

Maharashtra Public Service Commission

Civil Services Exam – Mains Optional

Law

(Code No : 501)

Paper - I

Standard : LL.B.Degree.

Total Marks : 200

Nature of Paper : Conventional Type

Duration : 3 Hours

- Note:**
- 1) Answers to this paper must be written either in English or in Marathi.
 - 2) This paper will test the candidate's ability to comprehend, to analyse, to interpret, to criticise and to appraise the subject matter related to the topics/sub topics mentioned below.
 - 3) It is expected from candidates to study the latest and recent developments and happenings pertaining to the topics/sub topics mentioned below.

Section – A (Marks : 50)

1) JURISPRUDENCE :

- .01) Nature and utility of jurisprudence.
- .02) **Definition of law - Theories :**
 - a) The Natural Law Theory.
 - b) The Imperative/ Analytical Theory of law.
 - c) The Theories of Legal Realism.
 - d) The Pure Theory of Law - Hans Kelsen.
 - e) Law as a System of Rule - Prof. H.L.A.Hart's.
 - f) The Synthetic Theory - Dr.Sethna
- .03) Function and purpose of Law
- .04) Feminist Jurisprudence
- .05) **Administration of justice** - Concept, Theories of punishment.
- .06) **Legal rights & Duties** - Concept, Characteristics, Kinds.

Section – B (Marks : 50)

2) CONSTITUTIONAL LAW -I :

- .01) Nature of Constitutional Law.
- .02) Salient features of the Indian Constitution.
- .03) Preamble of the Indian Constitution.
- .04) Fundamental Rights, Directive Principles of state policy and Fundamental Duties.-
- .05) Provisions relating to elections, emergency and amendment to Constitution
- .06) **The Union of India :**
 - a) Nature of Indian Federation - Union & State- Legislatures, Executive & Judiciary.
 - b) Union-State Relationship - Administrative, Executive and Financial Relationships.
 - c) Distribution of Legislative powers, Subjects.

Section - C (Marks : 50)

3) CONSTITUTIONAL LAW -II (25 Marks) :

- .01) **Civil Servants-** Rights & Duties.
- .02) **Supreme Court and High Courts :** Jurisdiction – Powers - Writ Petition- Public Interest Litigation- Judicial Activism- Independence of Judiciary and Tribunals and Quasi Judicial Bodies like MAT, CAT, Family courts.
- .03) **The Protection of Human Rights Act, 1993 :** Historical Background- The Human Rights Commissions - State & National- Protection and Enforcement of Human Rights and Human rights of Disadvantage group.
- .04) Landmark Judgments concerning Constitutional law.
- 4) **ADMINISTRATIVE LAW (25 Marks) :**
 - .01) Nature of Administrative Law- Recent trends.
 - .02) Need for Administrative Law.
 - .03) Rule of law.
 - .04) Separation of Power.
 - .05) Administrative Discretion and Control of Administrative Discretion & its Judicial Review.
 - .06) Principles of Natural Justice.
 - .07) Delegated Legislation- Judicial Review- Ombudsman in India.
 - .08) ADR (Alternative Dispute Resolution) in India.
 - .09) **Central and State Government Privileges :** Section 123 of the Indian Evidence Act, Official Secrets Act.
 - .10) **Public Authorities:** Liability, Concept Recent trend of Privatisation - Important Public Corporations.
 - .11) Local Self- Government.

Section - D (Marks : 50)

- 5) **INTERPRETATION OF STATUTES (25 Marks) :**
 - .01) Meaning, Need and Rules of Interpretation of Statutes.
 - .02) Interpretation of Penal laws.
 - .03) Interpretation of Taxation laws.
 - .04) General Clauses Act.
- 6) **INTERNATIONAL LAW (25 Marks) :**
 - .01) Nature and Scope of International law.
 - .02) Relationship between International law and State laws.
 - .03) Settlement of Disputes.
 - .04) International Treaties.
 - .05) **International Arbitration :** Provisions of the Arbitration and Conciliation Act : as to enforcement of Foreign Awards - New York Convention- Geneva Convention.
 - .06) International Court of Justice.
 - .07) The Universal Declaration on Human Rights, 1948.

Paper - II

Standard: LL.B.Degree.

Total Marks: 200

Nature of Paper: Conventional Type

Duration: 3 Hours

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Section - A (Marks : 50)

1) CRIMINAL LAW:

- .01) The Indian Penal Code – Salient features and Applicability. **Elements in Crime** – Importance of “Mens-rea”- Constructive Criminal Liability - Collective Violence - Rioting as Specific offence.
- .02) Specific offences under The Indian Penal Code – relating to State, Public Tranquility, Public Servants, Elections, Public Health.
- .03) The Code of Criminal Procedure, 1973
- .04) The Bombay Police Act.
- .05) The Prevention of Corruption Act.

Section - B (Marks : 50)

2) LAW OF TORTS:

- .01) Nature of Tort.
- .02) **Liability for Tortious acts** : Individual liability and State Liability.
- .03) Principle of vicarious liability - Meaning and Scope.
- .04) Torts of Nuisance and Trespass.
- .05) Tort of Negligence and Defamation.
- .06) **Liability based on** Fault, No fault or Strict liability and Absolute liability.
- .07) Concept of damages in Torts.
- .08) Development of law in India with reference to decided cases.

Section - C (Marks : 50)

3) LAW OF CONTRACTS:

- .01) **The Indian Contract Act** : Formation of Contract – Essentials of valid contract- Void and Voidable contracts- Breach of Contract and Anticipatory Breach of Contract- Frustration of contract- Damages for Breach of Contract - Contract of Agency and Quasi- contracts.
 - .02) **The Sale of Goods Act** : Contract of Sale - Sale and Agreement to Sell - Conditions - Warranties, Principles – “Caveat-emptor” and “Nemo Dat Quod Non Habet” – Passing of property and risk - Unpaid Seller and his rights.
 - .03) **The Indian Partnership Act** : Definitions, Express and Implied authorities of partners - Relations interse partners - Rights and Liabilities of partners- Registration of firms – Effects of Non-Registration - Dissolution of Partnership firm.
- 4) Indian Evidence Act 1872** : Definitions, Kinds of facts - Relevancy of facts - Admission/Confession and Kinds of evidence.

Section – D (Marks : 50)

5) SOME USEFUL LAWS :

- .01) **Environmental Protection Act** : Object, Machinery and Measures provided therein.
- .02) **The Consumer Protection Act, 1986** : Definitions - Consumer Disputes - Redressal Machinery.
- .03) **Freedom of Information Act, 2005** : Rights of Applicants and duty of Public Authority.
- .04) **Information Technology Act - 2000 (Cyber Law)** : Definitions – Authorities – offences.
- .05) **Labour Laws** : - Preamble, Reasons & Scheme of - The Factories Act, 1948.- The Industrial Disputes Act, 1947 and Law relating to agricultural labour.

- .06) Protection to Women under :** The Constitution of India, Criminal Law, Labour Legislation.
- .07) Personal Laws for Hindus, Muslims and others, relating to :** Marriage, Divorce, Maintenance and Succession.
- .08) The Prevention of Terrorism Act, 2002 :** Terrorist Activities and Special Courts.
- .09) Representation of People Act, 1950, 1951 :** House of People, State Legislative Assemblies – Councils and other Authorities and their functions.
- .10) Legislation relating to Intellectual Property Rights - Trade Marks- Copy right - Patents**
