

**DETAILED SYLLABUS FOR THE POST OF ASSISTANT PROFESSOR  
IN LAW IN (KERALA COLLEGIATE EDUCATION DEPARTMENT) -  
GOVT. LAW COLLEGES - CAT.NO: 569/2024**

<b>PAPER I</b>	<b>1.30 Hours</b>	<b>OMR</b>	<b>100 Marks</b>
<b>PAPER II</b>	<b>1.30 Hours</b>	<b>OMR</b>	<b>100 Marks</b>

**PAPER - I**

**TOTAL MARKS: 100**

**MODULE- I: JURISPRUDENCE AND LEGAL THEORY (25 MARKS)**

**I - (A)** - Different schools of thought - foundational legal concepts- the nature of law- theories of law- theories of justice-relationship between law and morality- sources of law including legislation, custom, precedent, personal laws, international conventions and treaties - doctrine of *stare decisis* and its exceptions - *ratio decidendi* - *obiter dicta* - overruling - prospective overruling - elements of law including legal right, duty, liability, property, ownership, possession and title; and their classifications - jural postulates- general and particular jurisprudence - comparative jurisprudence- synthetic jurisprudence - therapeutic jurisprudence - feminist jurisprudence- critical legal studies (CLS) - 'non-human' jurisprudence- legal personhood of animals, constituent elements of nature and artificial intelligence - jurimetrics . **(13 MARKS)**

**I - (B)** - utilitarian theory of legislation and its criticisms- 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- judicial process and creativity - judicial self-restraint- judicial legislation - the general problem of legal stability and change .**(12 MARKS)**

**MODULE- II: PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS LAW (20 MARKS)**

**II - (A)** - 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 International Court of Justice- International Criminal Court - International Tribunal for the Law of the Sea - relationship between international law and municipal law- the Indian practice and Constitutional provisions. **(10 MARKS)**

**II - (B)** - 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, third gender, indigenous persons, environment and refugees - international humanitarian law - law of warfare and armed conflicts- piracy- genocide- aircraft hijacking- Extradition Act, 1962- Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 Protection of Human Rights Act, 1993. **(10 MARKS)**

### **MODULE- III: SUBSTANTIVE AND PROCEDURAL LAWS (CIVIL) (25 MARKS)**

**III- (A)** - Law relating to contracts- Indian Contract Act, 1872- interpretation clause- capacity of parties- agreement, contract and ingredients- communication, acceptance and revocation of proposals- contracts, voidable contracts and void agreements- contingent contracts- quasi contracts- *quantum meruit* - consideration -performance of contracts- modes of discharge- consequences of breach of contract- elements vitiating consent- indemnity and guarantee- bailment- 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- strict liability- absolute liability- vicarious liability- liability relating to animals- negligence- remoteness of damage- contributory negligence- general defences- foreign tort- framework of the Code of Civil Procedure, 1908- suits of civil nature- stay of suits- *res judicata*- conclusiveness of foreign judgments- notice- reply notice- 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 of parties- consequence of non-appearance, *ex parte* decree, setting aside *ex-parte* decree, 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. **(13 MARKS)**

**III - (B)** - commercial disputes and the provisions of the Commercial Courts Act, 2015 - jurisdiction, powers, authority and procedure of Gram Nyayalayas under the Gram Nyayalayas Act, 2008- law of limitation - Limitation Act, 1963 - Specific Relief Act, 1963 - Negotiable Instruments Act, 1881- Kerala Civil Rules of Practice- Kerala Civil Courts Act, 1957- Kerala Small Cause Courts Act, 1957- Kerala Court Fees and Suits Valuation Act, 1959- Kerala Stamp Act, 1959- concept of ADR- arbitration- conciliation - mediation- Arbitration and Conciliation Act, 1996 - legal services, legal aid and Lok Adalaths - Legal Services Authorities Act,1987- the Mediation Act, 2023- law relating to consumer protection and motor vehicle accidents- principles governing the jurisdiction of courts, torts, contracts and property under private international law- jurisdictional issues in cyberspace. **(12 MARKS)**

#### **MODULE IV: LAW OF PROPERTY INCLUDING INTELLECTUAL PROPERTY (10 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 pendence*- fraudulent transfer- doctrine of acceleration- sale of immovable property - mortgage - lease - exchange - gift - charges- 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, trade secrets, confidential information, plant varieties, farmers' rights, semiconductor integrated circuits layout-design- non-conventional trademarks. **(10 MARKS)**

#### **MODULE V: INDUSTRIAL, LABOUR AND CORPORATE LAWS (20 MARKS)**

**V - (A)**- 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 - employees' compensation- concept of wages - deduction of wages -minimum wages - 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- maternity benefit- prohibition of sexual harassment - *The Sexual Harassment of Women at Workplace* (Prevention, Prohibition and Redressal) Act, 2013.**(10 MARKS)**

**V - (B)** - The Companies Act, 2013- definitions- different types of companies- promotion and promoters- incorporation of company and matters incidental thereto- prospectus and allotment of securities- public offer and

private placement- share capital and debentures- management and administration- appointment and qualifications of directors- key managerial personnel- meetings and resolutions- inspection, inquiry and investigation- prevention of oppression and mismanagement- protection of minority shareholders- winding up- liquidator- contributories- provisions applicable to every mode of winding up- National Company Law Tribunal and Appellate Tribunal- SEBI and prohibition of insider trading- provisions relating to reorganisation and insolvency resolution of “corporate persons” under Part II of the Insolvency and Bankruptcy Code, 2016. **(10 MARKS)**

## **PAPER - II**

**TOTAL MARKS: 100**

### **MODULE- I : CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW (25 MARKS)**

**I - (A)** - Constituent Assembly - preamble - Constitutional and statutory provisions relating to citizenship - definition of “State” and “law”- fundamental rights - directive principles - fundamental duties - structure, power and functions of Governments - Union Executive, Parliament and Judiciary - State Executive, Legislature and Judiciary - privileges of President, Governors, Parliament and State legislatures- independence of judiciary- Local Self Government Institutions (LSGIs) - co-operative societies - important Constitutional amendments - 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 and administrative 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- writ jurisdiction- Public Interest Litigation- judicial review- Constitutional amendment and basic structure theory- definitions (Article 366) - constitutional morality- transformative constitutionalism- legislative process - law and public opinion .**(13 MARKS)**

**I - (B)** - scope and evolution of administrative law- delegated legislation and its 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 and to withhold documents- rule of law- legitimate expectation-promissory estoppel- proportionality - 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. **(12 MARKS)**

## **MODULE- II: SUBSTANTIVE AND PROCEDURAL LAWS (CRIMINAL) (25 MARKS)**

**II - (A)** - Concept of crime - criminology - penology - victimology- theories of crime causation- general explanations under the Bharatiya Nyaya Sanhita, 2023- principles of criminal liability, absolute liability, vicarious liability and constructive liability- general exceptions - punishments under BNS- abetment- conspiracy- attempt- offences against woman and child- offences against human body- offences against State, offences against public tranquility - offences by or against public servants - offences against property - offences against public health, safety, convenience, decency and morality- illegal gratification -false evidence- offences against public justice, marriage, religion, election and reputation- offences relating to documents and property marks.

**(13 MARKS)**

**II - (B)** - classification of offences under the Bharatiya Nagarik Suraksha Sanhita, 2023- functionaries and their powers and functions - FIR - arrest - detention- investigation-inquiry- inquest- search and seizure -preventive action of the police classification and powers of criminal courts- executive magistrates and their powers- public prosecutors- cognizance of offence and commencement of judicial proceedings - conditions requisite for initiation of proceedings- processes to compel the attendance of persons and production of documents- bail -anticipatory bail- fair trial - charge - joinder of charges- discharge-acquittal- trial of summons case, warrant case and sessions case - summary trial- evidence in inquiries and trials- compoundable offence-plea bargaining- judgment -appeal - reference - revision- inherent powers- execution of sentence- remission- commutation and other connected matters - confirmation of death sentence- maintenance of wives, children and parents- victim compensation- special provisions for unsound accused- limitation for taking cognizance- irregular proceedings- special provisions for juvenile in conflict with law under the Juvenile Justice (Care and Protection of Children) Act, 2015- Criminal Rules of Practice (Kerala)- Probation of Offenders Act, 1958 - accusatorial and inquisitorial systems- POCSO Act. **(12 MARKS)**

## **MODULE- III: LAW OF EVIDENCE, INFORMATION TECHNOLOGY AND DATA PROTECTION (20 MARKS)**

**III - (A)** - Relevancy of facts as provided under the Bharatiya Sakshya Adhinyam, 2023 -types of evidence- facts which need not be proved- admissions and confessions - dying declaration - opinion evidence- character evidence - hearsay evidence- similar facts- oral and documentary evidence - doctrine of estoppel - burden of proof - competency of witnesses - privileged communications- examination of witnesses - presumptions - accomplice - approver -admissibility of electronic evidence.**(10 MARKS)**

**III - (B) -** fundamentals of cyberspace- the Information Technology Act, 2000 – definitions- digital signature and electronic signature- e-governance- attribution, acknowledgement and despatch of electronic records- certifying authorities- controller- subscribers- intermediaries- penalties, compensation and adjudication- appellate tribunal- offences- Rules relating to intermediaries and interception framed under the Act - the Digital Personal Data Protection Act, 2023. **(10 MARKS)**

#### **MODULE IV: LAW RELATING TO LAND AND ENVIRONMENT (20 MARKS)**

**IV -(A) -** 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.**(10 MARKS)**

**IV -(B) -** 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 and international law 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- emerging concepts of green criminology and ecocide. **(10 MARKS)**

#### **MODULE V: LEGAL RESEARCH AND LAW RELATING TO ADVOCATES (10 MARKS)**

Provisions of the Advocates Act, 1961- professional ethics- structure, powers and functions of the Bar Councils - BCI Rules – role of BCI in legal education- Rules framed by the High Court of Kerala regarding conditions of practice, fees payable to advocates and designation of senior advocates – law relating to misconduct - contempt of court under the Contempt of Courts Act, 1971- the Notaries Act, 1952 and the Rules framed thereunder- research- types of research- legal research- methodology and methods- research process- ethics in research. **(10 MARKS)**

**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 appear in the question paper. There is no undertaking that all the topics above may be covered in the question paper.