

REGULATIONS
RELATING TO
UNITARY DEGREE
COURSE IN LAW

2020 Admission onwards

KERALA
UNIVERSITY

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 2020 - 2021.

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 42 % for OBC 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 not less than two examiners constituted by the Principal from among Senior Teachers other than the teachers in charge of the subject.

(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. A minimum of 1/3 (one third) of the total number of the students of that semester shall 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, Bank, Stock exchange, Law Firms, Companies, Local Self Government and other such bodies where law is practised 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. Internship shall be done without affecting the regular classes.

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

(d) External 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 20th 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 20th 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 succeeding academic year without obtaining re-admission within the permissible period of completion of the course as mentioned in sub clause (h) of Regulations 8, and not thereafter. The candidate shall compulsorily attend all the components of all practical papers.

(d) A candidate who fails to secure not less than 50% each in Internship and External viva-voce has to complete the internship and External 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. First Class

shall also be awarded to candidates who passed the whole examinations with 60% or above along with the immediate junior batch and not thereafter.

(h) A candidate admitted in this course shall complete the course and shall pass all papers within a period of Six semesters plus four semesters 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 Unitary Degree Course in Law provided however that students of Third, Fourth, Fifth and Sixth semester Unitary Degree Course in Law 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
	Total				500

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

	Total				500
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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 Conveyancing (Practical paper – I)		100		100
	Total				500

Fourth Semester

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Information Technology Law Or Competition Law	3 hrs	20	80	100
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 (Practical paper – II)		100		100
	Total				500

Fifth Semester

	Name of the Paper	Duration of Exam	Marks Internal	Marks Written	Total
1	Law of Banking and Negotiable instruments 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	Alternative Dispute Resolution Systems (Practical paper – III)		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. (Practical paper – IV)		100		100
	Internship		50		50
	External Viva voce				50
	Total				600

First Semester
Paper – I
JURISPRUDENCE

Outcome:- This paper creates a fundamental understanding of law in a systematic manner and also give an insight into the basic concepts.

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 – 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. Dr. N.K. Jayakumar, Lectures on Jurisprudence, (Third Edition., Lexis Nexis, 2015)
10. V.D. Mahajan, Jurisprudence and Legal Theory
11. Dr.N.V.Paranjpe – Jurisprudence and Legal Theory.

Paper – II

LAW OF CONTRACT

Outcome :- This paper familiarizes the students with principles of law relating to contract, formation of contracts and remedies in case of its breach.

1. General features of Contracts - classification – Historical Development - 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.
2. Capacity of parties – Minority – Indian and English Law - Mental incapacity - Drunkenness – Other incapacities like political status and corporate personality - Factors invalidating contracts like, mistake, coercion, undue influence, fraud, misrepresentation and unlawful object, immoral agreements and those opposed to public policy - Consequences of illegality.
3. Void agreements and voidable contracts – Legal proceedings and uncertain agreements – Wagering agreements – contingent contracts - 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.
4. 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 - Damages – Nature and meaning of Rule in Hadley’s case - penalty and liquidated damages.
5. Quasi-contracts – Nature and basis of Quasi-contracts - Quantum meruit. 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
9. Pollock and Mulla – Indian Contract Act and Specific Relief Act

Paper – III**LAW OF CRIMES – PAPER - I – PENAL CODE**

Outcome:- This paper enables the students to have a general evaluation and analysis of offences and punishments.

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.
Joint and Constructive Liability – Accessories after – Jurisdiction – personal – Territorial – extra-territorial – Extradition as an exception to Jurisdiction – Punishment.
3. 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.
4. 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 – Sexual Offences – Rape – Custodial Rape – Unnatural Offences.

5. Offences against property – Theft – Extortion – Robbery – Dacoity – Criminal misappropriation – Criminal breach of trust – cheating – forgery – mischief – trespass – house breaking – arson – Offences against public safety and health – disturbances of public order – offences against environment - Offences by or relating to public servants – Offences relating to marriage – mock marriages – adultery – bigamy – offences relating dowry – Offences relating to reputation – defamation – libel and slander.

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
14. Criminal Law: cases and materials – K.D.Gaur.

Paper – IV

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

Outcome:- This paper familiarizes the students the tortious liability, general principles of specific torts. To get an awareness of Motor Vehicles Act and Consumer Protection Act.

1. Definition – Distinction between tort and crime – Tort and contract – foundations of tortious 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. 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* – Absolute liability.

3. 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 loquitor* – contributory negligence – The last opportunity rule – Nuisance
4. Liability under Motor Vehicles Act 1988 – Compensation in Motor Vehicle Accidents – nature and extent of insurer's liability – Motor Accidents Claims Tribunal – award of compensation.
5. Concept of consumer protection – Consumer protection under the Consumer Protection Act, 2019 – Definitions – consumer – e-commerce – electronic service provider – goods – services - Defect – Deficiency - Unfair Trade Practice – Restrictive Trade Practices - Commercial service – Commercial purpose -Liability of Doctors and Hospitals and Other Professionals, Engineers, Lawyers etc – Consumer Protection Councils – Central Consumer Protection Authority - – Consumer Disputes Redressal Commissions – composition and jurisdiction – Mediation – Product Liability – Offences and Penalties .

Prescribed Readings: (With amendments)

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

Outcome :- This paper acquaint the students with the fundamental law of the land, preamble, basic structure, citizenship, freedoms, rights, directives, duties and constitutional remedies.

1. 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) - Formation of new States - Ceding 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 - The Citizenship Amendment Act, 2019.

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

3. Right to Freedom (Art. 19) - Meaning and Scope -Test of Reasonableness – freedom of speech and expression, Assembly, Association, Movement, Residence, Freedom of Profession, Occupation, trade or business - Right to know and Right to Information Act, 2005 - Protection in respect of conviction for offences (Art. 20) – Nature and Scope – Doctrine of *ex post facto* Law – Rule of prohibition against double jeopardy – protection against self incrimination - 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 - Right to Education Art. 21 A - 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 - Right against exploitation (Art. 23-24) – “Traffic in Human beings” and “Forced Labour” – Prohibition of employment of children in factories etc.

4. Freedom of Religion (Art. 25, 26, 27, 28) – Concept of “Secular State” – Secular but not anti – religious – Restriction of Freedom of Religions - Cultural and Educational rights (Art. 29-30) – Protection of Minorities – Right to establish and manage their Educational Institutions - Saving of certain laws (Art. 31 A-31 B) – Savings of laws providing for acquisition of estates – Validation of certain Acts and Regulations - Constitutional Remedies (Art. 32-35&226) – Public Interest Litigation – Scope of Writ Jurisdiction of the Supreme Court and High Courts – Distinction between Art.32 and 226.

5. 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)

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|---|---|---------------------------|
| 1. Shorter Constitution
(Wadhwa and Co.) | : | D.D. Basu |
| 2. Constitutional Law of India
(N.M. Tripathi Pvt. Ltd.1993) | : | H.M.Seervai |
| 3. Constitutional Law of India
(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
(Oxford University Press, 1999) | : | Austin,G. |
| 8. Directive Principles of State Policy
in the Indian Constitution (A.B.S.
Publications, Jalandhar 1987). | : | K.C. Markandan |
| 9. Constitutional Questions in India.
(Oxford University Press 2000) | : | Noorani, |

Second Semester
Paper – I
SPECIAL CONTRACTS

Outcome : This paper familiarizes the students with principles of law relating to specific contracts like Indemnity, Guarantee, Bailment, Agency, Partnership, Sale of Goods etc.

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 bailor and bailee - Finder of lost goods – Pledge or pawn – 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 – Auction sale and hire purchase.
5. Partnership – Essentials partnership compared with ownership Company, Joint Hindu Family business and Society – A creation of status – Mode of determining partnership – Firm and firm name – Different types 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

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| 3. | Law of Contracts | : | Avtar Singh |
| 4. | Law of Contracts | : | Subba Rao |
| 5. | Law of Contracts | : | Anson |
| 6. | Laws of England | : | Halsbury's (IVed.)Reissue Vol. 1
(2) pp 1 – 136. Vol.2. pp 829 – 905. |

Paper – II

CONSTITUTIONAL LAW – II

Outcome :- This paper acquaints students with the Centre – State – Local Governance process envisaged under the Constitution – Introduce Legislative, Executive and Judicial mechanisms under the Constitution – Generate awareness on the election system, emergency, Amendments etc.

1. Union Executive, President, Vice-president and Council of Ministers (Art.52 –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 – 168) - Composition of Supreme Court – Jurisdiction of Supreme Court - Independence of Judiciary how maintained under the Constitution.

2.State Executive (Art. 153 -167) - The Governor – Constitutional powers and functions – Council of Ministers – Chief Ministers, Appointment – powers - State Legislature (Art.169 -212) - Legislative Councils – Compositions and functions of the Houses – Qualification for membership – Speaker and Deputy Speaker – Session of the Houses.

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

4. Relation between Union and State (Art. 245 – 293) - 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 - Administrative Relations (256 – 263) – Duties of Union and States – Control of Union over States – Co-ordination between States - 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.

5. 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)

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|---|---|----------------------------|
| 1. Constitutional Law of India
(N.M. Tripathi Pvt. Ltd.) | : | H.M. Seervai |
| 2. Shorter Constitution of India
(Wadhwa and Co.) | : | D.D. Basu |
| 3. Constitutional Law of India
(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
(Eastern Book Co.) | : | V.N. Shukla |

Paper – III

FAMILY LAW - I

Outcome :- This paper endow the students with the knowledge of Hindu, Muslim and Christian Law in respect of marriage, divorce, adoption, guardianship and maintenance.

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 – Special Marriage Act – Indian Divorce Act - Muslim Women (protection of Rights on Marriage) Act, 2019 - 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) - Maintenance and Welfare of Parents and Senior Citizens Act, 2007 - Matrimonial Remedies through Family Courts.

Statutory materials: (With amendments)

1. The Hindu Widows Remarriage Act, 1856.
2. The Prohibition of Child Marriage Act, 2006
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 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.

Prescribed Readings: (With amendments)

- | | | |
|-------------------------------------|---|-------------------|
| 1. Hindu law | : | Mulla |
| (N.M.Tripathi Pvt. Ltd.) | | |
| 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. Marriage and Divorce
(5th Edition Eastern Law House 1987) : A.N. Saha
9. Laws of England IV Edition Re –issue Vol.13 pp 239 - 665
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

Outcome :- This paper enables the students to realize the inevitable necessity of Administrative Law and to know about the growing socio-economic functions , powers, duties and liabilities of the administrative authorities and also the external constraints upon them. It makes students aware of the need of administrative rule making, its enforcement, administrative adjudication and judicial review.

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 Administratif (French Administrative Law) Concept of Rule of Law – Evaluation of Dicey's Theory - Doctrine of separation of powers - 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.
2. **Rule-Making Power of the Administration (Quasi-legislative action)** - Reasons for the growth of Administrative rule making action - 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 - 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.

3. (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 – warranto* - Writ of *Habeas – Corpus* - Private Law Review (Statutory Remedies) – Injunction – Declaration - Suit for damages - Administrative action for the enforcement of Public Duties - Public Interest Litigation or Social Action Litigation - Nature and Purpose - *Locus Standi* – Procedure; Complexities and Problems - Class Actions.
4. 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 - Privilege of Notice - Privileges to withhold documents - Immunity from Statute operations - Immunity from Estoppel - Promissory Estoppel – Change of Policy decision of the Government - Statutory and Non-Statutory Public undertakings - Relative Merits and Demerits of various organizational forms of Public enterprises - Statutory Public Corporations - Control devices - Government Companies.
5. Citizen and the Administrative Faults: - Ombudsman-Development in U.K., U.S.A. and in India. - Central Vigilance Commission.- Lokpal and Lokayuktha in India - 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. Halsbury's Laws of England (IV Ed. Re-issue Vol. 1 pp. 1-376)
9. Thakwani C.K. Administrative Law :
- 10.S.P.Sathe, Administrative Law :
- 11.J.F. Garner and B.L. Jones, Garner's Administrative Law : (Butterworths 1985)
- 12.Tapash Gan Choudhary, Penumbra of Natural Justice : (Eastern Law House 1997)
- 13.Steven J. Cann Administrative Law : (Sage publications 1995)
- 14.Schwartz, Administrative Law : (Little Brown and Company 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 : (ESC publishing, Ltd.1993)
- 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**

Outcome :- This paper gives students an idea about the concept of property, the nature of property rights and the general principles governing transmission of

property between living persons and the law relating to sale, mortgage, lease, exchange, gift, actionable claims and easement.

1. Concept of property - Kinds of property - Intellectual property - General principles of transfer - Definitions of immovable property notice - transferability of property - Effect of transfer - Rules against inalienability and restriction on enjoyment by transfers - Conditional transfers - Transfer to unborn 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 - Apportionment - 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. Sale of Immovable Property – Sale - meaning and scope of sale and contract for Sale – Rights and liabilities of seller and buyer - Marshalling – Discharge of encumbrance 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 – Tacking - Rights of redeeming co-mortgagor - Mortgage by deposit of Title Deed - Anomalous Mortgage – Charge - Doctrine of Merger - Notice & Tender - Floating charge – Lease – Rights and liabilities of lesser and lessee - Termination of lease – Exchange – Scope and meaning - Rights and liabilities of parties – Gift – Onerous gift - universal done - *Donatio mortis causa* – Actionable claims - Scope and meaning.
5. Easements – Definition – Classification and Characteristic features – Modes of acquisition – Easement of necessity – Right to ancient light – Extinction of easements – Easement compared with licence and lease.

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

PAPER - 1

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Outcome :- This paper makes students aware of various rules for interpretation formulated by jurists and courts and also equip the students with various rules of interpretation of statutes, principles of legislations and legislative drafting.

1. Interpretation of Statutes - Meaning, Objects and Scope of 'interpretation' and 'construction' of statute - Nature and Kinds of statutes - 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) - Aids to Interpretation - Internal aids - External aids.

2. Rules of Statutory Interpretation – (a) Primary Rules - Literal rule-Golden rule - Mischief rule - Rule of harmonious construction – (b) Secondary Rules - *Noscitur a sociis* - *Ejusdem generis* - *Reddendo singula singulis* - Presumptions in statutory interpretation - Maxims of Statutory Interpretation - *Delegatus non potest delegare* - *Expressio unius exclusio alterius* - *Generalia specialibus non derogant* - *In pari delicto potior est conditio possidentis* - *Utres magis valeat quam pereat* – *In bonam partem*.

3. 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

4. Principles of Constitutional Interpretation - Harmonious construction - Doctrine of Eclipse - Doctrine of pith and substance - Colourable legislation - Doctrine of Severability - Ancillary powers - Residuary power - Occupied field - Doctrine of repugnancy - Doctrine of Immunity of instrumentalities

5. Principles of Legislation - Principle of utility – Principles of Ascetic and Arbitrary Theory – Principles of sympathy and Antipathy - Operation of these principles upon legislation - Distinction between morals and legislation – Legislative Drafting - Principles of drafting a bill - Montesquieu rules in drafting.

Prescribed Legislation:

The General Clauses Act, 1897

Prescribed Readings:

- Theory of Legislation - Bentham
- Legislative Drafting - Bakshi
- Interpretation of Statutes - Maxwell
- Interpretation of Statutes - Swaroop
- Interpretation of Statutes - Bindra
- Interpretation of Statutes - Varghese and Madhavan Potti
- Interpretation of Statutes - Sarathi
- Principles of Legislation, Legislative Drafting and Statutory Constructions
- Prof.M.Krishnan Nair and A.Gopinatha Pillai
- Statutory Interpretation - Singh, G.P.Wadhwa and Co. (1992)
- Principles of Legislation - Dr. Nirmal Kanthi Chakravarthi and Legislative
Drafting

P. St. J. Langan, *Maxwell on the Interpretation of Statutes* (12th ed., 1969)

Vepa P. Sarathi, *Interpretation of Statutes* (4th ed., 2003)

Theory of Legislation - Bentham

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

PAPER - II

LAW OF CRIMES – PAPER - II – CRIMINAL PROCEDURE CODE

Outcome :- This paper gives the students thorough knowledge of procedural aspects of criminal courts and other machineries, police investigations, special provisions relating to juveniles and probation of offenders.

1. Important definitions under the code of criminal procedure 1973 - Constitution of Criminal Courts and Offices – Court of sessions – Assistant Sessions Judges – Judicial Magistrates - Special Judicial Magistrates Jurisdiction – Executive Magistrate – Public Prosecutors – Assistant Public Prosecutors - Power of courts –

Jurisdiction in the case of Juvenile - Nature of sentences which could be passed by various courts - Powers of Police Officers – Aid and information by Public.

2. Arrests of Persons – without warrant by Police Officer – By Magistrate – By private persons – Search – Seizure of offensive weapons - Medical Examination of arrested persons – procedure to be followed on arrest - Process to compel appearance – summons - service of summons – Warrant of arrest – Search warrant – Proclamation and attachment – Bond for appearance – Impounding documents – Process to compel the production of thing - Security for keeping the peace and for good behaviour Ss 106 and 107 suspected persons – Habitual offenders – Imprisonment in default of Security - Order for maintenance of wives, children and parents (s.125) Procedure – Alteration in allowance – Enforcement of order of maintenance - Maintenance of public order and tranquility – urgent cases of nuisance or apprehended danger (s.144) - Disputes regarding immovable property – procedure local inquiry – preventive action of the police – Cognizable offences.

3. Information of the police and their powers to investigate - information – procedure on investigation – statements Regarding of confessions and statements Power of Police Officer on investigation – Inquiry by Magistrate into cause of death – Jurisdiction of the criminal courts in inquiries and trials – conditions requisite for initiation of proceedings – Cognizans of offences by court of session – Prosecution in special cases – Complaints – Procedure on receipts of complaints – The charge – form and contents of charge - effect of errors – Joinder of charges - Trial before a court of session – Framing of charges – Discharge and Acquittal – Judgement of acquittal or conviction – Trial of warrant cases by Magistrates – Upon Police Report or otherwise - trial of summons cases – withdrawal - Summary trials - Attendance of persons contained or detained in prisons.

4. General provisions as to inquiries and trials (Sec 300 to 327) – Legal aid to accused at State expenses in certain case – Tendering pardon to accomplices – Power to examine the accused (S.313) Competency of accused to be a witness (315) Compounding of offence – withdrawal from prosecution - Provisions as to offences affecting the administration of justice – judgement – Orders to pay compensation - Plea-bargaining – confirmation of death sentences – Appeal - Reference and Revision – Transfer of Criminal cases - Execution, Suspension, Remission and Commutation of sentences – Death sentence – Imprisonment - Provisions as to bail and bonds – Disposal of property – Limitation for taking cognizance of certain offences.

5. Relevant Provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and Probation of Offenders Act, 1958

Prescribed Readings: (With amendments)

1. The code of Criminal Procedure, 1973
2. Ratanlal and Dhirajlal, Code of Criminal Procedure (Wadhwa and Co. 1987)
3. A.K. Pavithran, Lecturers on the Code of Criminal Procedure.
4. R.K. Kelker. Outlines of Criminal Procedure. (Eastern Book Company).
5. Kerala Criminal Rules of Practice, 1982
6. Juvenile Justice (Care and Protection of Children) Act, 2015
7. Probation of Offenders Act, 1958

PAPER - III

CIVIL PROCEDURE CODE AND LIMITATION ACT

Outcome :- This paper provides the students rules of procedure and process of civil courts in civil disputes as well as law of limitation.

1. Meaning of procedure – Distinction between procedural and substantive laws – Definitions – Judgements – decree - order - foreign judgement - government pleader – Judge - Judgement debtor - legal representative - mesne profits - movable property – pleader - public officer - Jurisdiction of courts to try civil suits - stay of suit – *res-judicata* - Place of suing. - Institution of suits – pleading – plaint -written statement and set off - Parties to suits - joinder of parties - misjoinder of parties - framing of suits - Summons and discovery - issue and service of summons.
2. Appearance of parties - consequence of non appearance - *ex parte* decree - setting aside of *ex parte* decree - examination of parties by the court - discovery and inspection – admission - production impounding and return of documents – settlement of issues and determination of a suit on issues of law or on issue agreed upon - disposal of suit at first hearing - Summoning and attendance of witness – adjournment - Hearing of the suit and Examination of witness - affidavit.
3. *Judgement and decree* : Execution of decree – interest - cost’ - compensatory cost - Property liable to attachment and sale in execution of decree – *Appeal* - First appeal - cross appeal and cross objection -Second appeal - Appeal to the Supreme Court – Reference - Revisions and Review - *Supplementary Proceedings* - Arrest before judgement

-attachment before judgement – injunction - Appointment of receiver
 -security for costs - withdrawal of suits - payment into court -
 compromise of suits.

4. *Special proceedings* - Suits in particular cases - Notice before suit
 - Inter-pleader suit - suits by paupers - suit by or against firms - suits by
 or against a minor - suit in respect of public charities - Incidental
 proceedings - Miscellaneous - Exemptions of certain woman from
 personal appearance - application for restitution, proceedings by or
 against representative - saving of inherent power - amendment of
 Judgement and decree.

5. *Law of Limitation*: - Nature of the law of limitation – Limitation of
 suits, - Appeal and applications – Computation of the period of
 limitation – Acquisition of ownership by possession - Extension of time
 prescribed for certain cases – Doctrine of ‘pith and substance’- Expiry of
 the prescribed period when court is closed - Legal disability and
 limitation - Continuous running of time - Exclusion of time in cases
 where leave to issue appeal - Exclusion of time proceeding in court
 without jurisdiction - Effect of death on or after the accrual of the right
 to sue - Effect of acknowledgement in writing – Effect of substituting or
 adding new plaintiffs or defendants – Continuing breaches and torts –
 Acquisition of easement by prescription.

Statutory materials: (With amendments)

Code of Civil Procedure, 1908

The Limitations Act, 1963.

Kerala Civil Rules of Practice 1971.

Prescribed Readings: (With amendments)

Code of Civil Procedure (Students Edition) – Mulla

Civil procedure –C.K.Takwani

Commentaries on Code of Civil Procedure 1908 – Justice

C.K.Thakker

PAPER - IV FAMILY LAW II

Outcome :- This paper provides the students the knowledge of both the codified and uncoded laws relating to succession of Hindus, Muslims and Christians.

I 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 - Managing member - Powers & duties of a manager in a Joint family business - Dayabhaga Joint Family - Hindu Succession Act, 1956 – Partition - What is partition – Subject matter of partition – Persons entitled to a share - What constitute partition – The mode of partition – Re-opening and reunion.

2. Inheritance – General Principles - Exclusion from inheritance - Hindu Succession Act, 1956 - Sreedhana and Women's estate – Changes effected by the Hindu Succession Act - Right of widow and other female heirs - Religious and charitable endowments – Endowments Public and Private - Marumakkathayam Law – Tharavadu and its management – Karanavan – position and powers - Statutory changes – Debts 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 - General rules of succession of Hindu males and females – Order of succession. Rules of succession of 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.

3. **Muslim Law** - General Principles – Life estate and vested remainder – Hanafi Law of inheritance – The three classes of heirs – Principles of succession among sharers 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.

4. Gifts –Persons capable of making gifts – The three essentials of a gift – Delivery of possession of immovable property - contingent gifts – Revocation of gift – Hiba Bill –Iwaz- Hiba-Behart-UI-Iwaz – Wakf.- definition - Subject of Wakf - object of Wakf - Wakf how completed - Reservation of life interest for the benefit of Wakf- Public and private wakf - The Wakf Act, 1954 – Muttawallis or managers of wakf properties – Powers - Statutory control - Removal of Muttwallis – Law of Pre-emption.

5. **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
(Oxford University Press)		
Marumakkathayam Law	:	K. Sreedhara Warrrier
Family Law	:	Prof. M.Krishnan Nair
Christian Law	:	Dr. Sebastian
Hindu Law	:	N.R.Raghavachari
Hindu Law	:	V.N.Subramonia Iyer
The Muslim Law of India	:	Tahir Mohammed

PAPER V

DRAFTING, PLEADING AND CONVEYANCING

(Practical paper – I)

Outcome :- This paper helps the students to develop an understanding about the basics of pleadings and conveyancing and in turn to advance justice and to prevent multiplicity of proceedings and also to inculcate the habit of self-study among students. It also gives an accurate understanding about the art of drafting pleadings and of composing all documents and it assists the students in their endeavour to enter active practice.

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).

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. 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 two senior teachers other than the teachers in charge of the subject.

I Drafting: - General principles of drafting and relevant substantive rules.

II Pleadings: - Pleadings in General - Object of pleadings -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)
17. Application for Bail
18. Application for Grant of Anticipatory Bail
19. Complaint under Section 138 of the Negotiable Instruments Act, 1881
20. Application U/S. 125 of the Code of Criminal Procedure, 1973
21. Special Leave Petition (Criminal) under Article 136 of the Constitution of India
22. Complaint under the Consumer Protection Act, 2019
23. Version to the Complaint under the Consumer Protection Act, 2019

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 Deed
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 Agreement
16. Settlement Deed
17. Notice
18. Partition
19. Rectification deed
20. Trust.

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,
- Kerala Civil Rules of Practice, 1971
- Criminal Procedure Code 1973
- Kerala Criminal Rules of Practice 1982

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)

Outcome : - This paper creates awareness on Information Technology, legal issues relating to the jurisdiction in cyber space, internet contract, cyber crimes, and civil and criminal remedies.

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

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

2. . e-commerce- Legal issues - Legal Issues in Cyber Contracts - Cyber Contract and IT Act, 2000 - The UNCITRAL Model law on Electronic Commerce –

3. 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

4. Understanding Cyber Crimes - Defining Crime - Crime in context of Internet –*Actus Reus* and *Mens Rea* - Types of crime in Internet - Computing damage in Internet crime - Indian Penal Law & Cyber Crimes – Fraud – Hacking – Mischief - Trespass – Defamation – Stalking – Spam - Obscenity and Pornography - Internet and Potential of Obscenity - Indian Law on Obscenity & Pornography - International efforts - Changes in Indian Law

5. Penalties & Offences - Under the IT Act - Offences under the Indian Penal Code - Investigation & adjudication issues - 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 Readings: (With amendments)

1. Farooq Ahmed, *Cyber Law in India*, Pioneer Books, New Delhi-110009
2. Vakul Sharma, *Information Technology Law and Practice*, Universal, Delhi :
3. Dr. A Prasanna, *Cyber Crimes, Law & Cyber Security*, Institute of Management in Government, Thiruvananthapuram
4. Arun Baweja, *Information Technology and Development*, Kalpar Publication, Delhi
5. P.S. Yivek Shane, Banerjee, *Science and Society*, Himalaya Publishing House, Bombay
6. Ashok Korde, A. Sawant, *Science and Scientific Method*, Himalaya Pub. House, Bombay

7. B.B.Batra, *Information Technology*, Kalpar Publications, Delhi
8. Nandan Kamamth, *Guide to Information Technology Act*. University Law Pub.Co. Delhi-33
9. Suresh T. Viswanathan, *The Indian Cyber Laws*, Bharat Law House, New Delhi-83.
10. Ankit Fadia and Jaya Bhattacharjee, *Encryption-Protecting your Data*
11. P. Narayan, *Intellectual Property Law*, Eastern Law House, New Delhi
12. Vijay kumar. Na – Cyber laws for every netizen in India
13. UNESCO, *The International Dimensions of Cyber Space Law*
14. D.P. Mittal, *Law of Information Technology*
15. Paras Diwan (Ed.), *Cyber and E-Commerce Laws*

PAPER - I

COMPETITION LAW

(OPTION-II)

Outcome:- This paper provides students the framework for the establishment of competition commission, to prevent monopolies and to promote competition in the market, to protect the freedom of trade for the participating individuals and the entities in the markets.

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

(iv) COMPETITION ADVOCACY

(v) 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

Outcome :- This paper provides students a conceptual understanding of both direct and indirect taxation laws, GST Regime and policies, the knowledge on the chargeability of tax on different sources of income, skill to solve the commercial and individual tax issues.

1. Basics - Concept, nature and types of taxes-Cannons of taxation-Distinguish between tax and fee, tax and cess - Constitutional principles on taxation-Interpretation of taxing statutes-Incidence & impact of tax-Casual income-Tax evasion, tax avoidance and tax planning-Double taxation-Surcharge.

2. Income tax- General - Definitions- Income tax Act,1961-Previous Year, Assessment Year, Financial Year, Persons, Agricultural Income tax-Residential status of individual, HUF, firm, association of persons, co-operative societies and non-residents-Exemptions-S.10-Deductions-S.80-Rebate-Deemed income and clubbing of income –carry forward and set off losses- capital receipt & revenue receipt- capital expenditure & revenue expenditure.

3. Income tax-Specific - Heads of income-income from salary-house property-business & profession-capital gain and other sources-Assessment procedure-types of assessment- Income tax authorities, functions, duties and powers- Settlement of Grievances and Prosecution-Calculation of gross total and taxable income- tax rebate and computation of tax liability-tax collection at source and advance tax.

4. GST Regime - Goods and Service Tax - evolution and concept-relevant constitutional provisions-The Central Goods and Services Tax Act,2017-Dual GST Model-distinguish between CGST, Integrated GST (IGST) ,State GST (SGST) and Union Territory GST (UTGST)-GST Council-GST levy on transactions-sale, transfer, purchase, barter , lease or import of goods and services-GSTN-Goods and services tax network portal, Tax invoice-GST on imports and exports- GST exemption on the sale and purchase of securities, Securities Transaction Tax (STT)-benefits of GST on trade, industry, e-commerce and service sector and for the whole society-GST effects upon GDP, inflation and State revenue .

5. The Kerala Agricultural Income Tax Act, 1991-Charging provisions, Assessment, collection and remedies-principles of valuation-Kerala state GST Act, 2017- The Kerala State GST (Amendment) Ordinance ,2018- Distinguish between GST and VAT- Reason for the repealing of wealth tax and further alternative.

Prescribed Readings: (With amendments)

1. Taxmann's Income Tax Act, 60th edition (New Delhi, Taxmann publications pvt. Ltd, 2017)
2. Sumit Dutt Majumder, GST in India, 2nd edition (New Delhi, Centax Publications pvt ltd, 2017)
3. Arvind P Datar, Kanga and Palkhivala's The Law and Practice of Income Tax, 10th edition (Nagpur lexis nexis, 2014).
4. Kailash Rai, Taxation laws, 2018 (Allahabad law agency)
5. Dr. S R Myneni, Principles of taxation and tax laws (Allahabad law agency, 2014)
6. Pinaki Chakraborty, GST in India (Orient Black Swan, 2019).
7. Rakesh Garg, Handbook of GST in India, Concept and procedure (Bloomsbury, 2016).

PAPER - III

COMPANY LAW

Outcome :- This paper acquaint the students with the provisions of Companies Act, 2013 and the intricacies related with. It creates flexibility and simplicity in the formation and maintenance of companies and encourages transparency and high standards of corporate governance

1. Introduction -

- a. Company – Definition, Nature and scope of companies.
- b. Historical Evolution of Company Law – English and Indian,
- c. Advantages and disadvantages of company – Independent Corporate Personality, Limited Liability, Perpetual Succession, Right to Property, Right to Contract, Right to sue and be sued, Professional management, fund mobilisation, Doctrine of Lifting the corporate veil, Formality and expenses.
- d. Characteristics of companies – Common Seal

- e. Comparison between Company, Partnership, Unlimited partnership and Sole Proprietorship
- f. Types of Companies – Limited and Unlimited, Limited by shares and Guarantee Company, Public and Private Company, Holding and Subsidiary Company, Government Company, Foreign Company, Single person company, Associate Company etc.

2. Incorporation

- a. Incorporation of Companies
- b. Certificate of Incorporation
- c. Memorandum of Association – contents and alteration
- d. Articles of Association - contents and alteration
- e. Promoters
- f. Pre incorporation Contracts
- g. Constructive notice and Doctrine of Indoor Management.
- h. Doctrine of *Ultra vires*.

3. Capital

- a. Share Capital, Debentures and other securities
- b. Share holders and members
- c. Public offer and Private allotment
- d. Issue, allotment and forfeiture of shares
- e. Share Certificate.
- f. Transfer and Transmission of Shares

- g. Buy back of shares and reduction of share capital
- h. Prospectus – definition, contents of prospectus, Kinds of Prospectus, Remedies for misrepresentation in prospectus.
- i. Registration of Charges and Deposits

4. Corporate Management and Administration

- a. Directors – position, powers and duties
- b. Meetings of the company, Essential requisites of a valid meeting.
- c. Audit and Auditor
- d. Mergers and Acquisitions
- e. Majority – Minority management – Rule of majority – *Foss v Harbottle*
- f. Prevention of Oppression and Mismanagement
- g. Inspection, Inquiry and Investigation into the affairs of a company
- h. Emerging trends in corporate social responsibility.
- i. Legal liability of company - civil, criminal, tortuous and environmental.
- j. Compromises, arrangements and amalgamations
- k. Dividends
- l. Accounts of the companies
- m. Revival and Rehabilitation of sick companies

5. Winding up

- a. Dissolution of Companies- Types of winding up
- b. Winding up by the Tribunal

- c. Voluntary Winding up
- d. Winding up Procedures
- e. Liquidators and contributories
- f. Removal of names of companies from the register of companies.
- g. National Company Law Tribunal, Appellate Tribunal and Special Courts

Statutes

- The Companies Act, 2013 with latest amendments.

Prescribed Books:

1. Company Law by Avtar Singh
2. Guide to the Companies Act by A Ramaiya
3. Principles of Modern Company Law by L C B Gower

Suggested Readings

1. Company Law and the Competition Act by K S Anantharaman
2. Palmer's Company Law by Palmer
3. Principles of Modern Company Law by Gower and Davies

PAPER - IV **LAW OF EVIDENCE**

Outcome :- This paper inculcates the students with the knowledge of law relating to different types of evidence and the process of courts in proceedings in courts to equip them to practise the profession.

1. 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, 1872 - 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).

2. 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 – Forensic Evidence and use of expert scientific witness in criminal and civil proceedings – scope of forensic evidence in civil and criminal cases – evidentiary value of forensic evidence.

3. Character evidence: Meaning – Evidence in Civil and Criminal cases (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 of oral evidence by documentary evidence (SS. 91-100)

4. Burden of Proof: - The general concepts 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 *Res-judicata*, Waiver and Presumption, Kinds of Estoppel- Equitable and Promissory Estoppel, Tenancy Estoppel (Sec. 116)

5. 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 Readings: (With amendments)

1. Ratanlal – Indian Evidence Act (Wadhwa and Co.)
2. P.S. Achudhan Pillai – Law of Evidence
3. Vepa .P.Sarathi – Elements of Law of Evidence
4. Dr.Avtar Singh – Law of Evidence
5. Ratanlal and Dhiraj Lal – The Law of Evidence (Wadhwa and Co. 1988)
6. Sarkar – Law of Evidence
7. Batuklal – Law of Evidence
8. Woodroff and Amir Ali – Law of Evidence
9. Umadetan.B – Forensic Medicine
10. Manson .J.K. – Forensic Medicine for Lawyers
11. Sharma.B.R. – Forensic Science in Criminal Investigation.

PAPER V

PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM (Practical paper – II)

Outcome :- This paper ensures the law students that professional services will be rendered in accordance with reasonably high standards and acceptable moral conduct. It helps the students to study and assess human behavior and also to establish principles and moral standards of behavior.

1.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 practise, 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.

2. 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.

3. 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 unauthorized 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.- The Contempt Law and Practice - 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- Defense 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 – Problem solution - projects works on topics identified by the concerned teacher. The distribution of marks as follows:

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	30 marks
(iii) Case study/comment	20 marks
(iv) Paper presentation/writing articles/Problem solution	20 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	10 marks
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Viva-voce examination shall be conducted by a panel consists of two senior teachers other than teachers 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)

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

FIFTH SEMESTER**Paper – I****LAW OF BANKING AND NEGOTIABLE INSTRUMENTS****(OPTION - I)**

Outcome :- This paper makes the students familiar with the development of bank and banking system in to a vital socio- economical institution in the modern age. It reveals the evolutionary effect on banking structure, policies, patterns and practices. Moreover, it makes clear that the new emerging dimensions including e- banking and e-commerce are essential to cope with the modern scenario. It also provides Legal aspect of various negotiable instruments, structure and functions of Reserve Bank of India.

1. Indian Banking Structure: Origin, Evolution of Banking Institutions, Types and functions of banks, Commercial banks, functions, Banking companies in India,

Central Banking: Organizational Structure of RBI - Major functions of the Reserve Bank - Bank of Issue - Banker to the Government - Bankers Bank- Lender of the Last Resort - Regulation of money/s and monetary mechanism – Domestic and Foreign currency - Credit Control - Exchange control - Fixation of bank rate policy formulation - Control function of RBI over Banking and Non Banking Companies

2. 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 - priority sector and Credit Guarantee Scheme - Social Control of Banks - Nationalization of Banks - Priority lending - Protection of Depositors - Promotion of underprivileged classes - Development work and participation in national economy – Narasimham Committee Recommendations – 21st century reforms and technological revolution in Banking Industry.

3. 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.

4. 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.

5. 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 - 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, Macmillan.
 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)

Outcome :- This paper acquaint the students with the redistribution of land ownership in favour of the cultivating class, regulation, fixity of tenure, rights of forest dwellers, rehabilitation and re settlement laws.

- 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

4 . Right to Fair Compensation and Transparency in Land Acquisitions, Rehabilitation and Re settlement Act, 2013 – Rehabilitation and Re settlement laws - urban land ceiling – Kerala Building (Lease and Rent control) Act, 1965.

Prescribed Readings:

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)

Outcome :- This paper enables the students to analyse and appreciate increasing interaction of individuals and institutions of different countries leading to conflict between different systems of law. It also help them to understand and explain different concepts in dealing with and solving dispute containing a foreign element.

1. Introduction - Origin and development of Private International Law - Nature and basis of Private International Law - Fundamental concepts 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 – Jurisdiction of court in cases involving foreign elements.

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. Marriage- Assignment of property on marriage - Matrimonial causes and Disputes – Divorce - Nullity of Marriage - Judicial Separation - Restitution of Conjugal Rights - Legitimacy – Legitimation and Adoption – Guardianship

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

5. Foreign Law - Procedure and evidence-Proof of foreign law- Recognition and Enforcement of Foreign Judgments, decrees 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*

Prof.K.Sreekantan-Private International Law

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

Outcome :- This paper encourages the students to work for the protection of human rights of citizens and also for the effective implementation of Human Rights Protection Act in to matters relating to deprivation of Human Rights, denial of Human Rights and violation of Human Rights.

1. 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

2. 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.

3. Human Rights in India, Human Rights and Indian Constitution, The Protection of Human Rights Act, 1993 Judicial activism & Protection of Human Rights in India, Role of Non-Governmental organization in the Promotion and Protection of Human Rights; Refugees

4. 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 Scheduled Castes and Scheduled Tribes.

5. Human Rights of vulnerable groups – women – children – minorities – disabled and aged persons – Contemporary challenges to Human Rights - Judicial responses.

Acts

1. The Charter of UNO
2. The Protection of Human Rights Act, 1993
3. The Universal Declaration of Human Rights, 1948

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 **LABOUR AND INDUSTRIAL LAW – I**

Outcome :- This paper acquaints the students with the concept of trade unions, procedural formalities involved in registration of trade unions, its powers and functions and also equip the student with the concept of industry, industrial dispute and workman and also regarding the resolution of industrial disputes, methods and agencies.

- 1 History of trade union movement - trade unions and Indian Constitution - definition of trade union – Collective bargaining
- 2 Trade union movement in India - Registration of trade unions - powers and functions of Registrar of Trade Union - cancellation of registration – rights and liabilities of trade unions
- 3 Objects of trade unions - funds of trade unions – general and political - trade union immunities – nature and scope.
- 4 Industry, industrial dispute and workman - meaning and definition - dispute resolution methods and authorities - powers and functions - governmental controls.
- 5 Strikes, lock outs, lay offs - retrenchment and closure - legal controls- protected workman - Standing Orders.

Statutory Materials: (With amendments)

1. Trade Unions Act, 1926.
2. Industrial Dispute Act, 1947.

Prescribed Readings: (With amendments)

- 1 Malhotra, *Law of Industrial Disputes*.
- 2 Indian Law Institute, *Labour Law and Labour Relations*.
- 3 K.D. Srivastava, *Industrial Employment (Standing Orders) Act, 1946*.
- 4 K.D. Srivastava, *Law Relating to Trade Unions and Unfair Labour Practices*.
- 5 H.L. Kumar, *Misconducts, Charge Sheets and Enquiries*.
- 6 P.R. Bagri – *Law of Industrial Disputes*
- 7 O.P. Malhotra – *Labour Law*
- 8 *Labour Law and Labour Relations* – Indian Law Institute
- 9 V.V. Giri – *Labour problems in Indian Industry*
- 10 H.K. Saharay – *Labour and Social Laws*
- 11 Mishra – *Labour and Industrial Laws*

PAPER IV ENVIRONMENTAL LAW

Outcome :- This paper enables the students to understand the core ideas and principles surrounding the subject of environment protection and conservation and to equip students with the latest and futuristic developments about international and national legal framework, policies and court practices concerning environment protection and also inculcate them a spirit of environmental consciousness by constantly stressing the need to balance sustainable development with ecological conservation. This paper also equips them to identify, assess, analyze and research sound environmental policies by engaging them through classroom activities, workshops and seminars.

1. 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.

2. Environmental Law and Policy: - An overview 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.

3. 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.

4. 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

5. 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 – Green Tribunals – composition – Powers and functions.

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
9. National Green Tribunal Act, 2010

PAPER V

ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

(Practical paper – III)

Outcome :- This paper gives the students an idea to settle the issues amicably by way of various ADR Systems such as arbitration, conciliation, mediation, negotiation, compromise, settlement, and lok-adalat which helps in reducing the burden of the courts.

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

INTERNAL/ WRITTEN EXAMINATION - 90 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) | 30 marks |
| (iii) Survey/Field study | 20 marks |
| (iii) Participate and report on Lok Adalat conducted by
KELSA or Legal Aid Clinic of the Law College | 20 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 - 10 MARKS

Viva-voce examination shall be conducted by a panel consists of two senior teachers other than teachers 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****TRADE IN INTELLECTUAL PROPERTY****(OPTION I)**

Outcome :- This paper enhances the ability of law students to instill the concepts of Intellectual Property and articulate the different Intellectual Property Rights and understand the intricacies of the IP laws and also equip the students in all aspects of IP lawyering

1. Nature of intellectual property: - International Character of Intellectual property - Commercial Exploitation of Intellectual property - Intellectual Property and Economic Development - Patent Law: - Patent - Object of Patent Law - Patentable Invention - Patent a source of Technical information - How to obtain Patent - Objection to Grant of Patent - Rights and Obligations of Patents - Register of Patents and Patent Office - Transfer of Patent Right - Revocation and Surrender of Patents - Infringement of Patents and Proceedings - Offences and penalties.

2. Trade Mark: - What is Trade Mark? - Forms of protecting Trade Mark and Goodwill Certification of Trade Marks - Property in Trade Mark and Registration - Licensing of trade mark and registered users - Different terms of protecting trade marks and Goodwill - passing off - Service marks - Infringement, Threat and Tradelabel - Assignment and Transmission - Deceptive Similarities

3. Copyright: - Definition of copyright - Object of copyright, Nature of Copyright - Subject matter of Copyright - Rights conferred by copyright - Assignment, Transmission and relinquishment of copyright - Infringement of Copyright - Remedies against infringement of Copyright - Copyright Office, Copyright Board, - Registration of Copyright & Appeal - Copyright societies -

Rights of Broadcasting Organisation & Performers - Copyright and International Law

4. Industrial Designs: - Subject matter of Designs - Novelty and originality, Registration of designs - Registration of design and Rights thereof - Infringement of copyright in a design - Civil remedies against piracy and defences - Suit for injunction and recovery of damages

5. Confidential information and Breach of confidence: - Protection of confidential information - Action for breach of confidence - Industrial and trade secrets – Remedies - Application of LPR in Agriculture, Biotechnology and Biodiversity – Conservation, challenges and legal solutions - Bio-technology and patent protection - Plant genetic resources in nature - The value of genetic diversity - Evolution of plant protection systems in international community-Farmers and breeders rights-Legislative initiatives. - Intellectual Property and Conservation of traditional knowledge.

Prescribed Readings: (With amendments)

1. Copy right of Trade Mark and GATT. Taxman.
2. P. Narayanan, Patent Law, Second Edn., Eastern Book Co.
3. W.R. Cornish, Intellectual Property, I Edn., Universal Book Co.
4. Hillary, a person of Clifford Miller, Commercial Exploitation of Intellectual Property, Universal Book Traders(1994).
5. Beier, F.K., R.S., Crespi, J. Straus. Biotechnology and Patent protection (1986) Oxford and IBH Pub. Co.
6. Vandana Shiva Ingunn Moser (Edn.) Bio-politics (1996).
7. Jayashree Watal, Intellectual property and WTO in the Developing countries, 2000, OUP.
8. Suman Sahai Ed. Bio-resources and Biotechnology, Policy Concerns for the Asian Region (1999) Gene Campaign.

PAPER - I

LOCAL SELF GOVERNMENT INCLUDING PANCHAYAT ADMINISTRATION (Option II)

Outcome :- This paper realizes the students the necessity to strengthen decentralization and local self government in order to contribute to the local good governance in India and also to foster research in decentralization and local self government.

1. Meaning, Nature, Characteristics of Local Self Government
Advantages and disadvantages of local self government-Constitutional provisions

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 Vasantryao Naik committee report

3. Panchayat Raj - 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-

4. Municipalities - Composition - Qualification and disqualification of membership - Election to the Municipalities - Functions of Municipalities

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

Prescribed Readings: (With amendments)

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- Mookerjee
6. Proposal For Model Legislation for Municipal Corporation IIPA

PAPER - II

Criminology and Penology

(Option I)

Outcome:- This paper provides the students a thorough knowledge about the scientific study of the nature, extent, management, causes, control, consequences, and prevention of criminal behavior, both on the individual and the social level and also about the principles, theories and methods of punishment in relation to crimes.

1. Nature and Scope of Criminology: - Inter relation between Criminology, Penology and Criminal Law - Criminal Law and its nature and elements - Concept of Crime – Intention and Motive - Importance of Criminology - Schools of

Criminology: - Pre – classical School of Criminology - Classical School - Positive School - Clinical School of Criminology - Sociological School of Criminology - The New Criminology -

2. Causation of Crime: - Mc. Naughten Rule - Insanity Under Indian Criminal Law - Bio-Physical Factors and Criminality - Freud's theory of Criminal Jurisprudence - Conflict Theory of Crime - Sociological Theory of Crime: -Multiple factor approach to crime causation - Mobility, Culture, Conflict, Family background - Political ideology, religion and crime influence of media, economic condition - Temptative Theory of Crime: - Crime as a product of social disorganization – Socio Cultural Pattern and Criminal Behaviour

3. Organised Crimes: - Main characteristics of Organised crime – White-collar crime: - Definition - Contributing Factors – White-Collar Crime in India - Whiter Collar Crime in Professions - Alcoholism, Drug Addiction and Crime: - Main causes of drug addiction – classification of Indian law.

4. Penology - Theories of Punishment - Essential of an ideal Penal System - Penal Policy in India - Capital Punishment:- *euthanasia*.

5. Police system – Development of police organization – legal functions of police – women police – criminal law courts – Lok Adalats – Legal Service Authority Act, 1987 – object of criminal trial – Functions of criminal courts – Prison administration – prison discipline – prison labour – Jail reform committees – prison reforms – problems of undertrial prisoners- bar against handcuffing – solitary confinement – custodial torture in prisons.

Prescribed Readings;

1. Prof. N.V. Paranjape – Criminology and Penology
2. Ahmad Siddique – Criminology and Penology.

Or

Paper II

Women and the Law

(Option II)

Outcome :- This paper makes familiar with the issues commonly associated with notions of women's right to bodily integrity and autonomy, to be free from sexual violence, to hold public office, to have equal rights in family law, to work, to fare wages or equal pay, to have reproductive rights, to education etc.

1. Status of Women in Indian Society:- Rights of the women under the Constitution-Women Reservations in Election Local Bodies – Directive

Principles and Women – Right to Women to Economic Development -
Personal Laws and Gender Justice – Uniform Civil Code

2. Women and Criminal Law: - Offences relating to Marriage - Cruelty by husband or his relatives for dowry - Outraging the modesty of women – Police Atrocities - Custodial Rape – Sexual harassment - Legislation on Criminal Traffic - Prevention of Immoral Traffic and Women: - Rehabilitative and Remedial Provisions
3. Law relating to Dowry Prohibition: - Dowry Prohibition Act, 1961 - Dowry death and dowry suicide
4. Women and Industrial Law: - Equal Remuneration for Men and Women - Welfare and Safety of Women in Industrial law
5. Women and Special Laws: - Women’s Commission - Family Court Act, 1984 - Indecent Representation of Women (Prohibition) Act, 1986

Prescribed Readings:

Prof. N.V. Paranjape – Criminology and Penology
 Ahmad Siddique – Criminology and Penology.
 John Hogan - Modern Criminology
 G.B.Reddy - Women and the Law
 Katherine S. Williams - Criminology
 Sutherland and Cressey - Principles of Criminology
 Michael Doherty - Criminology
 George B. Vold - Theoretical Criminology

Relevant Provisions of the Constitution (with amendments)

“ Hindu Marriage Ac, 1955
 “ Adoption and Maintenance Act, 1956
 “ Maternity Benefit Act, 1961
 “ Dowry Prohibition Act, 1961
 “ Family Court Act, 1984
 “ National Commission for Women Act, 1990
 “ Protection of Human Rights Act, 1993
 “ Muslim Women’s (Protection of Right on Divorce) Act, 1986
 “ Muslim Women’s (Protection of Right on Marriage) Act, 2019

PAPER - III

PUBLIC INTERNATIONAL LAW

Outcome:- This paper provides students thorough knowledge of various aspects of Public International Law so as to equip them to solve the issues of Public International Law in academic level as well as in the field of advocacy.

1. 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 - 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.

2. Recognition : Concept of recognition - theories, kinds and consequences of recognition - state succession - Equitable resource utilization and justification: law of sea, air and outer space - common heritage of mankind.

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

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

5. UNO, Principles and Purpose of UNO, Security Council , General Assembly, ECOSOC - Trusteeship Council, ICJ - World Trade Organization- 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

LABOUR AND INDUSTRIAL LAW – II

Outcome :- This paper provides an insight into the labour laws dealing with employment, wages, bonus, working conditions and also laws regulating social security measures covering maternity, sickness, occupational diseases, payment of Gratuity, provident fund etc.

1. 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 - Administration of ESI scheme- ESI Corporation-standing committees-medical benefit council-Benefits-E.S.I fund-Liability of the employer – Compulsory state insurance-benefits in the event of sickness-maternity and employment – payment of contribution-role of medical board-adjudication of dispute

2. Employer's liability to pay 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 – Payment of compensation – nature and extent – Notional extension of time and place of employment- powers of Workmen's Compensation Commissioners

3. 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

4. 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 – Responsibility for payment of wages-Fixation of wage periods-Deduction & fines-Authorities & adjudication of claim. Fixation & revision of minimum wages-Powers of appropriate government advisory committee and Board- payment of minimum wages – 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.

5. Approval, Licensing & Registration of factories – 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-Authorities & their powers.

Statutory material (With amendments)

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, 1976

Payment of Gratuity Act, 1972

Factories Act, 1948

The Employee's Compensation (Amendment) Act, 2017

Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

Prescribed Readings:

1. S.C. Srivastava, *Social Security Laws*, Eastern Book Co. (Latest Edition)
2. Victor George, *Social Security and Society*.
3. Harry Calverty, *Social Security Law*.
4. Julian Fulbrook, *Law and Worker Social Security*.
5. R.N. Choudhary, *Commentary on the Workmens' Compensation Act, 1923*, Orient Publishing Co. ((Latest Edition).
6. KD. Srivastava, *The Payment of Bonus Act, 1965*, Eastern Book Company ((Latest Edition)
7. R.G. Chaturved, *Law of Employees Provident Funds*, Bharat Law House (2000).
8. P.R. Bagri – Law of Industrial Disputes
9. O.P. Malhotra – Labour Law
10. Labour Law and Labour Relations – Indian Law Institute
11. V.V. Giri – Labour problems in Indian Industry
12. H.K. Saharay – Labour and Social Laws
13. Mishra – Labour and Industrial Laws

PAPER V

MOOT COURT EXERCISE, OBSERVANCE OF TRIAL, INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS

(Practical paper – IV)

Outcome :- This paper helps the students learn to analyse legal issues and to understand the practical side of practicing law and equip the students with the tactics of framing issues from a given detailed hypothetical or imaginary fact scenario. It also enhances the talent to rehearse arguments, identify weaknesses, sharpen reflexes, and deepen knowledge of the cases.

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 shall 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)

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

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. Internship shall be done without affecting the regular classes.

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

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

Moot court exercise, Observance of Trial, Interviewing techniques and Pre-trial preparations. (Practical paper – IV)		100		100
Internship		50		50
External Viva voce				50

Pattern of Question Paper for Law subjects - 2020 Admission onwards

Reg. No.....

Name.....

.....SEMESTER LL.B DEGREE EXAMINATION.....

Paper.....

Time : 3 hours

Max Marks:80

PART -A

Answer any Six questions not exceeding 50 words each. Each question carries 2 marks

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)

(6x2 =12 Marks)

PART –B

Answer any four questions not exceeding 150 words each. Each questions carries 5 marks

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

(4x5 =20 Marks)

PART – C

Answer any four questions. Each questions carries 6 marks

- 1)
- 2)
- 3)
- 4)
- 5)

(4x6 =24 Marks)

PART – D

Answer any two questions. Each questions carries 12 marks

- 1)
- 2)
- 3)

(2x12 =24 Marks)