

DETAILED SYLLABUS FOR THE POST OF LEGAL ASSISTANT GRADE II IN
KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION LIMITED

(Cat.No.: 67/2020)

(TOTAL MARKS: 100)

PART I : LAW

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

(10 MARKS)

Constituent Assembly-preamble-citizenship- fundamental rights- directive principles- fundamental duties- structure of Governments- Union Executive, Parliament and Judiciary- State Executive, Legislature and Judiciary- Local Self Government Institutions (LSGIs)- important Constitutional amendments (42, 44, 52, 73, 74, 86, 91, 97, 101, 102, 103, 104)- 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- 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) – IPC & CRPC (10 MARKS)

Concept of crime- general explanations or definitions under Indian Penal Code, 1860- principles of criminal liability, absolute liability, vicarious liability and constructive liability– general exceptions – punishments under IPC- abetment- conspiracy- offences against State, offences against public tranquility – offences against human body – offences against property – offences against public health, safety, convenience, decency and morality– illegal gratification – offences by or against public servants– false evidence- offences against public justice, marriage, religion, election and reputation- offences relating to documents and property marks- classification of offences under the Code of Criminal Procedure, 1973- functionaries under Criminal Procedure Code 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 – charge – 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

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

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- 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 Courts - 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: LAW OF EVIDENCE

(5 MARKS)

Relevancy of facts as provided under the Indian Evidence Act, 1872– 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 – judicial notice –admissibility of electronic evidence- relevant provisions of the Information Technology Act, 2000

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 pendence- 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 (5 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 (5 MARKS)

Concept of ADR- arbitration- conciliation – mediation- Arbitration and Conciliation Act, 1996- legal services, legal aid and Lok Adalaths- Legal Services Authorities Act,1987- 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- Juvenile Justice (Care and Protection of Children) Act, 2015- 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

PART II

GENERAL ENGLISH

(Total – 20 Marks)

i) English Grammar

1. Types of Sentences and Interchange of Sentences.
2. Different Parts of Speech.
3. Agreement of Subject and Verb.
4. Articles - The Definite and the Indefinite Articles.
5. Uses of Primary and Model Auxiliary Verbs.
6. Tag Questions
7. Infinitive and Gerunds
8. Tenses
9. Tenses in Conditional Sentences
10. Prepositions
11. The Use of Correlatives
12. Direct and Indirect Speech
13. Active and Passive voice
14. Correction of Sentences

ii) Vocabulary

1. Singular & Plural, Change of Gender, Collective Nouns
2. Word formation from other words and use of prefix or suffix
3. Compound words
4. Synonyms
5. Antonyms
6. Phrasal Verbs
7. Foreign Words and Phrases
8. One Word Substitutes
9. Words often confused
10. Spelling Test
11. Idioms and their Meanings

PART III

GENERAL KNOWLEDGE, CURRENT AFFAIRS, RENAISSANCE IN KERALA AND FREEDOM MOVEMENT

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