

Appointment of arbitrator

if only one person
to be appointment

By mutual consent of
Both the parties.

If Arbitral Panel of more
than one person to be appointed

Both the parties to Contract shall
appoint one - one arbitrator on
their behalf. and Both the selected
Arbitrators shall appoint the third
one. who will act as Presiding
Arbitrator.

If appropriate person is not appointed

within 30 days then Arbitrator shall

be appointed by either chief justice of High Court
OR their appointed Authority.

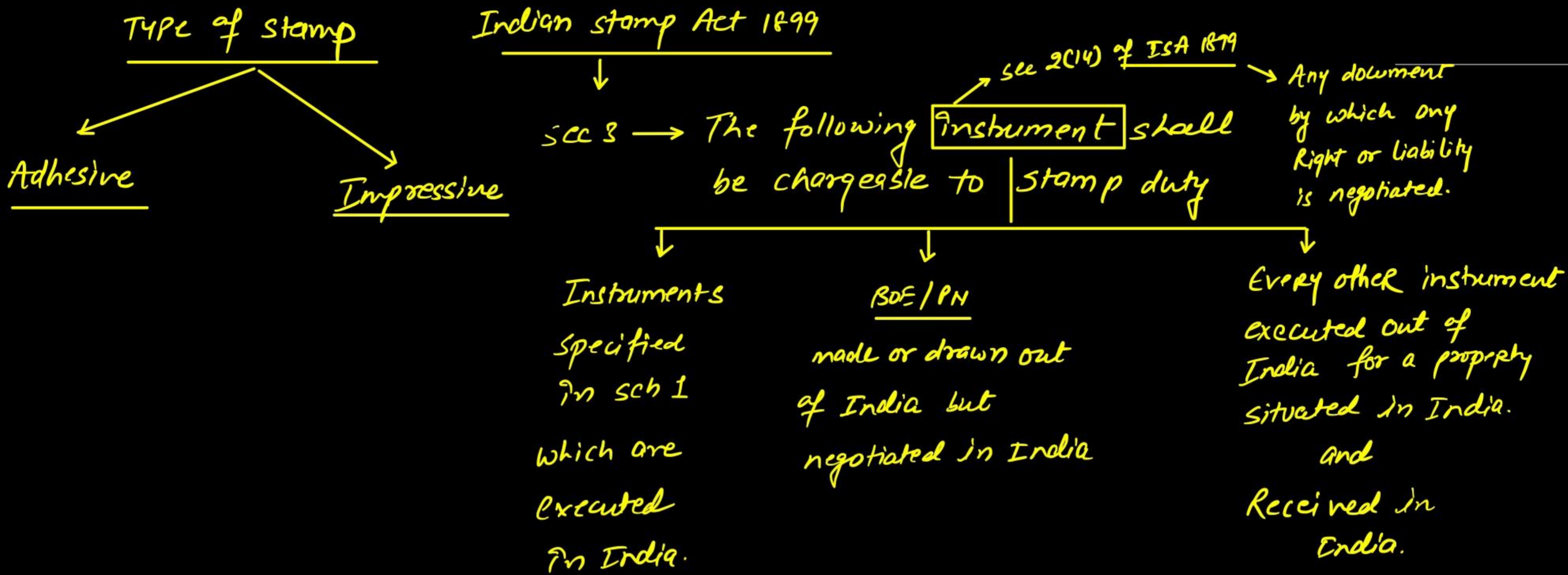
In case of
International Arbitration
Agreement

Arbitrator shall be
appointed by

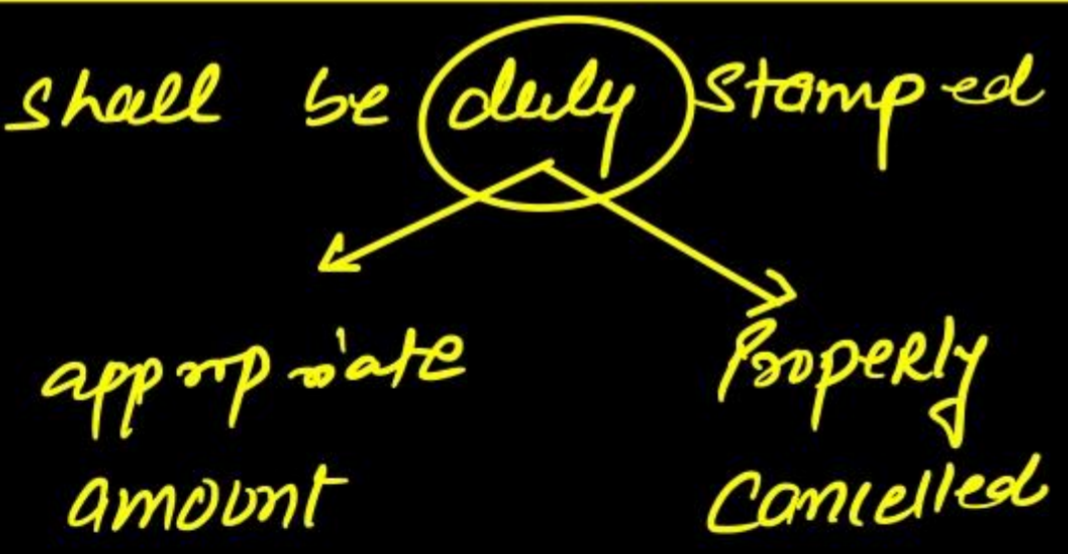
Either → Chief Justice of India

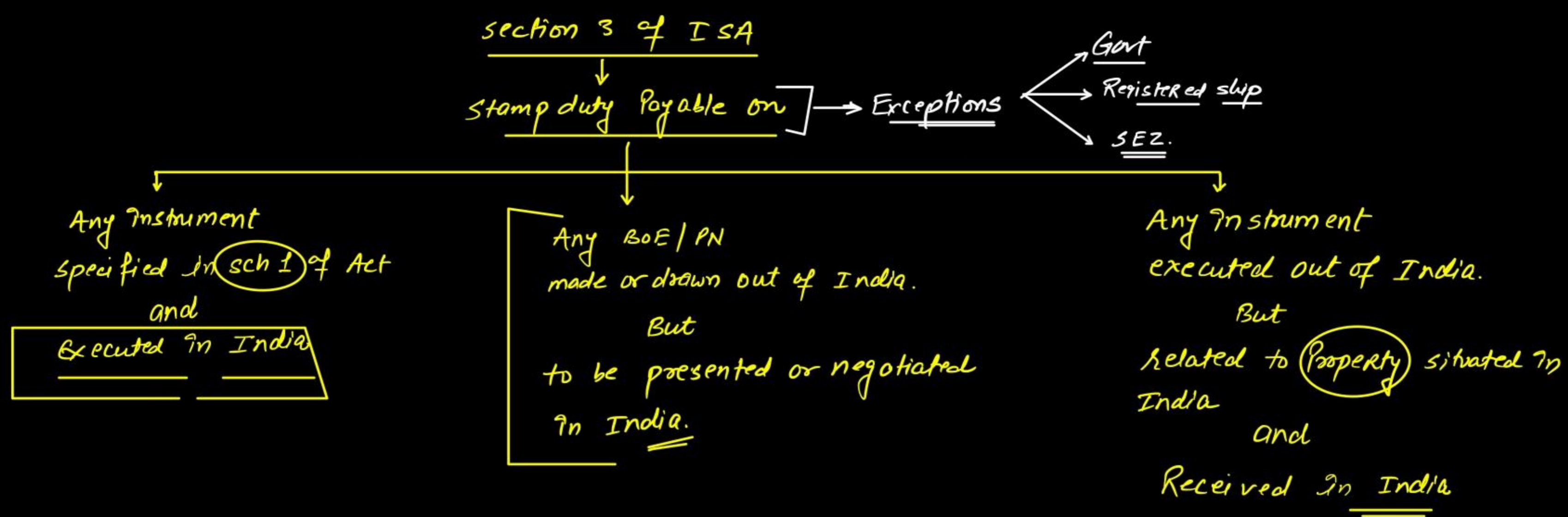
OR → its appointed Representative



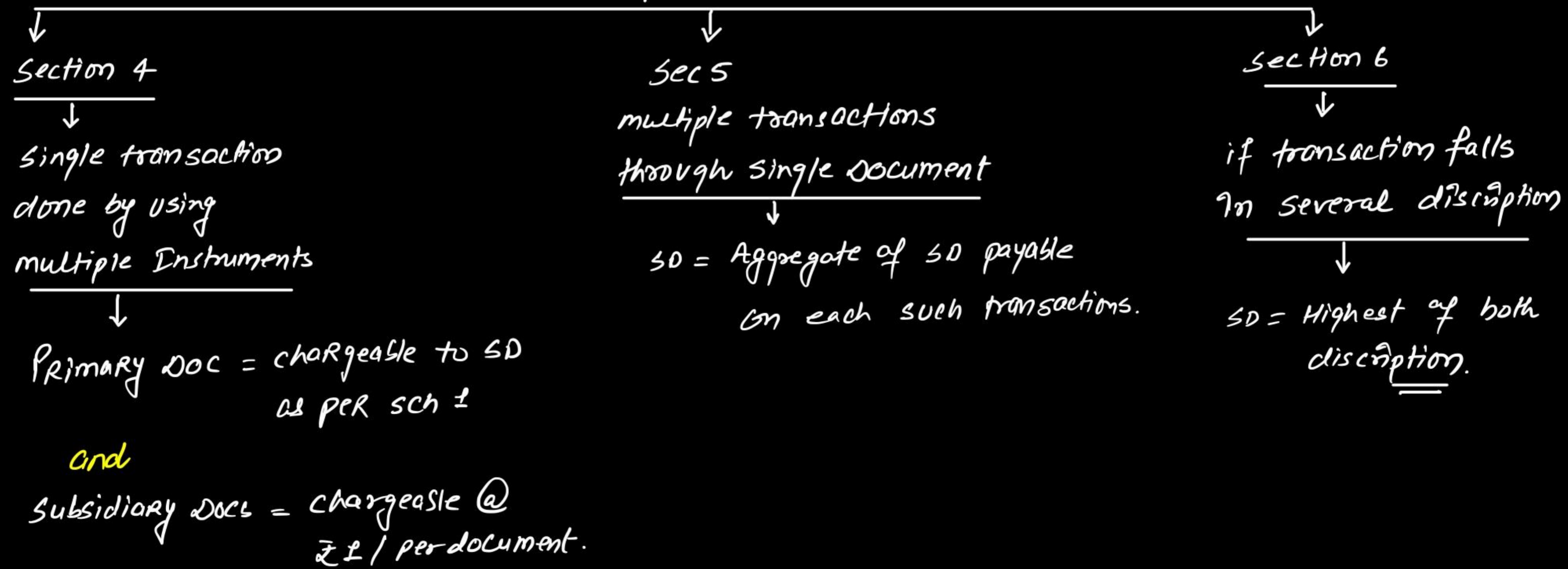


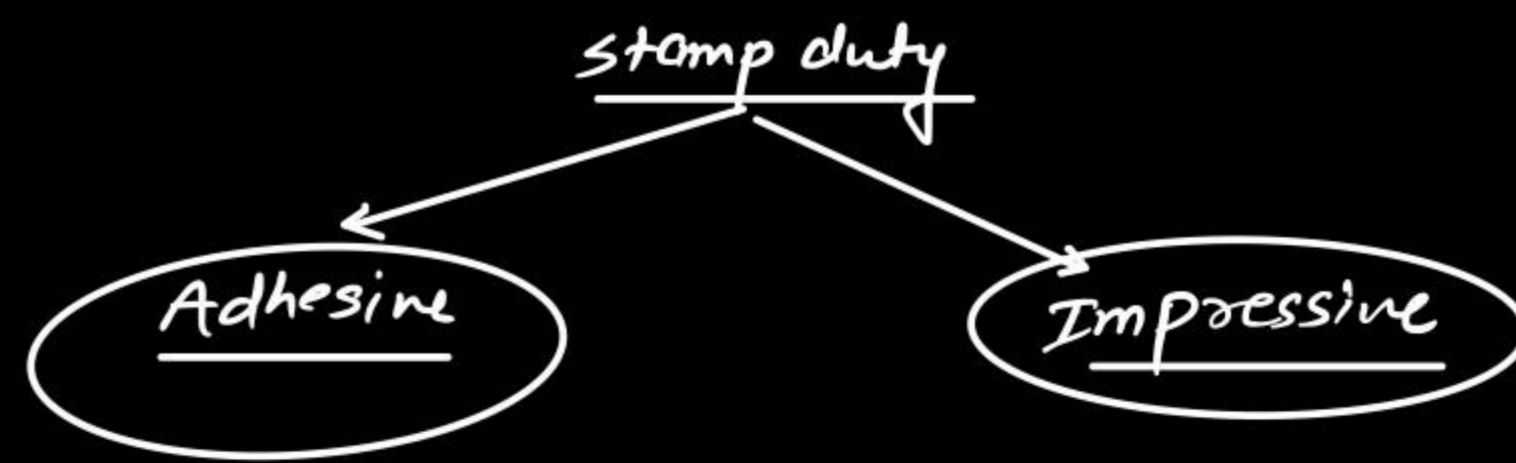
Document shall be duly stamped otherwise such document shall be valid but inadmissible for evidence.





Amt of SD chargeable





Instrument shall be duly stamped

if doc is not duly stamped then such document shall not be admissible as evidence.

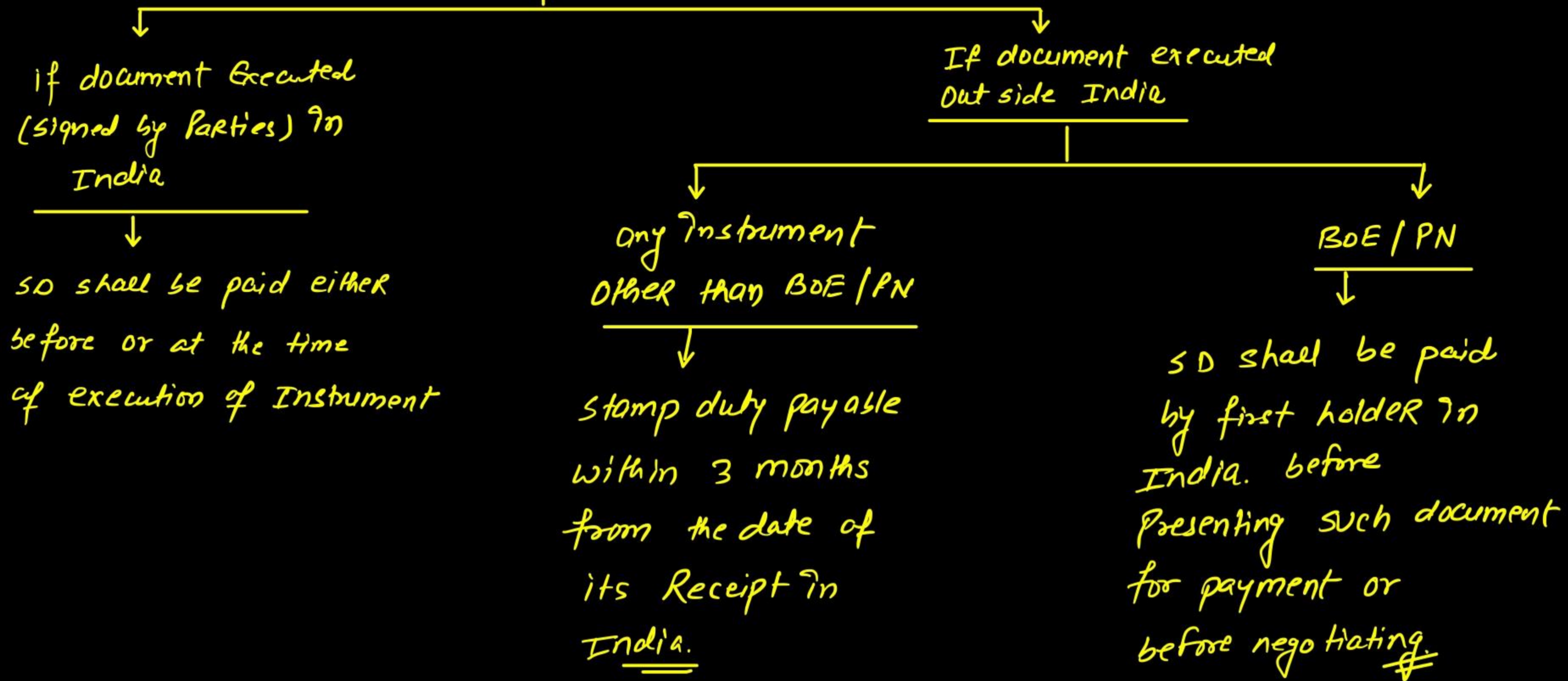
it should of appropriate amt

Should be properly cancelled.

valid



Time of stamp duty



Document Registration

COMPULSORY ^{see 17}

- ① Gift Deed of Immovable property.
- ② Any instrument altering any Right, title or interest in immovable property of ₹100 or more
- ③ Any Acknowledgment Receipt Related to point 2.
- ④ Any lease of immovable property $\left\{ \begin{array}{l} \text{Lease on Yearly basis} \\ \text{Lease for a period more than one YR.} \\ \text{Lease securing Yearly Rent.} \end{array} \right.$
- ⑤ Any instrument by which any COURT ORDER / Decree Related to Right or int in immovable property of ₹100 or above is Transferred or Assigned.
- ⑥ Part performance of any contract
- ⑦ Instrument for adopting son.

SEC 17(2)

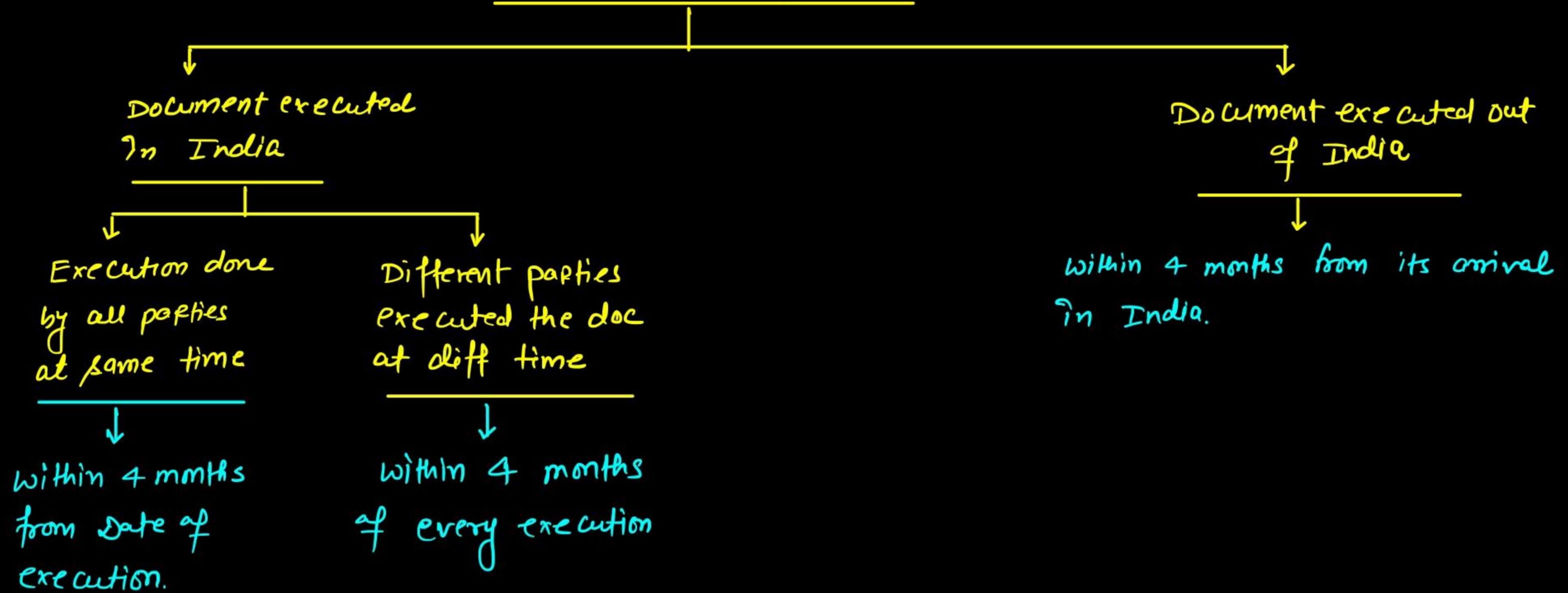
↓ Exceptions.

optional ^{see 18}

- ① Gift deed Related to movable Property
- ② Any instrument creating Right in movable property
- ③ Any instrument altering Right title int in immovable property of value of less than ₹100
- ④ Acknowledgment Receipt of same
- ⑤ Will or testamentary document



Time Limit for Registration

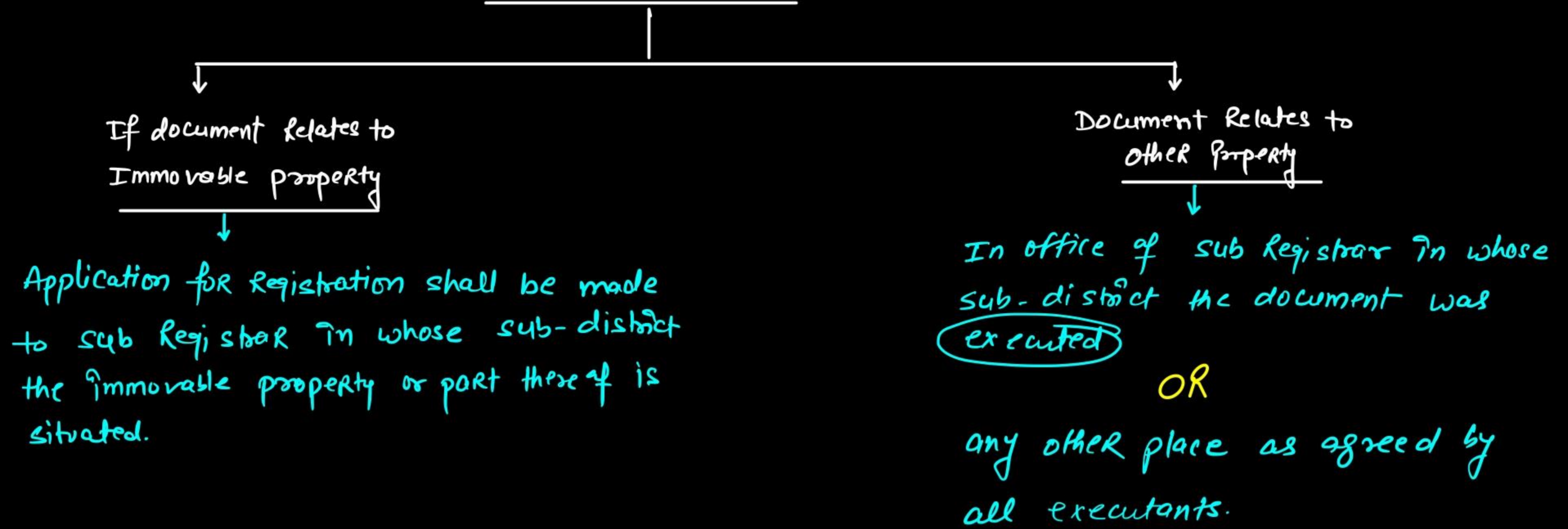


Sub-Registrar may condone the delay beyond 4 months but not more than 8 months from date of execution on sufficient grounds.

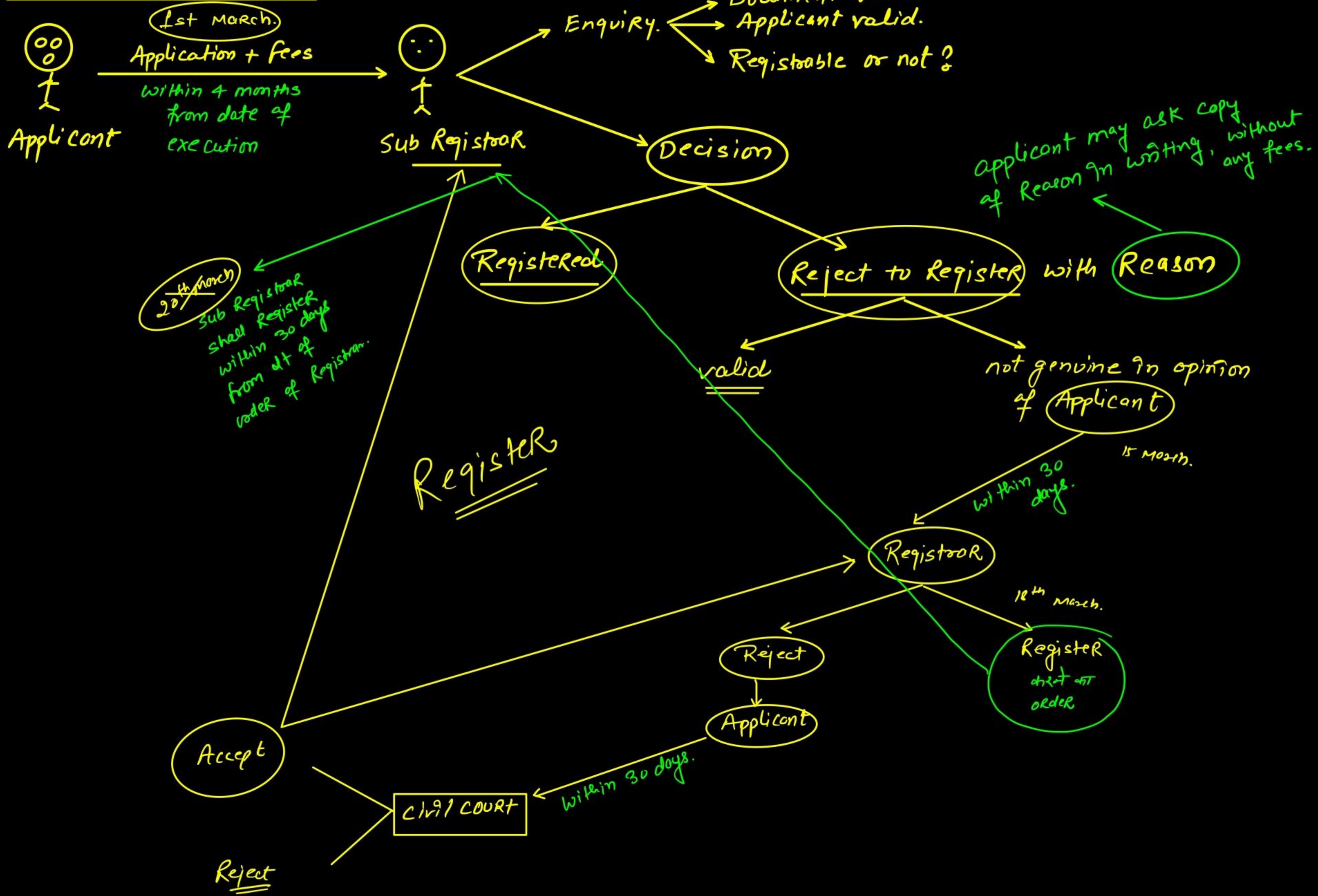
and
with additional fees.

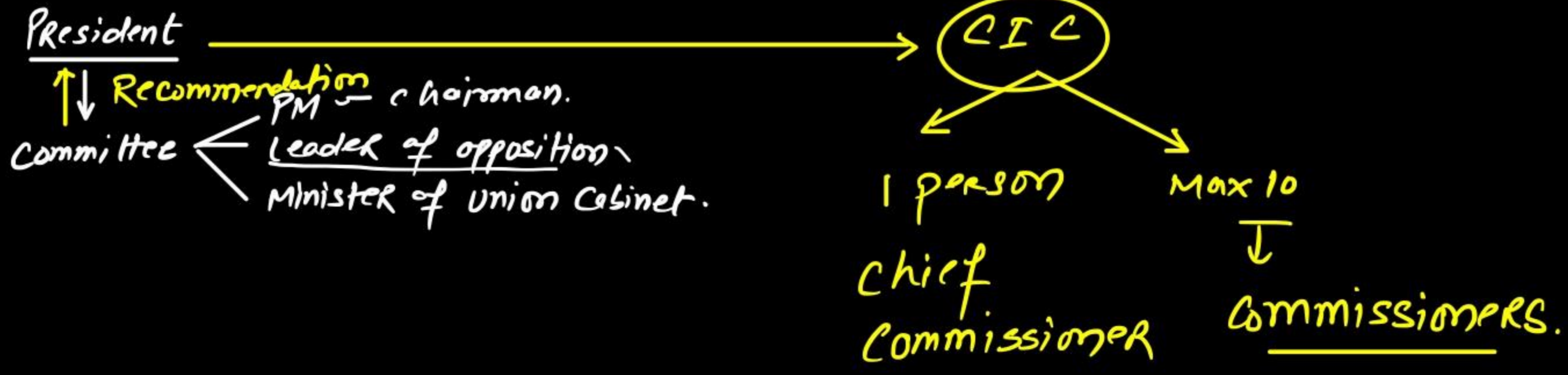


Place of Registration

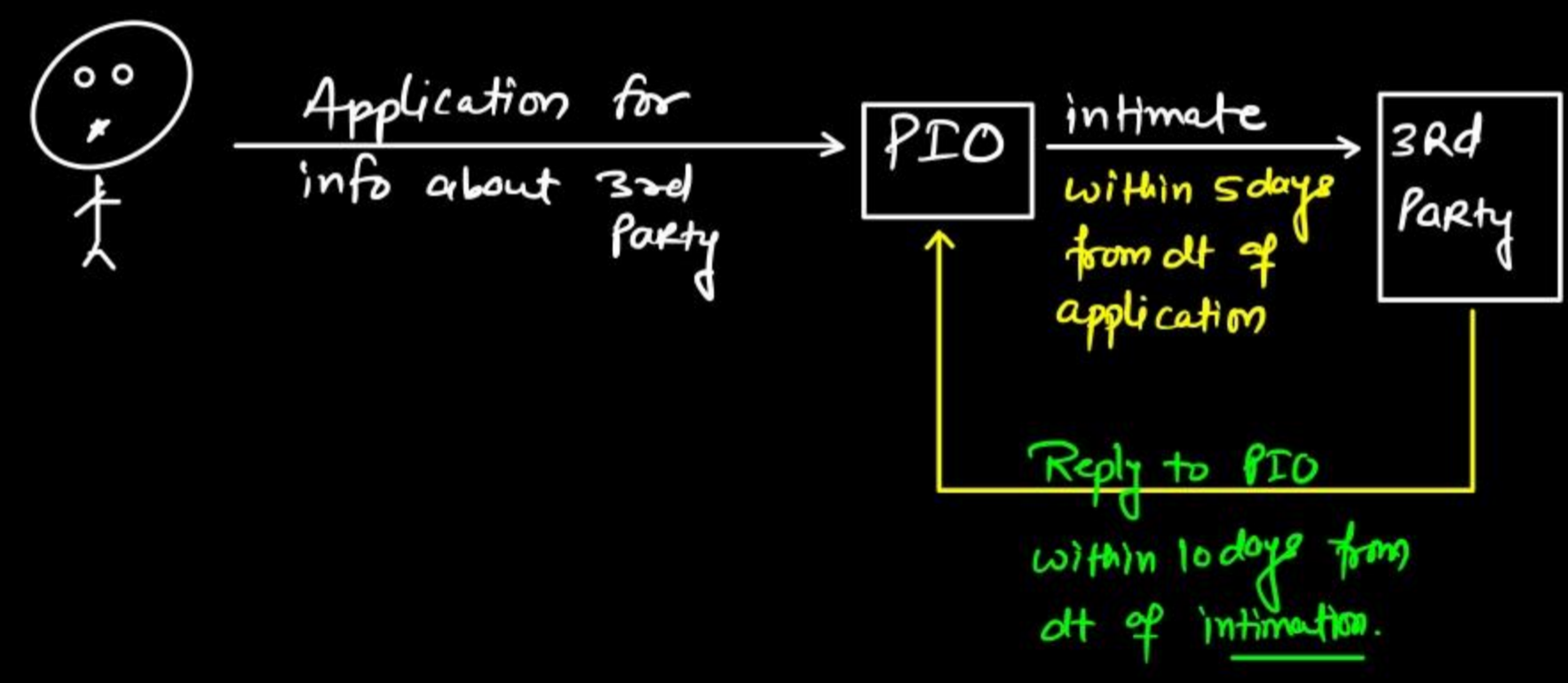
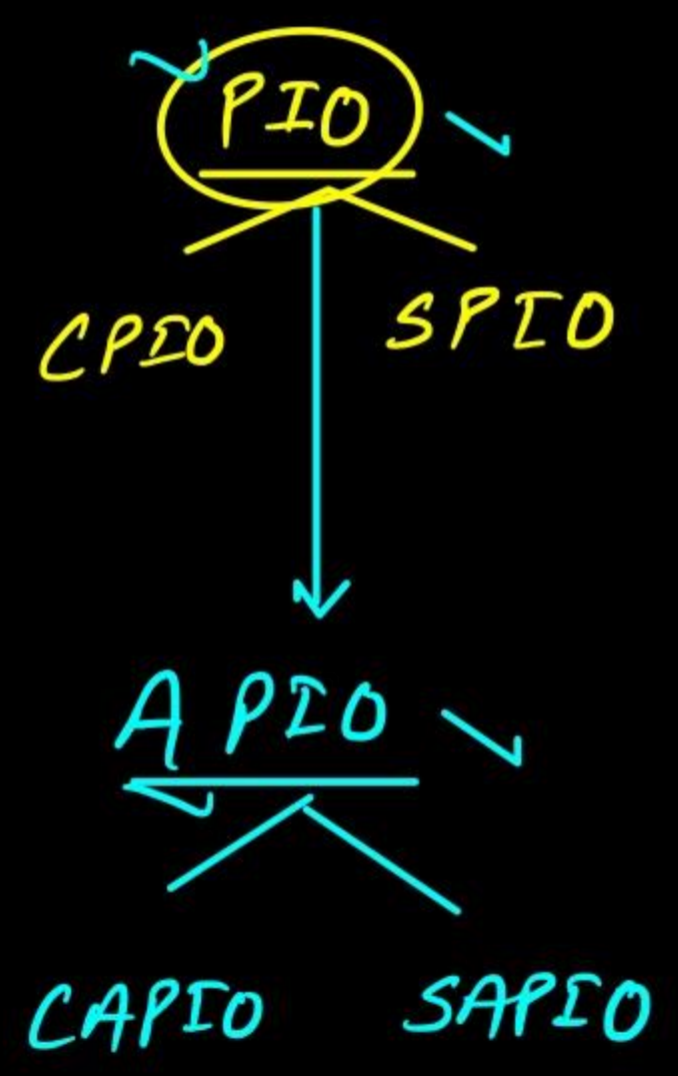


Procedure to Register





Electricity dept / Water dept / Gas dept / Road TPT



IT Act

↓
Authorities

certifying Authority

↓
Controller

↓
Adjudicator

45 days

Appellate Tribunal

60 days

High COURT

↓
Authorities

↓
have power same as of
CIVIL COURT as provided
under CPC 1908



Tribunal

Domestic Tribunal

Administrative Tribunal

↓
Kind of a private organisation
Decision of such tribunals are
not governed & controlled by
any COURT



not exactly

Created under specific statute
of Parliament



Administrative Body

Judicial Body

Any Body create under constitution of India OR CPC, Cr. P, IPC, to pass judgement and resolve the cases related to any civil OR criminal or general matters.

Quasi Judicial Body

Any person or institution created under special act to pass judgement or resolve the matters of special cases covered under special Act under which such Quasi Judicial Body is created

Tribunals

Domestic Tribunal

ORDERS.

Not a Quasi Judicial Body

Other Tribunal

OJT.



special COURTS

↓
Sec 435 of Co. Act 2013

↓
Special Courts may be formed
to deal with some special cases
of Co. Act 2013

if any offence which
is punishable with
imprisonment of 24RS
or more

↓
Single Judge

who is
Judge of Session Court
OR
Additional Judge of
Session Court

Other offences

↓
Punishment
is only
fine

↓
Fine
+
imprisonment
< 24RS.

↓
Imprisonment
only < 24RS.

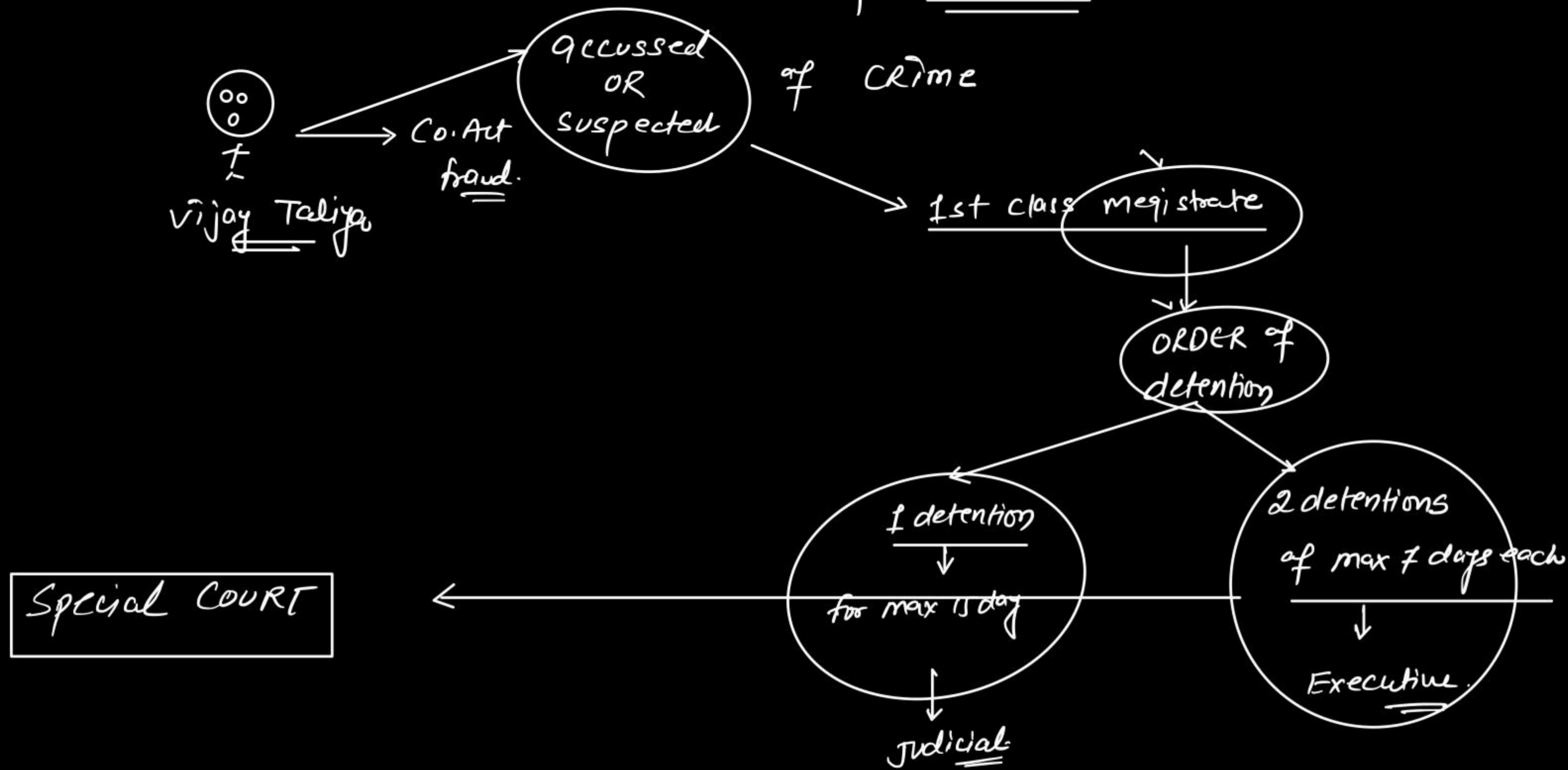
↓
either 1st class judicial Magistrate
OR
Metropolitan Magistrate

↓
Appointment of respective judge to special court
it shall be done by CG in consultation with
Chief Justice of H.C of such locality

where such special court is to be established



Sec 435 of Co. Act 2013 → offence under Co. Act 13, shall be dealt by special courts (if any) irrespective of provisions of CrPc 1973



JIGL | ILGL MARATHON

STARTS SHARP AT 5 PM

SHARE TO ALL OF UR FRIENDS

DOWNLOAD NOTES FROM CSCARTINDIA APP



www.CSCARTINDIA.com

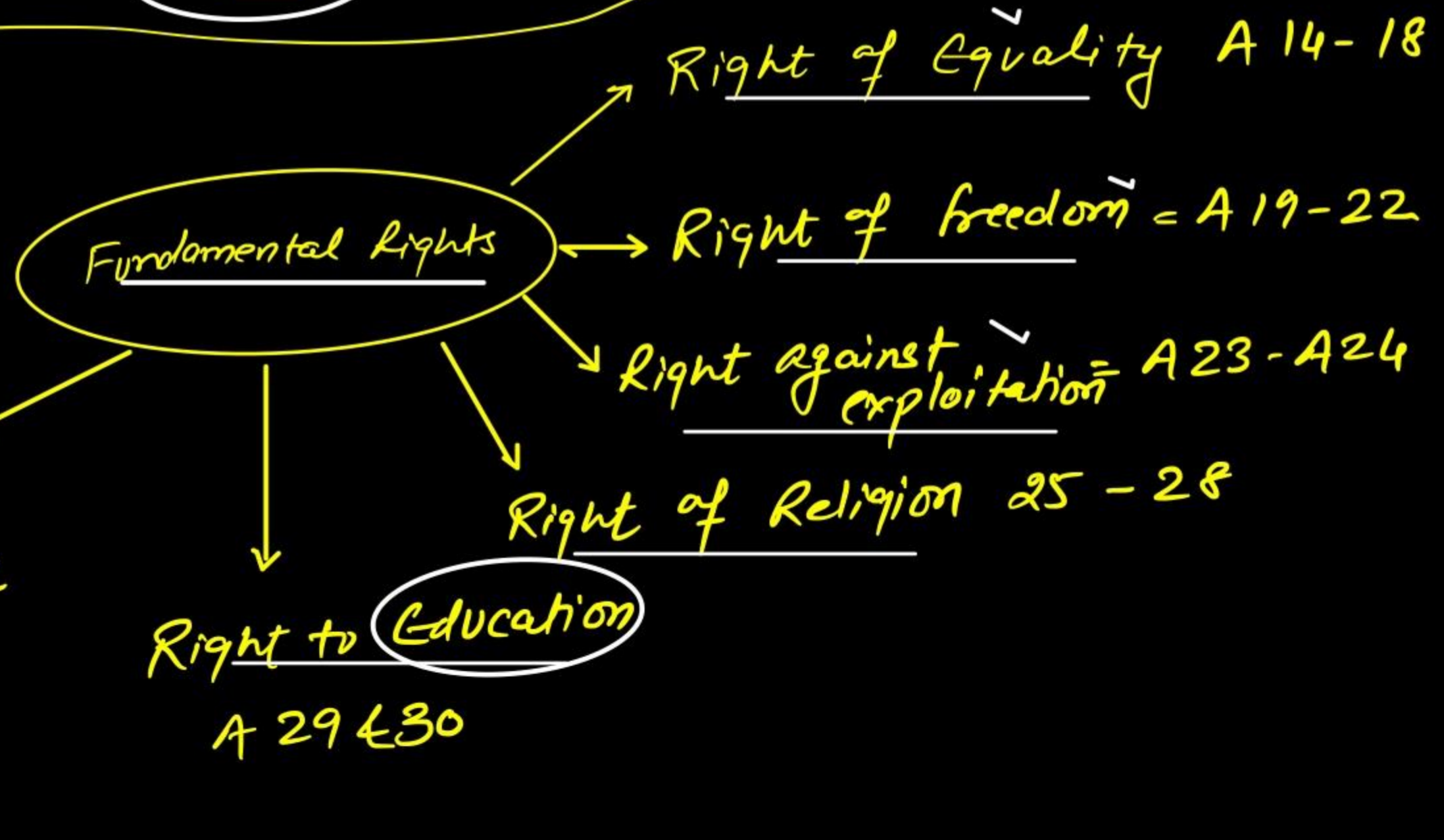


7744859960 | 7276368299

Constitution → संविधान
 26th Jan 1950
 22 parts → 395 Articles + 12 schedules.
 → describes the power of Govt and structure of Govt
 → Describe power & duties of Govt Bodies
 → Fundamental Rights & duties.
 → Directive Principles of State Policy

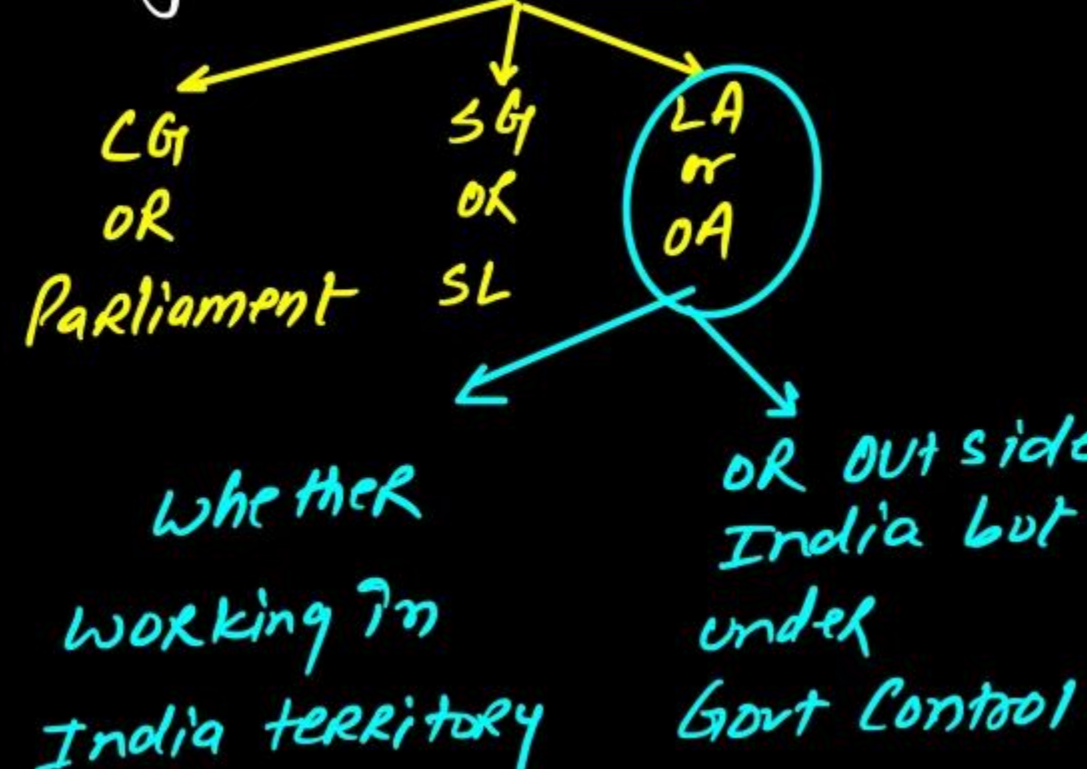
Legislative → कानून बनाने वाला Parliament
Administrative / Executive → कानून का पालन कराने वाला Ministry OR Dept
Judiciary → बिना बाधा के काम करना है। → COURTS
 Independently

Temp
Federal with some features of Unitary → Written Constitution → Govt Power central level & etc.
Dual Govt → Distributed Powers
Independent Judiciary
Supremacy of Constitution
Rigid Procedure to Amend Constitution.



Right of Constitutional Remedy
A 32.

Constitution confer Fundamental Right on citizen of India (other persons in some cases) against state or Agency or instrumentality of state



CORPORATION OR Body Corporate

- whose entire S.C is held by Govt.
- whose almost whole exp is met by FA provided by Govt
- who is entrusted to discharge

COURT/Judicial

state

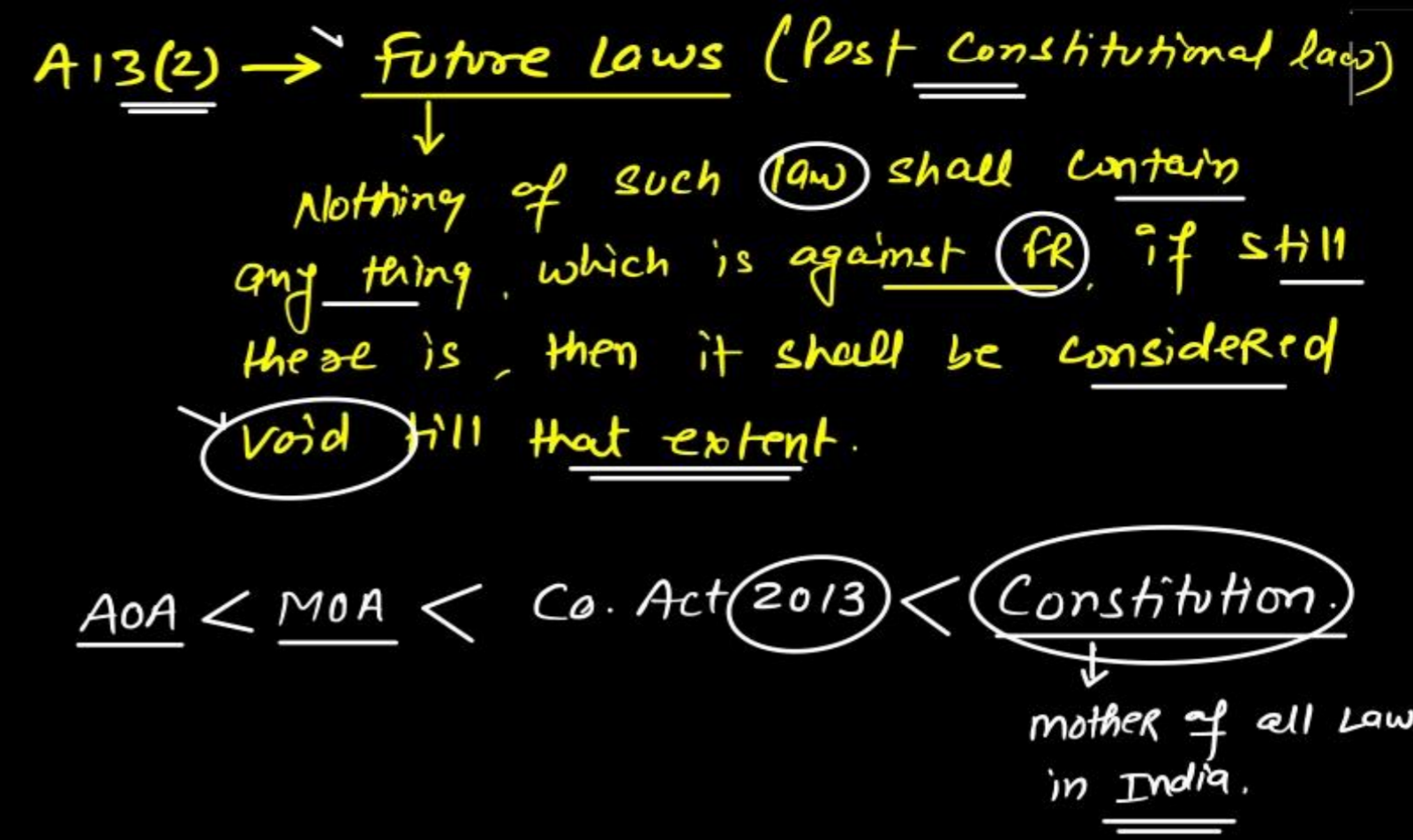
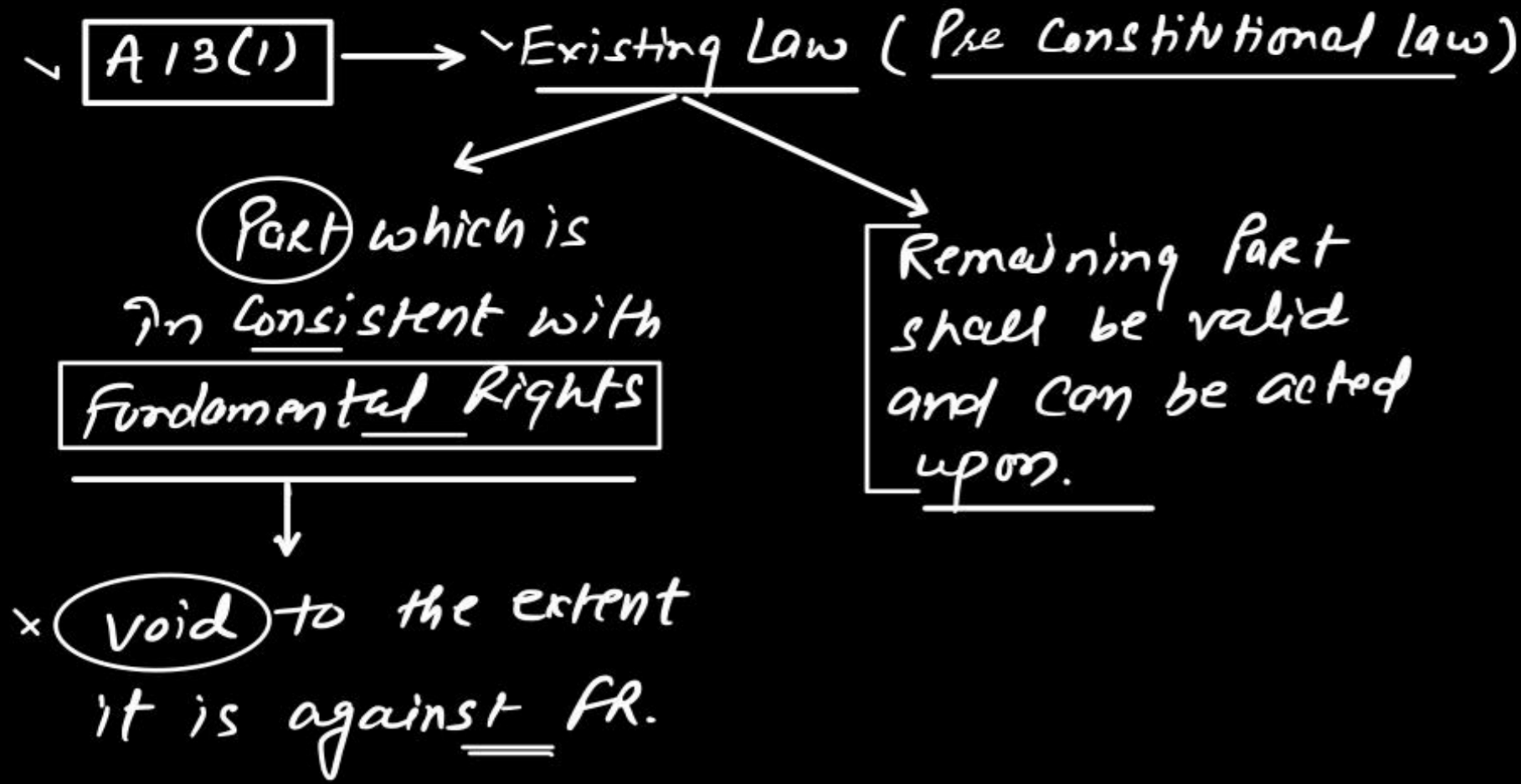
not state

while Court is doing non-judicial functions

while COURT is performing judicial functions.

- Public duty.
- TO whom any Govt dept is Transferred.
- In which control of Govt is deep & pervasive
- enjoys monopoly conferred by state/Govt





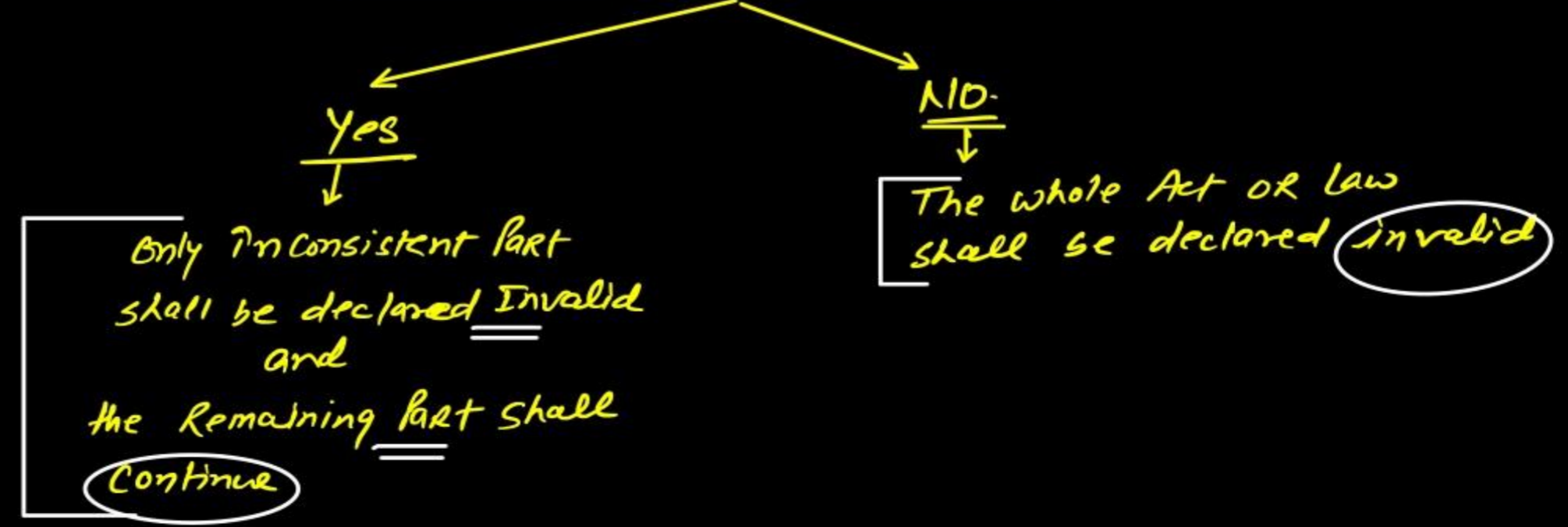
26 Jan 1950

Imp Doctrine of Severability

If any Existing Law Eq: ICA 1872, SOGA 1930, TOPA 1882 ISA 1889 OR Part there of is in Contravention to Fundamental Rights



Whether the inconsistent part is severable without affecting the main substance or objective of such Existing law



- ICA 1872
- SOGA 1930
- TOPA 1882

Doctrine of Eclipse Imp

If, on Commencement of Constitution of India, any part of existing Law or the whole existing Law becomes inconsistent with fundamental Rights

Then

Such inconsistent part shall remain in-operative or dormant or inactive but shall not be declared or assumed to be dead.

and

On amendment in Constitution if any fundamental Right is abolished or changed then such part or whole of existing Law shall again become Active and operative.

Doctrine of waiver of Right Imp

Any person on whom any fundamental Right is conferred may voluntarily wave off or leave such fundamental Right

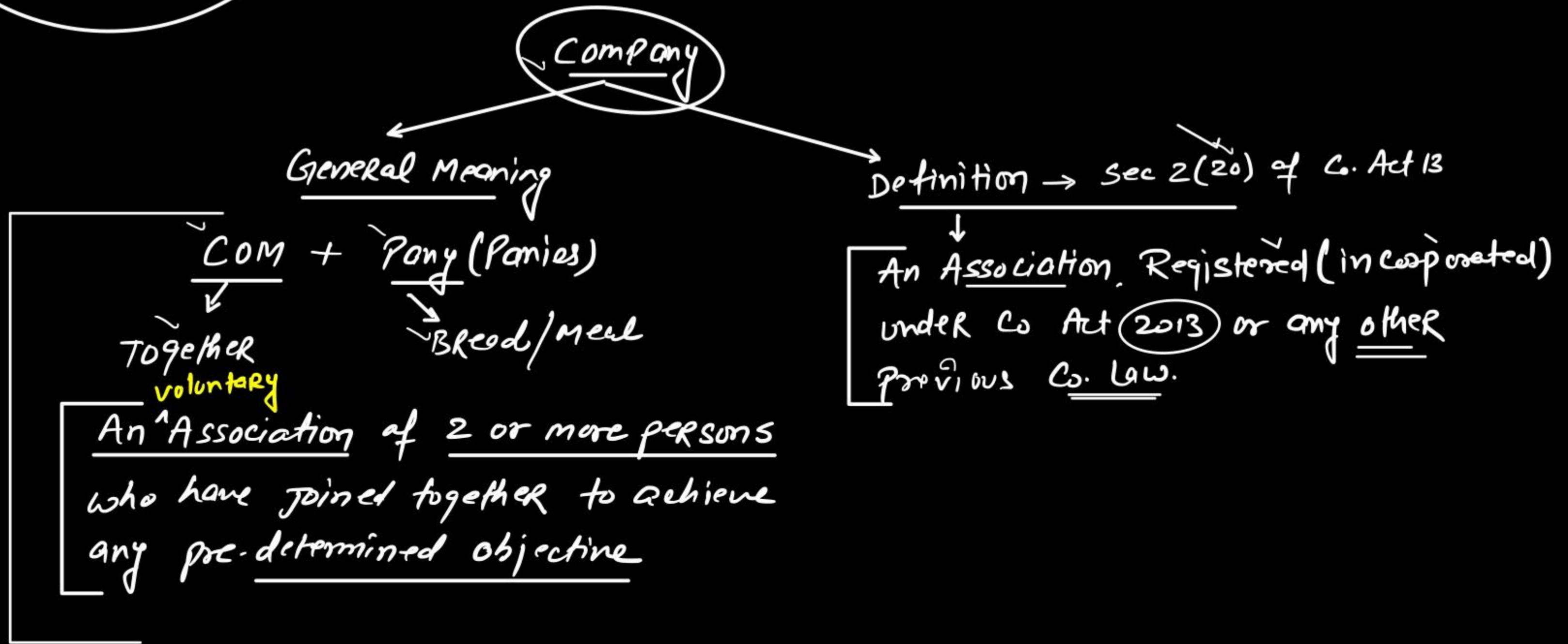
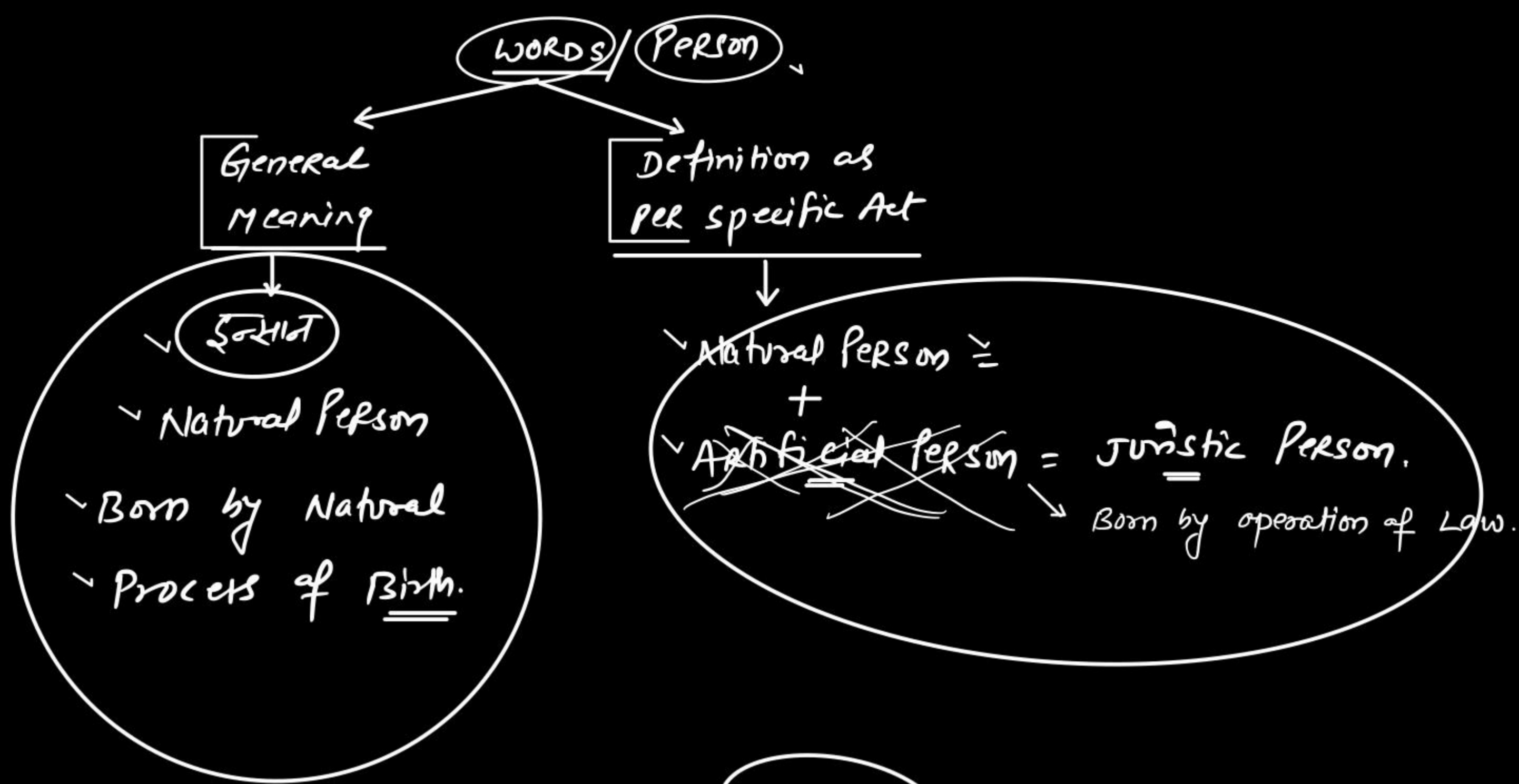
Subject to condition that

- ① He has knowledge of such Rights.
- ② He shall wave voluntarily.

Single Person Law

Any Law / Legislation made for single person shall be valid and operative but only if such one individual represent a class.

To make any classification there should be Reasonable nexus between such classification and object to be achieved.



Right of Equality A-14 → State shall not deny to Any Person ✓
Equality before Law and Equal Protection of Law
within the territory of India

Prohibition of discrimination
on the ground of Religion A15

- ① State can not discriminate against any Citizen
on the ground only of —
Religion, Race, Caste, Sex, Place of Birth, Any of them
- ② No citizen shall be subjected to Any disability, Rstriction, condition w.r.t.
 - ① access to public places.
 - ② use of things maintained out of state funds OR dedicated to use of general public
- ③ State can make special provisions for women children
- ④ State can make special provision for SEBC, ST, SC

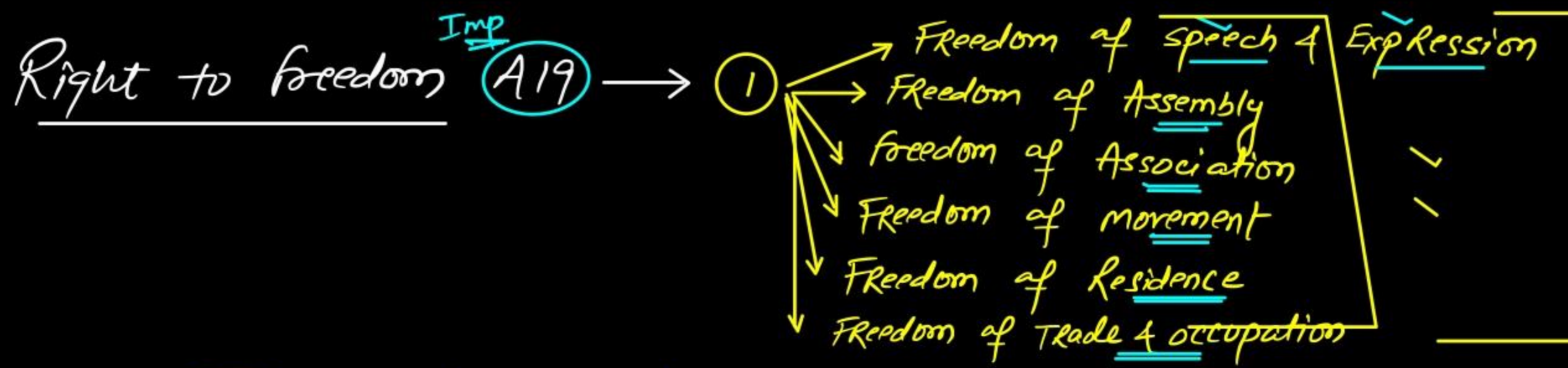
Equality of opportunity in
matter of Public employment

- A16 → All Citizen shall have Equal opportunity for employment & appointment in Govt office public office
shall be no discrimination against a citizen on the basis of Religion etc.
- Exception
- ① Parliament can make law that, Residence within that state/UT is essential qualification
 - ② Reservations can be made for backward class of citizen
 - ③ Office related to any Religious institution can be reserved for a Person who profess that Religion.

Abolition of untouchability A17 → and its practice in any form is forbidden, and such practice will be a punishable offence

Abolition of Title A18 → No title except military or academic distinction shall be conferred by State
No citizen shall accept any title against foreign state.
No person other than citizen shall accept any title from foreign state or any President, emolument without Consent of President.





Restriction on these freedom can be imposed subject to following conditions

- ① Such Restrictions shall be as per Law only
- ② must be Reasonable
- ③ must be imposed in public interest

Protection against ex-post facto Laws **A20(1)** → No person shall be convicted of any offence except for violation of current Laws.

Protection against double jeopardy **A20(2)** → No person can be prosecuted and punished for same offence more than once

Protection against self incrimination **A20(3)** → No person accused of any offence shall be compelled to be a witness against himself

Protection of Life & Personal Liberty **A21** → No person shall be deprived of his life or personal liberty except according to procedure established by Law.

Right to Education **A21A** → Free and Compulsory education to all children between age of 6 to 14 yrs.

Right against illegal Arrest **A22** → But it does not apply to all persons uniformly and makes distinction between:

- ① Alien enemies
- ② Person Arrested or detained under Preventive detention Law.
- ③ Other Persons.



Jurisdiction

Territorial

Subject matter

Parliament

State Legislature

Can make laws for whole of India

Can make laws for whole state or part thereof.

Note: - Parliament can make laws, which can be effective outside India.

List I

List II

SGST

List III

List IV

Union List

State List

Concurrent List

Residuary List

Total 97 matters for which law making power is with Parliament only

Total 61 entries (matter) for which law making power is with respective state legislature
Exceptions

1. In National interest
2. DURING emergency
3. Breakdown of Constitutional machinery
4. On request of 2 or more states
5. Legislation for international agreement

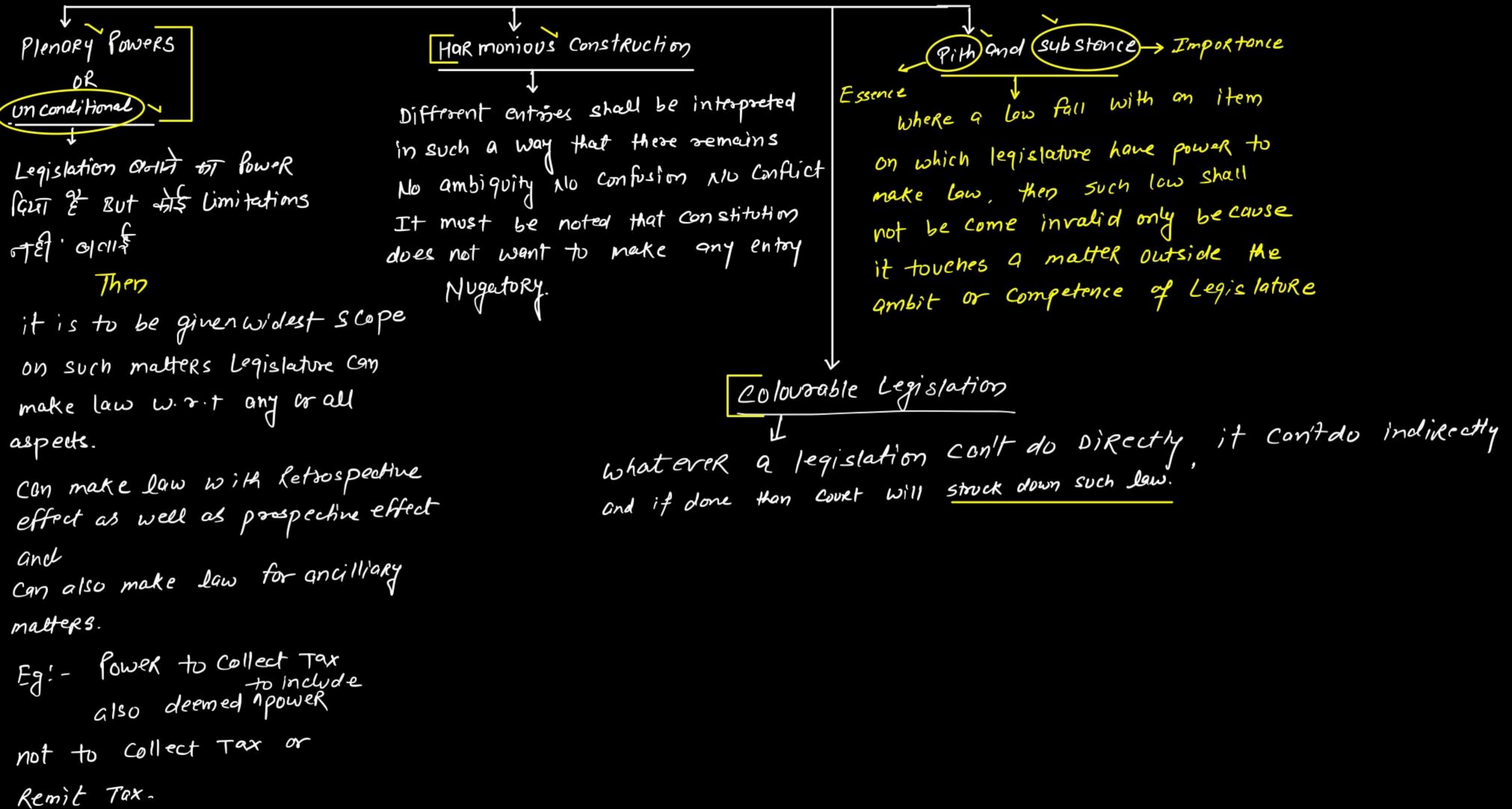
52 matters for which law can be made by parliament OR respective state legislature
However in case of conflict

between law made by Parliament and state legislation Law made by Parliament shall prevail.

Any matter which is not covered in any of above 3 list shall be dealt exclusively by Parliament.



Interpretation of Legislative List



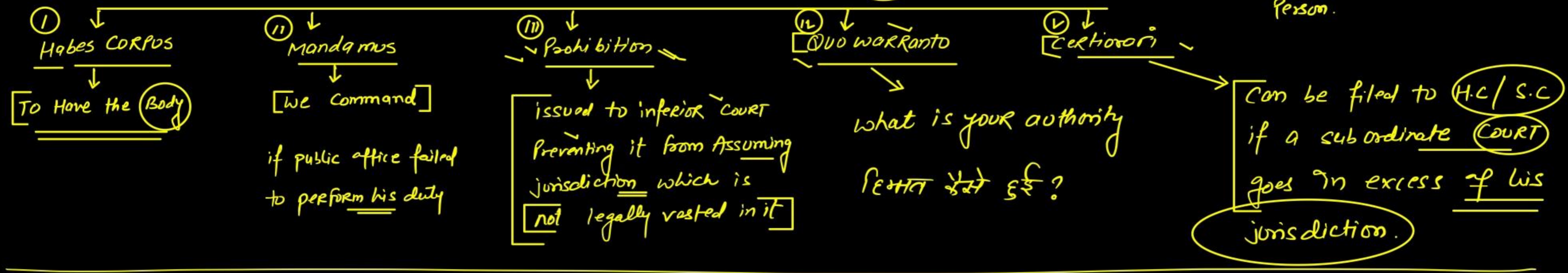
Freedom of Trade Commerce and InterCourse



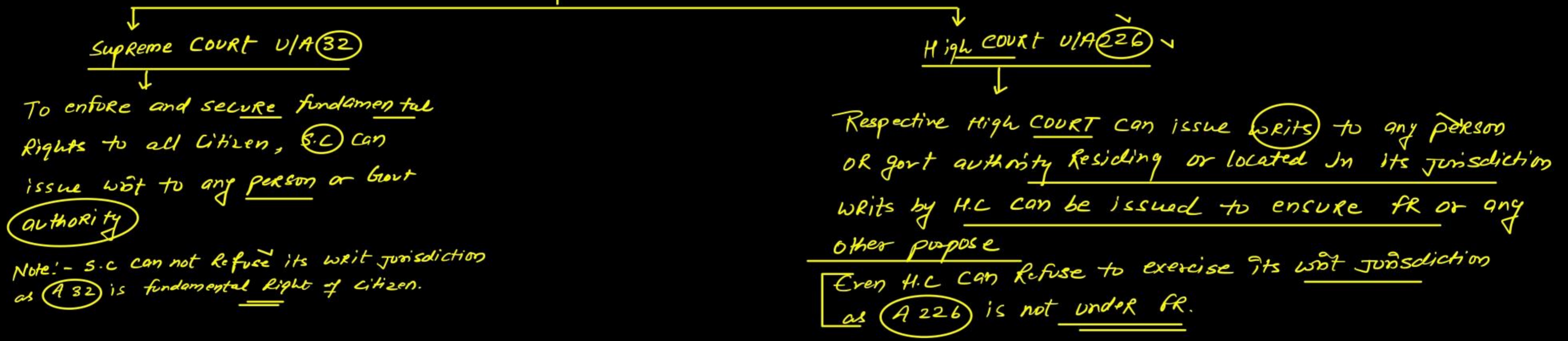
- A 301 → T, C, I through out territory of India is **free** → HOWEVER Tax can be imposed
- A 302 → Restriction can be imposed by Parliament in public interest. → while imposing restriction no discrimination shall be done between states except for scarcity of goods in respective state.
- A 303 → while imposing restriction no discrimination shall be done between states except for scarcity of goods in respective state.
- A 304 → one state legislature can impose Tax on goods received from other states.
- A 305 → Law creating state monopoly shall be valid irrespective of fact that create restriction on freedom of Trade.



TYPE OF WRITS → ORDER by H.C U/A 226 ~ to state or state agency to enforce the fundamental right of any aggrieved person.
S.C U/A 32 ~ (FR)



Judiciary



14-32



If there is any conflict between FR & DP

- State of Madras vs. Champak Ram → FR shall prevail
- As per Harmonious Construction → Importance shall be give to both
- if still Conflict continues → Decide the matter as per existing cases and Amendments made in constitution.

Source of Law

Classification of Definitions of Law

Natural school



what is just & unjust

Law is a command of God and not a command of Political sovereign.

Every person of society including ruler shall abide by the command of God.

"Justice" is the main point of Law.

Law is set of principles applied by the state to administer justice

Law is set of rules imposed by society to ensure proper things & justice

Positivist

John Austin → Law is positive science
Law is aggregate of Rules made by political superior to be imposed on political inferior.
3 main elements of Law are ← Command, Duty, sanction

Kelsen → Law is Normative science
Law is all about "what ought to be"
Law is on the basis of "Ought Norms" instead of "Is Norms"

All the Norms of Law are derived from one basic Norm called as Grund Norm.

Note: → Kelsen theory is "Pure theory of Law"

Historical

Sangny → Law is a matter of organic growth.
Law is found & not made
Law is not universal in Nature
It varies depending on people & use.

Customs ← Precedes Law
Superior to Law

Legislation is last stage of Law making
Bcoz of that Lawyers & judges are more important than Legislatures or law makers.

Sir Henry Maine → Today's Law is of order
Because of 2 notions ← of force

Sociological

Duguit

Law is essentially & exclusively a social fact.

Ihering

Law is a guarantee of good social life assured by sovereign's power to constraint

3 elements

Law is only a mean (resource) to social control

Law is there to serve social Purpose

Law is Coercive in nature

threat or using force

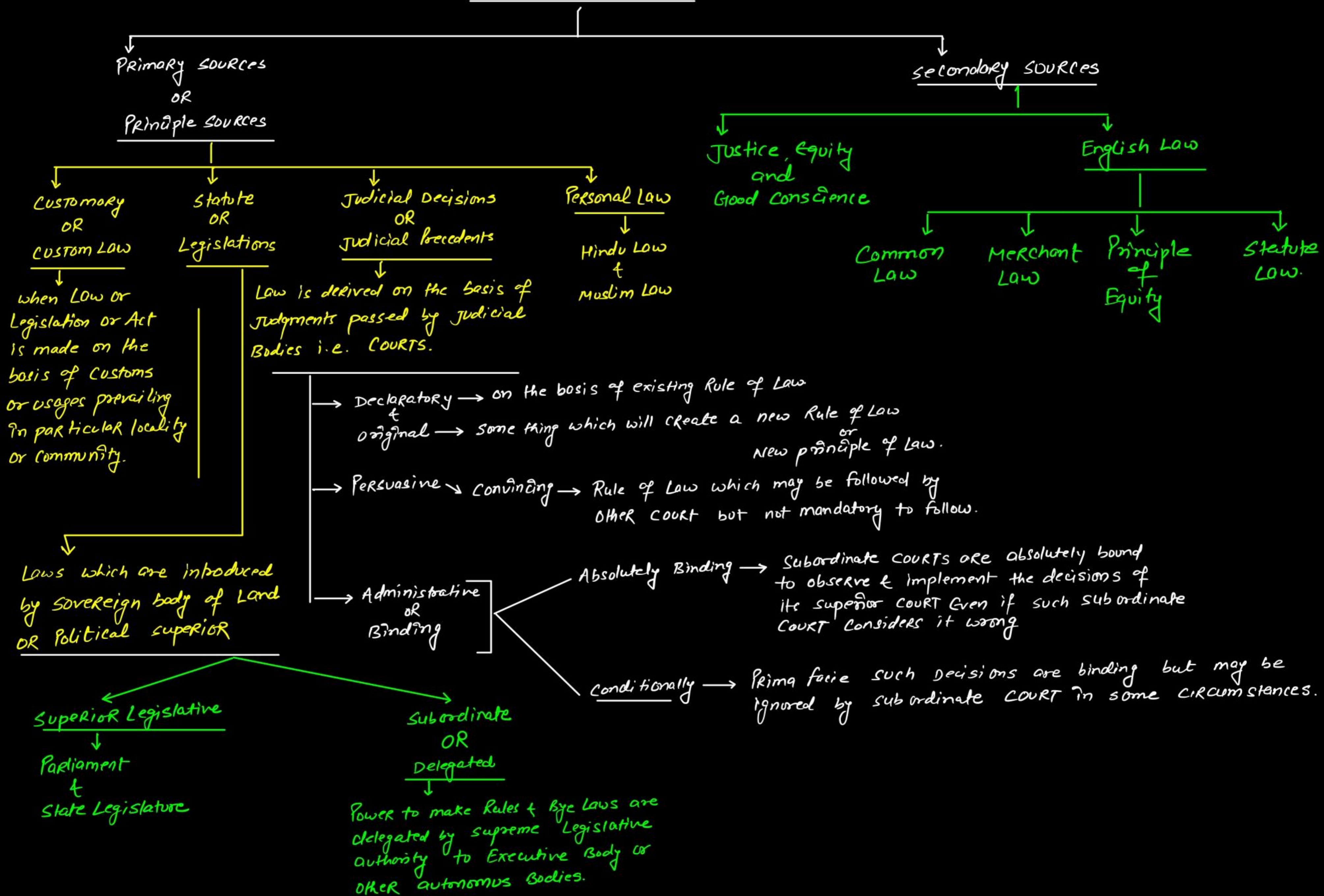
Realistic

Holmes → Law is a statement of circumstances or situations in which in which social equity or justice can be ensured by public force through courts.

Cardozo → Law is a principle or rule of conduct to ensure reasonable certainty & predictability of actions of society by way of courts if required.



Sources of Indian Laws



CUSTOM

Most ancient source of Law
Any thing done again & again becomes Custom.

Classification of CUSTOM

CUSTOM without sanction
OR
Non-obligatory
OR
Positive Morality

Custom with sanction
OR
obligatory customs

Customs which are enforced or made obligatory by state
It can further be divided in **2 categories**

These are the customs which may or may not be followed by us.
Non following of these customs does not create a legal obligation

Legal CUSTOMS

CUSTOMS which are now binding Rules of Law
ARE further of **2 TYPES**

Conventional custom
OR
USAGE

These customs are binding in nature but not because of any legal authority but because of Agreement between the parties.
* Conventional custom shall be binding on fulfilment of following **3 conditions**

Geographical
Personal

Local

General

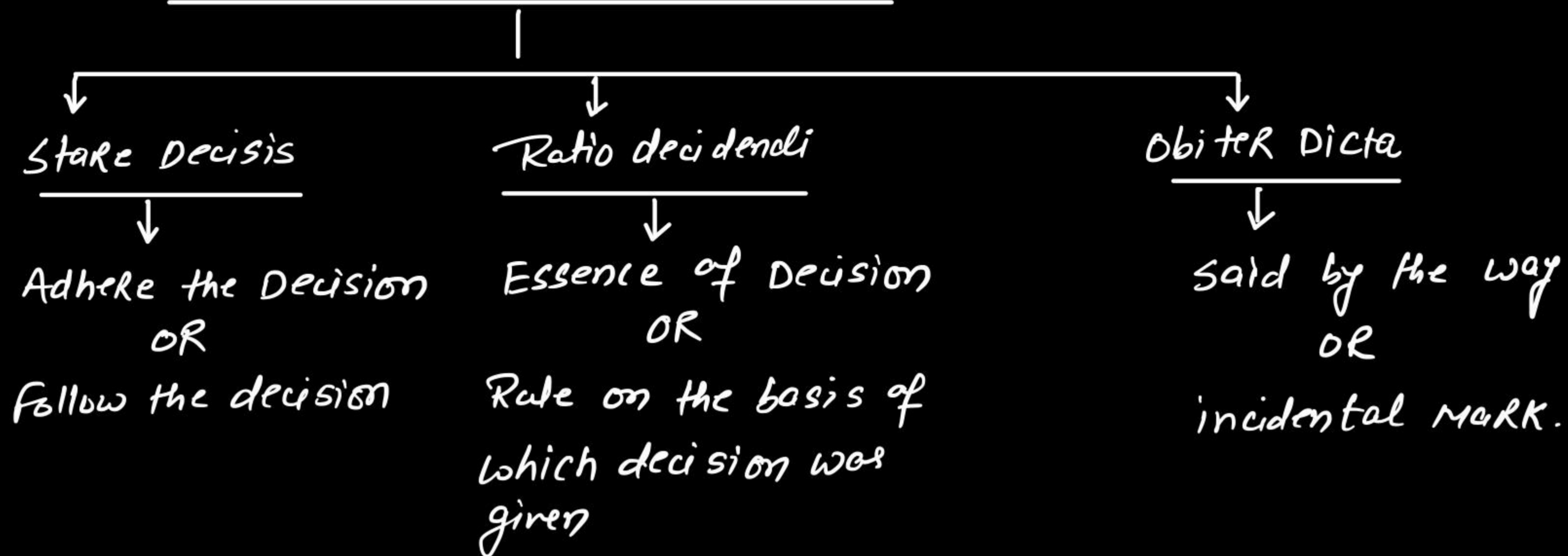
Custom prevailing in particular locality BUT when person of that locality move to another locality along with his customs then his customs will also spread Geographically

Custom prevailing in whole country.

- ① Convention should be fully established.
- ② Such Conventions cannot alter the General Law of country.
- ③ Should be Reasonable



Doctrine Related to Precedents



Definitions

Exhaustive

means

Company → Sec 2(20) of Co. Act 13
means a company registered under Co. Act 2013 or any previous Co. Law.

~~Company Association.~~

means.
 Association
 Registration
 as per
 Co Act.

Inclusive

Includes

Deposits

Sec 2(31)

Body Corporate

2(11)

BC Includes the Co. incorporated outside India.

Excluding

Body Corporate → Sec 2(11)

Includes a company incorporated outside India

But does not include → Exclusive

- ① Co-op. Society registered under Co-op Societies Act. and.
- ② Any other notified body corporate.

Effective Date of Any Legislation OR Enactment OR Amendment

If date is specified

From such date only

if No date is specified

if Act was passed before Constitution

Date on which Assent by General Governor was Received.

Any Act Passed after Constitution

Date on which President gave his consent.

Enactment of Regulation/Law

if any date of enactment is specified

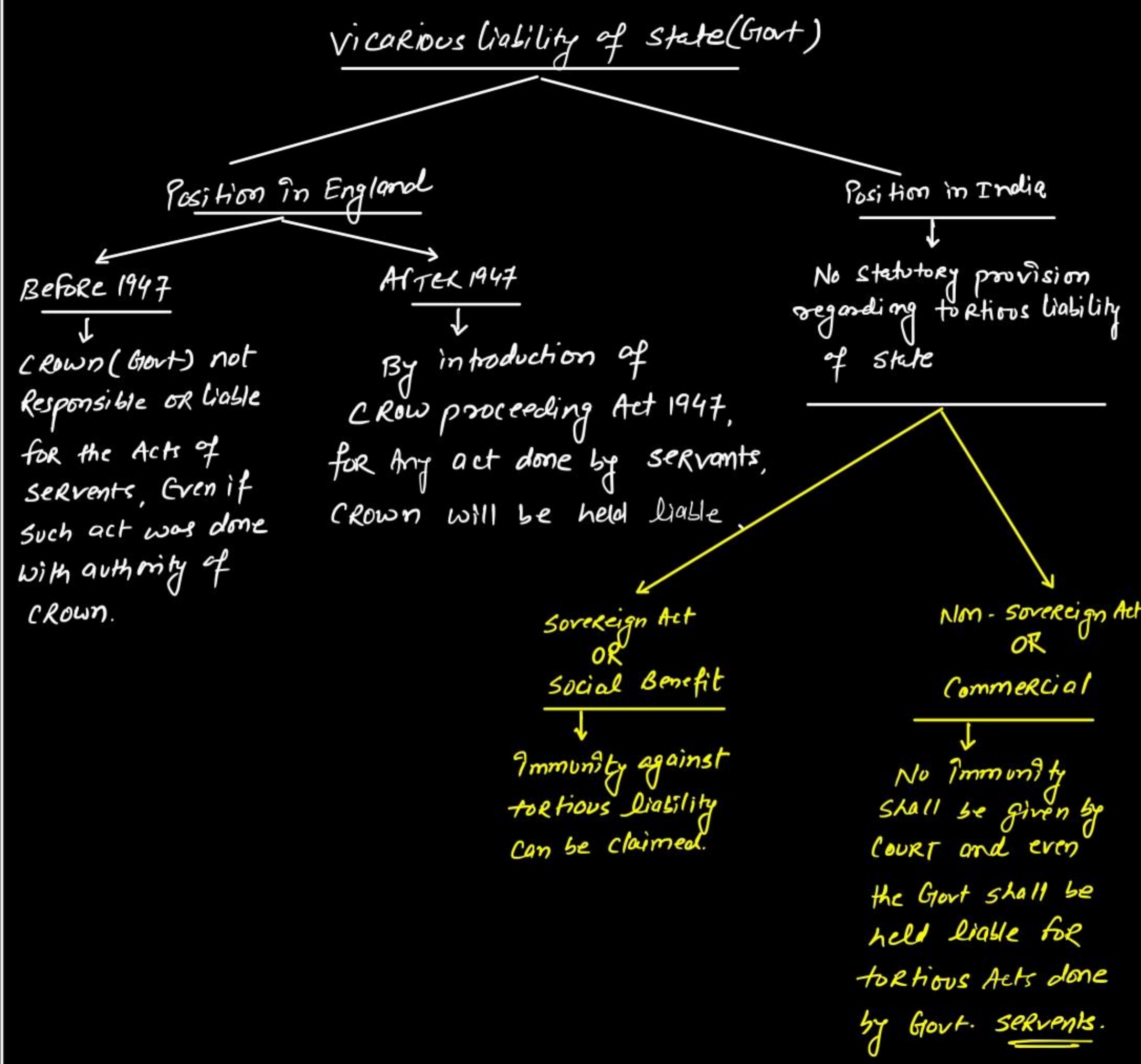
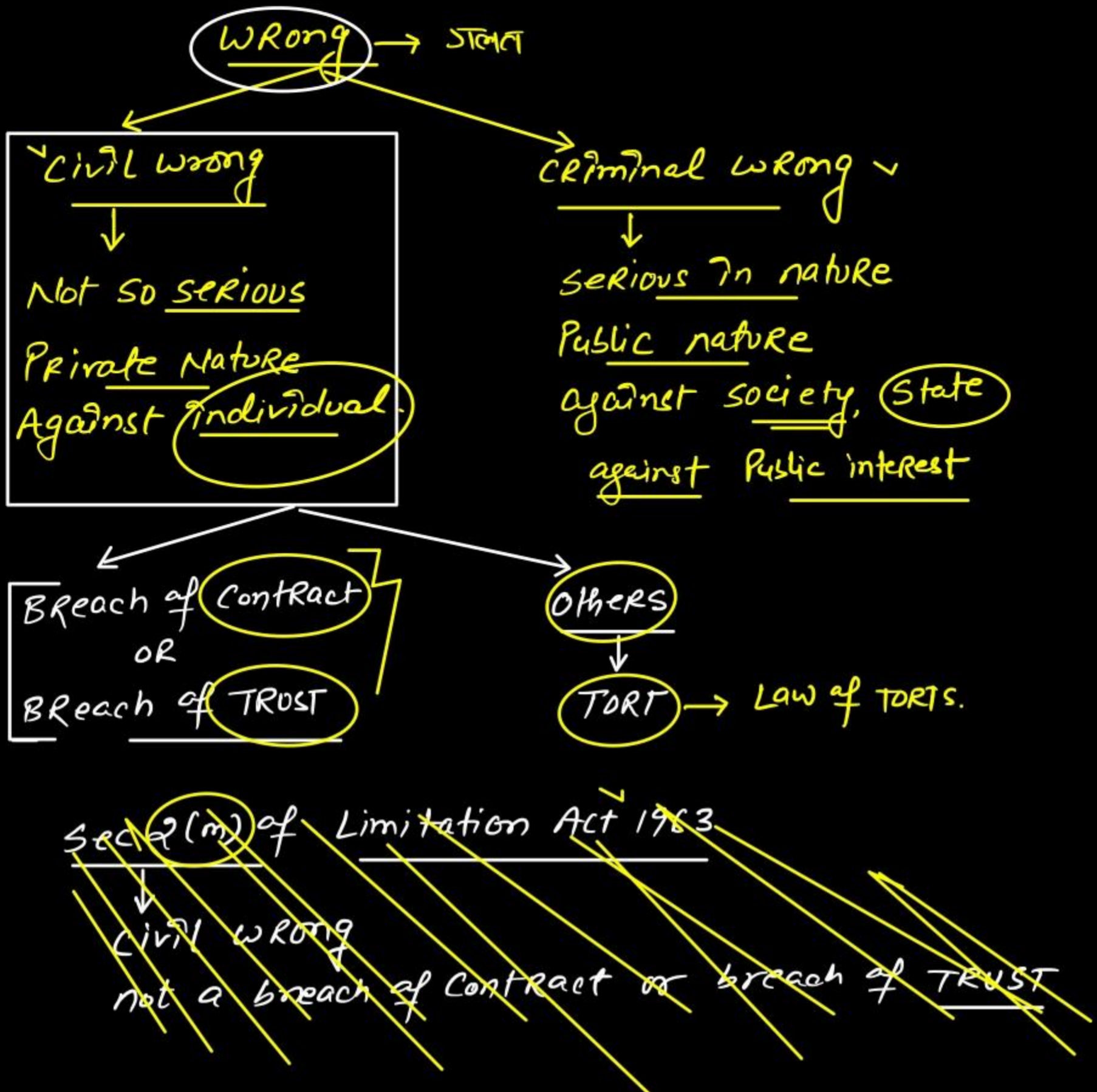
from such specified date

if No such date is specified

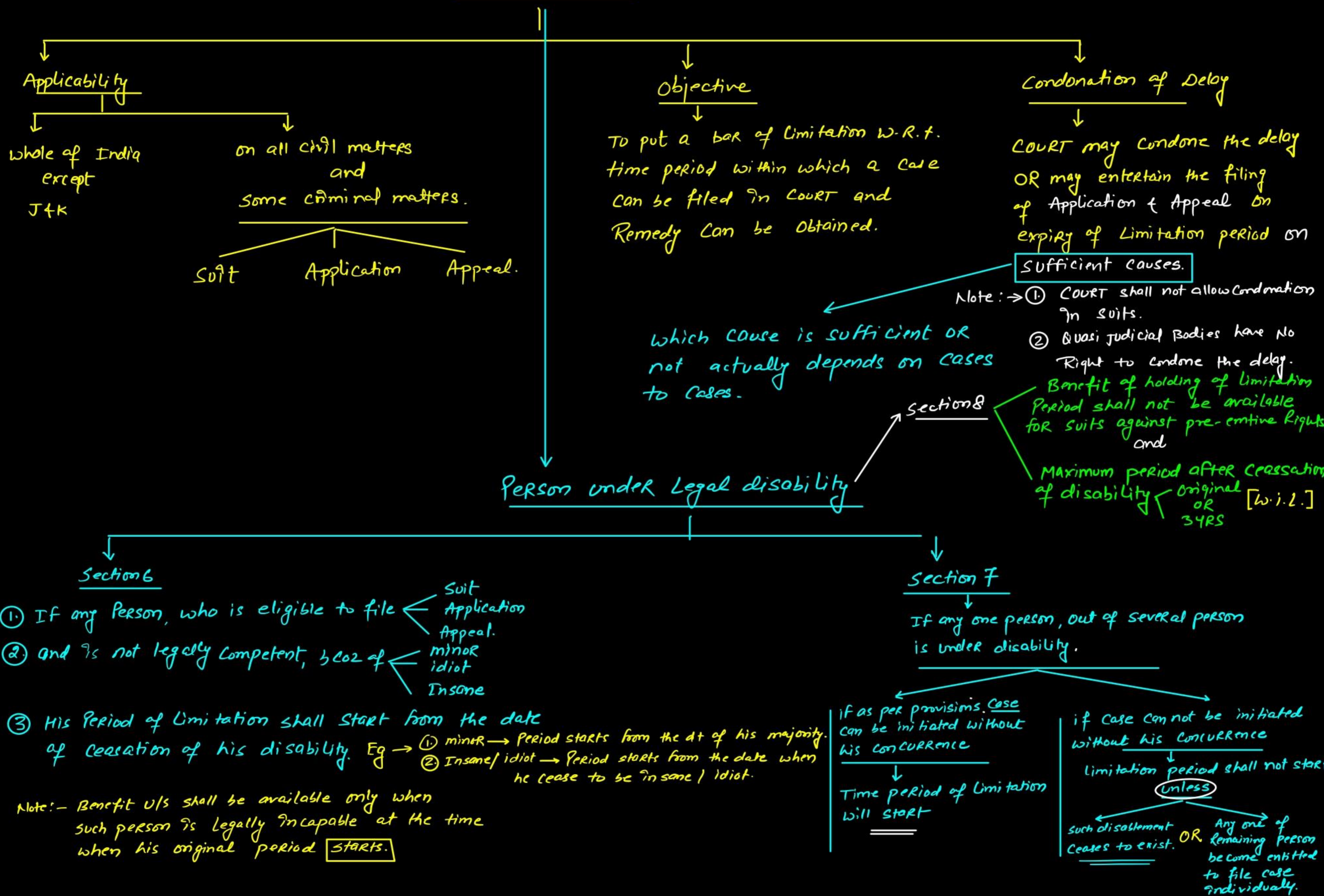
Immediately from end of the day prior to Commencement

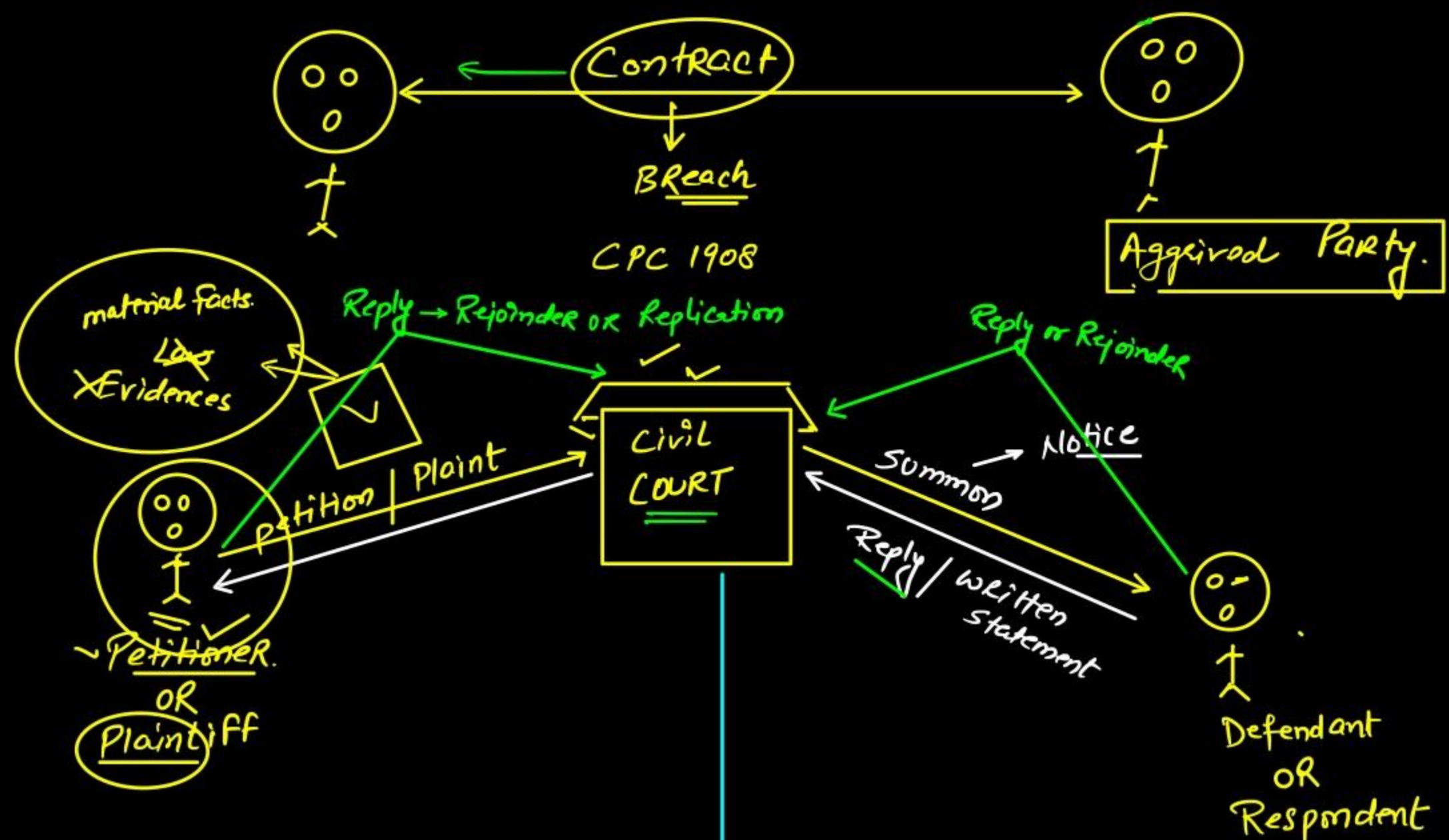
9th Feb. ← 5th Feb 2019





Limitation Act 1963





Plaint
Civil cases.

Com - plaint
Criminal cases.

Decision

Decree = ORDER = Judgement

Statement

Preliminary

Final

Interlocutory OR Interim

Final

Prima facie, generally appeal against decree is allowed unless specifically prohibited.

Prima facie, generally all orders are not appelable in superior court unless specifically prohibited.

Question

of facts

of Law

1st Appeal.

on Que. of facts & law.

Superior CIVIL COURT

Decision

2nd Appeal.

only on Que of Law & not on Que of facts.

High COURT

Chief Justice of HC & other judges.

Supreme COURT

CJI & other judges of S.C.

Appeal to S.C. against ORDER of HC allowed when Que is Que of Law + H.C Certify U/A 134A of Constitution of India. that the Que involve a substantial Que of Law and appealable to Supreme COURT



Declaration

Normal Declaration

Declaration on Oath

→ जो कहेगा सच कहेगा, सच के सिवा कुछ नहीं कहेगा।

OR
Affidavit

ORally Declare

written Declaration

ORAL Affidavit

written Affidavit

- Admission form
- Examination form

60,000/-

Declaration/verification

I do hereby affirm and declare that all the information above mentioned are true & fair as per my knowledge and belief.

Date:-
Place:-

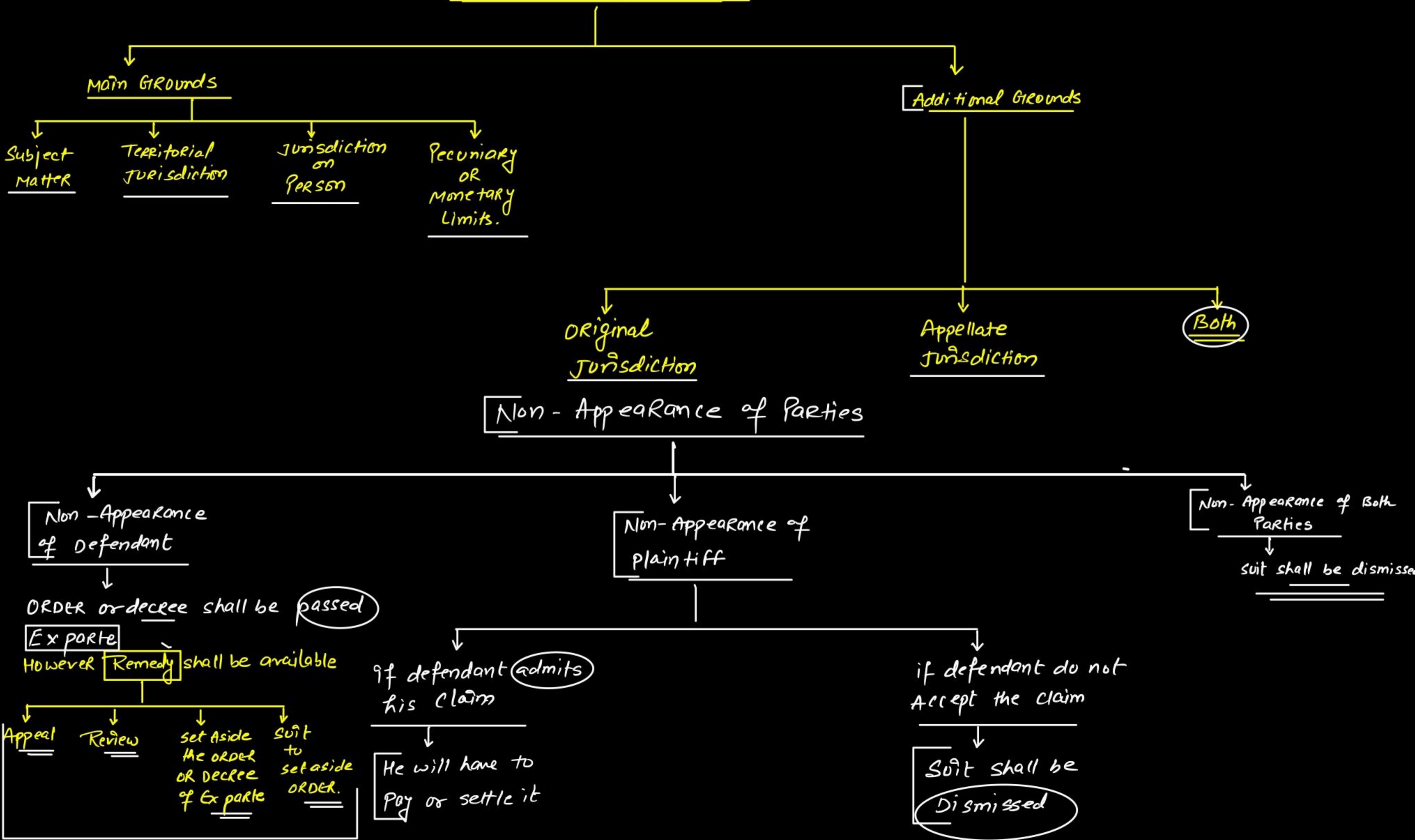
Asit Singh

verbal statement given in front of Magistrate.

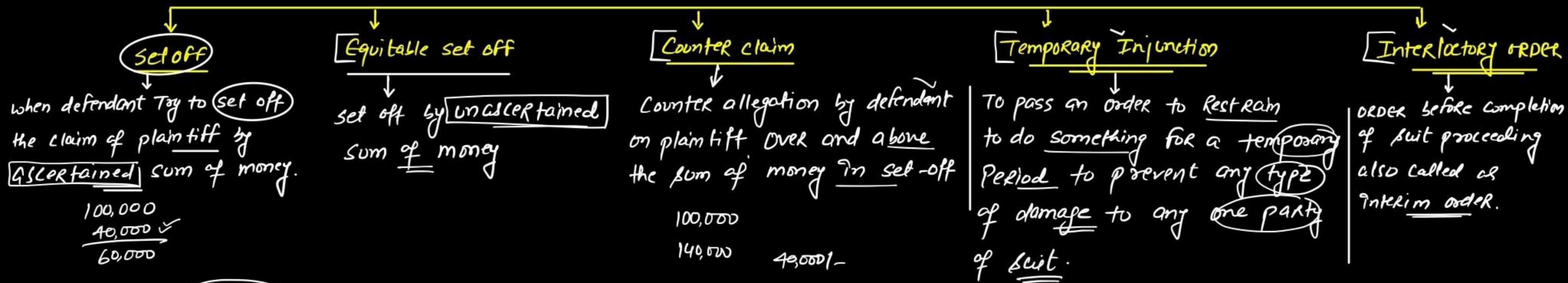
Declaration of facts on Non-judicial Stamp paper.



JURISDICTION OF COURTS



Remedy in civil courts



Affidavit

I, _____ son of _____ R/o _____ do hereby solemnly affirm and declare that:

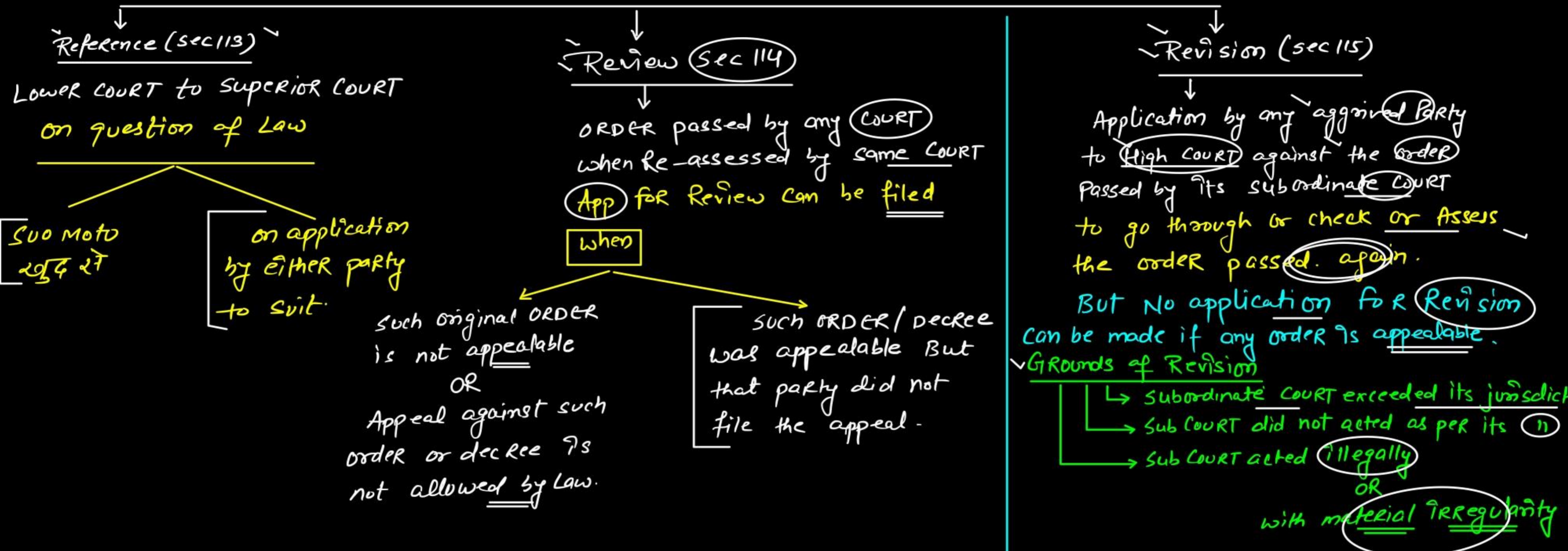
- ① _____
- ② _____
- ③ _____
- ④ _____
- ⑤ _____
- ⑥ _____

sd/-
(Deponent)

Date: _____
Place: _____



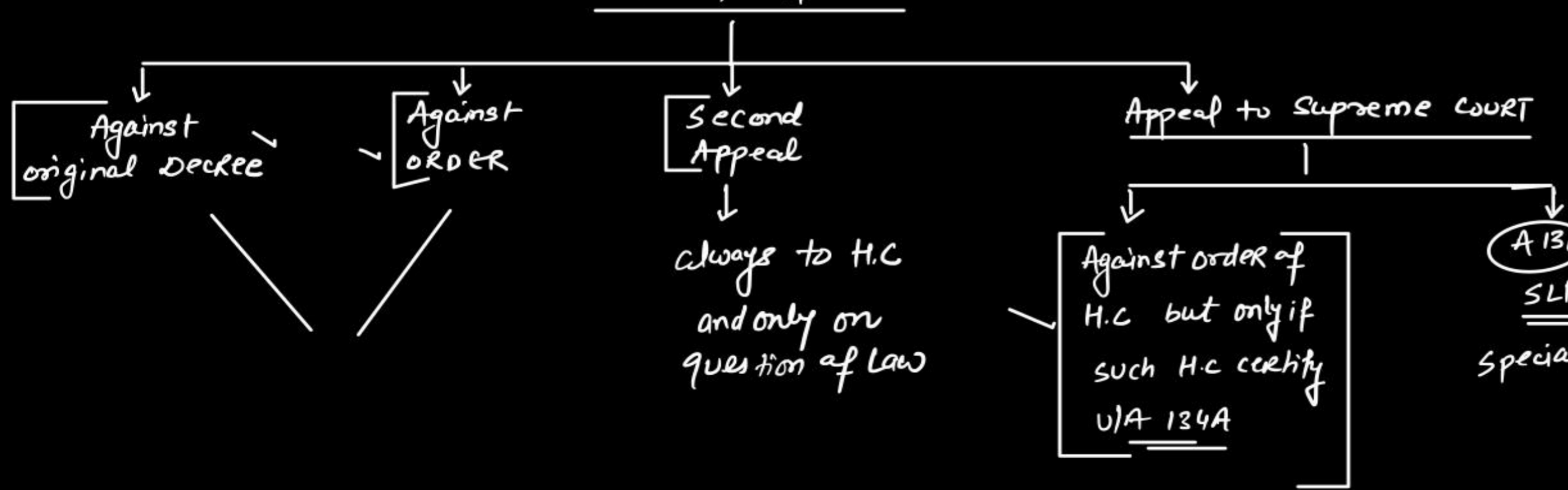
Imp Important Concepts

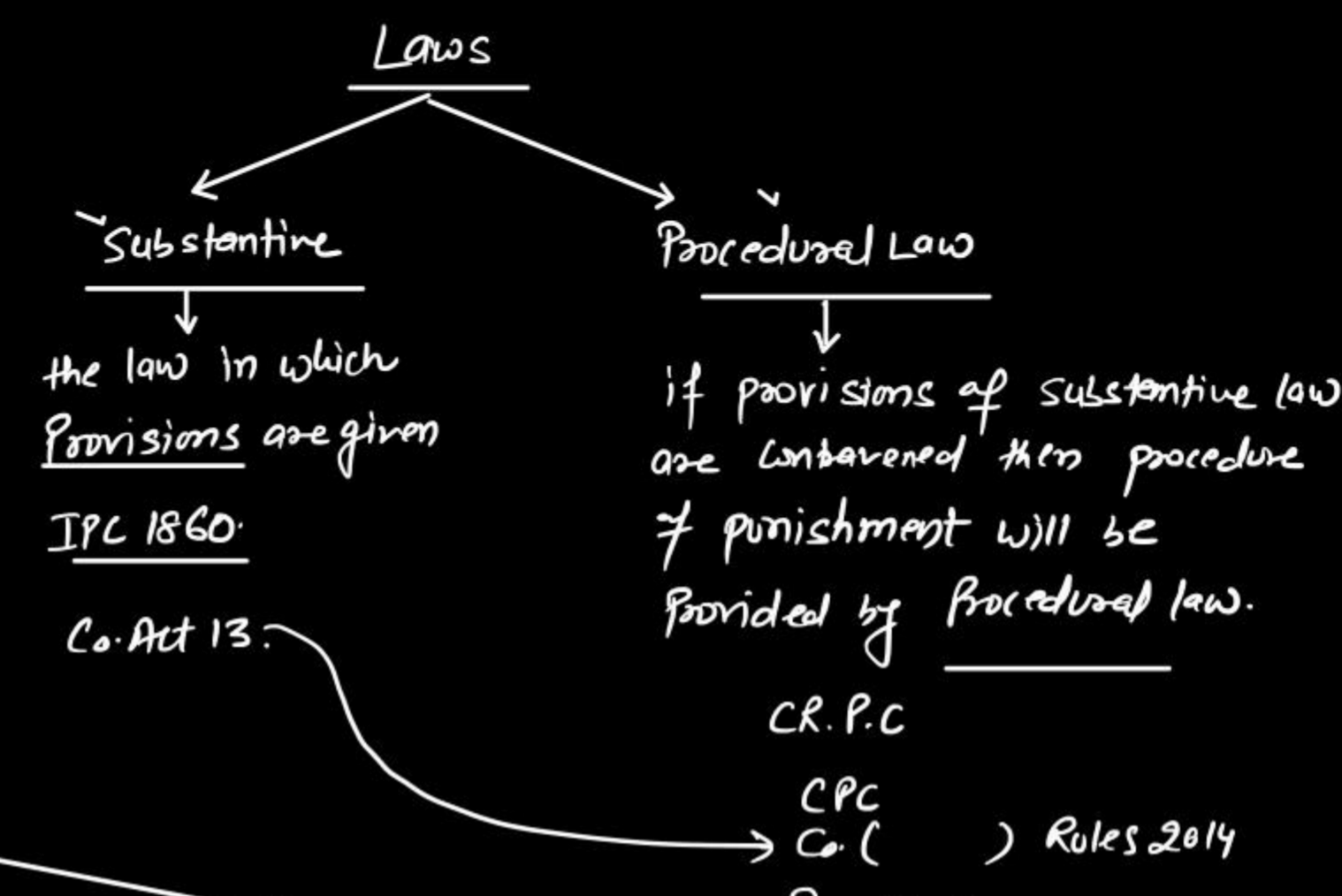
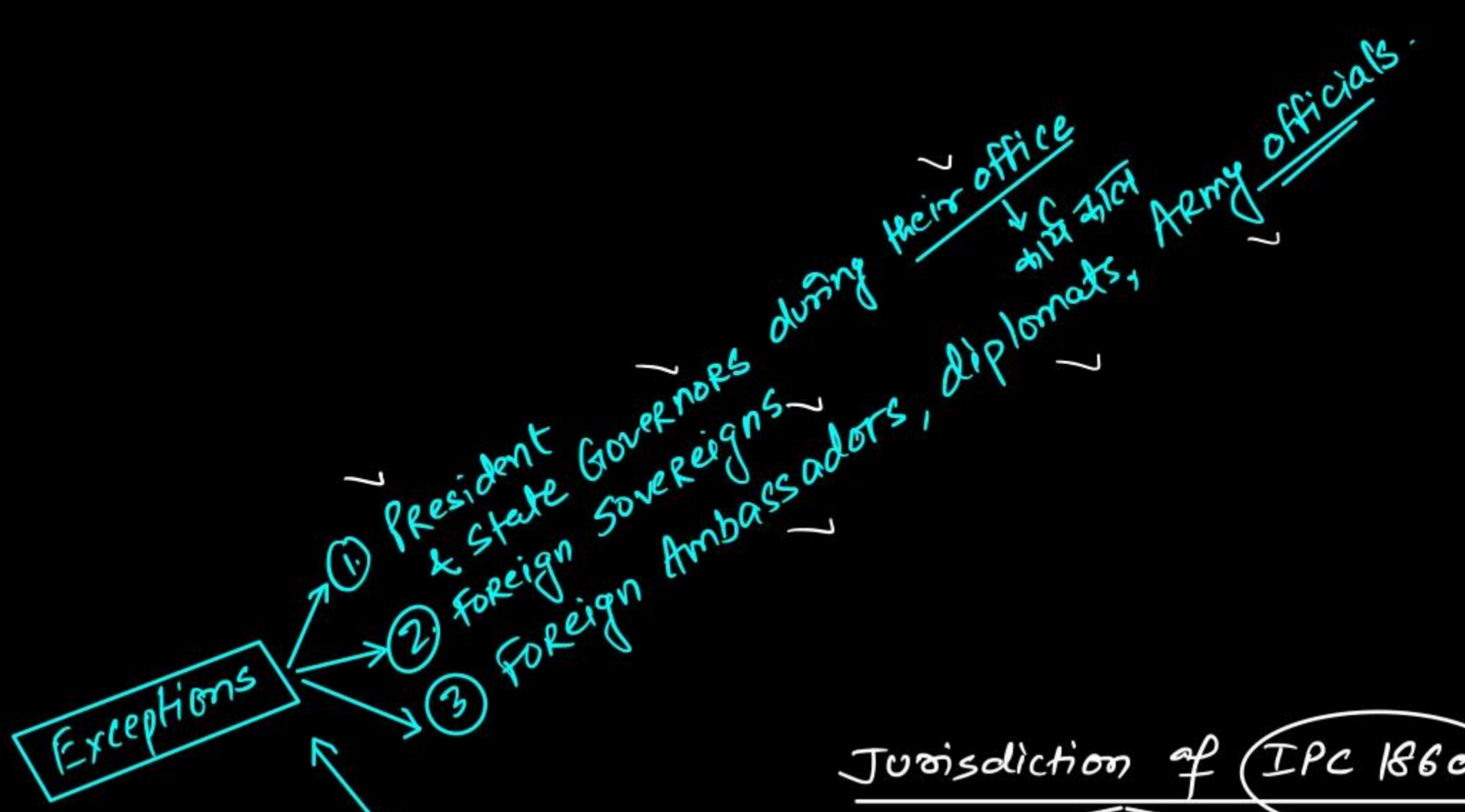


Appeals

- Not a natural or inherent Right. Rather it is a Right provided by prevailing statute or Rule
- Not defined in CPC 1908
- General meaning → To make app to superior court to set aside or Reverse the order passed by subordinate or lower court.

Imp Type of Appeals





Jurisdiction of IPC 1860

Intra-Territorial Jurisdiction

Any criminal offence committed by any person Resident
or
Non Resident within the domestic territory of India shall be punishable as per IPC 1860 by Indian criminal courts.

LOC OR Political Frontier Domestic Territory as per Art of Constitution of India

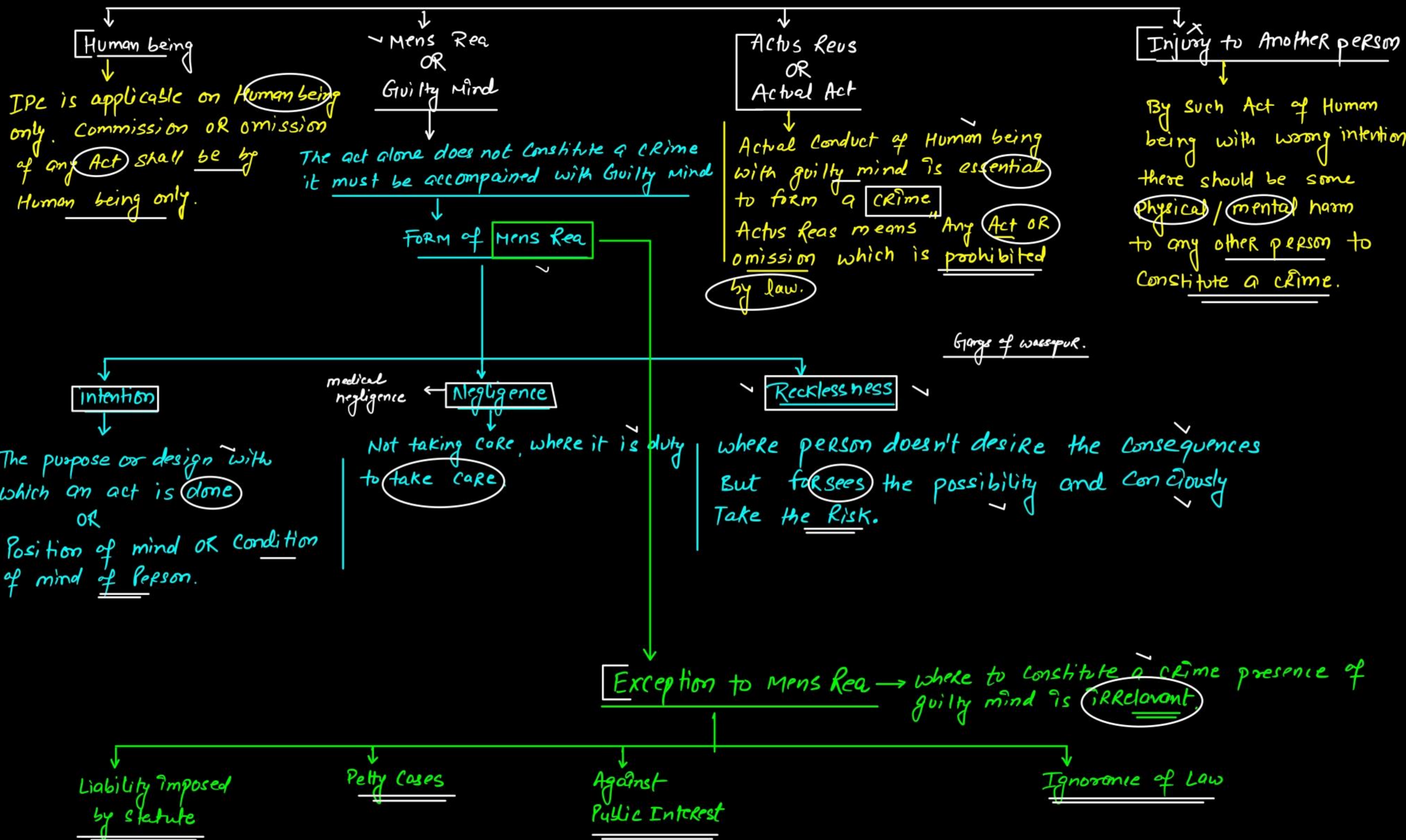
Territorial water
12 NM
1 NM = 1.815 KM

Any ship/Aircraft/vessel of India OR Registered in India situated anywhere

Extra Territorial Jurisdiction

Any criminal offence done by **Indian nationals** anywhere outside India

Imp Elements to constitute a CRIME



STAGES OF CRIME

Criminal Intention

First stage of commission of crime. Conscious exercise of mental faculty of a person. To do an act to achieve some purpose. Normally, only criminal intention is not punishable by law.

Preparation

TO ARRANGE necessary measures to commit a crime. Preparation is not punishable unless it obviously relate to any crime. For Example, Preparation = crime in following cases

Attempt

It is 3rd stage and constitutes crime. It means direct movement towards commission of crime. Such attempt must be related to intended result.

Actual Commission of offence

Last stage of crime. If such thing is done, it will be surely punishable under IPC. Note: → IF the attempt is successful it will be called as crime & shall have severe punishment as compared to punishment against attempt.

for wage war against Govt

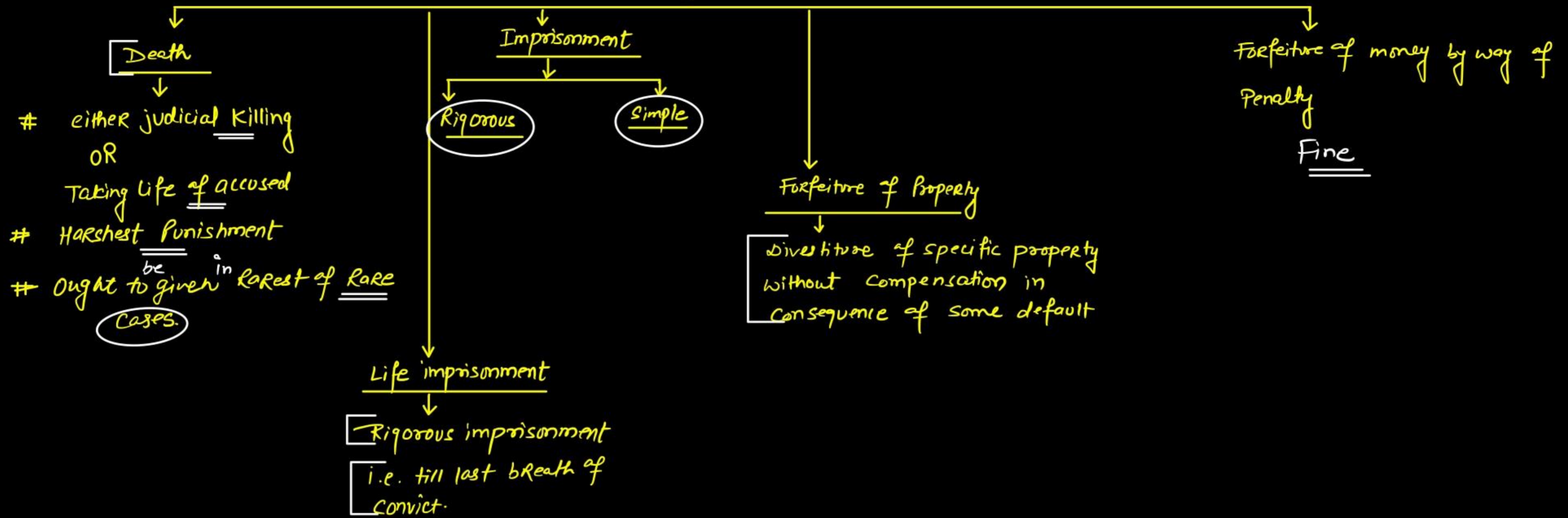
for counterfeiting OR copying coins and Govt stamps

Possession of counterfeited currency OR false weight measurement equipments & forged document

Preparing to commit dacoity.



Punishment under IPC



Criminal Conspiracy Sec 120A-120B

When 2 or more people agree to do or cause to be done -

- ① An illegal Act
- ② A Legal act by illegal means

Dis Honest Misappropriation of Property Sec 403

Shall be punished with imprisonment for a term up to 2 YRS OR with fine OR Both.

Cheating → who ever by deceiving any person fraudulently or dishonestly induces the person so deceived to deliver any property to any person

Forgery → Any false document OR false electronic record OR part of document with intent to cause damage or injury to the public or to any person OR to support any claim or title



Offence → meaning → अपराध
Definition under Cr.P.C. 1973.

means { Any act OR omission } Punishable by any Law for time being in force

and includes any Act against which a complaint has been made as per.
Criminal Trespasser Act 1871

Non-Cognizable

Offences in which Police officer can not take action without prior permission of WARRANT of COURT

* Such offences are bailable offence

Not so serious in Nature (Prima facie)

Allegation of Theft

Cognizable

the offences and cases in which Police officer can take Cognizance (action/arrest) without authority (warrant) of COURT.

Such offences are non-Bailable.

very serious in nature.

Eg: - MURDER, ROBBERY, RAPE.



Difference between Investigation / Inquiry / TRIAL

Investigation	Inquiry	TRIAL.
Done by <u>Police officer</u> OR any other <u>person</u> authorised by <u>magistrate</u> .	Done by <u>magistrate</u>	Done by <u>magistrate</u>
Prior Step	Second Step	<u>3rd Step</u>
<u>X</u>	<u>Wider</u>	<u>NARROWER.</u>
Does not come under <u>Judicial Proceedings.</u>	<u>Comes under judicial Proceedings.</u>	<u>Comes under judicial Proceedings.</u>



Criminal Cases

Warrant Case

Very SERIOUS in nature

Offence which are Punishable with Death sentence (Capital Punishment)

OR
Life Imprisonment

OR
Imprisonment for a period

more than 24RS.

Summon Case

SERIOUS

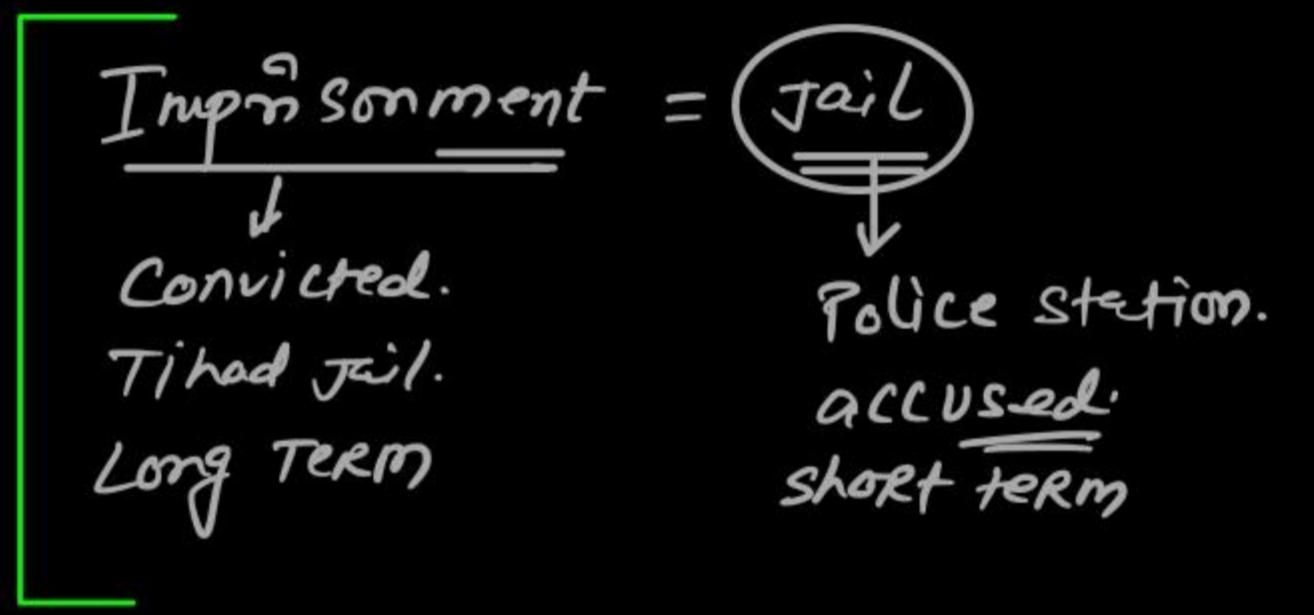
offences which are punishable with Imprisonment up to

24RS.

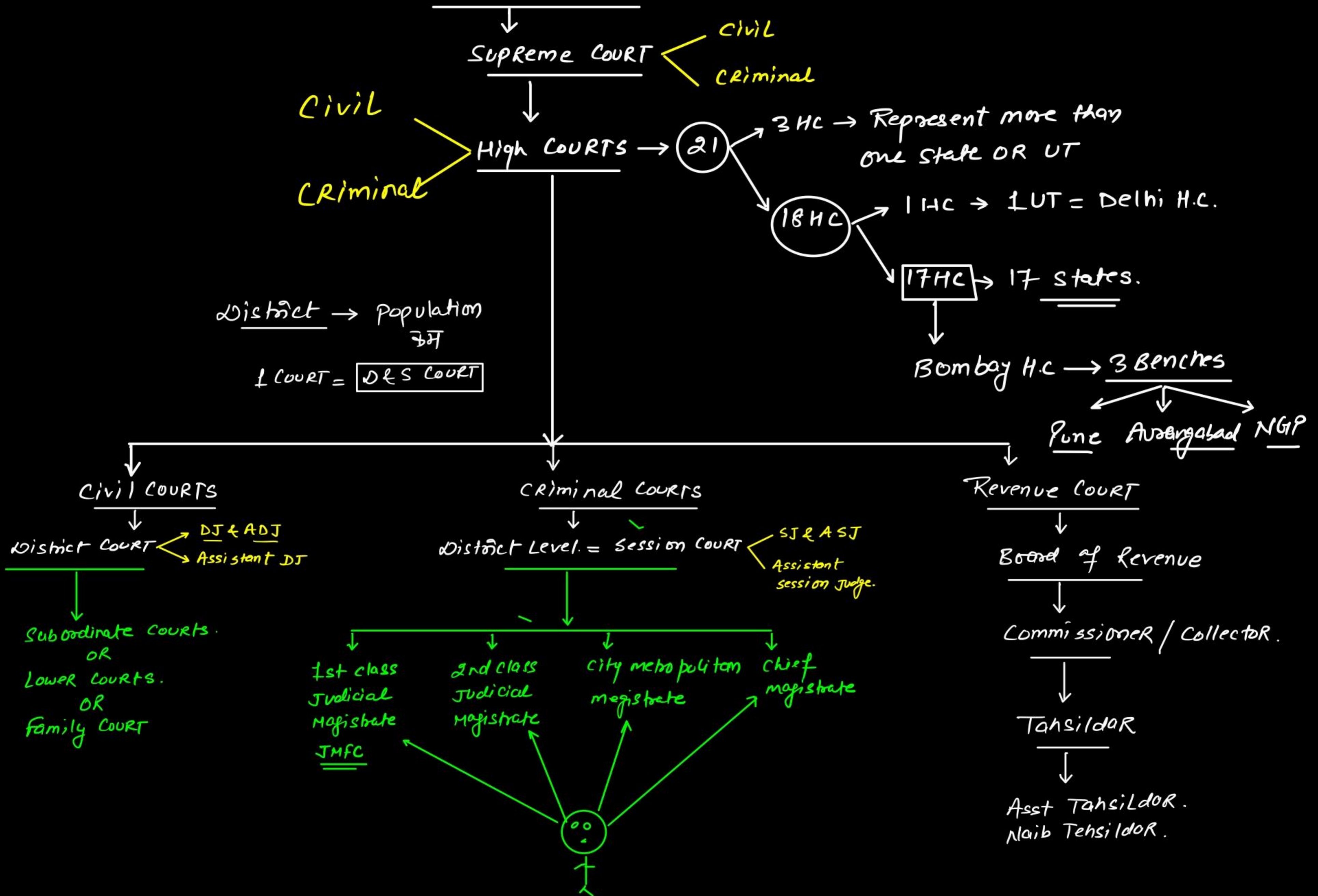
Summary TRIAL

Not so SERIOUS.

offences which are punishable with imprisonment up to 6 months



COURTS In India.



POWER of COURT to TRY cases → dealt by CHAPTER III of CRPC 1908.

depends on type of offence

offence under IPC 1860

can be TRIED

High COURT

Session COURT

Subordinate COURT

Subject to authority given by Sch I of CR. PC.

offence under any other Law for time being in force.

can be TRIED by such COURT, which is authorised by such Act OR LAW

CJM

Any sentence of fine / Impsionment up to 7 YRS

JMFC
CITY MM

Imp upto 3 YRS
OR 10K.
fine up to ~~10000~~
OR Both

JMSC

Impsionment up to 1 YR
OR fine up to 5K
OR Both.

Chief MM

Power same as of CJM & JMFC

can also pass any sentence as provided in LAW

But

To pass a death sentence prior approval of H.C will be Required.

Power of Assistant session Judge

may pass any sentence authorised by LAW

But except

- * death sentence
- * Life Impsionment
- * Impsionment > 10 YRS.

may pass any sentence authorised by Law including death, Life Impsionment, Impsionment for any term, fine



Period of Custody

Arrest without warrant

Arrest with warrant

PO can detain such person in his custody only for max 24 HRS. and within such 24 HRS. such offender shall be presented before appropriate Magistrate → who after proper inquiry may ORDER his further detention for not more than 15 days.

OR

Such offender may be presented before Magistrate who may try his case and he may send such person in police Remand (Custody) for $> 15 \text{ days} < \underline{\underline{60 \text{ days}}}$.



A person can be compelled
to appear by

Summon *sec 61*

warrant *sec 70*

Person to whom
Summon can be Issued

Accused
Witness

Purpose

- # Appearance
- # Produce docs & things.

Important to Note

- Summon shall be
- # In writing in form I of 2nd schedule of CrPC
- # In duplicate
- # Signed by Presiding officer OR authorised COURT
- # Shall bear seal of COURT
- # Should be clear without any ambiguity

Regarding

Title of
COURT

Day, date, time
and place
of attendance

Service of Summon → Individual.

- # Shall be served by PO/CO/other Public servant.
- # If Personal service cannot be done, then as Extended service, one of duplicate copy can be served to any ADULT male family member Residing with him
- # If it cannot be served even by extended services, by affixing the copy of summon on some conspicuous part of residence and after Enquiry COURT may either declare that summon has been delivered OR may ORDER FRESH service.

Body Corporate

Either by delivering it to officer
OR by sending by R.P. to Chief officer
in India.

Govt servant

shall be sent to Head office who will
serve it to concerned GIS as per sec 62.



WARRANT OF ARREST



Warrant shall be

- # In writing in form 2 of 2nd schedule of CrPC
- # signed by Presiding officer OR authorised court
- # shall bear seal of COURT
- # It shall remain in force
 - until it is cancelled by court
 - OR
 - until it is executed.
- # It must bear the details of Person authorised to Arrest and the person to be arrested.
- # It must state the offence charged.



Remedy, if warrant remains unexecuted

↓
Issue Proclamation

↓
IF COURT believes that person absconded
OR conceals himself to avoid execution
of warrant

Then
COURT may issue Proclamation → Public Announcement

to appear at specified place and specified time

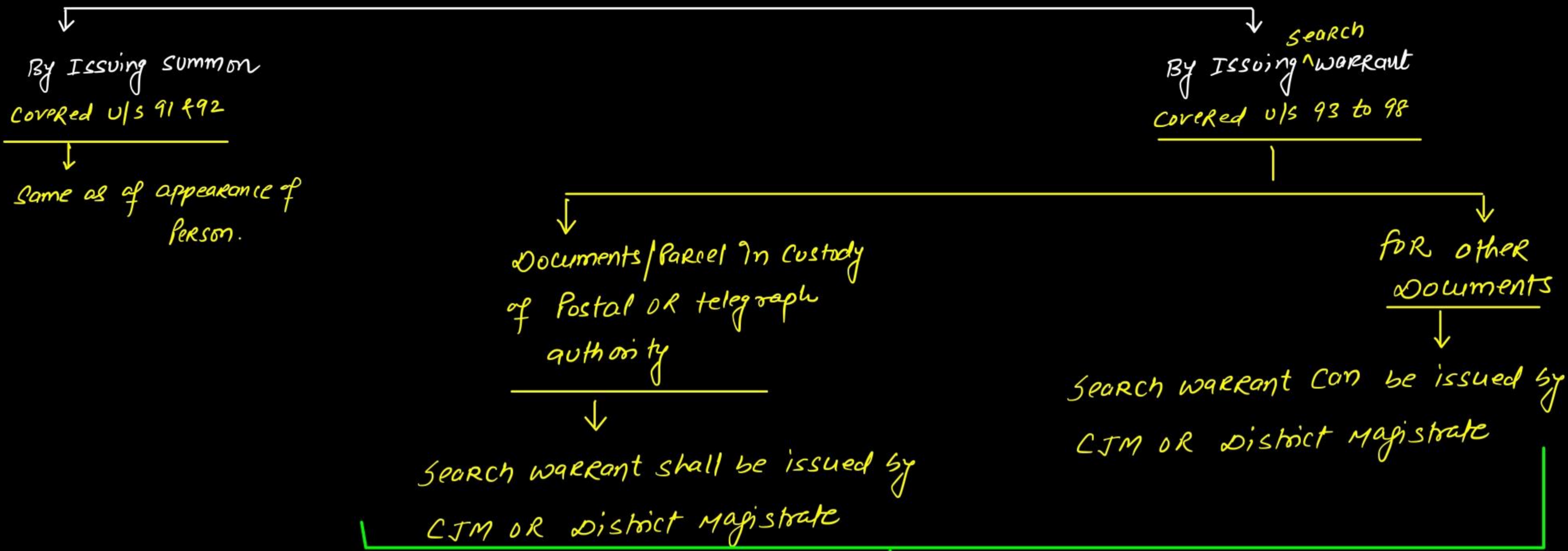
↓
Not beyond 30 days from
date of proclamation

↓
Can attach and Sale
Property.

↓
Here the object is not Punish him
but to Compel his appearance



For Production of any document / thing



But can be issued in following cases

- # Where COURT believes that he will not produce it.
- # Where possession of document is not known to COURT
- # Where it is necessary to search.

Time Limitation to take Action

unless otherwise provided in Cr. P.C
Any COURT may take action
against offender **within**

6 months

when offence is punishable
with **Fine only**

within one year

when offence is punishable
with imprisonment **up to 1 yr**

within 3 yrs

when offence punishable
for imprisonment
between 1 yr to 3 yrs

From the date of commission of offence.

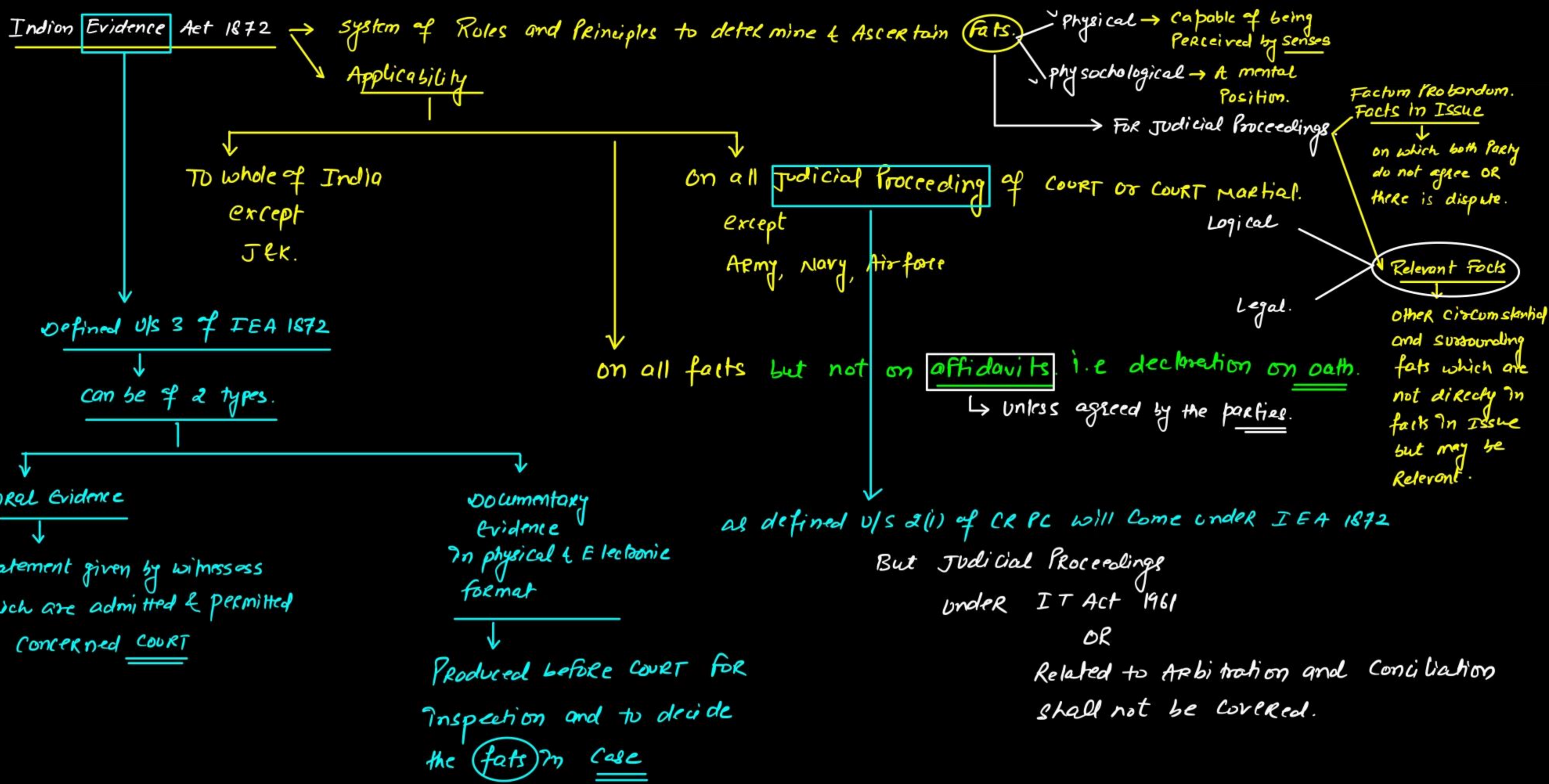
if on such date, such offence is not known
to aggrieved party OR Police officer

from the date on which it is
known to any of them.

from the date on which identity of
offender is known to any of them.

if on date of such knowledge
identity of offender is not known

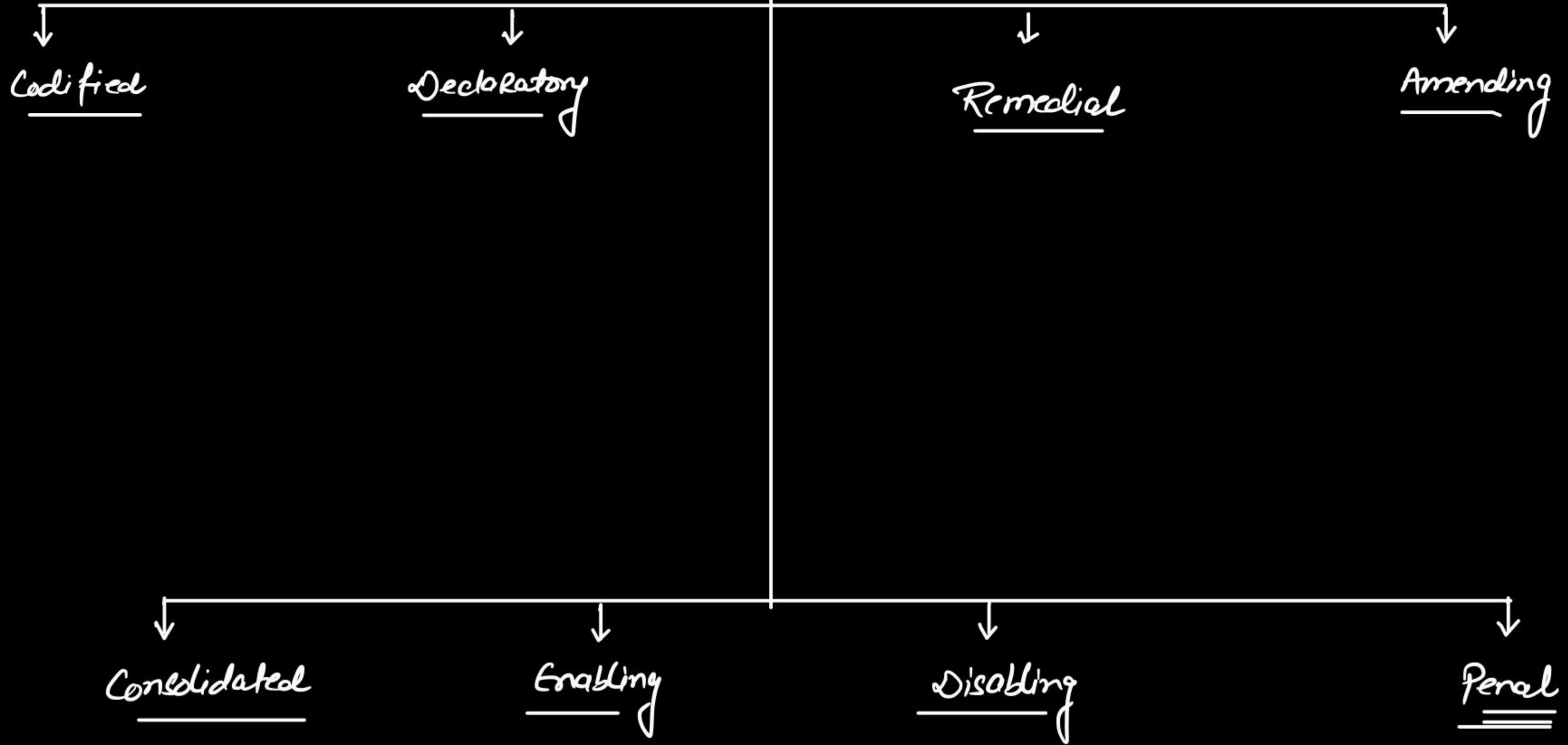




Note! - Role of Evidence in civil cases and criminal cases are similar but a strong difference is that in civil cases, COURT may be lenient in admitting any evidence whereas in criminal proceeding there should be higher degree of Assurance OR Credability OR Reliability of Evidences Submitted



classes of statute (विधेय)



Sources of Admin Law

↓
Constitution of India

↓
Primary Source

A73 → Confer powers on Union

A62 → Confer power on states

To make laws.

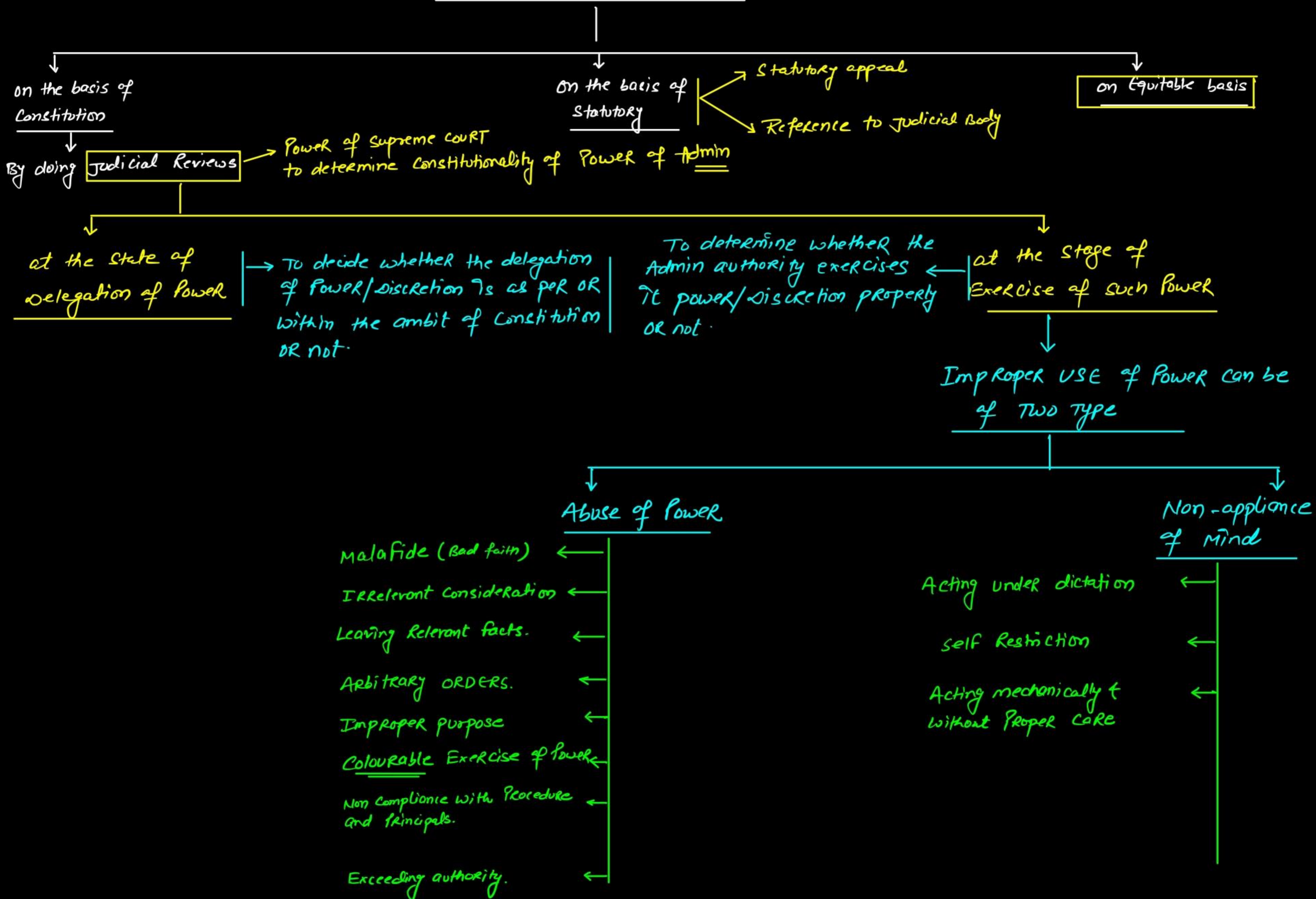
↓
Other statutes/
Acts.

↓
Ordinance
Notification
Circular

↓
Judicial Decision



Judicial Control over Admin Power



Judicial Control on Admin Power
by ordinary or equitable method

Injunction → फ्रेट्टी नो अडमिन् पावर नो मिसेज करे अरे
अतः अडमिन् authority नो beyond लाउने अरे
रहेगा।

Declaratory Action

Action for Damage

A right of aggrieved party is declared.
with out any further Relief.
declaration of right is at option of Court

Court may order to pay
Compensation to aggrieved Party.

Types of Injunction

Prohibitory

Forbid the Govt servant from doing
wrongful Act
OR
Prevent the Govt servant to harm right
of Petitioner

Mandatory

can be in form of a command or order
to do a particular act or not to do
OR restore the things in its original manner.

Type of Prohibitory Injunction

Temporary
OR
Interlocutory

Continue for a specific period.
Temporary/Provisional in nature
Does not create a right of Party
Governed by CPC 1908
Can be ordered at any stage of suit

Perpetual

Part of final order or decision
defines right of aggrieved party
may not be for a perpetual period.
Rather it may be for a fixed period.
OR may be dependant on satisfaction
of some conditions



