

# **TAMIL NADU PUBLIC SERVICE COMMISSION**

## **SYLLABUS**

### **LAW (DEGREE STANDARD)**

**Code:414**

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

Constitution – Definition, constitutionalism, salient features of the Indian Constitution, Concept of State – 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**

- 1 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.
- 2 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.
- 3 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.
- 4 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

- 5 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**

1. **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 – Awards – 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, Disciplinary action and Domestic Enquiry.
2. **TRADE UNIONS ACT,1926** – Definitions – Registration of Trade Unions – Members – Office Bearers – Rights and Liabilities – Privileges and Immunities – Recognition of Trade Union
3. **INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT,1946** – Appointment, Jurisdiction, Powers and Duties of Certifying officers – Procedure for certification of standing orders – Duration – Modification – Appeal – Registration of Standing orders – Model Standing orders – Inspection.

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

1. **PAYMENT OF WAGES ACT,1936** – Definition - Obligations of the Employer – Deductions – Authorities – Inspectors – Powers – Offences and Penalties.
2. **MINIMUM WAGES ACT,1948** – Definitions – Fixation and Revision of minimum rates of wages – Methods – Regulation of working conditions – Advisory boards – Inspectors – Offences and Penalties.
3. **PAYMENT OF BONUS ACT,1965** – Definitions – Coverage – Kinds of Bonus – Eligibility and extent – Calculation of Bonus – Available and Allocable surplus – Set on and Set off – Forfeiture of Bonus – Settlement Machinery.
4. **EQUAL REMUNERATION ACT,1976** – Definitions – Duty of employer – Work of same and similar nature – Recruitment procedure – Advisory Committee - hearing and deciding claims and complaints – Inspectors – Penalties.

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

1. **EMPLOYEES' COMPENSATION ACT, 1923** – Definitions – Liability of the employer – Arising out of and in the course of employment – Doctrine of Notional Extension - Personal injury – Occupational disease – Notice and Claims – Determination and Distribution of Compensation – Commissioner – Powers and Functions.

2. **EMPLOYEES' STATE INSURANCE ACT, 1948** – Definitions – ESI Corporation – Standing Committee – Medical Benefit Council – ESI Fund – Contributions – Benefits – Adjudication of Dispute and Claims – Penalties.

3. **EMPLOYEES' PROVIDENT FUND AND MISCELLANEOUS PROVISIONS ACT, 1952** – Definitions – Central and State Board of Trustees - Provident Fund Scheme – Family Pension Scheme – Deposit Linked Insurance Scheme – Contributions – Benefits – Authorities under the Act – Powers and Functions –Offences and Penalties.

4. **MATERNITY BENEFIT ACT, 1961** – Definitions – Eligibility – Maternity Benefit and certain other benefits under the Act – Notice of Claim – Inspectors – powers and duties.

5. **PAYMENT OF GRATUITY ACT, 1972** – Definitions – Payment of Gratuity – Eligibility – Forfeiture – Amount of Gratuity – Determination of gratuity amount – Recover of gratuity – Controlling authority – Offences and Penalties.

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

7. **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**

1. 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 - Parliamentary Sovereignty in U.K., Limited Legislative Powers in U.S.A. and India - Classification of Administrative Actions

2. Delegated Legislation - Need for Delegated Legislation - Delegated Legislation in UK and USA - 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.
3. 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.
4. Principles of Natural Justice - Concept - Rule against Bias - Audi Alteram Partem - Exceptions to the Rule of Natural Justice
5. Judicial Review and Liability of the State - Judicial Review of Administrative Action through Writs - Kinds of Writ - 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.
6. Maladministration and Alternative Remedies - Ombudsman in England - Ombudsman in India - Lokpal - Lokayukta in States - Central Vigilance Commission.
7. 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, 1872**

Essentials of Contracts - Valid, Void, Voidable - Discharge of Contracts - Quasi Contracts Damages - Compensation - Specific Relief Act.

### **UNIT-VIII: MOTOR VEHICLES ACT, 1988 AND AMENDMENTS**

State Transport undertakings - Accident Claims Tribunals - No Fault Liability - Offences, Penalties and Procedure, Insurance of Motor Vehicles against third party risks.

## **UNIT-IX: LAW OF CONSUMER PROTECTION, 2019**

Consumer, Complaint, Complainant – Consumer Rights – Filing of Complaints – Consumer Redressal Forums – Jurisdiction, Powers and Functions

## **UNIT-X: PROCEDURAL CODES**

Plaint, Written Statement – Suits in General – Admission - Execution – Reference, Review, Revision – Classes of Criminal Courts – Processes to compel appearance – Summons, warrant of arrest – Jurisdiction of Criminal Courts in Inquiries and Trials – Appeals, Reference in Criminal Cases – General provisions regarding execution – Levy of Fine – Contempt Proceedings.