- Private Members Bill Introduced in Parliament
- 6 Towards Equality- Report of Committee on the Status of Women (Govt.



of India) Chapter IV and Section IV. General Conclusions and Recommendations.

**PAPER - II**  
**CRIMINOLOGY AND PENOLOGY (OPTION – II)**

1. Nature and Scope of Criminology:

Definition of Crime and Criminology – Inter relation between Criminology, Penology and Criminal Law – Explanation of crime causation – Biological factors – Spiritual and natural explanation.

2. Schools of Criminology:

Classical – Neo-Classical – Positive school - Sociological school – Clinical School of Criminology - Critical criminology - Italian school of Criminology

3. Causation of Crime:

McNaughton Rule – Irresistible impulse test and Durham rules - Insanity under Indian Criminal Law - Bio-Physical Factors and Criminality - Freud's theory of Criminal Jurisprudence - Conflict Theory of Crime.

4. Social institutions and crime

Role of family, School, Religion – Economic condition - Mass media, Politics and crime – Organized crime -causes

5. Learning Theory – Anomie – Critical criminology – Laws of imitation – Differential Association Theory – White Collar crimes

**Penology**

1. Reaction to crime – Punitive approach – Theory of punishments - Kinds of Punishments – Justification – Euthanasia in India

2. Prison reforms –

Meaning of prison – British Prison Reforms – Auburn and Pennsylvania systems – Prison reforms in India – Reforms relating to young offenders – Prisoners rights – Central Jail - Ladies Jail – Special Jail – Open Jail – Jail reform committees

3. Probation to offenders and other flexible Techniques – Parole – suspended sentence and indeterminate sentence –

4. Juvenile delinquency – Juvenile justice (Care and Protection) – Juvenile institutions.

***Prescribed Books;***

Prof. H.V. Paranjapa – Criminology and Penology

Ahmad Siddique – Criminology and Penology.

John Hogan - Modern Criminology  
Katherine S. Williams - Criminology  
Sutherland and Cressey - Principles of Criminology  
Michael Doherty - Criminology  
George B. Vold - Theoretical Criminology  
Probation of Offenders Act 1958  
Juvenile Justice (Care and Protection) Act 2000

### **PAPER - III**

### **PUBLIC INTERNATIONAL LAW**

#### Unit I

Basic Aspects of International Law;: Nature and basis of International Law, definition of International Law, Relationship between Municipal Law and International Law, Sources of International Law (Treaties custom, general principles, recognized by civilized Nation, ICJ decisions)

#### Unit 2

State as subject of international law: essentials of statehood, not fully sovereign states and other entities, right and duties of states, modes of acquisition and loss of state territory, state responsibility.

#### Unit -3

Recognition succession: Concept of recognition, theories, kinds and consequences of recognition, recognition.

#### Unit-4

Equitable resource utilization and justification: law of sea air space, law of outer space, common heritage of mankind.

#### Unit-6

State jurisdiction: Basis of jurisdiction sovereign immunity, diplomatic privileges and immunities.

#### Unit-7

Treaties: Making of Treaty, Reservations to treaty, Pacta sunt servanda, modes of termination of treaty.

#### Unit-8

UNO, Principles and Purpose of UNO, Security Council (Composition, powers and functions), General Assembly (Composition, powers and functions, ECOSOC (Composition, powers and functions) Trusteeship Council, ICJ ( Composition,

types of jurisdiction) World Trade Organization-Main features International Labour Organization

***Prescribed Books:***

J G Starke, An Introduction to International Law

P. W. Bowett, International Institutions

Reference Books:

J B Brierly - The Law of Nations

D H Harris - International Law (Cases and Materials)

Oppenheim - International law, Volume I, Peace,

S K Kapoor - International Law

Bhagirathlal Das - World Trade Organization

Malcolm N.Shaw- International Law

**PAPER - IV**  
**INDUSTRIAL AND LABOUR LAWS II**

Concept of social security-Social security in ancient times-role of International Labour Organisation- India and ILO-modern concept of social security-social security in India

Compulsory state insurance-benefits in the event of sickness-maternity and employment-establishment of ESI corporation-ESI fund-payment of contribution-role of medical board-adjudication of dispute

Payment of compensation-conditions-liability of employer-personal injury arising out of and in the course of employment-principles to decide the quantum of compensation-liability of the principal employer

Gratuity benefits to the workers- eligibility-rate of gratuity-forfeiture etc

Compulsory Contributory provident fund-provident fund and pension scheme-authorities for the implementation of the scheme- national and state boards, their powers and duties-recovery of amount due from the employer  
Benefits entitled to women workers-maternity benefits- eligibility-leaves- nursing breaks-complaints to inspectors

History of bonus in India- bonus commission- kinds of bonus Payment of bonus-computation-sums deductible from gross profits-eligibility and extend of bonus-disqualifications to receive bonus-minimum bonus-deductable amounts from bonus etc

Prevention of exploitation of labour - Living, fair and minimum wages to workers- statutory minimum wages- fixation-minimum rates of wages-responsibility of the employer-authorised deductions-payment of wages authority.

Health, safety and welfare measures relating to employees working in factories-definition of factory-formalities and requirements to start factory-control of hazardous processes-working hours, holidays, overtime wages, annual leave with wages etc of workers-prohibition of employment of children in factories-their working hours etc protection of workers engaged in dangerous manufacturing process-penalty for offences –exemption of liability of the manager or occupier-obligation of workers.

***Statutory material***

The Workmen's' compensation Act 1923

Employee's State Insurance Act 1948

Employees Provident Fund Act 1952

Maternity Benefit Act 1961

Employees Liability Act 1936

Payment of Bonus Act 1965

Minimum Wages Act 1948

Payment of wages Act 1936

Fatal Accidents Act

Payment of Gratuity Act

Factories Act 1948

***Prescribed Readings***

Same books as in Paper I

**PAPER V**

**Moot Court Exercise and Internship**

This paper will have three components of 30 marks each, and the fourth component will be a viva-voce examination for 10 marks.

1. Moot Court (30 Marks)

Every student will do at least 3 (three) moot court in a year with 10 marks for each. Each moot court work will be on assigned problem and it will be evaluated as follows:

- 1.1 Written submissions : 5 marks
- 1.2 Oral advocacy : 5 marks

2. Observance of Trial in two cases (30 marks)

- 2.1 One Civil case : 15 marks
- 2.2 One Criminal case : 15 marks

Students in a group of not more than 10(ten) students will attend two trials in the course of the last two or three years of law course. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.

3. Interviewing techniques and Pre-trial preparation (30 marks)

- 3.1 Two interviewing sessions of clients : 15 marks
- 3.2 Observation of the preparation of documents and court papers : 15 marks

Each student will have to observe 2 (two) interviewing sessions of clients at the Lawyers' Office/Legal Aid Clinic 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.

4. Viva Voce examination on all the above three aspects (10 marks)

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