

2. Codifying and Consolidation Statutes.
3. Mandatory and Directory Provisions.
4. Commencement and Repeal of Statutes.

Unit-IV

1. Beneficial and Liberal Construction.
2. Construction of Remedial and Penal Statutes.
3. Construction of taxing Statutes
4. Presumption as to Jurisdiction of the Courts
5. Construction to Prevent, Evasion and Abuse.

Select Bibliography :

1. Maxwell : Interpretation of Statutes.
2. Craies : Statute Law.
3. Sutherland : Statutory Construction.
4. Singh, G.P. : Principles of Statutory Interpretation.
5. Swarup, Jagdish : Legislation and Interpretation.
6. Sarathi, V.P. : Interpretation of Statutes.
7. Bindra : Interpretation of Statutes.

201: Paper-I: LEGAL THEORY

Max. Marks: 100
Time: 3 Hours

Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.

(2) All questions shall carry equal marks.

Unit-I

1. Nature, Value and province of Jurisprudence
2. Positivism:
 - (a) Bentham and Positivism
 - (b) John Austin and Analytical Jurisprudence
3. Modern Positivism
 - (a) Kelsen's Pure Theory of Law
 - (b) Hart's concept of Law
 - (c) Dworkin's Criticism of Positivism and his theory of Law

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Unit-II

1. Historical Jurisprudence:
 - (a) Savigny and the Historical School
 - (b) Henry Maine and the Anthropological School
2. Natural Law
 - (a) Revival of Natural Law
 - (b) Lon L. Fuller- Morality of Law
 - (c) Stammler- 'Natural Law with a variable content'
3. The Theory of Precedent in India

Unit-III

1. Modern Realism
2. Sociological Jurisprudence:
 - (b) Ihering, Ehrlich and Duguit
 - (c) Roscoe Pounds' Social Engineering
3. Theory of Social Justice:
 - (a) John Rawls
 - (b) Indian Approach to socio-economic justice

Unit-IV

Legal Concepts.

1. Legal Rights
2. Legal Personality
3. Possession and Ownership

Select Bibliography :

- | | |
|-------------|---|
| Paton | : A Textbook of Jurisprudence. |
| Dias | : Jurisprudence. |
| Friedmann | : Legal Theory. |
| Hart | : Concept of Law. |
| Lloyd | : Introduction to Jurisprudence. |
| Fuller | : The Morality of Law. |
| Basu | : Modern Theories of Law (TLL). |
| Austin | : The Province of Jurisprudence Determined. |
| Bodenheimer | : Jurisprudence. |
| Stone | : Social Dimensions of Law and Justice. |
| 1 | : Modern Theories of Law. |

- (iii) Recruitment - qualifications and salaries or funds.
 - (iv) Other responsibilities of each agency/person.
 - (v) Coordination among related agencies.
 - (vi) Accountability - annual reports and accessibility of public to juvenile justice institutions.
3. Preventive Strategies
- (i) State Welfare programmes, health, nutrition, ICWS, grants-in-aid.
 - (ii) Compulsory education.
 - (iii) Role of community, family voluntary-bodies, individuals.

Select Bibliography :

1. National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986 (1986).
2. Shkula, K.S., Adolescent Offender (1985).
3. Weiner, Myron, The Child and State in India (1990).
4. The United Nations Declaration on the Rights of Children.
5. UNICEF periodic material.
6. Juvenile Justice Act, 2000.

GROUP-C : BUSINESS LAWS

Paper-I : Corporate Law And Management

Max. Marks : 100

Time : 3 Hours

Note : (1) Eight questions shall be set with two questions from each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.

(2) All questions shall carry equal marks.

Prescribed Course of Studies :-

To study the legal and quasi-legal problems connected with the corporate sector with particular references to the laws, regulations and administrative

Appendix-1

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framework relating to the organisation and working of joint stock enterprise and the regulation of the capital market in India.

To give an appreciation of the significance of the law of corporate enterprises in industrialising of India and a comprehension of the economic and social values which corporate enterprises to subservise in a planned welfare economy, and an evaluation of the Indian Company Law and practice in that context.

To study and evaluate the relevant case law with a view to the evolution of a sound code of company practice, and

To make a comparative study of the law and practice in other countries on important aspect of Company law and its administration.

UNIT-I

Corporation- Its past, present and future.

Development of various concepts relating to company law; Jurisprudence; History of company Legislation in India.

Concept of corporate personality and limited liability, advantages of Incorporation; Doctrine of Piercing the Corporate Veil, Corporation and Fundamental Right.

Kinds of companies and other Forms of Business Organisation.

Registration and in-corporation, powers of company, Sources of Power Memorandum of Association, Doctrine of ultra vires.

Promoters - position, importance, duties and liabilities.

Company Law Board - Its Constitution, Power and Functions.

UNIT-II

Prospectus, Statement in lieu of Prospectus, Liability for mis-statements.

Shares - Meaning and Nature, kinds, Allotment, Transfer and Transmission, Effects of irregular Allotment, Right

- Issues, Bonus Shares, Purchase of its own shares; Borrowing Powers of Companies- Debentures, kinds of debentures, Charges, Classification of Charges, Registration of Charges.
- Securities and Exchange Board of India Act, 1992 - Salient Features;
- Dividend - Meaning and Nature, power to pay dividend, mode of payments, Limitations on payments.
- Charitable and Political Contributions by Companies.

UNIT-III

- Meetings- Meaning and Scope shareholders. Democracy, Kinds of Meetings, Statutory Meeting, Annual General meeting, Extra-Ordinary General meeting, Procedure and conduct of meeting - Notice; quorum. Voting Resolutions and Minutes.
- Directors - Concepts of directors and its evolution, Philosophy for the emergence of Board of Directors, position and status of directors, kinds of directors, Appointment of Directors and their retirement.
- Directors - Qualifications, disqualifications, powers and duties including Fiduciary obligations, Removal of Directors.
- Managing-Director, whole-time director and Manager Appointment, Powers and Functions, Managerial Remuneration; statutory limits and restrictions.
- Investigation and inspection - Powers of Central Government and Company Law Board.


UNIT-IV

- Control - Share-holders Control over the management. Government Control over

- Majority powers and Minority Rights, oppression and mismanagement.
- Winding up and distribution - Meaning and scope, kinds of winding up-winding up by court, Voluntary winding up, Winding up under the Supervision of the Courts.
- Effects of Liquidation proceedings on the company and its organs, members, creditors and workers.
- Liquidator and official liquidator - position, powers and duties.

Books Recommended (Relevant Portions) :

1. Thomson, J.M. : Palmer's Company Law.
2. Gower, L.C.B. : Principles of Modern Company Law.
3. Ramiya : Guide to the Companies Act.
4. Devadasan, B.D. & Devadasan T.S.V. : Company Meeting and Resolution.
5. Indian Law Institute : Current Problems of Corporate Law.
6. Shah, S.M. : Lectures on Company Law.
7. Topham and Ivamy : Company Law.
8. Ghosh, M.K. : Indian Company Law.
9. Aiyar : Company Directors.
10. Sen, S.C. : The New Frontier of Company Law.
11. Sahgal, P.S. : National and Multi-national Companies, Some Legal Issues.
12. Palmer's Company Law.
13. Pennigton's Company Law.

 **Independent (Syllabus)**
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GROUP-C : BUSINESS LAW
Paper-II : Law of Contractual Transactions

Max. Marks : 100

Time : 3 Hours

Note : (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.

(2) All questions shall carry equal marks.

Prescribed Course of Studies :

The students would be expected to be well conversant with the general principles of contract and the law relating to specific contracts in India. They should also be well familiar with the evolution of law, leading judicial decisions (English and Indian) with important comparative developments elsewhere.

UNIT-I

— Genesis and Philosophy of Contracts and its importance in a commercial developing society.

— Freedom of Contract; Nature and basis of contractual obligation.

— Formation of Contract - Agreement and Contract, Intention to create legal obligation; Requirements of valid contract.

— Proposal and Acceptance - Essential elements, communication and revocation, proposal and invitation for proposal, Standing order, Tenders, and Auction sale.

— Standard Forms of Contract - Exclusion clauses and their effects.

— Unilateral and bilateral contracts.

— Capacity to Contract - Meaning and Scope, Contractual Capacity of a minor, corporation, Government, consequences of Minor's Agreement and Estoppel, Ratification.

— Contract by a person of unsound mind -

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Other Legal disabilities.

Free consent - Meaning and Scope
 Vitiating elements - coercion, Fraud, Misrepresentation, Undue influence and Mistake, Distinction between Fraud and innocent misrepresentation, coercion and Duress, Mistake of Law and Mistake of Fact, Common, Mutual and Unilateral Mistake, Remedies available when agreement is vitiated by mistake.

UNIT-II

Consideration - *Nudum pactum* - Its need, meaning and essential; Adequacy of Consideration, privity of contract and Consideration - its exceptions; past, Executed and Executory consideration, Doctrine of Consideration and Promissory Estoppel; Essentiality of consideration with exceptions.

Legality of objects and consideration-

Unlawful consideration and objects, Void, Voidable and unlawful Agreements and their effects, Concept of immoral and Public Policy, Heads against public policy. Void Agreements, Agreements in restraint of Marriage, Agreement in restraint of Trade, Agreement in restraint of Legal Proceedings, Uncertain Agreement and Wagering Agreements.

Contingent Contract - Meaning and scope, Reciprocal promises.

Discharge of Contract - Meaning and modes of discharge; performance and Tender - Place and Time of performance, Time as essence of contract, performance of joint promises.

Discharge by Agreement - Novation, Remission of performance, Accord and Satisfaction.

Discharge by Impossibility of performance and Frustration - Nature and scope of the doctrine of Frustration, Specific ground of Frustration.

UNIT-III

- Restitution;
- Quasi-Contracts or certain Relation resembling those created by contract.
- Breach of contract and remedies, Meaning of breach and Anticipatory breach; Damages - Meaning and Nature, Kinds, Rule in Hadly v. Baxendale - Remoteness of Damage.
- Contract of Indemnity - Definition and Nature, Distinction between Indemnity and Guarantee, Rights of the Indemnity Holder.
- Contract of Guarantee - Definition and Scope, Specific and Continuing Guarantee; Creditors Right against Principal Debtor and Surety, Discharge of Surety; Surety's Rights against the principal debtor and Co-surety, Principal of Contribution by co-surety.

UNIT-IV

- Bailment - Definition and Essential Features, Bailment for Reward and gratuitous Bailment, Right and duties of Bailor and Bailee.
- Finder of lost goods - Rights and Duties of Finder; Rights and Liabilities of owner.
- Pledge - Definition, Nature and Scope; Who can pledge; Rights and duties of pawnor and pawnee.
- Kinds of Agents - Factory, Brokers, Auctioneers, Del-Cordere agents, etc.
- Agency - Nature, Distinction from other transactions; Contractual basis of Agency.
- Modes of Creation of Agency - Express, implied, Ratification by operation of Law.

Attested

Scope of Agent's Authority, Rights and Liabilities of the Agent as against principal and third party; Rights and

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Liabilities of principal and third party as against each other and as against Agent.

Delegation by Agent - Sub-Agent and Substituted Agent - Distinction and Legal Effects.

Termination of Agency, modes of termination, Agency couple with Interest.

Books Recommended :

1. Chaturvedi, A.N. : Lectures on Indian Contract Act.
2. Cheshire and Fifoot : The Law of Contract.
3. Anson : Principles of the English Law of Contract.
4. Chitty : On Contracts Vol.I (General Principles).
5. Pollock and Mulla : Indian Contract and Specific Relief Act.

GROUP C : BUSINESS LAWS

Paper-III : Law of Banking and Negotiable Instruments

Max. Marks : 100

Time : 3 Hours

Note : (1)

Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.

(2)

All questions shall carry equal marks.

UNIT-I

Nature and Development of Banking; Nationalisation of Bank; Relationship of Banker and Customer; Banking Business; Banker's Lien, Type of Accounts; Social Control of Banking Institutions.

Banking Regulation Act, 1949

Applicability to Banking Companies and Public sector Banks; Business of Banking

Attended



- Miller, D., Social Justice Ch. 2 (1976).
- Perry, R., 'A Paradigm of Philosophy : Hohfeld on Legal Right', 14 American Phil. Quarterly, 41 (1977).
- Sen, A., 'Rights and Agency, Philosophy and Public Affairs (1981).
- Singh, Chhatrapati 'Right to Life' in 28 Journal of the Indian Law Institute (1986).
- Singh, Chhatrapati, 'The Inadequacy of Hohfeld's Scheme' in 27 Journal of Indian Law Institute (1985).
- Waldron, J. 'A Right to Wrong', 92 Ethics 21 (1981).
- Cranston, M., What are Human Rights? (1973).
- Dworkin, R.M., Taking Rights Seriously (1996), Universal, New Delhi.
- Finnies, J., Natural Law and Natural Rights (1980), Clarendon Press.
- Pried, C., Right and Wrong (1978), Harvard University Press.
- Fiedrich, C., 'Rights, Liberties and Freedoms - A Reappraisal', 57 American Pol. Sci. Rev. 841 (1963).
- McCloskey, H.J., 'Human Needs, Rights and Political Values' 134 American Philosophical Quarterly 1976.
- Wasserstrom, R., 'Rights, Human Rights and Racial Discrimination', 628 (1964) 61 Journal of Philosophy.
- Campbell, T., The Left and Rights (1983).
- Mareuse, H., Repressive Tolerance, in R.P. Wolff, B. Moore, and H. Marcuse, A Critique of Pure Tolerance (1971).
- Raz., J. Professor Dworkin's Theory of Rights', 26 Polit. Studies, 123 (1978).
- Taylor, C. 'Atomism in A. Kontos (ed.), Powers, Possessions and Freedom : Essays in Honour of C.M. Macpherson (1979).

III GROUP - C CONSTITUTION & LEGAL ORDER

Paper - 1 : Mass Media and Constitutional Democracy

Note : (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions

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in all, selecting one question from each Unit.

(2) All questions shall carry equal marks.

UNIT - I

1. Form of Government
 - 1.1 Presidential
 - 1.2 Parliamentary form of Govt. under the constitution.
 - 1.3 Executive Power
2. Parliament/State Legislature
 - 2.1 Composition of Two Houses
 - 2.2 Qualifications/Disqualifications
 - 2.3 Legislative Procedure

UNIT - II

3. Election Commission
 - 3.1 Constitution of Election Commission - Powers, Functions.
 - 3.2 Electoral Reforms - Need.
4. Parliamentary Privileges
 - 4.1 Nature and Extent
 - 4.2 Courts and Parliamentary Privileges

UNIT - III

5. Relation of Executive and Legislature
 - 5.1 Executive Control of the Legislature
 - 5.2 Role of the Legislature
 - 5.3 Scrutiny of the Administration
 - 5.4 Control over the Legislation
 - 5.5 Legislative Committees

UNIT-IV

6. Mass Media
 - 6.1 Ownership
 - 6.2 Monopoly - Private and Government.
7. Freedom of the Press
 - 7.1 Provisions of the Constitution
 - 7.2 Article 19 (1) (a)
 - 7.3 Reasonable Restrictions - Scope

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8. Role of the Mass Media
 8.1 Accountability
 8.2 Press Council of India
 8.3 Press and Parliamentary Privileges
- Select Bibliography :
- Jain, M.P. : Constitutional Law of India (1994), Wadhwa.
 Seervai, H.M. : Constitutional Law of India, Vol. I (1991) Tripathi, Bombay.
 John B. Howard : "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Centre for Law in Development 1980).
 Bruce Michael Boyd : "Film Censorship in India : A Reasonable Restriction on Freedom of Speech and Expression", 14 J.I.L.I. 501 (1972).
 Dhavan, Rajeev : "On the Law of the Press in India", 26 J.I.L.I. 288 (1984).
 Dhavan, Rajeev : "Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission", 26 J.I.L.I. 391 (1984).
 Sorabjee, Soli : Law of Press Censorship in India (1976).
 Justice Venkataramiah : Freedom of Press : Some Recent Trends (1984).
 Basu, D.D. : The Law of Press of India (1980).

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law I & II, Administrative

Paper-II : Public Utilities and Welfare State

Note : (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.

(2) All questions shall carry equal marks.

UNIT - I**1. Concept of a Welfare State**

- 1.1 Preamble
- 1.2 Concept of a Modern State.
2. **Directive Principles of State Policy : Economic Democracy.**
 - 2.1 Nature, non-enforceability.
 - 2.2 Different directive principles - Contents.
 - 2.3 Difference with Fundamental Rights.
 - 2.4 Implementation - Article 31C.
 - 2.5 Incorporation in fundamental rights - A judicial Technique.

UNIT - II**3. Fundamental Rights.**

- 3.1 Utilitarian Approach of fundamental rights.
- 3.2 Restrictions on fundamental rights for General Welfare.
4. **Power of Eminent Domain**
 - 4.1 Right to Property.
 - 4.2 Police Power

UNIT - III**5. Public Utilities**

- 5.1 Framework of Public Utilities - Departmental, Statutory, Govt. Co's etc.
- 5.2 Status of the Employees.
- 5.3 Control on Public Utilities - Govt., Judicial.

6. Privatization of Public Utilities

6.1 Efficiency in Public Utilities

6.2 Accountability

7. **Liabilities of Public Utilities.**

7.1 Contractual, Tortious, Criminal

UNIT - IV

8. Bureaucracy

- 8.1 Union and State Services.
- 8.2 Doctrine of Pleasure
- 8.3 Constitutional Safeguards

Select Bibliography :

Bakshi, P.M. : Television and the Law (1986).

Kelkar, Vasani : "Business of Postal Service" 33 I.J.P.A. pp. 133-141 (1987).

Ramesh, G. : "Characteristic of Large Service Organisation in a Developing Country Like India" I.J.P.A., 77 (1986).

Paranjpe, Nalini : "Planning for Welfare in the Indian Railways" 31 I.J.P.A. 171-180 (1985).

Sharma, Arvind K. : "Semi - Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.P.A. pp. 99-113.

Sathe, S.P. : Administrative Law (1998)

Jain & Jain : Principles of Administrative Law (1986).

Jagdish, U.I. : Handbook of Electricity Laws (1978).

Bhaunik : The Indian Railways Act (1981).

Law Commission of India, 38th Report : Indian Post Office Act, 1898 (1968).

Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law I and II, Administrative Law, Consumers Protection Law and Labour Law).

Sharma

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