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JUDICIAL TEST (HIGHER)

EXAMINATION SCHEME

The Judicial Test(Higher) Examination will have three parts viz. Part-I, Part-II and Part-III with five papers in each part. The name of the papers and the division of marks are given below. The test will be conducted by the High Court during every mid-summer vacation. The duration of the written test for each paper will be three hours. The maximum mark for each paper will be 100. A minimum of 40 marks is required for pass in each paper. When applying for the first time, the candidates have to apply for all the five papers of the part they are applying for. Those who clear this test will be treated as equal to those who possess LL.B Degree for the purpose of promotion/transfer to higher posts except the post of Registrar.

Part	Name of paper	Division of marks
Part I	Paper I - Jurisprudence and Legal Language	Jurisprudence -85 Legal Language -15
	Paper II - Constitutional Law	
	Paper III - Penal Laws	Principles of Criminology & Penology – 5 Indian Penal Code – 80 Principles adopted in Specific Criminal Legislations like NDPS Act, Abkari Act, Prevention of Food Adulteration Act etc-15
	Paper IV - Law of Torts	Principles of Torts - 80 Specific Torts like Motor Accidents Claims, Consumer Claims (Consumer Protection Act), Workmen's Compensation, Fatal Accidents, Railways Claims – 20
	Paper V - Law of Contracts	Contract Act – 70 Sale of Goods Act – 10 Negotiable Instruments Act – 10 Specific Relief Act – 10

Part II	Paper I - Administrative Law	Principles of Administrative Law and Principles of Judicial Review – 70 High Court Act and Rules – 20 Ombudsman, Tribunals – 10
	Paper II - Company Law	Companies Act & Rules – 80 SEBI & related Legislations – 20
	Paper II - Property Laws	Transfer of Property Act – 70 Land Acquisition Act – 10 Land Assignment Act – 10 Registration Act – 5 Stamp Act – Central & State – 5
	Paper IV - Service Laws	Constitutional Principles (Article 309–312)–10 Kerala Service Rules – 20 Kerala State & Subordinate Service Rules Parts I & II – 20 Kerala Government Servants Conduct Rules–10 Kerala Civil Services (CCA) Rules – 20 Kerala High Court Service Rules – 10 Kerala High Court Office Manual – 10
	Paper V - Family Law	Law of Marriage & Divorce (Hindu, Muslim & Christian) – 40 Law of Succession (Hindu, Muslim & Christian) – 40 Law of Guardianship & Adoption – 10 Law of Maintenance – 10
Part III	Paper I - Law of Elections	Law of Elections to Legislative Assembly & Parliament – 85 Law of Elections to Local Self Government Institutions – 15
	Paper II - Civil Procedure	Civil Procedure Code – 70 Kerala Court Fees & Suits Valuation Act – 15 Kerala Civil Rules of Practice – 15
	Paper III - Criminal Procedure	Criminal Procedure Code – 80 Criminal Rules of Practice – 20
	Paper IV - Law of Evidence & Limitation	Evidence Act – 80 Limitation Act – 20
	Paper V - Interpretation of Statutes	Interpretation of Statutes – 60 General Clauses Act – 10 Legal Drafting, Pleading & Conveyancing – 30

JUDICIAL TEST (HIGHER)

DETAILED SYLLABUS

PART I

Paper I- Jurisprudence and Legal Language.

Unit I

Meaning of Law & Concept of Justice, Theories of Austin & Kelsen, Roscoe Pound, Salmond, Holmes, Dworkin etc, Harts, Concept of Law, Paul's Theory of Justice, Common Law, Equity.

Unit II.

Schools of Jurisprudence, Natural Law, Historical School, Analytical School, Analytical Positivists, Scandinavian Realism, American Realism etc., Continental and Civil Law System, Common Law System.

Unit III - Sources of Law - 1.

Legislation, Advantages of Legislation as Source of Law, Supreme and Subordinate Legislation, Interpretation, Intention of the Law Makers- Lateral Legis, Sententia Legis, Golden Rule.

Unit IV - Sources of Law - 2.

Precedent, Advantages of Precedent, Ratio decidendi and obiter dicta - judicial reasoning, Tests to Find Ratio decidendi, Wambaugh's Test - Goodhart's Test - Binding Nature and Authority of Precedent - Stare decisis - Overruling - Prospective overruling - Abrogated decisions - Precedents sub silentio - Pericurian decisions - Inconsistent decisions of Co-ordinate jurisdiction.

Source of Law - 3.

Customs - Conventional Customs, Custom and Prescription

Unit V

Administration of Justice (Civil Law & Criminal Law) - Civil and Criminal Justice - Purposes of Criminal Justice - Punishment, Penology, Theories of Punishment - Victimology, Civil Justice, Primary & Sanctioning Rights, Adversarial Method, Inquisitorial Method, other methods of dispute resolution.

Unit VI.

Elements of Law

(1). Legal Rights:- Rights, Duties, Wrongs, Power, Immunity, Liability, Disability, Hohfeld's Theory & diagram, Kinds of Legal Rights, Perfect, imperfect, positive, negative, in rem, in personam, proprietary, personal, re-propria, re-aliena (Encumbrances) - Principal, accessory, primary, sanctioning, legal, equitable, vested contingent.

Unit - VII.

(2). Ownership:- Idea, subject matter, sole and co-ownership, Trust, and Beneficial, Legal & equitable, vested and contingent.

(3). Possession: Idea, in fact and in law concurrent, Acquisition Continuance, Incorporation, Possession and Ownership, Possessory Remedies.

(4). Titles: - Positive Facts, Acts in Law, Agreements, Classes of Agreements, Void and Voidable.

Unit- VIII Elements of Law.

(5). Property: Meaning, kinds, Movable and immovable, Real & Personal, in rem, propra Lease, Servitude, Securities, Modes of Acquisition, Possession, Prescription, Agreement, Inheritance.

(6). Person: Dead men, Unborn persons, legal persons, Corporations- Incorporation, Corporate Personality.

(7). Liability - Kinds, Remedial, Penal. Intention, Motive, Malice, Negligence, Duty and Care; Standard of Care, Strict Liability, No fault Liability, Mistake of Law & fact, Criminal and Civil Liability.

Unit IX- Elements of Law

(8). Obligations: Nature, Sources, Contracts, Torts, Quasi Contracts, Innominate obligations.

(9). Procedure - Substantive and Procedural Law, Evidence, Valuation, production.

Unit X.

Language of Law, Reasonableness, Fairness, Legal terms, jurisdiction, locus standi, classification of Law, Hierarchy of Civil and criminal courts, Finding Law, Law Library, Reports, Digests, Manuals, Journals - how to use them in finding the law.

Suggested Readings:

- Salmond - Jurisprudence
- Dias - Jurisprudence
- Lloyd - Introduction to Jurisprudence
- Glanville Williams - Language and the Law

Part I

Paper II- Constitutional Law

Unit I

Types of Constitution, Written and Unwritten Constitutions, Constitutional Structure, Comparison with other Constitutions, Preamble - Union and its Territory, Citizenship.

Unit II

Definition of State, Doctrine of Ultravires & Eclipse, Right to Equality, Articles 14, 15, 16, Rights of Freedoms under Article 19 - Safeguard against Ex post facto laws, Double Jeopardy, Rule against Self Incrimination.

Unit III

Fundamental Rights 2- Freedom of Religion, Right to Life & Liberty, Protection against arrest and detention, Minority Protection, Right to property – Doctrine of Eminent domain, Directive Principles of State Policy (Articles 35 – 51).

Unit IVJudicial Review & Right to Constitutional Remedies

Ambit of writ jurisdiction under Articles 32 and 226 – Writs, Habeas Corpus, Certiorari, Prohibition, Mandamus, Quo warranto, directions, declarations, orders, supervisory Jurisdiction under Article 227.

Unit V-Judicial Review

Original Jurisdiction of Supreme Court – Article 131 ; Appellate Jurisdiction- Article 133, 134, Special Leave Jurisdiction, Articles 136, Law declared by Supreme Court – Article 141, Advisory Jurisdiction of Supreme Court – Article 143.

Unit VI-Judicial Administration

Establishment and Constitution of Supreme Court – Qualifications, Appointments, Special Protection independence, Removal, State Judiciary, High Court- Appointments, Qualifications, Salaries, Conditions of Service, Removal – Subordinate Courts – Appointment, Qualifications, Control.

Unit VII.

Union Executive – President, Elections- Powers and Functions, Impediment – State Executive Governor, Appointment, Powers and functions (Ordinance making power, Pardoning Power), Central- State Relations, Council of Ministers, Prime Minister, Concept of advise given by Council of Ministers to President- Borrowing power.

Unit VIII.

Union and Legislatures – Constitution, Composition, Duration, Houses, Joint Sitting, Money Bills, other Financial Bills, Officers of House Speaker, Duties and Functions, Powers, Privileges and immunities of the State Legislature – Consolidated and Contingent Fund.

Unit IX

Amendment to the Constitution – Article 368 – Emergency powers (352 – 360).

Unit X.

Attorney General – Advocate General, Comptroller and Auditor General of India – Public Service Commission – Contracts made by State, Tortious Liability of State, Trade, Commerce and Intercourse, Central – State Relations- Legislative, Administrative official Language.

Suggested readings:

Shukla V.N	- The Constitution of India
J.N Pandey	- Constitutional Law of India
Achuthan Pillai	- Constitutional Law of India
H.M Seervai	- Constitutional Law of India

Part I
Paper III- Penal Laws

Unit-I

Definition and concept of crime – Distinction between crime, tort and breach of contract – Basic principles of criminology and penology – Classifications of offences – Functions of criminal law – Types of punishments – Constituent elements of crime – Actus Reus and Mens Rea – Intention, knowledge, recklessness, negligence, rashness etc.

Unit-II

Extra territorial jurisdiction – Joint Liability – Common Intention – General Exceptions – Abetment – Criminal conspiracy.

Unit-III

Offences against state – offences against public tranquility – False evidence and offences against public justice – offences against Public Health – Decency and Morals – Offences relating to religion – Offences relating to public servants, elections, coins and government stamps, weight and measures.

Unit-IV

Offences affecting human body and life – culpable homicide – Murder – Causing death by rash and negligent act – Dowry Death – Suicide Attempt and abetment – Causing miscarriage – Medical Termination of pregnancy.

Unit-V

Hurt-grievous hurt – wrongful restraint and wrongful confinement – Criminal force and assault – Kidnapping, abduction, slavery and forced labour – Rape – custodial rape – unnatural offences.

Unit-VI

Offences against property – Theft – Extortion – Robbery – Dacoity – Criminal misappropriation of property – Criminal breach of Trust – Receiving stolen property – cheating – Mischief – Criminal trespass.

Unit-VII

Offences relating to documents and property marks – Forgery – False document – Forgery for the purpose of cheating – Trade marks – counterfeiting currency and bank notes – Criminal breach of contract of service.

Unit-VIII

Offences relating to marriage – cruelty by husband to wife – Bigamy – Adultery – Defamation and exceptions – Criminal intimidation – Insult and annoyance – attempt to commit offences

Unit-IX

Outline of offences and principles of punishment under Narcotic and Psychotropic Substances Act, Kerala Abkari Act, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Unit-X

Outline of offences and principles of punishment under Arms Act, Explosives Act and Explosive Substances Act, Kerala Gaming Act, Immoral Traffic (Prevention) Act, Kerala Police Act, 1960, Unlawful Activities (Prevention) Act 1989.

Suggested Readings:-

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|---|-----------------------------|
| Kenney | - Outlines of Criminal Law, |
| Glanville Williams | - Text Book of Criminal Law |
| Cross and Jones | - Criminal Law |
| Smith and Hogaa | - Criminal Law |
| Achuthan Pillai | - Criminal Law |
| Indian Penal Code, 1860 | |
| N.D.P.S.Act, 1985 | |
| Kerala Abkari Act | |
| Prevention of Food Adulteration Act, 1954 | |
| SC/ST (Prevention of atrocities Act) | |
| Arms Act, 1959 | |
| Explosives Act, 1884 with Explosives Substances Act | |
| Kerala Gaming Act | |
| Immoral Traffic Prevention Act, 1956 | |
| Kerala Police Act, 1960 | |
| Unlawful Activities Prevention Act, 1989 | |

Part - I

Paper IV- Law of Torts

Unit I

General Principles-Definition of Torts-Difference between Tort & Crime, Difference with breach of contract & breach of trust- constituents of Tort-Essential conditions of tortious liability- Damnum Sine Injuria & Injuria Sine Damno-Mental elements-Malice, Intention, Negligence-Recklessness-Motive-Malfesance, Misfeasance, i.e, Non-feasance-fault.

Unit II

General defences in Tort-Volenti-non-fit injuria-Inevitable Accident-Act of God-mistake-Private Defence-Statutory authority-Executive Acts-Authorities of necessity.

Unit III

Death in relation to torts-Discharge of Torts-Liability by relation-Vicarious Liability-Master & Servant, Employer & Independent Contractor, Principal & Agent, firm & partner.

Unit IV

Damages-Causation & Remoteness of Damage -Reasonable foreseeability Test, Intended Consequences Test-Novus actus, inter veniens -Mitigation of damages-Measure of Damages- Compensation to victims-Damages in actions of contract & Tort.

Unit V

Trespass to person-Assault and Battery-False Imprisonment-Defamation-Libel and Slander-Defences to Defamation-Remedies Malicious prosecution-Malicious Civil Proceedings-Malicious arrest and search-Abuse of legal process

Unit VI

Tort to immovable property-Trespass to land-Tort to movable property-Conversion-Distinction between Trespass & Conversion-Slander of title & goods-maintenance and champerty.

Unit VII

Negligence-Existence of Duty-Breach of duty-strict liability-Occupier's liability-Scienter Rule- Dangerous Goods-Contributory Negligence- Breach of statutory duties.

Unit of VIII

Nuisance-Public & Private Nuisance-Injury to property-Remedies-Fraud or Deceit-Malicious Falsehood-Negligent Misstatement-Foreign Torts.

Unit IX

Development of Torts- Motor Accident Claims Claims Tribunal- Principles for compensation on no fault liability structured formula under S.163A-Principles for compensation for Negligence under S.166, Interim compensation under S.140-contributory negligence-Workmen's Compensation Claims-commission-Principles governing payment of compensation- Handling of Accident-Employers' liability-No fault Liability.

Unit X

Principles of compensation in Fatal Accidents cases-Railway Accident Claims-Consumer Protection-Defects in goods-deficiency in service Liability of doctors & hospitals- Remedies.

Suggested Readings:-

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|----------------------------------|----------------------------------|
| Salmond | - Law of Torts |
| Winfield | - Law of Torts |
| Achuthan Pillai | - Principles of the Law of Torts |
| Consumer Protection Act, 1986 | |
| Workmen's Compensation Act, 1923 | |
| Fatal Accidents Act, 1855 | |

Part I
Paper V- Law of Contracts

Unit-I

General features of contract – Freedom of contract – Formation of Contract – Offer and Acceptance – consensus ad idem – Agreement – Consideration –Necessity of consideration.

Unit-II

Capacity of parties to contract – Minor's contract, Mental incapacity – Factors invaliding contract – Mistake Coercion – Undue influence, Fraud, Misrepresentation.

Unit-III

Void, voidable and contingent contracts – wagering contracts – uncertain contracts – Agreements opposed to public policy – unlawful contracts – Agreements in restraint of marriage and trade.

Unit -IV

Performance of contract – privity of contracts – Time and place of performance – Reciprocal promises – Assignment – Appropriation – Breach, Impossibility and anticipatory breach – Doctrine of Frustration – Discharge by operation of law – Damages – penalty – liquated damages – Quasi contracts.

Unit - V

Contracts of Idemnify and guarantee – Liabilities and Rights of surety – comparison of guarantee with indemnify – Discharge of surety – Bailment – Division of bailments – consideration – Rights and liabilities of bailor and bailee – pledge or pawn – finder of lost goods.

Unit-VI

Agency – Creation of agency – Kinds of agents – Delegation of authority – Subagents and substituted agents – Rights, duties and liabilities of principal and agents – Undisclosed principal – Breach of warranty – Termination, Revocation.

Unit - VIII

Sale of goods Act – Sale and agreement to sell – Formalities of sale – Fundamental breach – Transfer of property – Rights of buyer against seller – Unpaid seller's right – CIF contracts – Auction sale – hire purchase.

Unit - IX

Negotiable Instruments Act – Promissory Note – Bill of Exchange – Cheque – Liability of drawer – Endorsement - Discharge from liability – Notice of dishonour – of Noting and protest – Special Rules of Evidence – Dishonour of cheques and penal liability.

Unit - X

Specific Relief Act – Equitable Relief – Specific performance – Mandatory Injunction – Prohibitory Injunction – Rescission, rectification and cancellation – Grounds and conditions for refusal of relief.

Suggested Readings:-

- Anson - The Law of Contracts
- Pollock and Mulla - Indian Contract Act
- Avtar Singh - Indian Contract Act
- Krishnan Nair M - Law of Contract
- Indian Contract Act, 1872
- Sale of Goods Act, 1930
- Negotiable Instruments Act, 1881
- Specific Relief Act, 1963

PART II

Paper I- Administrative Law

Unit I

Definition & scope of Administrative Law-Development of Administrative Law-Doctrine of separation of Powers-Rule of Law-Parliamentary Sovereignty. Difference between Constitutional & Administrative Law-Droit Administratif.

Unit II

Classification of Administrative Action-Legislative, Judicial, Quasi Judicial & Administrative- Duty to Act Judicially-Licensing- Dispensing with Inquiry.

Unit III

Delegated or Subordinate Legislation-Principles of delegation-Advantages & Disadvantages - Constitutionality of delegation-Prohibition of Delegation of essential legislative function-Excessive delegation-Parliamentary Control-Judicial Control-Substantive Ultravires-Procedural Ultravires.

Unit IV

Rules of Natural Justice-Rule against bias- Reasonable likelihood-Departmental bias-Rule of Fair hearing-Notice-Evidence-Opportunity of hearing-Reasoned decisions-Post-Decisional hearing-Service Cases

Unit V

Control of Administrative Discretion- Jurisdictional questions- Jurisdiction over Fact and law-Error within jurisdiction and going to the root of jurisdiction-Abuse of Discretion & Improper exercise of discretion-Condition Precedent-Principle of Reasonableness-malafides, Mixed motives, Abdication, Dictation, Restriction of discretion, over rigid policies.

Unit VI

Judicial Review of Administrative Action-Public law review-under Arts.32, 136, 226 & writs of Certiorari, Prohibition, Mandamus, Quo warranto, Habeas Corpus-Art.227-against orders of Tribunals-Laches or unreasonable delay-Alternative remedy-Resjudicata - Compulsion of administrative expediency & constraints of Public Law Review-Court does not sit as appellate court in review . Private Law Review-Injunction, Declaration-Suit for Damages, Affirmative Action-Doctrines of legitimate expectation, Public Accountability & Proportionality

Unit VII

Liabilities of Administration in Contract-Grant of Govt. largess-liability in Tort-Privileges and Immunities of Administration-Privilege of notice and to withhold documents-Immunity from Estoppel & from statute operation-Official secrets Act vis-à-vis. Right to Information Act.

Unit VIII

Public Enterprises-Statutory and non statutory public undertakings- Control of statutory corporations-Government Companies-Ombudsman-Development of Ombudsman-Comparative position in other nations, Lokpal Act, Lok Ayukta Act-Central Vigilance Commission.

Unit IX

Administrative powers of High Court-Constitutional & statutory basis-Judicial Powers and Kerala High Court Act 1958 -Powers of single Judge& Bench of two Judges-Appeal from Single Judge order-hearing by Full bench-Powers of Vacation Judge-Kerala High Court Superintendence of Tribunal Rules 1989. Rules framed by High Court under Court Fees & Suits Valuation Act, under Section 6 of the Indian Legal Practitioners Act, Rules regarding designation as Senior Advocates.

Unit X

Rules of the High Court of Kerala 1971-Officers of the Court-Powers, duties, Authorities & functions- Advocates & registered clerks-form & institution of proceedings-Service of Notices-Affidavits-Search of Records-Posting of Cases-Paper books-Certified copies-proceedings under Articles 226 & 227 of Constitution-Contempt proceedings-Registers& Records and their destruction.

Suggested Readings:-

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|---|------------------------------------|
| Massey, I.P. | - Administrative Law |
| Sathe.S.P. | - Administrative Law |
| Craig P.P. | - Administrative Law |
| Jain and Jain | - Principles of Administrative Law |
| Kerala High Court Act, 1988 & Rules, 1971 | |
| Official Secrets Act, 1923 | |
| Right to Information Act, 2005 | |
| Kerala High Court Superintendents of Tribunal Rules, 1989 | |

Part-II
Paper II- Company Law

Unit - I

Emergence of Corporations as commercial association. History of Companies Act – Development of Corporate Laws. Procedural requirements for formation of a company – Effect of incorporation – Doctrine of lifting of corporate veil – Structure of a company – Distinction of company from other associations.

Unit - II

Types of companies – Unlimited, limited, chartered statutory registered, holding and subsidiary, private, public, deemed public, foreign, incorporated and Government companies, illegal associations.

Constitutional document of company, Rights and liabilities of the Corporation for the Acts of its agents and organs.

Unit - III

Promoters – Prospectus and statement in lieu of prospectus. Members of a company, Capital, shares, Dividends, Accounts and Audit. Board of Directors, Managers and Secretaries and their powers and rights.

Unit - IV

Meetings of the company, majority rules and minority protection – Statutory remedies against oppression and mismanagement

Unit - V

Winding up of a company – Winding up by court, voluntary Winding up – Winding up subject to the supervision of the court.

Unit - VI

Analysis of the company structure and functions of corporate organ, corporate abuses and remedies thereto – Corporate merger and takeover-Government regulations on corporations-Social responsibilities of corporation.

Unit - VII

Monopolistic and restrictive trade practices of companies and multi-national corporations.

Public Sector undertaking -Act, Rules & Regulations

Unit - VIII

Concentration of economic power – Attempts and principles to prevent concentration of economic power – Disinvestments.

Nationalisation, Privatisation, Liberalisation, Globalisation Structural Adjustments.

Unit - IX

Securities of Exchange Board of India (SEBI) Act, Rules, Regulations- SEBI (Disclosure and Investor Protection) guidelines, Insider trading Regulations.

Unit - X

General Principles – Foreign Exchange Management Act 1999, Foreign Contribution (Regulation) Act 1976, Foreign Trade (Development and Regulation) Act 1992. Securities Contracts (Regulation) Act 1956, Depositories Act, 1996

Suggested Readings:-

Avtar Singh - Company Law
A.Ramaiah - A Guide to Companies Act
Securities of Exchange Board of India Act, 1992
Foreign Exchange Management Act, 1999
Foreign Trade (Development and Regulation) Act, 1992
Foreign Contribution (Regulation) Act, 1976
Securities Contract (Regulation) Act, 1956
Depositories Act, 1996

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Part II

Paper III- Property Laws

Unit I

General principles of Transfer of Immovable property-actionable claim-immovable property, attached to earth-profits a prendre-standing Timber –

Unit - II

Spes-successions Rule against perpetuity – Transfer for benefit of unborn person – conditions restraining alienation – vested interest – contingent interest – conditional. Transfer – condition precedent & uncertain event.

Unit-III

Doctrine of Election – Apportionment – Doctrine of holding out – Transfer by Ostensible owner – Transfer by Co-owner – Transfer under defective title – Transfer pending suit – Fraudulent transfer – part performance –

Unit IV

Sale – Rights and liabilities of Buyer and seller – unpaid sellers lien –

Unit V

Mortgages and charges – Rights and liabilities of mortgagor and mortgagee – Redemption – Subrogation – Anomalous mortgages

Unit VI

Leases – Determination of Lease – Rights and Liabilities of Lessor and lessee – of Exchanges – Of gifts – of Transfers of Actionable claims.

Unit VII

Law of Adverse possession – Easement- Easement Act – Definition, classification, characteristic features, modes of acquisition – Quasi-easement, prescriptions – right to ancient rights – License & Lease – difference.

Unit VIII

Land Acquisition Act - Public purpose, compensation - remedies - Reference to Court - Principles in Kerala Land Conservancy Act, Kerala Land Development Act - Kerala Land Tax Act - Kerala Survey and Boundaries Act. Transfer of Registry Rules.

Unit IX

Kerala Land Assignment Act and Rules - Assignment of Government Land - Procedure for Assignment - Restrictions and conditions on Assignment - Kerala Land Reforms Act - Extent of Land Ceiling - Exemptions to Land ceiling - vesting of excess land in government

Unit X

Registration Act - Authorities of Registration - Compulsory registrable documents - optional registration - Time for presenting documents - place of Registration - of enforcing the appearance of executants and witnesses - Registration of wills - Duties and powers of Registering officers - Refusal to Register - penalties.

Extent of Application of Indian Stamp Act - Kerala Stamp Act Instruments chargeable with duty - computation of stamp in respect of different instruments - Fixation of fair value of land - Duties by whom payable - Adjudication as to proper stamp - Impounding of documents - Instruments improperly or unduly stamped - penalties.

Suggested Readings:-

- Mulla - Transfer of Property Act
- M. Krishna Menon - Law of Property
- Shukla - Law of Property
- Transfer of Property Act, 1882
- Land Acquisition Act, 1894
- Land Assignment Act
- Kerala Land Reforms Act
- Registration Act, 1908
- Kerala Stamp Act, 1959

Part II
Paper IV- Service Laws

Unit-I

Part I of Kerala State and Subordinate Service Rules - definitions - Appointment - Regularisation. Service - selection process - select list - member of service - appointments - Temporary appointments - compassionate appointment - Appointment in Judicial Service - Recruitment policy - Equation of posts - duty - cadre - Special Rules.

Unit-II

Part - II of Kerala State and Subordinate Service Rules. Scope of general rules and relation to special Rules - Method of recruitment - absence from duty - Qualifications - Exemption as to Department tests, reservation. In appointment and promotion - Probation - suspension, termination of extension or delay - seniority - promotion - postings and transfers - Rotation policy for direct recruitment.

Unit-III

Kerala Service Rules - Definitions - General conditions of service - pay - Dismissal, Removal and suspension - compulsory Retirement - Leave - General conditions - Commutation of Leave - Leave for taking up employment - Special disability leave - Types of leave - Joining time - Travelling Allowances.

Unit - IV

Kerala Service Rules - Pension - cases in which claims are inadmissible - Qualifying services - conditions for grant of pension - Extra ordinary pension Rules - Procedure Relating to pensions - payment of pensions - pension commutation.

Unit-V

Kerala High Court Service Rules- appointing Authority - Method of appointment - Qualifications. Probation - Seniority - Promotion - Suspension and disciplinary proceedings - power of Chief Justice to impose penalties - Appeal & Review

Unit - VI

High Court office Manual - Definitions - Registry of papers - Referencing and Arrangement of Files - Noting - Drafting - Disposals - Indexing and Titles - Records - Destruction of Records - Fair copying - Checks on Delay and Arrears - Forms of Correspondence.

Unit-VII

Constitutional Principles Article 309 to 312. Kerala Public Service Commission Rules of Procedure - General Principles - Kerala Public Service Commission (Additional Functions) Act, 1963 - an outline - Kerala Public Service Commission (Additional Functions) - (Consultation) Rules 1966 - an outline.

Unit-VIII

Kerala Civil Services (Classification, Control & Appeal) Rules - Disciplinary proceedings - Delay in initiating action - misconduct - disciplinary action after retirement - suspension deemed suspension - subsistence allowance - Nature of penalties - Removal from service - Termination of service.

Unit-IX

Procedure for imposing major penalties - application of Evidence Act - denovo enquiry - standard of proof - Natural Justice - Criminal case and disciplinary action - procedure for imposing minor penalty - Appeals - Review.
Government Servants Conduct Rules - General Principles of conduct - Applicability of conducts Rules.

Unit-X

Government servants conduct Rules -- public demonstrations -- Lending and Borrowing -- Buying and selling House -- Litigation -- Holding or acquiring immovable property and control over the same -- membership in Association, Co-operative Societies and promotion of companies -- Private trade or employment -- Politics and elections -- other conditions strike.

Suggested Readings:-

Sugathan.N - Law relating to Civil Service in Kerala
Seetharaman Potti - A study on Kerala Service Rules
Seetharaman Potti - Kerala State and Subordinate Services Rules
Seetharaman Potti - Kerala Government Servants Conduct Rules
Kerala High Court Service Rules, 1970
Manual of Office Procedure
Kerala Civil Services (Classification, Control & Appeal) Rules

Part II

Paper V- Family Law

Unit I

Nature and sources of personal laws-marriage, adoptions, guardianship and maintenance-

Unit II

Hindu Marriage Act-Conditions for valid marriage-Importance of customary rites & ceremonies-Void and voidable marriages-Grounds for annulling marriage-Grounds for Divorce-Restitution of conjugal rights-Judicial Separation

Unit III

Christian Marriage-Conditions of valid marriage-Restitution-Judicial Separation-Grounds for Divorce-Muslim Marriage-Types of Muslim Marriage-Dower-Talaq-Dissolution of Muslim Marriage Act-Special Marriage Act.

Unit IV

Adoption in Hindu Law-Muslim Law of Legitimacy, parentage and doctrine of acknowledgment

Unit V

Maintenance-Hindu, Muslim and Christian Law relating to maintenance

Unit VI

Law of guardianship-Hindu law of minority and guardianship-Muslim law of minority and guardianship-guardians & wards Act

Unit VII

Hindu Joint Family-Mitakshara Co-parcenary Alienation of co-parcenary property-inheritance-Hindu Succession Act 1956-Property subject to partition.

Unit-VIII

Muslim Law – Wills – Limits of testamentary power – Impartible estates – Gift or Hiba – Revocation of gift – Pre-emption – Inheritance – Hanafi and Shia Law of Inheritance – Classes of heirs and principles of succession among sharers and residuaries.

Unit-IX

Christian Law of Succession - Indian Succession Act

Unit – X

Family Courts Act – Institution of proceedings – Counseling procedure – Evidence – Application of C.P.C. and Cr.P.C – Interim Applications – Guardianship.

Suggested Readings:-

Mulla	- Hindu Law
Mulla	- Mohammedan Law
Sebastian Champapilly	- Christian Law
Tahir Mohammed	- Muslim Law in India
Prof.M.Krishnan Nair	- Family Law

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PART III

Paper I- Law of Elections

Unit I

Elections, General Principles and Basic requirements-the office, the electorate, and the candidate-Different types of representation. The system of election. General features of Elections and Election Law in India. Universal adult suffrage-General electoral Roll-Special provision and scheduled caste and scheduled tribes-System of voting-election Commission,

Unit II

Parliamentary elections-House of people-council of states. The general principles. Elections to State legislatures-The Legislative Assembly-The Legislative Council-The electoral law in India for election to Parliament and Legislatures.

Unit III

The Election Commission-Composition-Conditions of service and protection-Functions of the Commission-Supervisory jurisdiction of the Election Commission-Removal or reduction for disqualification, jurisdiction of High Court over Election Commission.

Unit IV

Notification of General Elections-Council of states-House of people-Legislative Assembly and Legislative Council-Public notice. Allocation of seats and delimitation of constituencies -parliamentary and Assembly Constituencies-"Gerry-mendering" present position-delimitation of council constituencies.

Unit V

The Elector-Excluded classes-plural or weighted voting-who can be an elector-qualification-Minor and Elections-The proper test. Electoral Rolls-preparation and revision of electoral rolls-Administrative Machinery-Assistant Electoral Registration Officers-Assembly rolls-claims and objections-Final publication Appeals and Amendment-Revision-Identity cards.

Unit VI

The candidates-qualification and dis-qualifications-parliament and state legislatures. Nominations-presentation-other requirements-scrutiny-notice of nomination-grounds for rejection-valid lists-withdrawal of candidature-effect of death

Unit VII

Polling and counting-Voting by post-special votes postal ballot right to vote-voting in parliamentary and Assembly constituencies-ballot papers-Arrangements in polling station-Presiding Officer and polling officer-safeguards against impersonation counting returning officer Jurisdiction-Rejection of Ballot papers-Rejection of postal-ballot papers-Declaration of results.

Unit VIII

Corrupt practice Bribery-Undue influence Appeals on grounds of caste etc., publication of false statement. Hiring of vehicles Executive expenditure-Assistance of government Servants-Offences relating elections-Agency in elections.

Unit IX

Election expenses-present position-procedure-necessity for reform Election petition. High Court in the place of election Tribunal-parties-Grounds and contents of petitions-withdrawal abatement. Presidential and Vice Presidential Elections-procedure-conduct-questioning the Elections.

Unit X

Democratic Decentralisation concept and constitutional perspectives. 73rd and 74th Amendments. Salient features of Kerala. Disputes as to elections as per Panchayath Raj Act. Panchayat Raj Act 1994 and the Kerala Municipalities Act 1994.

Suggested Readings:

- Sen Verma - The Law of elections
- M. Krishnan Nair - Law of Elections
- Representation of People Act, 1950
- Representation of People Act, 1951
- Kerala Panchayat Raj Act, 1994
- Kerala Municipalities Act, 1994

Part III
Paper II- Civil Procedure

Unit - I

Civil Procedure Code and History of Civil Procedure in India – suits of Civil Nature – Types of suits – Definitions – decree – preliminary and final – foreign judgment – Legal representative – mesne profits – pecuniary jurisdiction and Civil Courts Act.

Unit-II

Res judicata – Res subjudice – place of suing and Jurisdiction of Courts – Transfer of suit – Institution of suit – summons and Discovery - Judgment and Decree – Interest and costs.

Unit-III

Execution of Decree – Order.21 – Application for Execution – Mode of Execution – Arrest and Detention in Civil Prison – Attachment of property - sale of immovable property – Resistance or obstruction.

Unit - IV

Framing of Issues – Issue and Service of summons – substituted service – plaint and written statement – pleadings – set off, counterclaim, Traverse – Examination of parties – Discovery and Inspection – Return of Documents – Settlement of Issues – Disposal of suit.

Unit - V

Appearance of parties - Exparte decree and Dismissal of suit on default – setting aside of exparte orders – Adjournments – suits against government, corporations, firms, military men -, suits by Indigent persons and by or against minors or persons of unsound mind – suits relating to matters concerning family and mortgages of immovable properties.

Unit -VI

Appeals from decrees and orders – Second Appeal – Appeals to Supreme Court – Revision – Scope of Judicial review under Art. 227 of the Constitution – Review – Reference.

Unit-VII

Inherent Powers of Court – Filing of Caveat – Temporary Injunction and Interlocutory orders. Amendment of pleadings – Joinder and misjoinder of parties – Arrest and Attachment before judgment – Commissions – Interpleader suit – Receiver – Remedies in suit and Specific Relief Act.

Unit-VIII

Civil Rules of Practice – Form of proceedings – Appointment of Pleaders – presentation of proceedings and documents in Court – Posting of cases – Adjournments – Interlocutory proceedings – affidavits. Admission and Marking of Documents – Return of Documents – Examination of witnesses – withdrawal of suit – Commissions – Receivers – Form and contents of judgments.

Unit - IX

Civil Rules of Practice - Tabulation of cost - Forwarding of copies of judgments - special procedure in particular cases - certified copies - proceeding in

Execution - Cancellation of court fee - Refund of court fee - Records - Diaries and proceedings paper - Accounts - Registers - Kerala Court Fees and Suit valuation Act - General principles - Definitions - Levy of court fee in courts and Public office - Levy of fee - Multi - farious suits - Determination of market value.

Unit - X

Kerala Court Fee & Suit Valuation Act - Determination of Fee - Computation of Fee in respect of different suits - Valuation of suits - Probates, Letter of Administration and certificates of Administration - Refund and Remissions - Legal Benefit fund - court Fees and Suit valuation Rules - Court Fees in different states-

Suggested Readings:-

Mulla - Code of Civil Procedure
Sarkar - Civil Procedure Code
Code of Civil Procedure, 1908
Kerala Court Fees and Suit Valuation Act & Rules
Civil Rules of Practice, 1971

Part III

Paper III- Criminal Procedure

Unit-I

Constitution of criminal courts and Jurisdiction of criminal courts - Arrest of persons - summons, warrant, Proclamation and attachment - Process to compel production of things - Search and seizure.

Unit-II

Security for keeping the peace and for good behaviour - order for maintenance of wives, children and parents - Maintenance of public order and tranquility - Preventive action of the police -

Unit-III

Information to police and investigation by police. Recording of confessions and statements - Case Diary - General Diary - Final Report - Procedure when investigation cannot be completed in twenty four hours.

Unit-IV

Cognizance of offences - Private complaint - committal proceedings - Prosecution of public servants commencement of proceedings before Magistrate

Unit-V

Charge - Form and contents of charges - Joinder of charges - Trial for more than one offence - Persons who may be charged jointly. Trial of Sessions Case, warrant cases and summons cases - Summary Trial

Unit-VI

Attendance of persons confined or Detained in prisons – Evidence in Inquiries and Trials – General provisions as to trials – Tender of pardon to accomplice – Local Inspection – Power to examine the accused – Accused person to be competent witness – Compounding of offences – Withdrawal from prosecution – accused persons of unsound mind – offences affecting administration of evidence.

Unit-VII

Judgment – order to pay compensation – court not to alter judgment – submission of death sentences for confirmation – Appeals – Reference – Revision – Transfer of Criminal cases – Execution, suspension, Remission and commutation of sentences – provisions as to bail and bonds – Disposal of property – Irregular proceedings – Limitation for taking cognizance – Inherent powers –

Unit-VIII

Juvenile Justice (Care and Protection of Children) Act, 1996 – Delinquent Juveniles – Authorities and institutions for juveniles – Prevention and treatment of juvenile delinquency – Probation of Offenders Act – Admonition on probation of good conduct – Restriction on imprisonment – variations of conditions of probation – probation of offenders – Duties – Failure to observe conditions – Protection of action taken in good faith.

Unit - IX

Criminal Rules of Practice – Summons – Absconding Accused – Presentation of pleadings, Reports, Documents and Remands – Appointment of pleaders – Affidavits – Examination of witnesses – Return of Defective petitions – Mode of recording confession – preliminary enquiries and trial – Appeals and Revisions – Reference.

Unit-X

Criminal Rules of Practice – Judgments and calendars – Execution of sentences – Habitual or casual – Notification of residence by released convicts – certified copies – Inspection of Records by Court – Production, Return and Submission of Records –

Suggested Readings:-

- Sohony - Code of Criminal Procedure
- Kelkar - Applying of Criminal Procedure
- Code of Criminal Procedure, 1973
- Criminal Rules of Practice
- Juvenile Justice (Care & Protection of Children) Act, 1996
- Probation of Offenders Act, 1958

Part II.
Paper IV- Law of Evidence & Limitation.

Unit I

Nature & purpose of law of evidence-Difference between Fact & law-real evidence and evidence-evidence and proof-Relevancy and Admissibility-Golden Rules of Evidence

Unit II

Relevant Fact & Facts in Issue-of Relevancy of facts-Irrelevant and Relevant Facts-Res gestae-Circumstantial Evidence-

Unit III

Admissions and Confessions-Confession in Criminal Proceedings-Dying declaration in Indian & English Law-Hearsay evidence and exemptions-Books of Accounts Judgments of courts of Justice-Expert Evidence- Character Evidence

Unit IV

Judicially noticeable facts-Admitted facts-Oral and Documentary evidence-Primary and secondary evidence-Proof of execution of documents- Comparison of signature-Proof of documents-Public & Private documents-Ancient document -- Certified copies-Presumptions as to Documents-Exclusion of oral by documentary evidence

Unit V

'Conclusive proof', 'may presume' and 'shall presume'-Burden of proof in civil and criminal cases-Modus operandi of proof-Presumptions as to certain offences- Presumptions as to official Acts- Nature and scope of estoppel.

Unit VI

Evidence of witnesses-Types of witnesses -Natural witness, injured witness, interested witness, Dumb witness, Child witness, Hostile witness, Accomplice. Competency and Compellability of witnesses-Protected and privileged statements.

Unit VII

Examination of witnesses-Judge to decide admissibility of evidence-Order of Examination-Witnesses to character- leading questions-Questions lawful in cross examination-when witness to be compelled to answer Insulting, annoying & indecent questions- Impeaching credit of witness - Refreshing memory-Judge's Power to put questions- Of improper admission and rejection of evidence

Unit VIII

Nature & purpose of law of limitation Bar of limitation-Expiry of prescribed period when court is closed-Extension of prescribed period in, certain cases & Condonation of delay on 'sufficient cause' shown-Disability-Continuous running of time

Unit IX

Computation of period of limitation-Exclusion of time in legal proceedings and in certain cases-Effect of acknowledgement in writing- Effect of acknowledgement and payment by another person-Effect of substitutions or adding new plaintiff or defendant-Continuing breaches & torts

Unit X

Period of limitation-in suits relating to contracts, Declarations, to Decrees & Instruments- to Immovable property, Movable property, Tort, Trust & Trust property-Period of Limitation in appeals and other applications-Period of limitation in appeals, leave applications, Revisions, second appeals before High Court-Laches in filing writ petitions.

Suggested Readings:-

Ratanlal - Indian Evidence Act
P.S.Achuthan Pillai - Law of Evidence
Avtar Singh - Law of Evidence
Indian Evidence Act, 1872
Limitation Act, 1963

Part III

Paper V- Interpretation of Statutes

Unit-I

Different parts of a statute – Consolidating and Codifying statutes – literal construction – Beneficial construction – Restrictive construction

Unit-II

Golden Rule of Interpretation – Equitable construction – Strict construction of penal laws – presumptions in Interpretation – Conflicting provisions.

Unit-III

Internal aids to interpretation – External aids to interpretation

Unit-IV

Important Maxims of Interpretation – Contemporanea exposito – Expressum facit cessare tacitum – Express unius est exclusio alterius – Generatio specialibus non derogant – In pari delicto potior est conditio possidentis – salus populi est suprema lex – 'In Bonam partem' – Noscitur a sociis – ejusdem generis-

Unit-V

Imperative and directory enactments – Interpretation of Tax statutes – General and special statutes – Intention of Legislature – substantive and Adjective Law – Procedural Law.

Unit-VI

Enabling statutes – Retrospective operation of statutes – Repeal of statutes – Interpretation of Constitution – Special rules of construction. – Presumption of validity – Doctrines of occupied field, implied prohibition, implied powers.

Unit-VII

General Clauses Act 1897 – History of the Act – General definitions – 'May' and 'shall' – 'good faith' Effect of Repeal-Vested right to period of limitation Repeal by implication, Doctrine of Implied Repeal-Doctrine of Desuetude- Retrospectivity of Amendments-Cases of Prospective and Retrospective Effect-Repeal Enactment-Consequences when struck down-Commencement and Termination of Time-Computation of Time-Gender and number.

Unit VIII

General clauses Act 1897-Appointments Construction of orders issued under enactments-power to make an order and to amend it-Power to rescind-Provision as to offences punishable under two or more enactments-Presumptions of service by Post

Unit IX

Legal Drafting-Legal Notice-Plaint, Written statement, Interlocutory Application in a suit, Complaint-Bail Application-Anticipatory Bail Application Appeal memorandum in Civil Case-Writ Petition

Unit X

Conveyancing --Power of Attorney-Agreement for sale-Sale Deed-Mortgage Deed-Lease Deed-Will-Gift Deed-Partnership Deed

Suggested Readings:-

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| Maxwell | - Interpretation of Statutes |
| Singh G.P. | - Statutory Interpretation |
| Mogha P C | - Law of Pleading |
| General Clauses Act,1895 | |

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