

**DETAILED SYLLABUS FOR THE POST OF ASSISTANT PROFESSOR IN LAW  
(COLLEGIATE EDUCATION DEPARTMENT) - Direct Recruitment  
NCA for :LC/AI and ASSISTANT PROFESSOR IN LAW  
(COLLEGIATE EDUCATION – Law Colleges) – SR for ST only**

**(Cat.Nos: 125/2022, 044/2023)**

**MODULE I- Legal Theories ( 10 marks)**

Concept of law- the relation of justice to law and ethics- Legal Theories - natural law theories - positivism and analytical school- Austin, Kelsen, Hart- Law and Morals- Views of Finnis- Hart- fuller controversy-Hart- Devlin debate, Hart- Dworkin debate- Sociological School- Roscoe Pond, Durkeim, Ihering ,Ehlich etc-German Historical School -Savigny and Volkgeist- the English Historical School - Sir Henry Maine-Legal Realism- Idealism- Kant & Hegel - Concept of rights- correlation of rights with duties - Hohfeld's analysis - human rights

**MODULE II- Concept of Justice ( 10 marks)**

Judicial Process-theories - - Rawlsian theory of justice-Amartya Sen and the concept of justice- Concept of Stare decisis- Ratio Decidendi- Obiter Dicta- Prospective Overruling- Judicial process and creativity in law- tools and techniques of judicial creativity and precedents- Relation of law and justice- Judicial Process in India-Concept of dharma- Independence of Judiciary.

**MODULE III- Constitutional Structure and Process ( 10 marks)**

Modern Constitutions- nature-forms- Constitutionalism- Indian Constitution-features- Parliamentary form of government- State- different organs at the Union level and State level- Executive- Legislature- Judiciary- composition- structure appointment- Powers- Collective responsibility-Parliamentary privileges- Procedures for passing of bills- Centre State Relations- Federalism- Repugnancy between Central Law and State Law-doctrines- Emergency Powers- types- restrictions- judicial review- Amendment Powers- Basic Structure.

#### **MODULE IV Constitutional Rights ( 10 marks)**

-Fundamental Rights-Justiciability-Distinction with Directive Principles of State Policy- Unconstitutionality of Statutes-doctrines Right to equality, Fundamental Freedoms- reasonable restrictions- Right to Life and its expansion-Right against exploitation, rights of persons apprehended or accused, right to religion-Enforcement of Fundamental Rights

#### **MODULE V – Administrative Powers ( 10 marks)**

The concept of state-role-functions -powers- rule of law- separation of powers-delegated legislation-administrative functions- impact of globalization-administrative discretion in a welfare state –conferment stage- execution stage-structuring, limiting and confining discretion-judicial development- Concept of fairness- natural justice- extent-exceptions- reasonableness-legitimate expectations-proportionality-promissory estoppel- Judicial review of administrative action-State- writs-maintainability –amenability-types-public law remedies- Articles 32,226,227 and 136 of the Constitution of India- Administrative tribunals- Government Servants-Doctrine Of Pleasure- exceptions- Tortious and Contractual liability of the State- Open Government- Right to information Agencies against corruption- Ombudsman system- Lok Pal, Lok Ayukta's, CVC etc- Democratic decentralization-Panchayati Raj system.

#### **MODULE VI- Criminal Law ( 10 marks)**

Elements of crime- actus reus-mens rea- intention, recklessness, negligence – transferred malice-Joint responsibility – vicarious responsibility-corporate responsibility-Exclusion of mens rea – Inchoate Crimes – attempt, abetment – conspiracy-judicial decisions-General defences- investigations-control - Search and seizure-bail and custody decision- Rights of the accused-legal role of prosecutor- Role of victims in crime investigation- emerging trends- legal Principles of legality – presumption of innocence – burden of proof – protection against self – incrimination – Autrefois acquit and Autrefois- Various methods of trial-accusatorial trial- inquisitorial

#### **MODULE VII- Commercial Law ( 10 marks)**

Contract as private law obligation – Theories of contractual liabilities – evolution -nature- Corporate governance – Different Systems of Corporate Governance – Shareholder and Stakeholder Theory of Corporate Governance – External and internal controls over corporate governance- nature of rules – memorandum and articles– Binding nature – Distribution of powers of corporate organs – BOD, General Meeting, Key Managerial Personnel-Board of Directors – Position – Powers and duties – Remuneration – Removal -Investor Protection – Enforcement of corporate membership rights – Qualified membership rights and individual shareholder rights- Protection of minority shareholder- Protection of third parties – Corporate Social Responsibility.

#### **MODULE VIII- Intellectual Property Law ( 10 marks)**

Western theories on private property and IP - Marxian theory on private property and IP - Indian theories- Constitutional Protection-Historical development - International Treaties- Berne Convention, Paris Convention, WIPO Treaties, Audio - Visual Performances Treaty,

Marrakesh VIP Treaty – TRIPS Agreement – Forum Shifting - Biodiversity Convention etc- Matters covered under Copyright and the test of originality – idea – expression dichotomy -registration-rights of authors-infringement-remedies- Patentable Inventions-Criteria-rights-acquisition- - revocation- remedies- patenting of biotechnology and computer programme – challenges to the distinction between invention and discovery – importation right and parallel import- Trademarks-Concept of distinctiveness – grounds for non registration – passing off- Registerable Designs – test of originality or new – protection functional designs – conflict between copyright and design protection- rights of registered owners-geographical indications- plant varieties protection

#### **MODULE IX- Environmental law ( 10 marks)**

Concept of Environment- evolution of environmental law-International Conventions – development-Stockholm Convention- Earth Summit ( UNFCCC)1992 – CBD- Kyoto Protocol 1997-Johannesburg Conference 2002- Paris Agreement 2016- COP27-Right to Environment as a Constitutional right as well as human right- judicial approach-principles- Public Trust Doctrine, precautionary principle, polluters Pay Principle – Sustainable development – Inter-generational equity – Intra-generational equity - Common but differentiated responsibility- Pollution – land ,water, air, noise etc- Water Act, Air Act etc- Role of enforcement agencies- CPCB – SPCB- Forest and Wild Life Protection laws- Environmental Protection Act, 1986- National Biodiversity Act -NGT Act

#### **MODULE X- Human Rights Law ( 10 marks)**

Theoretical foundations-- human dignity- development-role of UN- International bill of human rights- UDHR- ICCPR- ICESCR- regional approach- Human Rights and the Constitution of India-judicial approach- The Protection of Human Rights Act, 1993- the National and State Human Rights Commissions- enforcement- other enforcement organs and Commissions-effectiveness-comparison- Human Rights and the weaker sections-protectin of the rights of women andchildren-persons with disabilities-senior citizens-Scheduled castes and Schedule Tribes-protection of religious and linguistic minorities- sex workers – prisoners etc

**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.**