PREFACE

The concept of State has undergone a drastic change in recent years. To-day the State cannot be viewed simply as a coercive machinery. It has to be treated now mainly as a service entity. And Part IV of the Constitution of India, dealing with the Directive principles of State Policy, particularly provides the glimpses of the services which the State is expected to render for the welfare of the people.

With the advent of the welfare State the functions of the government multiplied and consequently, the framework of administration became increasingly inadequate to handle the new tasks which were often of a specialised and highly technical character. At the same time bureaucracy came under a cloud. The distrust of government by the civil service was perhaps a powerful factor in the development of a policy of public administration through separate corporations intended to operate primarily on business principles. Public corporations have, therefore, become "a third arm of the government". Yet they are organs of public administration, and as such they are instruments of public policy as much as the government departments under the direct control of the ministers.

The motivation for the creation of public corporation naturally plays much larger part in underdeveloped and poor
countries than in industrially advanced countries. This accounts for the emergence of public corporations and the present significance of public enterprise carried on by them. The Government of India Resolution on Industrial Policy, April 6, 1948, stated, among other things, that "management of State enterprise will as a rule be through the medium of public corporation under the statutory control of the Central Government who will assume such powers as may be necessary to ensure this". The Industrial Policy Resolution of 1956, stated: "Accordingly, the State will progressively assume a predominant and direct responsibility for setting up new industrial undertakings and for developing transport facilities. It will also undertake state trading on an increasing scale".

Thus the public corporation has now become a common feature of modern political life and is widely reckoned to be the most suitable vehicle for public undertakings. However, a powerful corporation possessing monopolistic powers conferred by statute should be subject to some form of control. In India, the different forms of control to which the public corporations may be subject to, are: parliamentary control, control by the public, governmental control and judicial control. These forms of control are considered necessary to guard against the dangers of a public monopoly and for securing public accountability. In the present work attention has been confined only to the different aspects of judicial control of public corporations.
in modern India. This is a work intended to be submitted as my dissertation for the Ph. D. degree of the Calcutta University.

The present study has been divided into six chapters. The first chapter, apart from enumerating the different forms of control over public corporations, reviews the literature on judicial control of these corporations and indicates the broad limitations of the work and the method adopted in completing the work. The second chapter investigates the scope of judicial control of public corporations. The third chapter examines the general principles underlying the judicial control of public corporations in modern India. The fourth chapter analyses the different legal methods for controlling the public corporations. The fifth chapter studies the control of public corporations by the tribunals and the control of these tribunals by the law courts. The sixth chapter sums up the main problems and conclusions of the work.

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