

Constitutional Law and Human Rights

Service Law

(Optional)

Objective of the course

In exercise of the powers conferred by proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (CCS (CCA) RULES). The service law jurisprudence in the country, owed its major growth from the English and American development is a recognised fact. The course focuses on the civil servants, their recruitment and promotion, Conditions of service, Special Category of services and Settlement of Disputes over Service Matters This paper shall comprise of the following 5 units to be spread out to a period of one semester.

Syllabus

1. Civil Servants: Constitutional Dimensions

Civil Servants and Fundamental Rights: Historical and Comparative Perspective – Equity and Protective Discrimination: Principles and Practices – Service Regulations – The Constitutional Basis-Formulation of Service Rules-Doctrine of Pleasure-Limitation on the Doctrine of Pleasure- Action only by an authority not subordinate to Appointing Authority- Opportunity of Being Heard and its Exceptions.

2. Recruitment and Promotion

Central and State Agencies for Recruitment –(UPSC & SPSC) –Jurisdiction, Qualification, Functions, Immunities, Consultation with Commission.

3. Conditions of Service

Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission – Kinds of Leave and conditions of Eligibility - Social Security : Provident Fund, Superannuation and Retrial Benefits, Medicare, Maternity Benefits, Employment of Children of those dying in Harness, Compulsory Insurance- Civil and Criminal Immunities for action in Good Faith- Comparative Evaluation with Private Sector, State Government Employees and Central Government Employees.

4. Special Category of Services

Judicial Services: Subordinate Judiciary – Judicial Officers and Servants: Appointment and Conditions of Services – Officers and Servants of Supreme Court and High Court: Recruitment , Promotion, Conditions of Service and Disciplinary Action – All India Services, Object, Regulation Of Recruitment and Conditions of Service , Disciplinary Proceedings.

5. Settlement of Disputes over Service Matters

Departmental Remedies: Representation, Review, revision and Appeal: Role of Services Organisations- Remedy Before the Administrative Tribunal: Jurisdiction, Scope and Procedure –Merits and Demerits – Exclusion of Jurisdiction of Courts - Judicial Review of Service Matters- Jurisdiction of Supreme Court and High Court.

PRESCRIBED BOOKS AND JOURNALS

Central and State Laws and Rules relating to Service Matters

ILI (Justice M. Rama Jois) Service under the State (1987)

N.Narayanan Nair, The Civil Servant under the Law and Constitution (1973)

K.K.Goyal, Administrative Tribunals Act (1985)

Seervai, Constitutional Law Of India

Arjun P.Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)

C.K.Kochukoshy, “All India Services- The role and the Future”,1972. I.J.P.A. 67.

Douglas Vass, “The Public Service in Modern Society”,1983. I.J.P.A. 970

Z.M.S. Siddiqi, “Sanction for the Breach of Contracts of Service”, 1983. I.J.P.A. 359.

O.P.Motilal, “Compulsory Retirement”,1975. I.J.P.A. 247.

D.S.Chopra, “Doctrine of Pleasure – it’s some implication and Limitations”, 1975, I.J.P.A. 92.

G.C.V.Subba Rao, “ The ONGC Case and New Horizons in Public Services Law” S.C.J.29.

M.P. Jain Indian Constitutional Law Volume-I,II
