

# **TAMIL NADU PUBLIC SERVICE COMMISSION**

## **SYLLABUS**

### **LAW**

**Code: 414**

### **(UG DEGREE STANDARD)**

#### **UNIT-I: CONSTITUTIONAL LAW AND HUMAN RIGHTS**

Defining Constitution, Constitutional Law, Constitutionalism, Transformative Constitutionalism – Constitutional Conventions - Salient features of the Indian Constitution, Concept of State – Writs - Judicial Review – Fundamental Rights – Directive Principles of State Policy–Fundamental Duties – Contractual and Tortious liability of the State – Compensatory Jurisprudence – Services – Administrative Tribunals – Right to Information – Role of Judiciary and Human Rights – National and State Human Rights Commissions.

#### **UNIT-II: JURISPRUDENCE**

Evolution of Law – Ancient India, Greek and Roman Civilization – Law, Morals, Ethics and Justice – Nature of law – Functions of Law - Rule of Law - Authority - Autonomy - Anarchy - Obligation - Opinion - Dictum–Law as a Social Fact -Nature and Scope of Jurisprudence – From Police State to Welfare State.

Schools of Jurisprudence – Analytical – Historical – Philosophical – Sociological - Western Thoughts and Indian Jurisprudence – Social Transformation and Social Justice - Local Law & Global Law - Civil Law & Common Law - Cultural & Technical aspects - Micro & Macro aspects.

Definition of Law – Kinds of Law – Nature and Functions of State – State and Sovereignty – Relationship with Law and State - Sources of Law – Classical and Modern Sources – Convention, Custom, Legislation, Precedent and its kinds – Stare Decisis, Ratio Decidendi and Obiter Dicta - Administration of Justice – Complete Justice – Theories of Justice.

Meaning, Definition and kinds of Rights and Duties – Jural Correlatives and Jural Opposites - Person and its kinds – Status and Theories of Corporate personality - Title and its kinds – Ownership– meaning and its kinds – Possession – meaning and its kinds - Liability – meaning and its kinds – Negligence – meaning and its kinds – Obligation–meaning and its kinds – Law of Procedure – Elements of Judicial Procedure – Evidence - Property – Meaning and its kinds.

Application of Law and Interpretation of Law - Codification of Customary Law and Enforcement mechanism – Writ Remedies – Public Interest Litigation – Justice Delivery System – Judicial Activism and Judicial process.

### **UNIT-III: LAW RELATING TO INDUSTRIAL RELATIONS**

Industrial Disputes Act, 1947 – Definitions – Industry, Industrial Dispute, Workman – Appropriate Government - Authorities – Investigation and Dispute Settlement machineries – Conciliation - Arbitration – Adjudication – Reference of disputes – Conciliation Board – Conciliation Officer – Labour Court – Tribunal, National Tribunal – Court of Inquiry – Award–Settlement – powers of the adjudicatory authorities - Strike, Lock-out - Lay-off, Retrenchment, Closure and Transfer of undertaking - Unfair Labour Practices - Recovery of money due from an Employer – Penalties.

Trade Unions Act, 1926 – Definitions – Registration of Trade Unions – Members – Office Bearers – Rights and Liabilities – Privileges and Immunities – Recognition of Trade Union.

Industrial Employment (Standing Orders) Act, 1946– Appointment, Jurisdiction, Powers and Duties of Certifying officers – Procedure for certification of Standing Orders – Operation and Binding Effect of Certified Standing Orders – Modification – Appeal – Registration of Standing Orders – Temporary Application of Model Standing Orders – Interpretation of Standing Orders - Subsistence Allowance.

Misconduct – Domestic Enquiry and Disciplinary Proceedings – Appropriate Relief in case of Termination, Discharge, Dismissal..

### **UNIT-IV: LAW RELATING TO WAGES**

Payment of Wages Act, 1936 – Definitions - Obligations of the Employer– Deductions – Authorities– Settlement of Claims – Inspectors – Powers – Offences and Penalties.

Minimum Wages Act, 1948– Definitions – Fixation and Revision of minimum rates of wages – Methods – Committees and Advisory Boards – Settlement of Claims - Inspectors – Offences and Penalties.

Payment of Bonus Act, 1965– Definitions – Coverage – Kinds of Bonus – Eligibility and extent of bonus – Calculation of Bonus – Available and Allocable surplus – Set on and Set off – Forfeiture of Bonus – Recovery of Bonus – Powers and Functions of Inspectors.

Equal Remuneration Act, 1976– Definitions – Duty of employer – Work of same and similar nature – Advisory Committee - Hearing and deciding claims and complaints – Inspectors – Penalties.

## **UNIT-V: LAW RELATING TO SOCIAL SECURITY**

Employees' Compensation Act, 1923 – Definitions – Liability of the employer to pay compensation – Personal injury– Accident - Arising out of and in the course of employment – Doctrine of Notional Extension – Occupational disease – Notice and Claims –Determination and Distribution of Compensation – Commissioner – Powers and Functions.

Employees' State Insurance Act, 1948 – Definitions – ESI Corporation – Standing Committee – Medical Benefit Council – ESI Fund – Contributions – Benefits – Adjudication of Dispute and Claims – Penalties.

Employees' Provident Funds and Miscellaneous Provisions Act, 1952 – Definitions – Central and State Board of Trustees - Provident Fund Scheme – Family Pension Scheme – Deposit Linked Insurance Scheme – Contributions – Determination of Money due from Employees - Authorities under the Act – Powers and Functions – Offences and Penalties.

Maternity Benefit Act, 1961 – Definitions – Eligibility – Maternity Benefit and certain other benefits under the Act – Notice of Claim – Prohibition against Dismissal and Wage Deduction – Inspectors – powers and duties.

Payment of Gratuity Act, 1972 – Definitions – Payment of Gratuity – Eligibility – Amount of Gratuity – Forfeiture of gratuity - Determination of gratuity amount – Recovery of gratuity – Compulsory Insurance - Controlling authority – Offences and Penalties.

Factories Act, 1948 – Definitions – Registration – Provisions relating to Health, Safety and Welfare - Special provisions relating to hazardous processes – Working hours of Adults – Regulation of employment of women and children – Annual leave with wages – Penalties and Procedure.

Motor Transport Workers Act, 1961 – Definitions, Registration of motor transport undertakings – Inspectors – Certifying surgeons – Welfare and Health – Hours and Limitation of employment – Employment of young persons - Wages and leave – Penalties and Procedure.

## **UNIT-VI: ADMINISTRATIVE LAW**

Introduction to Administrative Law – Role of State from Laissez-Faire to Welfare State – Definition, Nature and Scope of Administrative Law - Relationship Between Administrative Law and Constitutional Law – Rule of Law - Doctrine of Separation of Powers - System of checks and balances – Classification of Administrative Actions.

Delegated Legislation – Need for Delegated Legislation – Delegated Legislation in India – Pre and Post Constitutional Period – Constitutionality of Delegated Legislation – Essential Legislative Function – Permissible and impermissible limits of Delegated Legislation - Control over Delegated Legislation – Judicial, Procedural and Legislative Control.

Need for Administrative Adjudication - Reason for growth of Administrative Tribunals - Procedure and powers of Administrative Tribunal – Tribunal under Constitution – High Court's Superintendence over Tribunals – Administrative Tribunals under Administrative Tribunals Act, 1985.

Principles of Natural Justice – Concept - Rule against Bias - Audi Alteram Partem – Exceptions to the Rule of Natural Justice

Judicial Review and Liability of the State - Judicial Review of Administrative Action through Writs - Kinds of Writs - Grounds for issue of Writs - Administrative Discretion - Nature and need of Administrative discretion - Grounds and Extent of Judicial Review of Administrative discretion – Doctrine of proportionality – Privileges and Immunities of Government in Legal Proceedings – Privilege to withhold documents – Miscellaneous Privileges of the Government - Notice, Limitation, Enforcement of Court Order - Binding nature of Statutes over the States action – Promissory Estoppel - Doctrine of Legitimate Expectation – Right to Information – Liability of State in Torts and Contracts.

Maladministration and Alternative Remedies - Ombudsman in England - Ombudsman in India – Lokpal – Lokayukta in States - Central Vigilance Commission.

Public Undertakings - Rights, Duties and Liabilities of Public Corporations - Controls over Public Corporations, Government Control, Parliamentary Control, Judicial Control, Public Control – Role of Ombudsman in Public Undertaking.

## **UNIT-VII: LAW OF CONTRACTS AND TRANSFER OF PROPERTY ACT**

Essentials of Contracts – Valid, Void, Voidable - Discharge of Contracts – Quasi Contracts Damages – Compensation – Indemnity – Guarantee – Bailment – Lien – Partnership Act and Limited Liability Partnership - Specific Relief Act.

Mortgage – Definition and Kinds – Rights and Liabilities of Mortgagor and Mortgagee – Doctrine of Equity of Redemption – Collateral Advantages – Doctrine of Marshalling, Contribution and Subrogation – Charge & Lease – Differences.

## **UNIT-VIII: COMPANY LAW & BANKING LAW**

Companies Act, 2013 - Definition - Characteristic of a Company - Types of Companies - Formation of a Company – Memorandum of Association, Articles of Association – Registration of charges – Formation of CSR Committee – Management of the company – AGM – Ordinary resolution & Special resolutions - Appointment & Qualification of Directors - Meeting of the Board and its powers – Quorum of the Board - Appointment of independent Directors – Duties of Director – Key Managerial personnel and promoter - Powers of Shareholders - Norms for accepting deposits from the Public – adjudicatory powers of Official Liquidator – procedure for merger and amalgamation – procedure for merging foreign company with an Indian company - process of rehabilitation and liquidation of the companies in case of financial crisis - Winding-up– Winding-up by Tribunals – Voluntary Winding-up.

National Company Law Tribunal and Appellate Tribunal.

Banking Law – Banker and Customer – Rights and Duties of Banker – Law relating to Loans, Advances and Investments by Banks.

Negotiable Instruments Act, 1881 - Definition and Characteristics – Parties to Negotiable instruments – Discharge and dishonor of instruments – Liability – Cheques – Civil and Criminal Liability for dishonor of cheque under Sec.138 to Sec.142 of the Amended Negotiable Instruments Act.

State Financial Corporation's Act, 1951 (SFCs Act) - Important Definitions viz., Board, Development Bank, Financial Corporation, Industrial concern - Powers and Duties of the Board – Rights available to Financial corporation to enforce securities in case of default - Power to call for repayment before agreed period - Special provisions for enforcement of claims by Financial Corporation - Procedure of District Judge in respect of applications – Recovery of amounts due to the Financial Corporation as an arrear of land revenue.

The Securitisation and Reconstruction of Financial Assets & Enforcement of Security Interest [SARFAESI] Act, 2002 - Important Definitions – Brief overview of the SARFAESI Act – Applicability of the SARFAESI Act - Features of SARFAESI Act – Procedure of the SARFAESI Act – Methods for recovery under SARFAESI Act – Enforcing security interests, i.e., seizing the assets pledged as collateral security for the loan – Significance of the SARFAESI Act – Shortcomings and lacunae in the SARFAESI Act – Central Registry - Recent amendments in SARFAESI Act.

Recovery of Debts and Bankruptcy Act, 1993 - The Debts Recovery Tribunals [DRTs] and Debts Recovery Appellate Tribunals [DRATs] - Jurisdiction, Powers and Authority of Tribunals – Procedure of Tribunals – Recovery of Debts determined by Tribunal – Insolvency and Bankruptcy Code, 2016.

### **UNIT-IX: PROCEDURAL LAW**

Plaint, Written Statement – Suits in General – Admission – Execution – Reference, Review, Revision – Brief History about the Criminal procedure code – definition – Classes of Criminal Courts – Processes to compel appearance – Summons, warrant of arrest – Jurisdiction of Criminal Courts in Inquiries and Trials – Trial Procedure – Appeals, Reference in Criminal Cases – General provisions regarding execution – Levy of Fine – The Contempt of Courts Act, 1971.

### **UNIT-X: OTHER LAWS**

Penal Code – General explanations – General exceptions – offences against property.

Indian Evidence Act, 1872 – Scope, object and applicability of Indian evidence act and exclusion – Relevance of facts and admissibility of facts – Facts which need not be proved – Judicial notice – Burden of Proof – Types of evidence – presumptions.

Family Law in India – Law of Marriage and Divorce: Hindu, Muslim & Christian Law and Recent Developments – Law of Adoption – Hindu Adoption with Special Reference to the Juristic Concept and Development of Case Laws – Changes brought by Hindu Adoption and Maintenance Act, 1956 – Hindu Minority and Guardianship Act – Maintenance – Contemporary Changes – Muslim Law of Legitimacy – Acknowledgement of Paternity.

Motor Vehicles Act, 1988 – State Transport undertakings – Accident Claims Tribunals – No Fault Liability – Offences, Penalties and Procedure, Insurance of Motor Vehicles against third party risks – Recent amendments.

Consumer Law -Consumer Protection Act and its developments - Consumer, Complaint, Complainant – Consumer Rights – Filing of Complaints – Consumer Redressal Forums – Jurisdiction, Powers and Functions – Recent Amendments.