

**LEGAL ASSISTANT GR.II IN LAW DEPARTMENT – GOVT.
SECRETARIAT**

(TOTAL MARKS: 100)

MODULE- I: JURISPRUDENCE, LEGAL THEORY, PRINCIPLES OF LEGISLATION, LEGISLATIVE DRAFTING AND INTERPRETATION (10 MARKS)

Definition and schools of jurisprudence- theories of justice-relationship between law and morality- sources of law including legislation, custom, precedent and international conventions and treaties -doctrine of *stare decisis- ratio decidendi obiter dicta* overruling - prospective overruling - elements of law including legal right, duty, liability, property, ownership, possession and title; and their classifications- Utilitarian theory of legislation- general principles of interpretation- construction of statutes- grammatical rule- logical rule- golden rule- mischief rule- *ejusdem generis* rule- specific principles of interpretation- contextual interpretation- historical interpretation- contemporaneous exposition- *in pari materia-* *in bonam partem-* strict interpretation- beneficial interpretation- interpretation of penal statutes and fiscal statutes- interpretation of Constitution- different kinds of statutes- contents of a statute- non-obstante clause- proviso- General Clauses Act, 1897 .

MODULE- II: CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW (20 MARKS)

Constituent Assembly-preamble-citizenship- fundamental rights- directive principles- fundamental duties- structure of Governments- Union Executive, Parliament and Judiciary- State Executive, Legislature and Judiciary- Constitutional authorities and their functions Comptroller and Auditor General, Attorney General, Advocate General, Election Commission of India, State Election Commission, Union Public Service Commission, State Public Service Commission- Finance Commission- State Finance Commission- GST Council- distribution of legislative powers- Union List- State List- Concurrent List- National Commission for Scheduled Castes- National Commission for Scheduled Tribes-National Commission for Backward Classes- official language-regional languages-language of the Supreme Court, High Courts, etc-special directives relating to languages- Local Self Government Institutions (LSGIs)- important Constitutional amendments (42, 44, 52, 73, 74, 86, 91, 97, 101, 102, 103, 104)- writ jurisdiction- Public Interest Litigation- judicial review- Constitutional amendment and basic structure theory- scope and evolution of administrative law- delegated legislation and its legislative and judicial controls- Constitutional law remedies against administrative arbitrariness- doctrine of *ultra vires-* administrative discretion and its controls- administrative adjudication-principles of natural justice- post decisional hearing exception to the principles of natural justice- statutory remedies contractual and tortious liability of the administration - privileges and immunities of administration in suits to withhold documents- rule of law- legitimate expectation-promissory estoppel- maladministration and remedies- statutory provisions relating to Lokpal, Lokayuktha, CVC and prevention of corruption - right to information under the Right to Information Act, 2005 exemptions- powers and functions of Information Commission- Constitutional protection of civil servants services under the Union and the States- Administrative Tribunals under Administrative Tribunal Act, 1985- right to public services- The Kerala State Right to Service Act, 2012 .

MODULE-III: MAJOR SUBSTANTIVE AND PROCEDURAL LAWS (CRIMINAL) – BHARATIYA NYAYA SANHITA (BNS) & BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS) - (20 MARKS)

This module focuses on major criminal substantive and procedural law. Concept and definitions of crime-General principles of criminal liability, Actus Reus & Mens Rea, exceptions to Mens Rea-Stages of crime- historical background-extent and operation-general explanations under Bharatiya Nyaya Sanhita, 2023 - punishments - general exceptions- abetment-criminal conspiracy, attempt, joint liability, common intention, common object, vicarious liability-Offences against human body: culpable homicide, murder, hurt, grievous hurt, acid attack, kidnapping, abduction, slavery, defamation, criminal intimidation.-Offences against women and children: rape, voyeurism, stalking, sexual harassment, dowry death, bigamy, mock marriage, cruelty, miscarriage of child-Offences against the State and public order: waging war, sedition, promoting enmity, offences against public tranquility: rioting, affray, unlawful assembly-obstruction of public servants, false evidence, public nuisance, rash driving, obscenity-offences against religion, damaging places of worship-Offences against property: theft, snatching, extortion, robbery, dacoity, misappropriation, cheating, trespass, housebreaking, forgery, fraud, counterfeiting currency, tampering with electronic records. Classification of offences under the Bharatiya Nagarik Suraksha Sanhita, 2023- functionaries under BNSS and their powers and functions - arrest - detention- investigation-inquiry- inquest- search and seizure- classification and powers of criminal courts- executive magistrates and their powers- public prosecutors- cognizance of offence and commencement of judicial proceedings -processes to compel the attendance of persons and production of documents- bail -anticipatory bail- fair trial- Conditions requisite for initiation of proceedings - Cognizance of offence by Magistrate- Cognizance of offences by Court of Sessions - Prosecution of Judges and Public Servants - Prosecution of cases against marriage - Prosecution for defamation, Complaints to Magistrates -The charge - Contents of charge- separate charge for distinct offences-Trial for more than one offence-discharge-acquittal- trial of summons case, warrant case and sessions case , summary trial-compoundable offence- plea bargaining- judgment -appeal - reference - revision- inherent powers- execution of sentence- remission- commutation and other connected matters - maintenance of wives, children and parents- victim compensation -Juvenile Justice Act, 2015 (JJB, CWC, adoption, rehabilitation, social reintegration)-Probation of Offenders Act, 1958

MODULE- IV: MAJOR SUBSTANTIVE AND PROCEDURAL LAWS (CIVIL) – CONTRACTS, TORTS & CPC (10 MARKS)

Law relating to contracts- Indian Contract Act, 1872- Definitions- contract and ingredients- agreement -communication, acceptance and revocation of proposals contracts, capacity of parties- elements vitiating consent- consideration- voidable contracts and void agreements- contingent contracts- quasi contracts- *quantum meruit* -performance of contracts- modes of discharge- consequences of breach of contract- Indemnity and guarantee-bailment-contract of agency-pledge- provisions relating to sale of goods under the Sale of Goods Act, 1930- partnership under the Partnership Act, 1932- limited liability partnership under the Limited Liability Partnership Act, 2008- standard form contracts- online contracts-click wrap agreements- browse wrap agreements- shrink wrap agreements- statutory provisions relating to online contracts under the Information Technology Act, 2000-definition of tort- development of the law of torts through case law -tortious liability -general defences in tort- - strict liability- absolute liability- vicarious liability- liability relating to animals- negligence- remoteness of damage- contributory negligence- - foreign tort-framework of the Code of Civil Procedure, 1908- suits of civil nature- stay of suits- *res judicata*- conclusiveness of foreign judgments- place of suing- general rules regarding pleadings- plaint- written statement- set off counter claim- parties to suits: joinder of parties, misjoinder of parties, non- joinder of parties- framing of issues- summons modes of service

of summons- appearance and non appearance of parties and its consequences -examination of parties by the court - discovery and inspection- adjournment- amendment of pleadings- judgment, order and decree- execution- modes of execution- precept- garnishee order- caveat-costs- appeal -second appeal- reference- review- revision- inherent powers- arrest and attachment before judgment –injunction-receiver- commission- special proceedings such as suits in particular cases- suit against government- inter pleader suit- suing in *forma pauperis*-suit by or against minors- representative suits- commercial disputes and the provisions of the Commercial Courts Act, 2015 relating to the constitution of Commercial Courts, Commercial Appellate Courts, Commercial Division and Commercial Appellate Division in High Court’s jurisdiction, powers, authority and procedure of Gram Nyayalayas under the Gram Nyayalayas Act, 2008- law of limitation- the Limitation Act, 1963- specific reliefs provided under the Specific Relief Act, 1963 .

MODULE-V: BHARATIYA SAKSHYA ADHINIYAM (5 MARKS)

This module focuses on the principles of evidence law under the Bharatiya Sakshya Adhiniyam (BSA), 2023, which replaced the Indian Evidence Act, 1872. It covers the nature, definitions, and relevancy of facts, - Doctrine of Res Gestae , Motive, Preparation, and Conduct), and Evidence of Common Intention - admissibility of admissions - confessions and dying declarations- relevance of judgments - expert testimony - character evidence -proof of facts, oral and documentary evidence - judicial notice - digital and electronic records - presumption as to documents - principles regarding the exclusion of oral by documentary evidence - burden of proof - presumptions - estoppel -competency of witnesses -privileges related to professional, marital, and official communications - examination of witnesses -cross-examination, leading questions, impeaching credibility-refreshing memory - judicial powers to question witnesses.- digital evidence

MODULE VI: LAW OF PROPERTY (5 MARKS)

Concept of property - general principles of transfer under the Transfer of Property Act, 1882 - property that cannot be transferred- effect of transfer - rule against inalienability- rule against perpetuity - doctrine of election- transfer to unborn- covenants running with land- doctrine of apportionment- transfer by non-owners- direction for accumulation- conditional transfer- part performance- doctrine of *lis pendens*- fraudulent transfer- doctrine of acceleration- sale of immovable property - mortgage - lease – exchange-gift- actionable claims -provisions relating to easements and licenses under the Indian Easements Act, 1882- concept of incorporeal property- intellectual property- law relating to patent- copyright- design- trade mark- service mark- geographical indications.

MODULE VII: LAW RELATING TO LAND AND ENVIRONMENT (5 MARKS)

Acts and Rules relating to land acquisition for public purpose- land reforms-land ceiling- land assignment- revenue recovery- paddy fields- wetland- land conservancy-land development- building lease and rent control- sand mining- environmental protection-control of air pollution, noise and water pollution- wild life protection- protection of rights of forest dwellers- public liability insurance- Green Tribunal- biological diversity- protection of forests- statutory authorities for the protection of environment, their composition, powers and functions- Constitutional provisions for environmental protection- contributions of judiciary to environmental jurisprudence-polluter pay- precautionary principle- absolute liability-sustainable development- public trust doctrine- public interest litigations- functions and powers of the LSGIs relating to land, buildings and environment.

MODULE VIII: LABOUR LAW (10 MARKS)

Law relating to trade union- registration of trade unions - rights, privileges, immunities, duties and liabilities of registered trade union- collective bargaining - industry-industrial dispute- individual dispute- illegal strike and illegal lock-out- lay-off and

retrenchment- transfer and closure of undertakings- reference and settlement of industrial dispute unfair labour practices- machinery for the amicable settlement of industrial disputes standing orders - modification of standing orders- employees' compensation- concept of wages - deduction of wages fixing and revising of minimum wages - calculation and mode of payment of bonus and gratuity- Employees State Insurance- Employees Provident Fund- health, safety and welfare measures for workers in factories, plantations, shops and commercial establishments- prohibition of sexual harassment of women- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

MODULE IX: SPEEDY JUSTICE, LEGAL AID AND PROTECTION OF VULNERABLE SECTIONS (10 MARKS)

Concept of ADR- Arbitration and Conciliation Act -arbitration- conciliation – Medication Act 2023- mediation- Legal Services Authorities Act, 1987-functionaries under the Act-legal aid and Lok Adalaths- - protection of vulnerable sections- Protection of Civil Rights Act, 1955- SC & ST (Prevention of Atrocities) Act, 1989- The Kerala State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2007- Protection of Human Rights Act, 1993- National Human Rights Commission and State Human Rights Commission-Maintenance and Welfare of Parents and Senior Citizens Act 2007 The Rights of Persons with Disabilities Act, 2016- The Transgender Persons (Protection of Rights) Act, 2019- Dowry Prohibition Act, 1961- National Commission for Women Act, 1990- Kerala Women's Commission Act, 1991- National and State Commission for Women- Protection of Women from Domestic Violence Act, 2005- Protection of Children from Sexual Offences Act, 2012 (POCSO)

MODULE X: PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS (5 MARKS)

Nature, origin and sources of public international law - subjects of international law States, non- State entities, international organizations and private individuals State recognition -theory and practice modes of recognition- State succession- State intervention- territorial sovereignty of State- rights and duties of States State responsibility or international delinquency- formation of treaties- binding nature of treaties- extradition and asylum- air space- outer space- water territory- open sea- deep sea bed- common heritage of mankind- diplomatic privileges and immunities- jurisdiction of ICJ- philosophical foundation of the concept of human rights evolution of the concept of human rights- International Bill of Human Rights- UDHR, 1948- International Covenants of 1966- ILO Conventions- international instruments relating to women, children, indigenous persons, environment and refugees- international humanitarian law- law of warfare and armed conflicts- relationship between international law and municipal law- the Indian practice and Constitutional provisions.

NOTE: - It may be noted that apart from the topics detailed above, questions from other topics prescribed for the educational qualification of the post may also appear in the question paper. There is no undertaking that all the topics above may be covered in the question paper.