



GOVERNEMENT OF JAMMU AND KASHMIR
LADAKH AUTONOMOUS HILL DEVELOPMENT COUNCIL KARGIL
OFFICE OF THE DEPUTY DIRECTOR EMPLOYMENT AND COUNSELING CENTRE,
(SECRETARY, DSSRB, LAHDC), KARGIL
(www.kargil.nic.in)
(ANNEXURE – A)

**Subject: Syllabus for written Examination for the post of Legal Assistant
and Junior Legal Assistant.(District Cadre Posts)**

CONSTITUTIONAL LAW:

- Salient features of Indian constitution.
- Parliamentary form of Government.
- President of India- Election, Qualification, Impeachment, Position, Powers and privileges.
- Cabinet System, Collective responsibility-individual responsibility, President- Prime Minister relationship.
- Principles
 - Distribution of Legislative Powers (Art. 245, 246 & 254)
 - Failure of constitution Machinery (Art. 356)
 - J & K Special Status (Art. 370)
- Constitutional Amendments- Methods and limitations (Ar. 368)
- Freedom of Trade and commerce.
- Regulatory and Compensatory measures (Art. 301-304).
- Articles 141 and 143.
- Appointment and impeachment of the judges of the High Court and Supreme Court.
- Services under the Constitution – Doctrine of pleasure (Art. 310), Restriction (Art. 311)
- Fundamentals Rights (Articles 14-16, 19-22 and 25-30)
- Constitutional remedies.
- Writ Jurisdiction
 - Scope of Article 32.
 - Scope of Article 226
- Directive Principles of State policy, Relationship between Directive Principles and Fundamental Rights.
- Emergency Provisions: Art. 352 to 354, 358 and 359.

ADMINISTRATIVE LAW:

- Classification of Administrative Action:
 - Definition of Administrative Action.
 - Need for Classification
 - Identification of Legislative action.
 - Identification of quasi-judicial and administrative actions.
 - Legislative powers of administration.
 - Necessity of delegation of legislative powers and its constitutional validity.
- Principles of Natural Justice:

- a) *No man shall be judge in his own cause.*
- b) *No man shall be condemned unheard.*
- **Administrative Discretion**
 - *Need of Administrative discretion.*
 - *Administrative Discretion and rule of law*
 - *Need for safeguards.*
- **Doctrine of Excessive Delegation of Discretion**
 - *Constitutionally of discretionary powers.*
 - *Administrative discrimination and arbitrariness.*
- **De tournement De preuvoir**
 - *Malafide exercise of discretion*
 - *Improper purpose.*
 - *Irrelevant considerations.*
 - *Unreasonableness.*
 - *Non- Exercise of discretionary powers.*
- **Liability of the Government**
 - *Statutory – immunity*
 - *Act of state.*
 - *Contractual liability of Government.*
 - *Government privileges in legal proceedings.*
 - *Public Accountability.*
- **Ombudsman.**
- **Vigilance commission.**

MUSLIM LAW

- *Sources and schools of Muslim law*
- *Nature, Scope, validity and classification of marriage under Muslim law.*
- *Polygamy, Divorce and matrimonial remedies under Muslim law.*
- *Dissolution of Muslim Marriage Act, 1939.*
- *Maintenance under section 125 of the code of Criminal Procedure, 1973.*
- *Maintenance under Muslim Women (Protection of Rights of Divorce) Act, 1986.*

HINDU LAW

- *Nature concept and essential condition of Hindu Marriage.*
- *Grounds of divorce and divorce by mutual consent under Hindu law.*
- *Matrimonial remedies under Hindu law:*
 - *Nullity of marriage.*
 - *Restitution of conjugal rights.*
 - *Dissolution of marriage*
- *Joint family and coparcenary under Mitakshara law.*
- *Karta- his powers, privileges and obligations.*
- *Adoption and Guardianship.*

LAW OF CONTRACT

- *Agreement and contract- Definition, elements and kinds.*

- *Proposal and acceptance: their various forms, essentials elements, communication and revocation.*
- *Intention to create legal relationship.*
- *Consideration: its need, meaning, kinds, essential elements- privity of contract, promissory estoppel, exceptions to consideration, adequacy of consideration, present, past and executory consideration; unlawful consideration and its effects, views of law commission of India on consideration, evaluation of the doctrine of consideration.*
- *Capacity to contract: meaning, definition of minor, necessities supplied to a minor, agreements beneficial and detrimental to a minor affirmation- restitution in cases of minors agreement- fraud by minors- agreement made on behalf of a minor's agreement and tested – evaluation of the law relating to minors agreement.*
- *Quasi-contracts of certain relations resembling those created by contracts.*
- *Damages: kinds – Remoteness of damages – ascertainment of damages.*
- *Specific performance of contracts.*
- *Contract that can be specifically enforced.*
- *Rescission and cancellation.*
- *Injunction.*
- *Indemnity: Definition, nature and extent of liability of the indemnifier, commencement of liability of the indemnifier.*
- *Guarantee: Definition, basic essentials for a valid guarantee contract, Nature and extent of surety's liability, discharge of surety liability.*
- *Bailment: Definition, kinds of bailees, duties of bailors and bailee towards each others, right of bailors and bailee, finder of goods as a bailee.*
- *Agency: Kinds of agents and agencies, Distinction between agent and servant; Essentials agency transaction, various methods of creation of agency, delegation.*
- *Sale of Goods: Concept of sale as a contract; Essentials of contract of sale; Implied terms in contract of sale; Rule of Caveat Emptor and the exceptions thereto, Changing concept of Caveat Emptor; Unpaid seller and his rights.*

LABOUR LAWS

- *Definitions of Trade Union and the right to form the Trade Union.*
- *Legal Control and Protection of Trade Union: Registration, amalgamation, rights, immunities, liabilities and dissolution, Trade Union Funds.*
- *Collective Bargaining*
- *Strikes, lock-outs, lay off and retrenchment, Transfer and closure.*
- *Unfair labour practices.*
- *Disciplinary Proceedings.*
- *Labour Welfare: concept, classification and importance.*
- *Obligations of employer for health, safety and welfare.*
- *Working hours of adults and Annual leave with wages.*
- *Employment of Young persons: prohibition of employment of children, regulation of employment of young persons.*
- *Concept of minimum wages, fair wage, living wage and need based minimum wage.*
- *Procedure of fixation and revision of minimum wages.*
- *Components of wages: dearness allowance, principles of fixation.*
- *Definition of wage under Payment of Wages Act, 1936 and responsibility for payment of wages.*
- *Concept of employer, workmen, dependent, disablement.*
- *Workmen's compensation: employers liability for compensation, amount and distribution of compensation.*
- *Employee's State Insurance: benefits, ESI fund and contribution.*

CRIMINAL LAW

- *Indian Penal Code: General defenses (Sections 75-106); Group liability (Section 34 & 149); Unlawful Assembly, Rioting and Affray; Abetment; criminal conspiracy; criminal attempt; offences against property (Section 378, 379, 383, 384, 390-392, 395, 405, 415-417, 425 and 426).*

JURISPRUDENCE

- *Meaning and scope of jurisprudence; Nature and definition of "LAW"; Schools of Law (Analytical positivism, Natural Law, Historical School and Sociological School); Sources of law (Legislation, precedents, customs and juristic writings); Rights and duties – concepts and co-relationship; Concept of Person, Ownership and possession.*

INTERNATIONAL LAW AND HUMAN RIGHTS

- *Origin, Development, Definition, Nature and theories of International Law; Its relationship with Municipal law.*
- *Sources of International Law, Customs, Treaties, General Principles of Law and writings.*
- *Subjects of international law: State including Recognition of States; Individual and peoples: International Organizations.*
- *Jurisdiction of States: Territorial, Personal and Universal.*
- *Extradition and Asylum*
- *Law of state responsibility.*
- *Use of force under international law.*
- *Human Rights: Origin, development and nature of Human Right: International Bill of Human Rights: Regional System of Human Rights Law, Protection of Human Rights Act and International Humanitarian Law.*

ENVIRONMENTAL LAW

- *Environmental Pollution, meaning and issues.*
- *Constitutional provisions- Art, 14 19(1)(g), 21 48A & 51A, right to wholesome environment- evolution and application. PIL and protection of Environment.*
- *Water and Air Pollution control Acts:*
 - *Standards, CPCB and SPCB, Consent Mechanism, Control Areas and Restraints orders.*
 - *Citizen suit and Access to Environmental Information.*
 - *Corporate and Governmental Liability for Environmental Offences.*
- *Environmental protection Act, 1986 and other Environmental legislations.*
- *International Environmental Law and Norms:*
 - *Stockholm Declaration, Global warming and ozone conventions.*
 - *Sustainable development, Public Trust Doctrine.*
 - *Precautionary principle, polluters pays principle.*
- *Local environmental laws and problems in J & K:*
 - *Forest Act 1930, J & K Wildlife Protection Act, J & K Forest (Conservation) Act (Summary of the provisions with special emphasis on Forest Dwellers and Forest, medicinal Plants and related traditional knowledge)*
 - *Protection of Biodiversity in J & K – Local Laws and Central Acts –Forest (Protection) Force Act.*

- *Preservation and protection of lakes and waterways in J & K – Existing related laws and future needs.*

No: DDE-K/DSSRB/court/syllabus/2016/

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Secretary,
District Services Selection Recruitment, Board,
LAHDC, Kargil