

THREE YEAR UNITARY LL.B DEGREE

(2018-19 ONWARDS)

KERALA UNIVERSITY

REGULATION, SCHEME, SYLLABUS AND
MODEL QUESTION PAPER

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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 2018 - 2019.

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 26 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 Kerda 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 VI in Third, Fourth, Fifth and Sixth semesters shall be evaluated internally. Internal Viva shall be conducted by the board of examiners constituted by the Principal from among Senior Teachers.

(c) Paper V in the Fifth Semester is optional paper. 1/3 (one third) of the total number of the students of that semester can choose either of the two papers.

(d) Internship - Each student shall have completed minimum of 12 weeks internship during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies where law is 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.

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

(e) Course Viva-voce examination in the Sixth semester examination shall be conducted by a Board of Examiners constituted by the University. At the time of Viva the candidates Should bring all records of practical1 clinical papers and internship diary.

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 above 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 it 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 - 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. In the whole course students will be given the benefit of 2 condonations and one detention. A subsequent detention will be automatically treated as course out.

(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. Internship for the prescribed duration as mentioned in the Bar Council of India (Legal Education) Rules, 2008 is mandatory.

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

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

(e) There shall be no chance to improve marks of written examination.

(f) Classification is as shown below:-

Distinction - 80% and above

First Class - 60% and above, but below 80%, A Pass with First Class can also be given to any candidate if he passed the whole examination with 60% and above but below 80% along with immediate junior batch and not thereafter.

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

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

(h) A candidate admitted in this course shall complete the course and shall pass all papers within in a span period of 6+4 semesters and not thereafter.

9. Publication of Results

The results of the Sixth semester examination shall be published only after the candidate has passed all the previous semester examinations.

10. Award of Bachelor Degree in Law

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

11. Applicability of Regulations

This regulations supersede the existing regulations relating to LL.B Three Year semester course. Provided that students already got admitted in previous academic years shall continue to be governed by the regulations concerned till they complete the course.

SCHEME OF THREE YEAR UNITARY DEGREE LL.B

Sl. No.	Name of paper	Duration of exam	Marks internal	Marks written	Total marks
	FIRST SEMESTER				
1	Introduction to Legal Process, Method and History	3 Hrs.	20	80	100
2	Law of Constitution – I	3 Hrs.	20	80	100
3	Criminology, Penology and Victimology	3 Hrs.	20	80	100
4	Public International Law	3 Hrs.	20	80	100
5	Law of Crimes – I	3 Hrs.	20	80	100
6	Law of Torts – I (Including Consumer Protection Act)	3 Hrs.	20	80	100
		TOTAL			600
	SECOND SEMESTER				
1	Jurisprudence and Legal Theory	3 Hrs.	20	80	100
2	Interpretation and Construction of Statutes (Interpretation of Statutes, Principles of Legislation and Legislative Drafting)	3 Hrs.	20	80	100
3	Law of Constitution –II	3 Hrs.	20	80	100
4	Law of Crimes – II	3 Hrs.	20	80	100
5	Law of Torts – II (Including MV Act.)	3 Hrs.	20	80	100
6	Law of Administrative System and Practices (Administrative Law)	3 Hrs.	20	80	100
		TOTAL			600
	THIRD SEMESTER				
1	Law of Evidence	3 Hrs.	20	80	100
2	Law of Family – I	3 Hrs.	20	80	100
3	Law of Contract – I	3 Hrs.	20	80	100
4	Law of Civil Procedure and Practice – I	3 Hrs.	20	80	100
5	Law of Criminal Procedure and practice – I	3 Hrs.	20	80	100
6	Drafting Pleading and Conveyancing Skills.		100		100
		TOTAL			600

FOURTH SEMESTER					
1	Law of Contract – II	3 Hrs.	20	80	100
2	Law of Family – II	3 Hrs.	20	80	100
3	Law of Civil Procedure and Practice – II	3 Hrs.	20	80	100
4	Law of Criminal Procedure and Practice – II	3 Hrs.	20	80	100
5	Law of Information Technology and Cyber Space	3 Hrs.	20	80	100
6	Professional Ethics, Accounting		100		100
		TOTAL			600
FIFTH SEMESTER					
1	Law of Transfer of Property – I	3 Hrs.	20	80	100
2	Law of Labour and Industrial Relations – I	3 Hrs.	20	80	100
3	Law of Environment Protection and Sustainable Development	3 Hrs.	20	80	100
4	Law of Intellectual Property Rights	3 Hrs.	20	80	100
5	Law of Land Rights (Optional) Or Law of Banking and Negotiable Instruments (Optional)	3 Hrs.	20	80	100
6	Alternative Dispute Resolution System and Practice		100		100
		TOTAL			600
SIXTH SEMESTER					
1	Law of Labour and Industrial Relations – II	3 Hrs.	20	80	100
2	Law of Transfer of Property – II	3 Hrs.	20	80	100
3	Law of Taxation	3 Hrs.	20	80	100
4	Private International Law (Conflict of Laws)	3 Hrs.	20	80	100
5	Law of Companies and Competition	3 Hrs.	20	80	100
6	Trial Advocacy, Moot Court and Client Interviewing		100		100
7	Internship		50		50
8	Course Viva-Voce				50
	TOTAL				700

SYLLABUS

SEMESTER - I

Paper – I : Introduction to Legal Process, Method and History

Objective: Familiarize nature of law, Equity, Justice and Good conscience – Inculcate the method of study of law and juristic elements – Cultivate the ability and aptitude to appreciate legal process – In order to understand what our Constitution really implies and what the draftsmen of our Constitution really aim students to learn, the way through which our Constitution emerged, the path through which it developed and the efforts through which it developed and the efforts through which it nurtured – Assimilation of socio-political-economic and cultural aspects of life and knowledge into legal science studies and juristic education – Familiarize the language used in legislative, executive and judicial process – Assimilate the technique of legal writing and expressions – Impart capability to serve as a professional in justice administration.

Unit I – Meaning, Definition, Evolution and applications of law in society – Inter -relations of law with other branches of studies – Nature, scope and functions of law and rule of law – Legal system and legal process – Sources of law – Branches of law, Institutions of law – Correlation of law and justice – Types of justice – Theories of justice – Legal Materials – Statutes, Rules, Ordinances, Orders, Schedules etc. – Use of internal and external aids of the study of law and justice – Different institutions and methods for justice administration – Scope and relevance of law, justice, equity and good conscience.

Unit II – General language and legal language, A correlative exposure – With a legal vocabulary – Use of legal terms, words, phrases and Idioms – Legal terminologies and usages – Literal and legal sense and utility – Language lab exercises – Use of Dictionary and Legal Lexicons – Sources of legal materials – Primary and secondary sources – Maxims, Doctrines and principles of Law and their connotations and implications – Method of legal learning and writing – Illustrative methods – Law library and virtual library – Using of law library – Understanding of legal writing, abbreviations, Foot & Head notes, Abstracts, Synopsis, Case comments, Judgments, Reports.

Unit III – Legal justice system prevailed in ancient India under Hindu rulers – Importance of legal concepts and text books – Smritis, Srutis, Commentaries, Dharmashasthras, Dharmasutras etc. – Development of legal and judicial justice system in the Medieval India under Hindu and Muslim Rulers, Advent of foreigners into our country.

Unit IV – Impact of westernisation and colonialization and its impact on legal and judicial justice system in India – Conflict between company and the Crown – Administration of legal and judicial justice system in British India – Transfer of power from Company to Crown – Formation of various courts including High Courts – Emergence of nationalism and formation of Indian National Congress.

Unit V – Framing of Constitution of India – Govt. of India Act, 1935 – First step towards Constitution of India – Cripps Mission, Simla Conference and Cabinet Mission – Formation of Constituent Assembly and steps taken by them in drafting Indian Constitution – India after Independence and adoption of Constitution of India – Salient features of Indian Constitution – Development of law in India after independence – Contribution of Law Commission in the development of law in independent India – System of law reporting – Past and present – Significance of legal education in India.

Suggested Readings

1. The Concept of Law : Hart
2. Law in Modern Society : Atiyah P. S
3. Learning the Law : Glanville Williams
4. Law and Society in Modern India : Marc Galanter
5. Law and Changing Society : Manju Saxena and Harish Chandran
6. Land and Constitution in India : Merillat HCL
7. Outlines of Indian Legal and Constitutional History : M. P Jain
8. Legal and Constitutional History of India Vol I & II : Rama Jois
9. Landmarks in Indian Legal and Constitutional History : V. D. Kulshreshtha
10. 81st Law Commission Report
11. Culture and Civilization of India : Kosambi D. D
12. History of Freedom Movement in India : Roy Choudhary S. C
13. Studying Law : Arthur T. Vanderbilt
14. Learning Legal Rules : James A. Holland and Juline S. Webb
15. Language of Law : Peter Goodrich
16. Legal Language and Legal Writing, General English : S. C. Thripathi
17. Legal Language in India : Anirudh Prasad
18. Legal Dictionary : R. P. Ramesan
19. A Hand Book on Legal Language and Legal Writing : A. Suhruth Kumar

Paper – II : Law of Constitution – I

Objective: Inculcate the relevance and elements of Constitution – sensitize on the nature, scope and characteristics of Constitution – Basic structure and function of Constitution as Rule of Law, Generate knowledge on the key, core, soul of the Constitution such as rights, directives and duties.

Unit I – Nature of the Constitution – Salient features of the Constitution – Historical background – Constitutional principles and doctrines Preamble – Significance and objectives – Preamble and interpretation of the Constitution.

Territory and Citizenship

Territory of India – Admission and establishment of new states – Formation of new states – Alteration of boundaries – Cession of Indian territory to foreign country – Meaning of Citizenship – Various methods of acquiring citizenship – Various provisions of Citizenship Act, 1955 – Citizenship by birth, descent, registration, citizenship by naturalization, incorporation of territory etc. – Commonwealth citizenship – Overseas citizenship – Registration, conferment, renunciation, cancellation etc. – Issue of identity cards – Termination of citizenship.

Unit II – Fundamental Rights to Equality, Freedom and Right against Exploitation

Origin and development for FR – Balance between individual liberty and collective interest – Definition of state and its interpretation – Judicial review – Pre -constitutional and post-constitutional laws – Laws inconsistent with FR – Doctrine of eclipse – Severability – waiver of fundamental rights.

Right to Equality (Art 14-18)- Equality before law and equal protection of laws – concept of rule of law – reasonable classification – various instances of violation of equality – Natural justice implicit in Art 14 – Legitimate expectation – Arbitrariness Prohibition against discrimination on grounds of religion, race, caste etc. – Special provision for women and children – Protection of backward class – Equality in public employment – Impact of Indira Sawhney case – Reservation in promotion – Relevant constitutional amendments – National Commission for Backward class – Abolition of untouchability – abolition of titles – Juvenile justice – Gender justice.

Right to Freedom (Art 19-22)– Meaning and scope – Test of reasonable restrictions – Freedom of speech and expression – Scope and effect – Right to know and Right to Information Act, 2005 – Freedom of press – Pre-censorship – Freedom of assembly, association, movement, residence – Freedom of profession, occupation, trade or business – Reasonable restriction – Right to Information.

Protection in Respect of Conviction for Offences (Art 20) – Protection against ex post facto laws, double jeopardy and self-incrimination – Collection of evidence through scientific methods.

Right to Life and Personal Liberty (Art 21) – Personal liberty – Meaning and scope – Interrelation of Articles 14, 19 and 21 – Due process of law – new judicial trends in interpreting Art 21 – Emergency and Art 21 – Right to education – Art 21-A.

Safeguards against Arbitrary Arrest and Detention (Art 22) – Rights of arrested persons – Rights of detainee – Preventive detention laws.

Right against Exploitation (Art 23-24) – Prohibition of traffic in human beings and forced labour – Protection of children from exploitation – Human rights protection.

Unit III – Freedom of Religion (Art 25-28) – Secularism – Concept – Freedom of religion – Conversion rights of religious denominations etc.

Cultural and Educational Rights (Art 29-30) - Rights of minorities to establish and administer educational institutions – Government's power to regulate minority run educational institutions – Reservation – Minority Commission.

Saving of Certain Laws (Art 31A-31C) – Saving of laws providing acquisition of estates – Validation of certain Acts and Regulations.

Right to Property (Art. 300A) – Concept of *eminent domain* – Public purpose – Law – Compensation – 44th Amendment Act and Right to Property.

Right to Constitutional Remedies (Art 32-35) – Concept of locus standi – Judicial review – scope of writ jurisdiction of the supreme court and high courts – PIL – Relation between Art. 32 & 226 – Alternative remedy – Delay or *laches* – *resjudicata* – Application of FR on members of armed forces.

Unit IV – Directive Principles of State Policy (Art 36-51) – Objective, classification – Social and economic charter – Social security charter – Community welfare charter – Relation between DPSP and FR – Implementation of DPSP – Doctrine of Separation of Powers under the Constitution of India – Right to work – Right of forest dwellers.

Unit V – Fundamental Duties (Art 51A) – Source – Need for fundamental duties – Enforcement – as an aid to interpret constitutional provisions Constitutional Authorities – Attorney General, Advocate General, Central & State Election Commission, Comptroller & Auditor General, Public Service Commission, Administrative Tribunal – Division of subjects and other constitutional rights and protection

Suggested Readings

1. Constitutional Law of India : M. P. Jain
2. Law of Constitution : D. D. Basu
3. Constitutional Law of India : J. H. Pandey
4. Constitution of India : V. N. Shukla
5. Law of Indian Constitution : P. S. Achuthan Pillai
6. Working a Democratic Constitution : Austin. G
7. Constitutional Questions in India : Noorani

Paper – III : Criminology, Penology and Victimology

Objective: To familiarise the criminal policies including theories of punishment, and the exercise of discretion in sentencing. Introduce the students to the discipline of victimology which will shift the study from accused-centric approach to much needed victim- centric approach.

Unit I – Nature and Scope of the study – Criminology, Penology and Victimology – Elements of Crime –Concept of Victimology – Rights of victims – Theories and Practice – Compensation.

Unit II – Schools of Criminology – Causation of crime – Theories on crime – Sociological, temptation and emotional theory – Social disorganization – Personality factor – Psychoanalysis – Alcoholism – Drug trafficking – Anomie Theory.

Unit III – Organized crimes – White collar crimes – Corporate crimes - Criminal liability on the State – Exemptions – Critical criminology – Post-modernism – Marxian criminology – Feminist criminology.

Unit IV – Social institutions and crimes – Family, schools, media, Film and television, Political and cultural organizations – Religion – Environmental factors – Theories of punishment – Reaction to crime - Concept of Penalty – Plea-bargaining – Correctional Administration – Prisons – Evolution – Auburn – Pennsylvania – British – Irish prisons – Prison reform in India- Open prison.

Unit V – Preventive approach to crime – Police – Function in the accusatorial system – Probation – Sentencing policy – Determinate and indeterminate sentence – Individualized punishment – Recidivism.

Suggested Readings

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|-----------------------------|---------------------------|
| 1. Criminology and Penology | : N. V. Paranjpe |
| 2. Criminology and Penology | : Ahmed Siddique |
| 3. Theoretical Criminology | : George B. Vold |
| 4. Criminology and Penology | : J. L. Gillin |
| 5. Criminology | : Southerland and Cressay |
| 6. Criminal Justice | : Sanders and Young |

Paper – IV : Public International Law

Objective: This course will discuss the whole range of contemporary concerns in International Law and world affairs in order to scale up the skill of student lawyers to assimilate and utilize international and transnational legal tragetics.

Unit I – Nature – Origin and development-basis – Source, Traditional and modern- Relation between international law and municipal law.

Unit II – Subjects – Classification of states – Rights and duties of state – Recognition – State territory – State jurisdiction – Extradition.

Unit III – State Intervention – State responsibility – State succession – Treaties – Agents of International business, their immunities and privileges.

Unit IV – Law of the sea – International conventions – Different zones – Law of Air – International conventions – Moon treaty and outer -space treaty.

Unit V – International organization – UNO – WTO – Constitution, powers and functions.

Suggested Readings

1. International Law : Oppenheim
2. International Law : J.G Starke
3. International Law : Dr.S.K Kapoor
4. International Law : M.P. Tandon
5. Cases and Materials on International Law : D. J. Harris
6. A Modern Introduction to International Law : Michel A. Akehurst

Paper – V :Law of Crimes – I

Objective: This paper is designed to understand the meaning of crime, methods of controlling them and the basic principles of criminal law determining criminal liability and punishment.

Unit I – Definition of Crime – Concept and nature of Crime – Historical development – Stages of Crime – Salient features of Indian Penal Code –Territorial applicability of Indian Penal Code – extra-territorial and intra-territorial jurisdiction – General Explanations – Joint liability – common intention – common object – Inchoate offences.

Unit II - Theories of Punishment – Types of Punishments – Its purpose – Capital Punishment – Constitutional and Judicial approach – Imprisonment – Simple, Rigorous, Solitary Confinement – Life Sentence – Forfeiture of Property – Fine – Constituent elements of Crime – Actus Reus – Classification of Offences – Mensrea under Indian Penal Code – Different types of mensrea – Mensrea in statutory offences – Abetment – Criminal Conspiracy.

Unit III - General exceptions – mistake of fact – mistake of law – Judicial acts – Accident – Necessity –Absence of criminal intention – minority, insanity – intoxication – consent – communication made in good faith – trifles – Right to private defence

Unit IV - Offences against state – Waging war – Sedition – Offences affecting Public Tranquillity – Unlawful assembly – Rioting – Affray.

Unit V – Offences by or relating to public servant – Illegal gratification – Offences affecting the public Health, Safety, Convenience, Decency and Morals – Offences affecting the Public Health – Food & Drug adulteration Offences affecting Safety – Negligent act, Rash driving – Offences relating to religion.

Suggested Reading

1. Text Book of Criminal Law : Glanville Williams
2. The Indian Penal Code : Ratanlal Dhiraj Lal
3. Textbook on Indian Penal Code : K.D. Gaur
4. Russel on Crime ,Vol I &2 : J.W. Cecil Turner
5. PSA Pillai’s Criminal Law : K.I. Vibhuti
6. Text Book of Criminal Law : Glanville Williams
7. Penal Law of India : Dr. H.S. Gaur
8. Mayne’s Criminal law of India : John Dawson Mayne
9. Making of Modern Law : Gale
10. Bare Act of Indian Penal Code, 1860

Paper – VI :Law of Torts – I (Including Consumer Protection Act)

Objective: The syllabus is designed to study the nature, scope and foundations of tortious liability. General definitions, remedies, discharge of torts, capacity to sue or be sued in torts, liability of states for torts, joint and several tortfeaser, Strict liability, absolute liability, vicarious liability and consumer protection laws.

Unit I – Historical perspective of tort – Origin of law of torts in England – Law of private wrongs in ancient India - Definition of tort Classification – Nature – Distinction between Tort & Crime, breach of contract, breach of trust – Essentials of tort – Foundations of tortious liability – *Damnum Sine Injuria* – *Injuria Sine Damnum* – Mental elements in torts – Motive, intention, negligence, recklessness.

Unit II – General defences in torts – Capacity of parties – Minor – liability of parents – Husband & Wife – Lunatic, Insolvent – Corporations – Vicarious liability Master & Servant – Servant & Independent contractor – Common employment – Firm & Partners – Principal & Agent – State Liability – Constitutional Torts – Joint- tortfeasers.

Unit III – Remedies - Judicial and Extra -judicial remedies – Kinds of damages – Remoteness of damage – *Novus actus interveniens* – foreign torts – Discharge of torts – Death of parties in relation to torts.

Unit IV – Rule of strict liability – *Reylands v. Fletcher* – Exceptions – Rule of absolute liability – Liability for injury caused by animals – Liability under Cattle Trespass Act – Defences.

Unit V – Consumer protection laws – Era of *laissez-faire* – Consumerism – Rights of consumer – Brief history of consumer law – Necessity of consumer law – Consumer Protection Act, 1986 – Objectives – Salient features – Doctrine of *Caveat-Emptor* – Definitions – Consumer – Goods – Service – deficiency – unfair trade practice – Restrictive Trade Practice – Commercial service – Consumer safety – Public utility service – Liability of doctors and hospitals and other professionals - Consumer disputes redressal agencies – Composition and jurisdiction – Role of consumer protection courts and procedures – Compensation under the Consumer Protection Act.

Suggested Readings

1. Law of Torts : Salmond
2. Law of Torts : Winfield
3. Law of Torts : Prof. P. S. Achuthan Pillai
4. Law of Torts : R. K. Bangia
5. Law of Torts : Desai, Kumud
6. Law of Torts : Kapoor S. K
7. Law of Torts : Ratanlal & Dhirajlal
8. Law of Torts : D. D. Basu
9. Law of Torts : B. M. Gandhi
10. Law of Torts : J. N. Pandey
11. Law of Torts : Ramaswamy Iyer

12. Law of Torts : M. N. Sukla
13. Law of Consumer Protection : Gurubar Singh
14. Law of Consumer Protection : D. N. Saraf
15. Consumer Protection in India : Agarwal V. K
16. The Consumer Protection Act : Garg O. P
17. Consumer Protection Act : R. K. Bangia
18. The Law of Consumer Protection in India : P. K. Majumdar
19. Commentary on Consumer Protection Act : J.N. Bariwala
20. Consumer and the Law : R. M. Vats
21. The Law of Consumer Protection : Thripathi
22. The Law of Consumer Protection : Avtar Singh

Statutes

1. Consumer Protection Act, 1986
2. Prevention of Food Adulteration Act, 1954
3. The National Food Security Act, 2013
4. Essential Commodities Act, 1955
5. The Food Safety and Standards Act, 2006
6. Legal Metrology Act, 2009

SEMESTER – II

Paper – I :Jurisprudence and Legal Theory

Objective: Develop the knowledge on scientific study of law – Introduce theoretical aspects of law and judicial functions – Assimilate awareness on different schools of jurisprudence and their critical evolution – Improvise the competence of student lawyers in different concepts and elements of law and justice.

Unit I - Definition of Jurisprudence – Earlier and modern schools of jurisprudence – Nature and scope of scientific, systematic, analytic and empirical study of Jurisprudence – Law and society in the changing scenario – Emerging trends in jurisprudence.

Unit II - Legalism and formalism – Law as a normative science – Theories of jurisprudence – Essentials for practice of jurisprudential theories and critical analysis of such theories – Indian theories and schools on jurisprudence.

Unit III - Elements of law – Rights – Duties – Obligations – Liabilities and their correlations – Principles and practices of juristic elements of law.

Unit IV - Concept of Law – Personality, property, ownership, possession, title, and contract– along with their theoretical and practical aspects.

Unit V - Legal science and juristic science – Study of law with an objective to justice administration – Merits and demerits of legal justice – Scope of social will over judicial legacy – Role of legal professional in the society – Functions of law in a welfare, democratic, republic state – Rational appreciation on the jurisprudential studies.

Suggested Readings

1. Friedman, Legal Theory (5th Edn. Chapter 1,3,5,7 to 14,19,20 Columbia, University Press)
2. Salmond, Jurisprudence (Sweet and Maxwell, 1966)
3. Paton, Jurisprudence.
4. Dias, Jurisprudence (Aditya Books, 1985)
5. Lloyd, Introduction to jurisprudence (Sweet and Maxwell, 1994)
6. Prof. P.S.Achutan Pillai, Jurisprudence.
7. L.S.Carzon, Jurisprudence (1996)
8. J.W. Harris, Legal Philosophies (Butterworths, 1993)
9. N.K. Jayakumar, Lectures in Jurisprudence.
10. V.D. Mahajan, Jurisprudence and Legal Theory.

Paper – II : Interpretation and Construction of Statutes (Interpretation of Statutes, Principles of Legislation and Legislative Drafting)

Objectives: A statute is to be construed as per the intention of the maker. To ascertain the true intention of the maker, various rules for interpretation were formulated by jurists and courts. The objective of the course is to equip students with various rules of interpretation of statutes.

Unit I – Principles of Legislation

Law making – the legislature, executive and judiciary – Principles of utility – Relevance of John Rawls and Robert Nozick – Individual interest to community interest – Operation of these principles upon legislation – Distinction between morals and legislation.

Unit II – Legislative Drafting

Principles of drafting a bill – Montesquieu rules on drafting – Rules pertaining to entire frame work of a statute.

Unit III – Introduction – Interpretation – Meaning, objects and scope – Difference between interpretation and construction – Statutes – Nature and kinds – Commencement, operation and repeal of statutes – Purpose of interpretation of statutes – Basic sources of statutory interpretation – The general Clauses Act, 1897 – Nature, scope and relevance (Ss 6-8) – Aids to interpretation: Internal aids and External aids – Maxims of Statutory interpretation: Maxims - *Delegatus non potest delegare, Expressio unius exclusio alterius, Generalia specialibus non derogant, in pari delicto potior est conditio possidentis, ut res magis valeat quam pereat, expressum facit cessare tacitum, in bonam partem.*

Unit IV – Rules of statutory interpretation and presumptions in statutory interpretation

Primary Rules: Literal rule, Golden rule, Mischief rule (rule in Heydon's case), rule of harmonious construction – Secondary rules: *Noscitur a sociis, Ejusdem generis, Reddendo singula singulis* – Presumptions: Validity of a statute, Statutes are territorial in operation, presumption as to jurisdiction, presumption against what is convenient or absurd, presumption against intending injustice, presumption against impairing obligations or permitting advantage from one's own wrong, prospective operation of statutes.

Unit V – Interpretation with reference to the subject matter and purpose

Restrictive and beneficial construction – Interpretation of taxing statutes, penal statutes, welfare legislations, substantive and procedural statutes, directory and mandatory provisions, enabling statutes, codifying and consolidating statutes, statutes conferring rights, statutes conferring powers, statutes affecting the state, statutes affecting the jurisdiction of courts Interpretation of Constitution: Rule of harmonious construction – Doctrine of pith and substance, colourable legislation, ancillary powers, occupied field, residuary power, doctrine of repugnancy.

Suggested Readings

1. Maxwell and Interpretation of Statutes : P. St. J. Langan
2. Interpretation of Statutes : Vepa P. Sarathi

3. Principles of Statutory Interpretations : G. P. Singh
4. Theory of Legislation : Bentham
5. Legislation : Bakshi
6. Underlying Principles of Modern Legislation : Brown
7. Principles of Legislation and Legislative Drafting : Dr. Nirmal Khanthi Chakravarthi
8. Craies on Statute Law : S. G. G Edgar
9. Legislation and Interpretation : Swarup Jagadish
10. N. S. Bindra's Interpretation of Statutes : K. Shanmukham
11. Constitutional Law of India : M. P. Jain
12. Constitution of India : M. P. Singh (Ed), V. N. Shukla
13. Introduction to Justice : R. Baxi
14. Democracy, Equality and Freedom : K.K. Mathews
15. Spotlight on Constitutional Interpretation : P. K. Tripadhi
16. Interpretation of Statutes : M. P. Tandon

Paper – III : Law of Constitution – II

Objective: Sensitize the student lawyers on Centre – State – Local Governance process envisaged under vertical and horizontal contours of the Constitution – Introduce Legislative, Executive and Judicial mechanism under the Constitution – Generate awareness on the election system – Inform on emergency, Amendment and other such Constitutional Provisions.

Unit I – Legislative, Executive – Judicial systems under the Constitution – Legislative Institutions – Executive Institutions and Judicial Institutions – along with their structure, constitution, Powers, functions and privileges (Art 52-78-79-122, 124-147, 153-167, 213-237, 105 & 194 etc.).

Unit II – Local Self -Government Institutions – Urban and Rural Structure, Powers, Functions – Provisions on Co-op. Societies. GST Council – Union Territories etc. (Art. 239-243, 243-243Z).

Unit III – Law of Election systems – Representation of People's Act, Remedies on Election Offences (Art 324-329A).

Unit IV – Federalism – Centre – State – Local Relations – special purpose vehicles under the Constitution. NDC, NPC, NIC etc. Law of Constitutional amendment – Emergency provisions and law relating to certain classes of people (Art. 240 – 293, 330-342, 350-358, 368 etc.).

Unit V – Service under Union, State and Local Government – Pleasure Doctrine – State Privileges – Government Liabilities under Contract and Tort – Tribunal System (Art. 323A – 323B) – Composition, Jurisdiction, Function, Appeal and Review – Urban planning.

Suggested Readings

1. Constitutional Law of India : M. P. Jain
2. Law of Constitution : D. D. Basu

3. Constitutional Law of India : J. H. Pandey
4. Constitution of India : V. N. Shukla
5. Law of Indian Constitution : P. S. Achuthan Pillai
6. Working a Democratic Constitution : Austin. G
7. Constitutional Questions in India : Noorani

Paper – IV : Law of Crimes – II

Objective: This paper will focus on the study of substantive crimes under the Indian Penal Code so as to inculcate knowledge of different types of offences and penalty for that.

Unit I – Offences against human life - Culpable homicide – Murder – Rash and Negligent act – Dowry Death – Attempt to Murder – Attempt and Abetment to Suicide – Offences Against Human Body – Hurt & Grievous Hurt – Wrongful Restraint & wrongful Confinement – Criminal force & assault – Kidnapping & Abduction.

Unit II – Offences against Property – Theft – Extortion – Robbery and Dacoity – Criminal misappropriation – Criminal Breach of Trust – Receiving stolen property – Cheating – Mischief - Criminal Trespass – House Trespass & lurking house trespass – House breaking & housebreaking by night.

Unit III – Offences Relating to Documents – Forgery & making false document – Forged document.

Unit IV – Offences against Women – Outraging the Modesty of Women, Voyeurism, Stalking, Acid Attack – Rape and Unnatural Offences – Miscarriage with or without consent – Medical termination of pregnancy – Offences relating to Marriage – Cruelty on wife – Bigamy – Adultery – Mock Marriages – Offences affecting Public Decency and Morals – Obscenity.

Unit V – Of Defamation – Criminal intimidation – Insult – annoyance – Attempt to commit offences.

Suggested Reading

1. Textbook on Indian Penal Code : K.D. Gaur
2. The Indian Penal Code : Ratanlal Dhiraj Lal
3. Russel on Crime ,Vol I &2 : J.W. Cecil Turner
4. PSA Pillai's Criminal Law : K.I. Vibhuti
5. Text Book of Criminal Law : Glanville Williams
6. Penal Law of India : Dr. H.S. Gaur
7. Mayne's Criminal law of India : John Dawson Mayne
8. Making of Modern Law : Gale
9. Bare Act of Indian Penal Code, 1860

Paper – V : Law of Torts – II

(Including M.V Act)

Objective: The syllabus is designed to study the specific torts, its nature and general principles etc. It also explains the specific torts like assault, battery, false imprisonment, deceit, negligent misstatement, nuisance, negligence, defamation, malicious prosecution and also covers compensatory reliefs available under Motor Vehicles Act.

Unit I – Specific torts – Nature and classification – Assault – Battery – False imprisonment – Malicious prosecution – Innocent dissemination.

Unit II – Trespass to land – Goods – Deceit – Rule in *Derry v. Peak* – Negligent misstatement – Innocent misstatement – Nuisance.

Unit III – Negligence as a tort – *Res Ipsa Loquitur* - Contributory negligence – Last opportunity rule – Nervous shock.

Unit IV – Defamation – Different kinds of defamation – Essentials – Innuendo – Intention or malice in defamation – Defamation against class of persons, against deceased person – Defences.

Unit V – Motor Vehicles Act, 1988 – Liability under motor vehicle accidents – Nature and extent of Insurer's liability – Liability without fault – Permanent disability – Hit and run cases – Claims Tribunals – Award of the Claims Tribunal – Insurance of motor vehicle – Appeal against the award to High Court – Compensation under the constitution – PIL – Compensation under Cr.PC – Compensation under the Probation of Offenders Act.

Suggested Readings

1. Law of Torts : Salmond
2. Law of Torts : Winfield
3. Law of Torts : Prof. P. S. Achuthan Pillai
4. Law of Torts : R. K. Bangia
5. Law of Torts : Desai, Kumud
6. Law of Torts : Kapoor S. K
7. Law of Torts : Ratanlal & Dhirajlal
8. Law of Torts : D. D. Basu
9. Law of Torts : B. M. Gandhi
10. Law of Torts : J. N. Pandey
11. Law of Torts : Ramaswamy Iyer
12. Law of Torts : M. N. Sukla
13. The Motor Vehicles Act, 1988 : P. K Sarkar

Statutes

1. Motor Vehicles Act, 1988

Paper – VI : Law of Administrative System and Practices (Administrative Law)

Objective: To make students aware of various aspects of Administrative Law including quasi-legislative, quasi-judicial and other ministerial functions of administration and control thereof, delegated legislation, natural justice, administrative discretions, administrative tribunals etc.

Unit I – Introduction to Administrative Law

Definition, Nature and scope of administrative law – Reasons for growth of administrative law – Functions of administrative Law – sources of administrative law – growth and development of administrative law – constitutional law and administrative law – Rule of law – separation of power – classification of Administrative Actions – legislative functions – administrative functions.

Unit II – Delegated Legislation Definition, reasons for growth of delegated legislation – forms of delegated legislation – conditional legislation – sub-delegation – Delegated legislation (Controls & Safeguards) – substantive *ultra vires* – legislative control – other controls.

Unit III – Natural Justice Definition, Nature & scope – Historical development – principles of natural justice – speaking orders – exclusion of natural justice – Breach of natural justice - Judicial and other remedies.

Unit IV – Administrative Discretion Judicial review of administrative discretion – Grounds for judicial review – judicial review and administrative review- Distinction – Judicial review and justiciability – failure to exercise discretion – excess or abuse of discretion – Doctrine of proportionality, doctrine of legitimate expectations.

Unit V – Administrative Tribunals

Public Corporations, liability of Government:- Doctrine of public accountability – Doctrine of estoppel – Crown privilege – miscellaneous privileges of Government – Administrative Tribunals (Central / State) – Enforcement of decisions – Appeal and Revisions.

Suggested Reading

1. Administrative Law : Jain and Jain
2. Administrative Law : I. P. Massey
3. Administrative Law : N. K. Jayakumar
4. Administrative Law : S. P. Sathe
5. Administrative Law : Gaur and Jones
6. Cases and materials on Administrative Law : Bailey, Jones and Mowbray
7. An Introduction to Administrative Law : Neil Hawke
8. An Introduction to Administrative Law : Peter Cane
9. Administrative Law and Government Action : Richardson and Hazel Genn
10. Administrative Law : P. P Craig

SEMESTER - III

Paper – I : Law of Evidence

Objective: To orient students with importance of evidence for establishment of claims and the related rules and principles on contemporary basis. Inculcate knowledge of law related to different types of evidence to capacitate student lawyers to practice the profession.

Unit I – History and development - Relevance of law of Evidence – Definition – Sec 3 & 4 – Classification of Evidence – Relevancy & admissibility – Evidentiary value

Unit II – *Res gestae* – occasion, cause and effect – motive – Preparation – Conduct – identification of persons and things – conspiracy – *alibi* – state of mind etc. – Similar factor – admissions and confessions.

Unit III – Dying declaration – Judgement when relevant – Expert opinion, forensic expert, admissibility of scientific evidence – Relevancy of character evidence – Oral and documentary evidence and its admissibility – Exclusion of oral by documentary evidence – Relevance of forensic evidence and its methods.

Unit IV– Judicial Notice – Burden of Proof – General presumption – Estoppel – Competency and compellability of witness – Privileged communications – Examination of witness – General principles – Leading questions – Testimony of accomplice – Distinguish between accomplice and approver – Chance witness – Interested witness – Trap witness – Child witness – Hostile witness.

Unit V – Criminal investigation and forensic science – Finger, palm prints – Fundamentals of forensic ballistics – Toxicology and serology – DNA profiling – Polygraph and Narco -analysis – Super-imposing techniques – Post-mortem – Cyber forensic – Scientific examination of documents Prescribed Reading.

1. Law of Evidence : P. S. Achuthan Pillai
2. Elements of Law of Evidence : Vepa. P. Sarathi
3. Law of Evidence : Avtar Singh
4. The Law of Evidence : Ratanlal & Dhirajlal
5. Law of Evidence : Sarkar
6. Law of Evidence : Mour
7. Introduction of forensic sciences : Saferstein, Richard
8. Forensic Science in Crime Investigation : Nabar B.S
9. Forensic Science in Criminal Investigation and Trials : Sharma R. A
10. Handbook in Polygraph Testing : Kleiner, Munay
11. Forensic Medicine : Umadetan B
12. Forensic Medicine for Lawyers : Manson J. K
13. Forensic Psychology : Kaur, Rajpur
14. Forensic Science in Criminal Investigation : Manoobhai. G. Amin
15. Forensic Science in Criminal Investigation : Sharma B. R

Statutes

1. Indian Evidence Act, 1872

Paper – II : Law of Family – I

Objective: The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of Hindu law, Muslim law and Christian Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

Unit I – Nature and sources of personal laws – Significance of family and family law – Uniform Civil Code and various personal laws relating to marriage – Divorce, maintenance and adoptions.

Unit II – Law of Hindu marriage – Forms of marriage – Hindu Marriage Act – Ingredients of marriage – Grounds for divorce – void and voidable marriage.

Unit III – Muslim law of marriage- Marriage as a civil contract – Talaq – Different types of talaq – Fasiq – Concept of Iddat – Dissolution of Muslim women's marriage – Polygamy in Muslim law – Muslim women protection on divorce .

Unit IV – Marriage under Christian law – Special Marriage Act – Applicants of Special Marriage Act – Grounds for divorce under Special Marriage Act – Indian Divorce Act.

Unit V – Adoption – Acknowledgement of paternity – Maintenance – Section 125 Cr.PC – Hindu Adoption and Maintenance – Guardianship– Family courts powers and jurisdiction.

Suggested Readings

1. Hindu Law : Mulla
2. Mohammedan Law : Mulla
3. Introduction to Modern Hindu Law : D. M. Derret
4. Family Law : M. Krishnan Nair
5. Hindu Law : Paras Diwan
6. Muslim Law : A. A. Fayzee
7. Hindu Law : Raghavachariar. N. R
8. Hindu Law : Subramaniya Iyyer V. N
9. Muslim Law in India : Tahir Mohammed
10. Christian Law : Sebastian Champappilly
11. Hand Book on Christian Law : Devadasan E. D
12. Marumakkathayam Law : K. Sreedhara Warriar

Statutes

1. Hindu Marriage Act, 1955
2. Special Marriage Act, 1954
3. Hindu Widows Remarriage Act, 1956

4. Child Marriage Restraint Act, 1929
5. Child Marriage Prohibition Act, 2006
6. Hindu Adoption and Maintenance Act, 1956
7. Hindu Minority and Guardianship Act, 1956
8. Guardian and Wards Act, 1890
9. Dissolution of Muslim Marriage Act, 1939
10. Christian Marriage Act, 1872
11. Indian Divorce Act, 1869
12. Dowry Prohibition Act, 1961
13. Family Court Act, 1984
14. Shariat Act, 1937
15. Criminal Procedure Code, 1973
16. General Registration of Marriage Rules, 2008
17. Hindu Joint Family Abolition Act, 1975
18. Waqf Act, 1995
19. Juvenile Justice (Care and Protection of Children) Act, 2015

Paper – III : Law of Contract – I

Objective: The basic purpose of contract law is to provide a framework within which individuals can freely contract. The subject focuses on general features of contract. It helps the budding lawyers to understand the basic principles of contracts like rules of formation, kinds of contract, conditions under which contract comes to end and remedies for breach of contract. The main aim of the subject is to provide general introduction to law of contract for the students.

Unit I – General features of contracts – Classification – Historical development of law of contract – Definition of contract – Freedom of contract.

Unit II – Formation of Contract – Different aspects of offer and acceptance – Consideration – Valid consideration - Necessity – Classification – Privity of Contracts & privity of consideration – Discharge of Contracts, Doctrine of accord and satisfaction – Essentials of Contract – Free consent.

Unit III – Capacity of parties to contract – Minority, Mental incapacity, Drunkenness, other incapacities like political status and corporate personality – Factors invalidating contract – Coercion – Undue Influence – Fraud – Misrepresentation – Mistake – Unlawful object and consideration, immoral agreements– Contingent contracts.

Unit IV – Void, avoidable and contingent nature of agreements – Wagering agreements, uncertain agreements, agreements in restraint of marriage and trade.

Unit V – Performance of contract – Assignment of liabilities and benefits – Offer of promises – Joint promises – Time and place of performance – Reciprocal promises – Appropriation of payments – Breach, impossibility and anticipatory breach of performance – Doctrine of

frustration and its effects – Discharge of contract by operation of law- contracts which need not be performed – Damages, Penalty and Liquidated Damages- Specific relief – specific performance of part – Rescission, rectification and cancellation – Preventive relief by way of injunction – Quasi- contracts – Quantum Meruit.

Suggested Readings

1. The Law of Contracts : Anson
2. Indian Contract Act : Pollock and Mulla
3. Indian Contract Act : Avtar Singh
4. Law of Contract : Subbah Rao
5. Indian Contract Act : Krishnan Nair M
6. Law of Contract : S. M. Leake
7. Principles of Law of Contract : A. G. Guest
8. Law of Contract : Bangia

Paper – IV : Law of Civil Procedure and Practice - I

Objective: Impart knowledge on the nature, jurisdiction, constitution and functioning of civil courts among the student lawyers – Create awareness on the practical elements in civil court functioning – capacitize the students to deal with civil disputes as part of administration of justice.

Unit I – Jurisdiction of civil courts, Territorial and pecuniary jurisdiction – Rules as to institution of suits of civil nature - Doctrine of *Res sub-judice* and *res judicata*.

Unit II – Pleadings- Plaint – Issue and service of summons – Written statement – Set off and counter claim – Appearance and non- appearance of parties – Consequences.

Unit III – Issues – Preliminary issues – Attendance of parties – Witness – Appearance – Adjournment – Discovery, inspection and production of documents –Interrogation.

Unit IV – Judgement – Definition, Essentials, pronouncement, contents and alterations – Foreign judgement – Decree – Definition, essentials, types, drawing up of a decree, contents and decree in particular case – *Mesne* profit – Interest – Costs – Compensatory cost.

Unit V – Supplementary proceedings – Commissions – Arrest before judgement – Attachment before judgement – Temporary injunctions – Interlocutory orders – Receiver – Security for cost – Interest.

Suggested Reading

1. Code of Civil Procedure (Student Edition) : Mulla
2. Civil Procedure Code : D. N. Mathur
3. Civil Procedure Code : Sanjiwa Rao

4. Civil Procedure Code : P. M. Bakshi
5. Sarkar's Code of Civil Procedure : Sudipto Sarkar and V. R. Manohar

Statutes

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

Paper – V : Law of Criminal Procedure and Practice – I

Objective: To give students thorough knowledge of procedural aspects of working of criminal courts and other machineries. Convey an idea to student lawyers regarding establishment, functioning and procedure of criminal judiciary system.

Unit I – Preliminary / Introduction – Evolution of criminal procedure law in India – Constitution and powers of criminal courts – Public prosecutor – Assistant Public Prosecutor – Directorate of Prosecutions & Executive Magistrate – Jurisdiction of Criminal courts.

Unit II – Arrest and bail – Anticipatory bail – Process to compel appearance – Summons, Warrant, Proclamation and attachments – Summons procedure, Search warrant, Seizure.

Unit III – Conditions required for initiation of criminal proceedings. Complaint to the Magistrate and commencement of proceedings (Sec 190 – 205) – Charge – Content, alteration and joinder of charges, joinder of parties.

Unit IV – Information to the police and powers of investigation (Chapter 12)

Unit V – Security for keeping peace and good behaviour – Maintenance of public order and tranquillity – Preventive action of police and Executive Magistrate – Maintenance of wife, children and parents.

Suggested Readings

1. Code of Criminal Procedure : Ratanlal & Dhirajlal
2. Lectures on Code of Criminal Procedure : A. K. Pavithran
3. Outlines of Criminal Procedure : R. K. Kelkar

Statutes

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

Paper – VI : Drafting, Pleading and Conveyancing Skills

Objective: Impart knowledge on the elements, structure and content of professional drafting, pleading and conveyancing – Develop inbuilt skills on the said components of advocacy – Give hands on training in art of advocacy through direct class room exercises.

Unit I - Drafting – General principles – Substantive rules and practices of professional drafting.

Unit II - Pleading – Pre-litigation preparations on civil and criminal court practices, including Pleat, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal, Revision and Review Petition, Application for Bail, Memorandum of Appeal, Review, Revision Petition in Criminal side, Writ Petition under Constitutional Remedy – Public Interest Lawyering.

Unit III - Conveyancing – Deed – Sale, Mortgage, Lease, Gift etc. – Promissory Note, Power of Attorney, Will, Trust, Agency, Partnership etc.

Unit IV – Preparation of specific type of petitions and allied documents related to consumer dispute service.

Course work: Class room instructions and simulation exercises can be used for teaching – support and assistance of practising lawyers / Retired Judicial Officers can be used – Clinical legal institutions can be involved in the training process.

Evaluation: 10 practical exercises in each component of drafting, pleading and conveyancing respectively conducted as part of the course work (30 x 3 =90 marks) and an internal *viva – voce* examination for 10 marks shall be incorporated in the evaluation of the studies and understandings in this subject. Total 100 marks.

SEMESTER - IV

Paper – I : Law of Contracts - II

Objectives: This course will introduce the students to different kinds of contracts like Indemnity, Guarantee, Bailment, Pledge, Agency, Sale of goods, Partnership etc. and its intricacies.

Unit I - Contracts of Indemnity and Guarantee Indemnity – definition – Rights and Liabilities of the Indemnifier and Indemnified – Comparison with English law - Guarantee – Continuing Guarantee – Nature and Duration of Liability – Rights and Liabilities of Parties – Different aspects of Surety's liability – Discharge of surety – Rights of surety against Creditor, Principal debtor and Co-sureties — Comparison of Guarantee with indemnity.

Unit II - Contract of Bailment and Pledge Bailment: General features – Division of bailment – Requirements of consideration – Rights and liabilities of bailor and bailee– finder of lost goods - Pledge or Pawn- Rights and Liabilities of Pawner and Pawnee- Special property in favour of Pawnee-Pledge by limited owners.

Unit III - Agency – General Features - Creation of Agency –Different methods of creation of agency- Kinds of agents— Delegation of authority— Sub-agents and substituted agents—Rights, Duties and Liabilities of Agents –Fraud of Agent- -Rights and duties of Agent and Principal interse- Notice to Agent-Relations of Principal and Agent with third person— Breach of warranty of authority - Liability of Principal for act of Agents –Undisclosed principal – Termination of Agency-Revocation and renunciation of agency –Termination by operation of Law.

Unit IV - Sale of Goods – Concept of Sale – Definition- Distinction between Sale and Agreement to Sell- Quasi—Contract to sale -Subject Matter of Sale –Formalities of Sale- Conditions and Warranties – Passing of Property and Risk – Delivery of Goods – C.I.F. contracts- F.O.B. contracts- Rights of buyer against seller –Rights of Unpaid Seller – Suit for breach of Contract -Auction sale and hire purchase.

Unit V - Partnership – Nature and Creation – Essentials of Partnership-Partnership compared with Co-ownership, Company, Joint Hindu family business –Different types of Partnership – Formation of partnership-Admission of New Members – Partnership Property –Partnership by holding out-Illegal partnership- Limited liability partnership – Relationship of Partners interse and to third parties – Rights and Liabilities of Partners - Incoming and Outgoing Partners – Dissolution of Partnership firm–Settlement of Accounts-Sale of goodwill- Registration of Partnership firm-Limited liability Partnership Act.

Suggested Readings:

1. Law of Contract : Subba Rao
2. Indian Contract Act : Pollock and Mulla
3. Principles of the Law of Contract : Leake, M. S
4. Indian Contract Act : Avtar Singh
5. Law of Contract : Krishnan Nair, M

6. Sale of Goods and Indian Partnership Act : Pollock and Mulla
7. Benjamin's Sale of Goods : Michael G. Bridge (ed.)
8. Sale of Goods : Avtar Singh
9. Partnership : Lindely
10. Indian Contract Act : V. D. Kulshreshta
11. Law of Contract : Anson
12. Holsby's Law of England : Re issue IV Edn. Corresponding Volumes

Statutes:

1. Indian Contract Act, 1872
2. Indian Partnership Act, 1932
3. Sale of Goods Act, 1930

Paper – II : Law of Family – II

Objectives: This course is designed to endow the students with knowledge of both the codified and uncodified portions on intestate succession of Hindu law and Mohammedan Law. In addition the students have to familiarize themselves with the provisions of the Indian Succession Act.

Unit I – Hindu Law: Origin and constitution of Hindu Joint Family – Co-parcenary – Mitakshara and Dayabhaga co-parcenary – Rights of co-parceners – Distinction between joint family and co-parcenary – Female as co-parceners – Partition of Hindu Joint Family property – What is partition – Subject matter of partition – Mode of partition – Re-opening partition.

Unit II – Hindu Succession– Changes brought about in joint family and co-parcenary by Hindu Succession Law – Legal Heirship.

Unit III – Principles of Muslim law of succession – Law relating to Gift – Ingredients of Muslim law of Gift – Different types of Gifts – Contingent Gift – Conditional Gift – Various types of gifts – Hiba bil iwas, Marz ul-mouth will – The doctrine of bequeathable one third – Person entitled to execute will – Waqf – Subject and object of waqf – Mutawalli as manager of waqf property – Rights, duties and functions of Mutawalli – Removal of Mutawalli -Waqf Act, 1995 – Exclusion of civil jurisdiction under Muslim Law.

Unit IV – Law of succession of Christians post Mary Roy period – Mary Roy decision – Indian Succession law and its application under Special Marriage laws.

Unit V – Uniform Civil Code- concept and practice- Constitutional provision on Uniform Civil Code – Judicial and executive intervention in Uniform Civil Code and practice – Religious and social concern on common (good) personal code in India.

Suggested Readings

1. Hindu Law : Mulla
2. Mohammedan Law : Mulla
3. Introduction to Modern Hindu Law : D. M. Derret
4. Family Law : M. Krishnan Nair
5. Hindu Law : Paras Diwan
6. Muslim Law : A. A. Fayzee
7. Hindu Law : Raghavachariar. N. R
8. Hindu Law : Subramaniya Iyyer V. N
9. Muslim Law in India : Tahir Mohammed
10. Christian Law : Sebastian Champappilly
11. Hand Book on Christian Law : Devadasan E. D
12. Marumakkathayam Law : K. Sreedhara Warriar

Statutes

1. Family Court Act, 1984
2. Hindu Succession Act, 1956
3. Shariat Act, 1937
4. Indian Succession Act, 1925
5. Hindu Joint Family Abolition Act, 1975
6. Waqf Act, 1995
7. Juvenile Justice (Care and Protection of Children) Act, 2015

Paper – III : Law of Civil Procedure and Practice - II

Objective: Impart knowledge on the nature, jurisdiction, constitution and functioning of civil courts among the student lawyers – Create awareness on the practical elements in civil court functioning – capacitize the students to deal with civil disputes as part of administration of justice.

Unit I – Suits – Different types of suits – Suit by or against Government – Suit by or against members of armed force – Suit by or against Corporation – Suit by or against firms – Indigent suit – Interpleader suit – Suit by or against trustee – Suit against public nuisance.

Unit II – Execution of decree and orders – Application for execution – Modes of execution – Stay of execution – Arrest and detention in civil prison – Attachment of property – Adjudication of claim – Attachment – Sale of movable and immovable property – Resistance to delivery of possession – Question to be determined by executing courts.

Unit III – Appeal from orders – Appeal from original decree – Scope of fresh evidence in appeal – Second appeal – Substantive question of law – Appeal to Supreme Court – Special leave petition.

Unit IV – Inherent powers – Caveat – Effect of death, marriage – Insolvency – Withdrawal or compromise of suits.

Unit V – Law of Limitation – Meaning, nature and scope of law of limitation – Bar of limitation and its efficacy – Sufficient cause – its meaning and applicability – Legal disability – Meaning, scope and continuous running of time – General principle – Meaning, scope and its exceptions – Exclusion of time – Computation of period of limitation – Effect of fraud

Suggested Reading.

1. Code of Civil Procedure (Student Edition): Mulla
2. Civil Procedure Code : D. N. Mathur
3. Civil Procedure Code : Sanjiwa Rao
4. Civil Procedure Code : P. M. Bakshi
5. Sarkar's Code of Civil Procedure : Sudipto Sarkar and V. R. Manohar

Statutes

1. Code of Civil Procedure, 1908
2. The Kerala Civil Rules of Practice, 1971.
3. Indian Limitation Act, 1963

Paper – IV : Law of Criminal Procedure and Practice – II

Objective: To acquaint the students with organisation of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised.

Unit I – Different kinds of trial – Trial before a court of session – Trial of warrant cases by Magistrate – Trial of summons cases by Magistrate – Summary trial (Sec 225– 265).

Unit II – General provisions as to inquiries and trials – Rights of accused persons – Double jeopardy - legal aid to accused - tender of pardon to accomplice - examination of accused – Compounding of offences - Plea bargaining - withdrawal of cases.

Unit III – Provisions as to accused persons of unsound mind – Provisions as to offences affecting administration of justice – Transfer of criminal cases – Limitation for taking cognizance of offence.

Unit IV – Judgement – Victim compensation scheme – Submission of death sentence for confirmation – Execution, suspension, Remission and commutation of sentences.

Unit V – Appeal, Reference, Revision, Transfer – Probation of Offenders

Suggested Reading

1. Code of Criminal Procedure : Ratanlal & Dhirajlal
2. Lectures on Code of Criminal Procedure : A. K. Pavithran
3. Outlines of Criminal Procedure : R. K. Kelkar

Statutes

1. Code of Criminal Procedure, 1973
2. The Kerala Criminal Rules of Practice, 1982.
3. Probation of Offenders Act, 1958.

Paper – V : Law of Information Technology and Cyber Space

Objectives: To create awareness on Information Technology and Cyber Space – Capacitize on legal provisions related to Information Technology and Cyber crimes – Introduce civil and criminal remedies related to Information Technology and Cyber Space.

Unit I – Problem of Jurisdiction in cyber space and legal response

Uploader downloader theory – Minimum contact, Purposeful availment – Sliding scale test, intentional targeting, Position of Indian Courts – Difficulties in application of different tests and practice – Enforcement issues in Cyber space, International response.

Unit II – Legal Issues relating to Internet Contract

Legal personality – Contractual validity – Types of contract – Nature of liability – Contractual, Tortious, statutory – Privacy and data protection – Content and advertisement regulation – Labour issues, taxation – Existing legal regime to facilitate electronic commerce and its efficacy – Liability of Internet service provider – Spread of obscene materials in internet and legal response – Sale through internet and consumer protection – Requirement of law on data protection in the digital age – Digital signature – Encryption and right to privacy – Obligation of data controllers – Privacy and consent and notification, Disclosure transfer, Rights of data subjects, right to be forgotten – Legal response IT Act and Aadhar Act – Foreign laws on data protection.

Unit III – Information Technology Act

Legal response to electronic governance – Objectives, Advantages and Disadvantages – Challenges – Major E-Governance projects – Taxation in internet – Legal response.

Unit IV – IPR Issues in Cyber Space

Domain name dispute – Domain name registration – ICANN – Cyber Squatting – Legal response – Copyright infringement in internet – Software patenting – Unicitral Law of Electronic Commerce, 1986 and Information Technology Act, 2000.

Unit V – Cyber Crime

Types – Understanding cyber crimes – Theoretical and social perspectives in cyber crimes – Nature – Crime against Government, property and person – Adjudication – Penalty – Liability of Network Providers – Power of Police – Cyber crimes punishable under various laws – Online fraud – Identity theft – Virtual crime – Password cracking – Scams – Phishing attacks – Computer Intrusions and attacks – Indian Penal Code – Information Technology Act and International aspects and jurisdiction relating to cyber crimes – Human rights violation and internet – Public domain – Cyber warfare – Cyber terrorism – Cyber stalking – Software piracy and copyright infringement – Defamation in internet – Cyber forensic – concept – Relevancy and admissibility of computer evidence – Major techniques of computer forensic investigation – Volatile data and persistent data – Electronic evidence – Authentication – Authorisation – Best evidence rule – Burden of proof – Legal issues.

Suggested Readings

1. Cyber Law in India, Pioneer Books, New Delhi– 110009: Farooq Ahmed
2. Information Technology Law and Practice, Universal, Delhi: Vakul Sharma
3. Cybercrimes, Law & Cyber security, Institute of Management in Government, Thiruvananthapuram: Dr. A. Prasanna
4. Information Technology and Development, Kalpar Publication, Delhi P. S: Arun Baveja
5. Science and Society, Himalaya Publishing House, Bombay : Yivek Shane, Banerjee
6. Science and Scientific Methods, Himalaya Publishing House, Bombay: Ashok Korde, A. Sawant
7. Information Technology, Kalpar Publications, Delhi 39 : B. B. Batra
8. Guide to Information Technology Act, University Law Pub. Co. Delhi – 33: Nandan Kammath
9. The Indian Cyber Laws, Bharat House, New Delhi 83.8 : Suresh T, Viswanathan
10. Encryption – Protecting your Data : Ankit Fadia & JayaBhattacharya
11. Intellectual Property Law, Eastern Law House, New Delhi : P. Narayan
12. Cyber law for every netizen in India : Vijay Kumar N. A
13. The International Dimensions of Cyber Space Law: UNESCO
14. Law of Information Technology : D. P. Mittal
15. Cyber and E-Commerce Law : Paras Diwan

Statutes

1. Information Technology Act, 2000
2. Criminal Procedure Code, 1973
3. Indian Penal Code, 1860

Paper – VI :Professional Ethics, Accounting and Professional Accountability

Objective: Inculcate and internalize the morals and ethics of advocacy profession – Introduce the professional accountability concept to budding lawyers – Impart an idea on the professional accounting system for lawyers.

Unit I - Professional ethics and principles of morals in Advocacy – Role of academic and professional bodies – Institution of professional ethics – Remedies on misconduct – Accountability of Lawyers.

Unit II - Courts of records – Court contempt – Remedies against contempt of court – Disciplinary procedures and actions on lawyers with respect to contempt – Regulative power of academic and professional bodies in Advocacy.

Unit III - Accounting system for practising lawyers – Transparency – Advocate Welfare Fund facility.

Course Works: The course work will be conducted in association with practising lawyers with following components. Candidates shall prepare a recorded report on the components.

- Reasons and opinions of Disciplinary Committee of Bar Council (50 numbers)
- Major judgement of Supreme Court in this subject matter (10 case comments)
- Minor case study materials for Advocacy and court contempt each (1 + 1 = 2 nos)
- Solution of a given hypothetical problem on respective topics from Advocates Act and Court Contempt each
- Written test on corresponding subject matter
- Internal *viva – voce* for adjudging the awareness on ethics and accountability

Evaluation System:

50 opinions of Disciplinary Committee - 10 marks

Major Case study (15 x 2) - 30 marks

Minor Case study (10 x 2) - 20 marks

Problem solution exercise (10 x 2) - 20 marks

Internal *viva-voce* examination - 20 marks

Total - 100 marks

SEMESTER – V

Paper – I : Law of Transfer of Property – I

Objective: The focus is on the study of the concept of ‘Property’, the ‘nature of property rights’ and the general principles governing the transfer of property. A detailed study of the operation of transfer, conditional transfers – principles of apportionment, priority of rights created by transfers etc.

Unit I – Concept of property – Introduction to transfer of property – Historical development of transfer of property laws in England and India – Transfer of property laws in India – Preamble and Introduction – Interpretation clause – Immovable property and Transfer of property (Definition).

Unit II – What may be transferred – Persons competent to transfer – Operation of transfer – Oral transfer – Conditions restraining alienation – Restriction repugnant to interest created – Condition making interest determinable or insolvency or attempted alienation – Transfer for benefit of unborn person – Rules against perpetuity – Transfer to a class.

Unit III – Vested interest and contingent interest – Conditional transfers – Doctrine of election – Principles of apportionment.

Unit IV – Limited power of transfer – Transfer where third person is entitled to maintenance – Restrictive covenants – Transfer by Ostensible owner – Doctrine of holding out – Transfer by person having authority to revoke former transfer – Feeding the grant by estoppel – Transfer by co-owner.

Unit V – Joint transfers – Priority of rights created by transfer – Transferee’s right under policy – Bonafide holders under a defective title – Doctrine of *Lis Pendens* – Fraudulent transfer – Doctrine of part-performance.

Suggested Readings:

1. Transfer of Property Act : Mulla
2. Transfer of Property Act : Avtar Singh

Statute:

1. Transfer of Property Act, 1882

Paper – I : Law of Labour and Industrial Relations – I

Objectives: A new branch of jurisprudence known as industrial jurisprudence has developed in our country during the twentieth century. This branch of law was the result of industrial revolution and the consequent issues in industries. A number of labour legislations have been enacted to improve the condition of the workers and for ensuring regular payment of wages. This legislations and the public opinion have supported to better the conditions of labour in a democratic country.

Unit I – Origin of Labour Movement – History of labour legislations – Constitution and labour laws – Basic principles – Industrial jurisprudence – Trends and developments in labour and industrial relation laws – International organizations and conventions on labour rights.

Unit II – Trade unions – History – Rights, liabilities, privileges and immunities – Registration – Consequences of registration – General and political fund – Powers and functions of registrar – Cancellation of registration – Class consciousness and jurisprudence.

Unit III – Industry – Industrial disputes – Workman – Dispute resolution methods and authorities – Reference of disputes – Governmental control – Strikes, lockouts, layoffs – Retrenchment – Closure – Unfair labour practices – Quasi judicial and alternative platforms for labour and industrial dispute resolution.

Unit IV – Interstate migrant workmen – Registration of establishment and workers – licensing of contractors – wages, welfare and other facilities – NRI workers – Specific provisions under law, their legality and practices.

Unit V – Standing orders- Certification – Modification – Misconduct – Certifying officer – Remedial institutions for resolution of trade and industrial disputes – Right to guarantee of employment and payment – Codification of labour law – Concept and consequences.

Suggested Readings

1. Labour and Industrial Laws : S. N. Misra
2. Law relating to Trade Unions and Unfair Labour Practices : K. D. Srivastava
3. Industrial Relations and Labour Laws : S. C. Srivastava
4. Industrial and Labour Laws : S. P. Jain, Simmi Agarwal
5. Law of Industrial Disputes : P. R. Bargi
6. Labour Problems in Indian Industry : V. V. Giri
7. Industrial Relations and Labour Laws : Piyali Ghosh
8. Labour and Social Laws : H. K. Saharayi
9. Labour and Industrial Disputes Malhotra
10. Labour and Industrial Laws H. L. Kumar

Statutes and Amendments

1. Trade Union Act, 1928
2. Industrial Employment Standing Orders Act, 1946
3. Industrial Disputes Act, 1947

4. Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
5. MGNREG Act, 2006

Paper – III : Law of Environment Protection and Sustainable Development

Objective: Realise the relevance of environment protection and management – conceive the philosophy of sustainable development – Impart knowledge of laws on environment protection and management – Inculcate the ability to advocate for environmental jurisprudence and practice – Familiarize institutions for environment protection and justice administration.

Unit I – Conflict of Development and Environment – Consensus on the concept of sustainable development – International conventions, and their impact on environment protection – United Nations Institutions on Environment and Development – Socio - Legal and Economic aspects of environmental justice and jurisprudence – Constitutional background of environment laws and practice in India – General legal principles on environment protection – Common law and specific law remedies on environment issues – Constitution and environment.

Unit II – Forest conservation, protection and offences and Forest laws – Wild life protection and conservation laws – laws on endangered species and vulnerable genus – laws on wetlands and mangroves – Laws of protection of trees etc.

Unit III – Pollution of environment – laws on prevention and control of pollution – water, Air, Noise pollution and their remedies under law – Laws on radioactive pollution – Industrial and trade related aspects on pollution and measures for their mitigation – judicial remedies against pollution.

Unit IV – Comprehensive legislation on Environment protection and its allied Rules – Specific legislation on public liability for environment Justice – Quazi Judicial measures for environment justice administration.

Unit V – New generation laws on environment protection – Biological diversity protection – Protection of paddy fields and wetlands – Nuclear Civil liability laws.

Suggested Readings

1. Environment Law : Susan Wolf, Anna White
2. Law Relating to Environment Pollution and Protection : H. Maheswara Swamy
3. Environmental Law and Policy in India : Kailas Thakur
4. Environmental Law in India : P. Leela Krishnan
5. Environmental Law in Context: Cases and Materials : Robin Craig

Statutes

1. Water (Prevention and Control of Pollution) Act, 1974
2. Air (Prevention and Control of Pollution) Act, 1981
3. Forest Act, 1927
4. Forest Conservation Act, 1980
5. Forest and Wild Life Protection Act, 1960
6. Environment (Protection) Act and Rules under E(P) Act, 1986
7. Bio-Diversity Act, 2003
8. Public Liability Insurance Act, 1997
9. National Environment Tribunal Act, 1995
10. Environment Appellate Tribunal Act, 1997
11. Nuclear Civil Liabilities Act, 2009
12. The Kerala Conservation of Paddy Land and Wetland Protection Act, 2008.

Paper – IV : Law of Intellectual Property Rights

Objectives: Intellectual Property Law has assumed a great importance in recent times. The syllabi is prepared with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to Intellectual Property is one of the fastest growing subjects because of its significance and importance in the present era. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India.

Unit I – Meaning and nature of intellectual property – International character of Intellectual Property – Intellectual property and industrial property – Categories of intellectual property covered by TRIPs agreement – Establishment, objectives and functions of WIPO and WTO – Intellectual property and economic development.

Unit II – Meaning of patent – Historical evolution of the concept of patent – Patentable and non-patentable inventions – Procedure for obtaining patent – opposition to grant of patent – Rights and obligations of patentee – Compulsory licensing – Surrender and revocation of patents – Infringement of patents and remedies.

Unit III – Evolution of trade mark law – Basic features of trademark – Kinds of trademark – Trade dress – Registration, assignment and transmission of trademark – Rights of trademark holder – Infringement and passing off action in trademark – Remedies.

Unit IV – Historical evolution of copyright law – Meaning nature and scope of copyright – Subject matter of copyright – Determination of ownership of copyright – Various rights conferred by copyright – Special rights of broadcasting organization and perform – Assignment, transmission and relinquishment of copyright – Copyright authorities and copyright societies – Infringement of copyright and remedies against infringement – —Fair use Doctrine.

Unit V – Industrial designs – Piracy of design- Geographical indications – Plant varieties and farmers rights – Confidential information and trade secrets – conservation of protection of traditional knowledge – Indian intellectual property policy.

Suggested Readings:

1. Commercial Exploitation of Intellectual Property : Hillary, Clifford Miller
2. Bio Politics : Vandana Siva, Ingunn Moser
3. Intellectual Property Rights in the WTO and Developing Countries : Jayasree Watal
4. Bio Resources and Bio Technology :Policy Concerns for Asian Region: Suman Sahai
5. Intellectual Property Law: Narayanan P
6. Intellectual Property – Patents, Copyright, Trademarks and Allied Rights: Narayanan P
7. Cases and material on Intellectual Property: Cornish W. R
8. Law Relating to Intellectual Property Rights: M. K. Bhandari

Statutes

1. Copy Rights Act, 1957
2. Trade Marks Act, 1994
3. Patent Act, 1970
4. Bio Diversity Act, 2002
5. Farmers Right and Plant Breeders Right Act, 2000

Paper – V :Law of Land Rights (Optional)

Objectives: The rights regarding the use, possession and ownership of property depends on the type of the property over which these are claimed. To identify the ambit and nature of right to property in Indian Legal System because property rights after a considerable level may turn to concentration of wealth in the hands of a few thereby affecting the very basis of the Constitution . Consolidation of the rights of the tenants was one of the constitutional commitments of the state and therefore laws governing fixing the tenancy right were the prime concern of the independent India having relevance even now. The power of the government in restricting the right to property to the citizens is subject to the municipal land laws. Acquisition of one's personal property shall not be arbitrary and must proceed with only in grave public beneficial situations. No land shall be left unutilized be it government land or private land, as land is a scarce resource. Utilization must also be for the benefit of the public and with the consent of the public. Protection of the weaker sections of the society i.e. the indigenous people, SC/ST, forest dwellers is the social welfare commitment of the state.

Unit I – Concept, types of property and rights relating to different properties, aspect of sovereignty, theories of property, history of vesting of lands, ownership – origin, extent of right overland, water and air. Eminent domain – Right to property – Constitutional provisions.

Unit II – Kerala Land Reforms Act – Historical background – Fixity of tenure, resumption, restoration, rights and obligations of landlord and tenant, government and land lords rights – fair rent – ceiling limit – its implications – Kudikidappukar and their rights – rights of purchase of land lords rights – Land boards and land tribunal – Constitution, function and powers – Appeals and revision, Jurisdiction of civil courts.

Unit III – Right to fair compensation and transparency in land acquisition – Salient features, of the Act – Historical development – Social impact assessment and Environment impact assessment – Public purpose – Rehabilitation and resettlement – Just compensation – Rehabilitation award – Monitoring Committees – Dispute settlement mechanism – Special provision as to SC/STs – Food security.

Unit IV – Land utilization order – Land conservancy – Land assignment – Revenue recovery laws – Building lease and rent control laws in Kerala, Kerala Paddy and Wet Land Protection Act – Land utilization laws and rules.

Unit V – Protection for the land of Scheduled Castes and Tribes – Rights of forest dwellers – Town and Country planning with respect to legal aspects – Urban planning – Town and Country planning with respect to legal matters.

Suggested Readings

1. Laws of Land Reforms in Kerala : A. Gangadharan
2. Laws on Land in Kerala : A. Gangadharan
3. Land Laws in Kerala : Sugathan

Statutes and Amendments

1. Kerala Land Reforms Act, 1963
2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
3. Kerala Land Assignment Act, 1960
4. The Kerala Conservation of Paddy Land and Wetland Act, 2008.
5. The Kerala Revenue Act, 1968
6. Forest Dwellers Right Act, 2006

Paper – V :Law of Banking and Negotiable Instruments (Optional)

Objectives: Banks are one of the most important elements of any country, as it plays a vital role in the socio – economic development of the country and hence considered as the life blood of the financial system. Law is closely associated with finance and economics and hence law students have to learn about the major players in the financial system of a country and the legal systems that govern them. Moreover, banking is a dynamic subject which is ever changing and by studying the subject of banking students will be acquainted with the changes and developments in financial, corporate and technological sectors and the changes in the legal system which is governing these sectors. Negotiable Instruments Act, 1881, is closely linked with banking and in

order to understand the provisions of the Act students have to know about banks, the procedures and rules followed in banking sector.

Unit I – Evolution of banking system – History and development of banking system in India – Four phases – Ancient period, British period, Nationalisation era, Liberalisation era – Major Committees on Banking Reforms in India – Impact of technology in banking sector – merits and demerits.

Unit II – Main provisions of Banking Regulation Act – Definition of banking and banker – Different types of customers – Precautions in opening account – Different types of accounts – Mode of operation of account – Relationship between banker and customer – General and Special rights of banker towards the customer – Fiduciary relationship – Payment of customer's cheque – Garnishee order.

Unit III – Types of banks – Primary and subsidiary functions – Multifunctional banking – Lead bank scheme – New banking – Merchant banking, Investment Banking, Islamic banking etc. – Role of bank in the economic development of the country, Agricultural sector – NABARD – Regional rural banks – Cooperative banks, Industrial sector (IDBI, SIDCO, SIDBI, IFCI and other institutions) – Social development – Priority sector advances. – Loans and advances – Precautions to be taken by banker in granting loans – Principles of good lending – Documentation, limitation issue, prudential norms classification of NPA – Judicial and other remedies of recovery – Role of DRT in recovery of loans, importance of SARFASI Act in recovery – Alternate methods of recover – OTS, Lok Adalatt.

Unit IV – Central Bank – Role of central banks – Reserve Bank of India as the Central bank of the country- RBI Act, 1934 – Compare the position with the Central Bank in USA and UL systems through which RBI is controlling the entire banking system in our country and its critical analysis – Role of RBI in the post -liberalization period – Banking and Consumer Protection Act – Ombudsman.

Unit V – Negotiable Instruments Act, 1881 – Definition of Negotiable Instruments – Types of negotiable instruments and its characteristics – Presumptions regarding negotiable instruments – Endorsement and different types – Holder and holder in due course – Payment in due course- Marking and presentment of cheque – Impact of material alteration- Liabilities of parties in negotiable instruments – Discharge and dishonour of cheque – Liability in the case of wrongful dishonor – Statutory protection available to paying and collection banker – Noting and protect – Criminal liability in dishonour of cheque and judicial interpretations.

Suggested Readings

1. Law of Banking : M. L. Thannan
2. Law of Banking : Paget
3. Practice and Law of Banking : Sheldon
4. Thannan's Banking Law and Practice in India : M.L. Thannan
5. Banking Reforms in India : K. Subramanyan
6. The Banking Law in Theory and Practice : S. N. Gupta
7. Information system for Banking : Taxman

8. Negotiable Instruments Act : Avtar Singh
9. Negotiable Instruments Act : Bashyam and Adiga

Statutes

1. Banking Regulation Act, 1949
2. Reserve Bank of India Act, 1934
3. Recovery of Debts due to Banks and Financial Institutions Act, 1993
4. Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
5. Bankers Book Evidence Act, 1891
6. Negotiable Instruments Act, 1881

Paper – VI : Alternative Dispute Resolution System and Practices

Objective: To impart skills on ADR systems with corresponding that on laws and practice – Conduct hands on training in ADR systems through simulation techniques – Evaluate the knowledge and capacity of student lawyers in Para- Legal Activities.

Unit I - Theoretical and formalistic introduction in ADR systems with respect to law and rules – conduct role play with simulation technique based real performance of hypothetical problems – Organization, participation and conduct of ADR methods and Lok Adalats to impart direct field exposure – Written test and *viva-voce* to adjudge the inbuilt capability of students in ADR system.

Course Work: The course work shall be conducted with effective association of legal practitioners, social workers, legal services authority and mediation cell etc. in pre-litigation counselling, para-legal activities, lok adalat and role play methods. Individual and group activities shall be assigned to the student lawyers.

Evaluation:

1. Role play - 25 marks
2. Lok adalat - 25 marks
3. End semester written examination for Internal assessment - 40 marks
4. Internal viva – voce examination - 10 marks

Total 100 marks

Statutes

1. Arbitration and Conciliation Act, 1996
2. Legal Services Authorities Act, 1987
3. Civil Procedure Code and Criminal Procedure Code (Relevant Provisions)

SEMESTER- VI

Paper – I: Law of Labour and Industrial Relations – II

Objectives: Industries help in production and provide employment to the people and different human elements are involved in an industry. For the smooth functioning of any industries, there must be good industrial relations between the employers and employees. If there is mutual conflict between them regarding wages, provident fund, bonus, gratuity and allied matters, industry cannot progress. The parliament has enacted a number of legislations for ensuring social justice, social security and thereby maintaining industrial peace.

Unit I – Registration, approval and licensing of factories – Health, safety and welfare of workers – Working hours – Employment of women and children – Authorities – Shops, commercial establishments – Registration – Hours of work – Holidays and Leave – Offences and penalties.

Unit II – ESI Scheme – ESI corporation – ESI Court – ESI Fund – Standing Committee – Liability of the employer.

Unit III – Liability of the employer to pay compensation – Dependents – Notional extension – Employees compensation commissioner.

Unit IV – Responsibility for payment of wage – Permissible deductions – Fixing of fair wages and minimum wages – Advisory Committee – Corporate social responsibility concept and practice.

Unit V – Bonus – Eligibility – Calculation – Forfeiture – Gratuity – Meaning and eligibility – Provident fund scheme – Deposit linked insurance scheme – Pension scheme – Defined benefit and contribution pension scheme – Social security measures for working class.

Suggested Readings

1. Labour and Industrial Laws : S. N. Misra
2. Law relating to Trade Unions and Unfair Labour Practices : K. D. Srivastava
3. Industrial Relations and Labour Laws : S. C. Srivastava
4. Industrial and Labour Laws : S. P. Jain, Simmi Agarwal
5. Law of Industrial Disputes : P. R. Bargi
6. Labour Problems in Indian Industry : V. V. Giri
7. Industrial Relations and Labour Laws : Piyali Ghosh
8. Labour and Social Laws : H. K. Saharayi
9. Labour and Industrial Disputes : Malhotra
10. Labour and Industrial Laws : H. L. Kumar

Statutes and Amendments

1. Factories Act, 1948
2. Kerala Shops and Commercial Establishments Act, 1960
3. Employees State Insurance Act, 1948

4. Employees Compensations Act, 1923
5. Payment of Wages Act, 1936
6. Minimum Wages Act, 1948
7. Payment of Bonus Act, 1965
8. Payment of Gratuity Act, 1972
9. Employees Provident Fund and Miscellaneous Provisions Act, 1952

Paper – II : Law of Transfer of Property – II

Objective: The focus of this course is on the study of the concept of ‘_Property’, the ‘_nature of property rights’ and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. To acquaint students with the Easement Act.

Unit I – Sale of immovable property – Exchange

Unit II – Mortgage – Charges – Notice and Tender

Unit III – Lease of Immovable property

Unit IV – Gifts – Transfer of actionable claims

Unit V – The concept of Easement – Definition of Easement – Types of Easement – Acquisition of Easement – Extinction of Easement – Easement and Licence – Trust – Constitution, establishment and practices.

Suggested Readings:

1. Transfer of Property Act : Mulla
2. Transfer of Property Act : Avtar Singh

Statutes:

1. Transfer of Property Act, 1882
2. Indian Easement Act, 1882
3. Indian Trust Act, 1882

Paper – III : Law of Taxation

Objectives: To provide a conceptual understanding of both direct and indirect taxation laws and policies – To impart the knowledge on the chargeability of tax on different sources of income – To acquire the skill to solve the commercial and individual tax issues – To understand the impact of taxation on the centre and state revenue.

Unit I – General

Meaning and characteristics of tax – Origin and development of taxation – Concept and evolution of fair taxation – Canons of taxation – Distinction between tax and fee – Leading cases – Cess, toll, duties, surcharge – Compensatory tax – Different techniques of taxation – Proportional regressive - Direct and indirect taxation – Capital receipt and revenue receipt – Capital expenditure and revenue expenditure – Tax management – Tax planning and tax avoidance – Tax Enquiry Committee Reports.

Unit II – Taxation and the Constitution

Origin and development of tax system in India – Constitutional basis of direct / indirect taxation – Tax laws and fundamental rights – Constitutional remedies against illegal taxation – Federal base of taxation – Taxing powers of local bodies – Intergovernmental tax immunities – Interstate sale – Consolidated and contingency fund – Budget – Finance Act – Money Bill – Finance Commission.

Unit III – Direct Tax Dominion

Income tax – Evolution and development – Income Tax Act, 1961 – Income – Agricultural income – Assessee – Person – Residential status – Chargeability of income – Exempted income – Income from salary, house property, profits and gains of business and profession – Capital gains – Income from other sources.

Unit IV – Tax deductions – Carry forward and set off of losses – Tax assessment – Tax collection – filing of returns – Recovery and refund – Appeals – Revisions – Penalties and Prosecutions – Settlement commission – Tribunal – Agricultural income – Chargeability – The Kerala Agricultural Income Act – Tribunal – Tax code.

Unit V – Indirect Tax Regime- Sales tax – VAT – Turn over tax – Origin and concept – Goods and service tax – Constitutional basis – Constitution (122nd Amendment) Act, 2017 – Dual GST Model – IGST – SGST – UTHST – GST on sale, transfer, import / export – Merits and demerits of GST , Council power of central government in interstate sale – GST exemption – Impact of GST on federal polity

Suggested Readings

1. Law and Practice of Income Tax : Kanga and Palkivala
2. Direct Taxes : Taxman
3. Indirect Taxes : Taxman

Paper – IV : Private International Law (Conflict of Laws)

Objectives: This subject deals with those cases within particular legal system, in which foreign elements interferes raising question as to the application of foreign law.

Unit I – The nature – Scope of private international law – Fundamental concepts of private international law – Theories of private law – Historical origin – Private law in India.

Unit II – Stages of case involving private international law – Jurisdiction – Classification of cause of action – Selection of law – Application of law – Renvoi – Classification – Defects of double renvoi – Exclusion of foreign law.

Unit III – Domicile – Essentials of domicile – Kinds of domicile – Domicile under English law – Domicile under Indian law – Nationality – Residence - Corporations – Domicile – Residence – Law applicable for taxation – Liquidation– Recognition of foreign orders on corporations – Trust creation – Recognition of foreign trusts – Insolvency and bankruptcy – Procedure and evidence – Proof of foreign law – Recognition and enforcement of foreign judgements and decrees / awards – Limitation on recognition of foreign judgements and decrees / awards.

Unit IV – Contracts – Formation, Interpretation- Theory of intention – Localisation theory – Illegality and discharge – Tort – Theories of torts in England – Proper law – Modern English law – Private International Law Miscellaneous Provisions Act – Abolition of double criminality rule.

Unit V – Marriage – Essentials under the English and Indian law – Formal validity and essential validity of marriage – Matrimonial causes jurisdiction – Recognition and enforcement of foreign decrees – Remedies – Legitimacy – Legitimation – Adoption – Custody orders- Transfer of property – Immovable and movables – Assignment of debts – Testamentary and intestate succession.

Suggested Readings:

1. Private International Law : Cheshire
2. Private International Law : Prof. K. Sreekantan
3. Private International Law : Paras Divan
4. Conflict of Laws : R. H. Graveson
5. Conflict of Laws : S. L. Khanna

Paper - V : Law on Companies and Competition

Objective: To study about the formation of a company, capital formation of a company and administrative powers – Create awareness on share capital, control on share market, assimilate competition and development in a market oriented economy.

Unit I – Introduction to company law

Definition, Nature and scope of companies – Historical evolution of Company Law (English and Indian) – 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 – Characteristics of companies – Common seal – Comparison between company, partnership, unlimited partnership and sole proprietorship – Types of companies – Limited and unlimited, limited by shares and guarantee company, public and private, holding and subsidiary, Government company, foreign company, single person company etc.

Unit II – Incorporation

Incorporation of companies – Certificate of incorporation – Memorandum of Association, Contents and alteration – Articles of Association, Contents and alteration – Promoters – Pre-incorporation contracts – Constructive notice and doctrine of indoor management – Doctrine of *ultra vires*.

Unit III – Management Responsibility and Competition Control

Share capital, debentures and other securities – Share holders and members – Public offer and private allotment – Issue, allotment and forfeiture of shares – Share certificate – Transfer and transmission of shares – Buy back of shares and reduction of share capital – Prospectus – definition, contents of prospectus, kinds of prospectus, remedies for misstatements in prospectus – Registration of charges and deposits.

Unit IV – Corporate Management and Administration

Directors (Position, powers and duties) – Meetings of the company, essential requisites of a valid meeting – Audit and auditor – Mergers and acquisitions – Majority – Minority management – Rule of majority – *Foss v. Harbottle* – Prevention of oppression and mismanagement – Inspection, inquiry and investigation into the affairs of a company – Emerging trends in corporate social responsibility – Legal liability of company (Civil, criminal, tortious and environmental) – Compromises, arrangements and amalgamations – Dividends – Accounts of companies – Revival and rehabilitation of sick companies.

Unit V – Winding up of companies

Dissolution of companies – Types of winding up – Winding up by the Tribunal – Voluntary winding up – Winding up procedures – Liquidators and contributories – Removal of names of companies from the register of companies – National Company Law Tribunal – Appellate Tribunal and Special Courts.

Suggested Readings

1. Lectures on Company Law : Shah
2. Guide on Companies Act : A. Ramaiah
3. Company Law : Avtar Singh

Statutes and Rules

1. Companies Act, 2013
2. Competition Act, 2002
3. SEBI Act, 1992

Paper - VI : Trial Advocacy, Moot Court and Client Interviewing

Objective: To provide opportunity to student lawyers to assimilate lower court and higher judicial functions through effective practical training and role performance – Create an on board training facility for client interview, pre – trial preparation and chamber works – Ensure options and quasi judicial bodies in justice administration.

Unit I – Mock trial and moot court shall be participation and performance at least in three trial courts or higher courts – Case law, problem and public interest lawyering methods are to be used to impart advocacy training – Each method shall be assigned as per convenience of the course work.

Unit II - Pre-trial preparations and justice administration training shall be envisaged as chamber work and court work method through continuous attendance for four / five weeks period of time (minimum 30 days).

Evaluation

1. Mock Trial / Moot Court work (5+5 = 10 x 3 – Written Memorials + Oral arguments) - 30 marks
2. Practical report presentation (20 + 20 + 20 – Chamber work + court work + Client interviewing Civil / Criminal)- 60 marks
3. Viva – voce - 10 marks

Total 100 marks

Internship - 50 marks

Internship training for student lawyers for a period of 12 weeks in different institutions / organizations in connection with law, such as (i) Co-operative societies (ii) Police Station (iii) Local Government Institutions (iv) Quazi Judicial institutions (v) Statutory commissions / Committees (vi) Industrial / labour institutions etc. Attendance certificates and status report shall be recorded.

External viva – voce (End semester examination conducted by the University) - 50 marks

Total - 700 marks

**MODEL QUESTION PAPER
(2018-19 onwards)**

.....**LAW**

Time : 3 Hours

Max. Marks : 80

PART – A

Answer any **FOUR** questions, not exceeding 70 words each. Each question carries 3 marks.

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

(3 x 4 = 12)

PART – B

Answer any **FOUR** questions, not exceeding 120 words each. Each question carries 5 marks.

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

(5 x 4 = 20)

PART – C

Answer any **FOUR** questions. Each question carries 6 marks.

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

(6 x 4 = 24)

PART – D

Answer any **TWO** questions. Each question carries 12 marks.

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

(12 x 2 = 24)

