

# **SYLLABUS FOR THE POST OF PROBATION OFFICER/CHILD WELFARE OFFICER**

## **CONSTITUTIONAL LAW:**

Salient features of Indian Constitution. Parliamentary form of Government. President of India- Election, Qualifications, Impeachment, Position, Powers and Privileges. Cabinet System, Collective responsibility-Individual responsibility, President-Prime Minister relationship. Principles Distribution of Legislative Powers (Art. 245, 246 & 254) Failure of Constitutional Machinery (Art. 356) J&K Special Status (Art. 370) Constitutional Amendments – Methods and limitation (Art. 368) Freedom of Trade and CommerceRegulatory and Compensatory measures (Articles 301-304). Articles 141 and 143. Appointment and impeachment of the Judges of the High Courts and Supreme Court. Services under the Constitution- Doctrine of Pleasure (Art. 310), Restrictions (Art. 311) Fundamental Rights (Articles 14-16, 19-22 and 25-30). Constitutional remedies. Writ Jurisdiction x Scope of Article 32 Scope of Article 226 Directive Principles of State Policy; Relationship between Directive Principles and Fundamental Rights. Emergency Provisions: Arts 352 to 354, 358 and 359.

## **ADMINISTRATIVE LAW:**

Classification of Administrative Action: Definition of administrative actions. Need for classification Identification of legislative action Identification of quasi-judicial and administrative actions. Legislative powers of administration. Necessity for delegation of legislative powers and its constitutional validity. Principles of Natural Justice: (a) No man shall be judge in his own cause. (b) No man shall be condemned unheard. Administrative Discretion x Need for Administrative Discretion Administrative Discretion and rule of law x Need for safeguards. Doctrine of Excessive Delegation of Discretion Constitutionality of discretionary powers Administrative discrimination and arbitrariness De tournament De preuvoir Malafide exercise of discretion Improper purpose Irrelevant considerations Unreasonableness Non-exercise of discretionary powers Liability of the Government Statutory- immunity Act of State Contractual liability of Government Government privileges in legal proceedings Public accountability Ombudsman Vigilance Commission.

## **Labour Laws**

Definition of Trade Union and the right to form the Trade Union. Legal Control and Protection of Trade Union: Registration, amalgamation, rights, immunities, liabilities and dissolution. Trade Union Funds. Collective bargaining. Strikes, lock-outs, lay off and retrenchment. Transfer and closure. Unfair labour practices. Disciplinary proceedings. Labour welfare: concept, classification and importance. Obligations of employer for health, safety and welfare. Working hours of adults and Annual Leave with wages. Employment of young persons: prohibition of employment of children, regulation of employment of young persons. Concept of minimum wage, fair wage,

living wage and need based minimum wage. Procedure for fixation and revision of minimum wages. Components of wages: dearness allowance, principle of fixation. Definition of wage under Payment of Wages Act, 1936 and responsibility for payment of wages. Concept of employer, workmen, dependent, disablement. Workmen's compensation: employer's liability for compensation, amount and distribution of compensation. Employee's State Insurance: benefits, ESI fund and contribution.

## **CRIMINAL LAW**

Indian Penal Code: General defences (Sections 76-106); Group liability (Sections 34 & 149); Unlawful Assembly, Rioting and Affray; Abetment; Criminal Conspiracy; Criminal Attempt; Offences against body (Sections 299-304, 319-326, 339-343, 349-353 and 359-363); Offences against property (Sections 378, 379, 383, 384, 390-392, 395, 405, 415-417, 425 and 426).

## **JURISPRUDENCE**

Meaning and scope of Jurisprudence; Nature and definition of "Law"; Schools of Law (Analytical positivism, Natural Law, Historical School and Sociological School); Sources of Law (Legislation, precedents, customs and juristic writings); Rights and duties- concept and co-relationship); Concept of person, Ownership and Possession.

## **INTERNATIONAL LAW AND HUMAN RIGHTS**

Origin, Development, Definition, Nature and Theories of International Law; Its relation with Municipal Law. Sources of International Law, Custom. Treaties. General Principles of Law and writings. Subjects of International Law: State including Recognition of States; Individuals and peoples; International Organizations. Jurisdiction of States: Territorial, Personal and Universal. Extradition and Asylum. Law of State Responsibility. Peaceful Settlement of Disputes including settlement by ICJ. <sup>3</sup>/<sub>4</sub> Use of Forces under International Law. Human Rights: Origin, development and nature of Human Rights; International Bill of Human Rights; Regional Systems of Human Rights Law; Protection of Human Rights Act and International Humanitarian Law.

## **ENVIRONMENTAL LAW**

Environmental Pollution: Meaning and issues. Constitutional provisions-Art. 14, 19(1)(g), 21, 48A & 51A, right to wholesome environment evolution and application. PIL and protection of Environment. Water and Air Pollution Control Acts: x Standards, CPCB and SPCB, Consent Mechanism, Control Areas and Restraint Orders Citizen Suit and Access to Environmental Information Corporate and Governmental Liability for Environmental Offences Environmental Protection Act, 1986 and other environmental legislations International Environmental Law and Norms: Stockholm

Declaration, Global Warming and Ozone Conventions Sustainable development, Public Trust Doctrine x Precautionary Principle, Polluter Pays Principle Local Environmental Laws and Problems in J&K: Forest Act, 1930, J&K Wildlife Protection Act, JEK Forest (Conservation) Act (Summary of the provisions with special emphasis on Forest Dwellers and Forests, medicinal plants and related traditional knowledge) Protection of Biodiversity in J&K- Local Laws and Central Acts- Forest (Protection) Force Act Preservation and protection of lakes and waterways in J&K- Existing related laws and future needs.

### **CHILD PROTECTION ACT AND LAWS-**

Understanding Child and Childhood, Child Rights, Policy and Legislative Framework for Child Protection. Basic Skills of Working with Children, Child Protection, Juvenile Justice System in India, Facilitating Groups and Community Participation, Approaches and Interventions for Child Protection, Working with Children, Families and other Stakeholders, Children and Law , Competencies for Personal and Professional Effectiveness, Vulnerability Assessment and Convergence of Service Delivery Mechanisms for Children in Need of Care and Protection, Laws, Legislations and Linkages for Child Protection, Life Skills Education and Arts Based Work with Children, Vulnerability Assessment and Convergence of Service Delivery Mechanisms for Children in Conflict with Law and Children Involved in Substance Abuse, Tools for Advocacy on Child Protection