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Right To Information Act, 2005

Sec 1 $\Rightarrow$ Extent $\Rightarrow$ 11 May (LS) + 12 May (RS) + 15 June (President) + 12 Oct (Effective)
+ Including J & K + Article 19 (Receive Info) + Article 21 (Right to Know)
(State of Raj v/s Raj Narain) + (RPL v/s Indian Express Newspapers)

Sec 3 $\Rightarrow$ Persons Entitled to RTI $\Rightarrow$ Citizens of India

Sec 5 $\Rightarrow$ P10 $\Rightarrow$ PIO + APIO + Provide Info + Assist Person + Can't demand reason except reasonable

Sec 6 $\Rightarrow$ Request for Info $\Rightarrow$ Person + To PIO + Fee + Applicⁿ (Written/Elec + Eng/Hindi/Vernacular)

Sec 7 $\Rightarrow$ Disposal of Request $\Rightarrow$ PIO (30) + APIO (35) + Life (48 hrs) + 3rd party (40)
+ Reason to reject + No action is refusal.

Sec 8 $\Rightarrow$ Info exempted from Disclosure $\Rightarrow$ NF TP - CC II

Sec 9 $\Rightarrow$ Rejection of Request $\Rightarrow$ If involves infringement of Copyright

Sec 19 $\Rightarrow$ Appeal $\Rightarrow$ APIO (30+15) & PIO (90+ sufficient) to Infoⁿ Commⁿ

Sec 20 $\Rightarrow$ Penalty on PIO $\Rightarrow$ Non-accepted + No info + False info + Obstruct flow + Destroy Info (₹250/- day max 25,000)

Sec 23 $\Rightarrow$ Jurisdiction of Court $\Rightarrow$ No power to Lower Court

Sec 26 $\Rightarrow$ Role of Cb/SH $\Rightarrow$ Encourage Public Authorities + Training to Officers + Disseminate Info + Educⁿ Programme + Userguide + Details of PIO/APIO

Sec 4 $\Rightarrow$ Obligations of Public Authorities $\Rightarrow$ To publish in 120 days (Orgⁿ Details + Officers + Employees + Hierarchy + Decision Making + Directory + Rules & Restrⁿ + Board + Remunerⁿ + Budget Allocated + Beneficiaries + Concessions + Working Hrs + PIO + Elec form (Website).

Duties of PIO $\Rightarrow$ Sec 7 + 8 + 9 + Applicⁿ transferred to Authority in 5 days.

Sec 10 $\Rightarrow$ Partial Disclosure $\Rightarrow$ If severable if exempted part.

Sec 24 $\Rightarrow$ Exclusions from RTI $\Rightarrow$ Second Schedule + IB + RAW + BSF + CRPF + CID + DE + Narcotics Bureau + Central Economic Intelligence Bureau + SFF + ARC + Andaman Nicobar + Dadra & Nagar Haveli.

Sec 12 & 13 $\Rightarrow$ CIC $\Rightarrow$ Ch + Chief Com^r + 10 Other Com^r + Time Prescribed by Ch or 5 yrs: + President appoint + Committee (PM + UM + Opposⁿ Leader) + No re-appointment + HQ (Delhi) + MP/MLA + Salary $\downarrow$ Chief Election Com^r.

Sec 15 & 16 $\Rightarrow$ SIC $\Rightarrow$ Sh + Chief Com^r + 10 Other Com^r + 5/65 Age + Governor appoint + Committee (CM + Cabinet + Oppⁿ) + No re-app + HQ (State) + SIC Salary = Elecⁿ Com^r SIC " = CSS

Sec 2 $\Rightarrow$ Definitions

2(h) - Public Authority $\Rightarrow$ Body Constituted by (Consⁿ + Parliament + SLA + Notified Ah)

2(n) - Third Party $\Rightarrow$ Person ~~Citizen~~ + Public Authority.

2(f) - Information $\Rightarrow$ Records + Doc + Opinion + Advice + Circular + Order + Memo + Press Release + E-mail + E-Data + Contracts + Log Books + Reports + Samples + Models = Accessible by Public Authorities.

2(j) - RTI $\Rightarrow$ Inspect (Work + Doc + Record) + Taking (Notes + Certified Copies) + Taking Samples + Info (Disc + Floppy + Tape + Cassette)

2(i) - Records $\Rightarrow$ Doc + Manuscript File + Microfilm + Microfiche + Fax + Copy of Doc + Reproduced Images + Embodied in microfilm + Material produced by Computers

Conclusion - RTI Act, 2005 $\Rightarrow$ Fairness + Accountability + Transparency

Law of Torts

Intro $\Rightarrow$ Tortum (Latin) + Tort (French) + Civil Wrong (English)

Sec 2(m) + Salmond + Fraser + Winfield

Civil Wrong Civil Wrong Infringement Breach of Duty
+ + of rem +
Unliquidated Damages of rem Unliquidated damages

Essentials of Tort $\Rightarrow$ Wrong Act + Legal Damage + Legal Remedy

Injuria Sine Damno $\Rightarrow$ Tort + Ashby v/s White (1703)

Damno Sine Injuria $\Rightarrow$ ~~Tox~~ + Re-Robertus Grammar School (1410)

Vicarious Liability - Master-Servant [Century Insurance Co Ltd v Northern Ireland Road Transport Corpⁿ (1942)]

- Principal-Agent [Lloyd v Grace Smith & Co (1912)]
- Firm-Partner [Hamlyn v Houston & Co (1903)]
- Employer-Independent Contractor [ex authorized + Contractor negligence]
- ~~Employer~~ - Indep Contractor [Appointed with due care expressed in Agreement]

Vicarious Liab of State ⇒ England + India
 ↓ ↓
 Crown Proceedings Act, 1947 Sovereign Funcⁿ (Not Liable)
 [Kasturi Lal Ralia Ram v/s State of UP (1965)]
 Non Sov Funcⁿ (Liable)
 [State of Rajasthan v/s Vidyawati (1962)]

Kind of Torts ⇒ Battery + Assault + False + Malicious + Defamation
 Stanley v/s Powell (1891) Prior to Battery Imp Prosec (1982) Libel
 + Nervous Shock + Bodily Harm + Slander + Innuendo

Rule of Strict Liability $\Rightarrow$ Rylands v/s Fletcher (1868)

+ Exceptions [Natural Use of Land + V/s Rajwase + Plaintiff's Own
default + Consent of Plaintiff + Act in authority + 3rd party act]

Rule of Absolute Liability $\Rightarrow$ M.C. Mehta vs UOI (1987)
(Liability with no excepⁿ.
3 No fault⁺ basis)

Remedies in Tort $\left\{ \begin{array}{l} \text{Judicial} = \text{Specific Restitution of Property} \\ \quad + \text{Damages} + \text{Injunction} \\ \text{Extra Judicial} = \text{Self Defence} + \text{Prevent Trespass} \\ \quad + \text{Re-entry on land} + \text{Re-capture of} \\ \quad \text{goods} + \text{Abatement of Nuisance} \\ \quad + \text{Distress Damage Feasant} \end{array} \right.$

Mens Rea $\Rightarrow$ Not Essential for Tort + Ingredient of Criminal Wrong
 $\rightarrow$ Actus Non Facit Reum Nisi Mens Sit Rea
Act creates no $\downarrow$ guilt in absence of guilty mind.



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Constitution of India

Q1 Structure of Constitution

1946 Committee + BR Ambedkar + 26th Nov, 1949 + 26th Jan, 1950
(6 Dec) (29th Aug, 1947) (Adopt) (Effective)

US + UK = Indian Constitution | 395 Articles + 22 Parts + 8 Schedules
(President) (PM) Both
↓ ↓ ↓
44 8 25 12

COI is a Round Norm (Source of All Indian Laws)

Q2 Constitution - Whether Federal or Unitary

Unitary = 1 PM + 1 President + 1 Citizenship + 1 Supreme Court + 1 Army

Federal = CM + Governors + High Court + Police

Keshvananda Bharti v/s State of Kerala, 1973

(COI is federal with strong unitary tendency)

Other Features = Written + Rigid + FR + Indep of Judiciary + Universal Adult Franchise
UK ✗ US ✓ (1 Vote to Every adult)

Article 12 - Definition of State

Relevance = FR are granted against State.

RD Shetty v/s International Airport Authority (1979)

(State will include all govt agencies & instrumentalities)

↓
Vague Term

Ajay Hasia v/s Khalid Mujib (1981) ←

(Body = 4 Condⁿ = State)

↓
Monopoly + Public Interest + Govt Rgt + Annual Finance Acct.

Note - All Govt Deptt are State.

Article 13 - Laws inconsistent with FR

13(1) - Past Laws Void

13(2) - Future Laws in Conformity with FR.

Doctrine of Severability + Doctrine of Eclipse

↓
Primary

↓
Posterior

Such Part is Void, if inseparable, then whole law shall stand void.

Doctrine of Waiver of right = All rights except FR can be waived off.

Knowledge + Voluntarily waive

5
Bachchan Nath v/s IT Comⁿ (1958)

Article 14-18 - Equality

Article 14 - Equality before law & Equal Protection of Law
(Negative Phrase) (Positive Phrase)

Law can't favour or discriminate
b/w-2 persons

Law will give equal treatment.

Case Laws

Ramkisan Dahmiya v/s Justice Tendolkar

Article 14 forbids class legislation & not
reasonable classification

F.N. Balara v/s UOI

Unreasonable classification
is void.

Note - Article 14 is granted to all persons & not confined to citizens only.

Article 15 - No discrimination

(Religion + Race + Caste + Sex + Place of Birth)

Only these grounds

Basis

(Prevⁿ of Sexual Harassment
at Workplace Act, 2013)

Article 16 - Equality in Public Employment

Except = SC/ST & other backward + Religious + Employment
classes bodies in State
or its part.

Article 17 - Abolition of Untouchability (Punishable)

Untouchability (Offences) Act, 1955.

Article 18 - Abolishment of Titles = Creation of Superior & Inferior class.

Citizen of India + Prior President Consent = Accept Title from
foreign govt.

Article 19 - 6 Freedoms

19(1)(a) - Speech & Expression

Restricⁿ = Decency + Morality + No Defamⁿ
+ No incitement + No Contempt
of offence of Court

Case Laws = Menaka Gandhi v/s UOI + Bijoy Emmanuel v/s State of Kerala + K.A. Abbas v/s UOI

19(1)(b) - To Assemble peacefully without arms

19(1)(c) - To form association [Sitharamachary v/s Deputy Inspector of School]

19(1)(d) - To move freely throughout India

19(1)(e) - To reside & settle in any part of India

19(1)(g) - To exercise any Profession, Trade, Business, Occupation

Restricⁿ = Public Int + Prof Qualificⁿ + State Monopoly (Bank Nationalizⁿ Case)
RC Cooper v/s UOI

Article 20 - Protection under Criminal Laws

Double Jeopardy + Self Incrimination + Ex post Facto Laws

Article 21 - Right to Life & Personal Liberty (Not to be deprived except Procedure of Law)

Case Laws = A K Gopalan
v/s
State of Madras

Khasak Singh
v/s
State of UP

Satwant Singh Sawhney
v/s
A.P.O

Article 22 - Preventive Detention (Detention without trial)

44th Amend - Safeguards
Act (1978)

Likely to commit offence
↓
Oral Communicate or Written Copy + Consult Lawyer
+ 24 hrs. & travel time Court

Article 23 - Ban on Human Trafficking & forced Labour

↓
Beggar System

Article 24 - Prohibits Child Labour

Article 25-28 - Right to Freedom of Religion

- 25 - Follow & Promote Own religion
- 26 - Maintain institutions for religious purposes
- 27 - No tax, if charity
- 28 - No religious instrucⁿ in govt educⁿ institutions

Article 29-30 - Cultural & Educational Rights

- 29 - Minority has a right to conserve their culture
- 30 - Minority can establish educⁿal institutions.

Article 32 - Writ Petition (Constitutional Remedial rights)

226

HC = 226 = FR & other rights
SC = 32 = FR only.

Habeas Corpus + Mandamus + Prohibition + Certiorari + Quo Warrants

Article 37-51 - Directive Principles of State Policy (Part IV)

Fundamental to Governance + Applied by State in forming Laws

DP v/s FR = State of Madras v/s Champak Ram Dorairajan

↓
Prescribe goals
↓
Means to achieve such goals

↓
FR are supreme

+
DP are subsidiary

+
DP can't override FR

+
DP if inconsistent with FR (Void Article 13)

Article 51A - Fundamental Duties (Unenforceable in Court)
 ↳ 42nd Amend = 1976 = Respect flag + Abide COI + Defend Country + Value & preserve heritage + Promote harmony + No derogatory practice against women.

Article 123 & 213 - Ordinance Making Power

President Governor = Ordinance Pass when no session
 (Bill requirement or Necessary or Same bill of other Governor void on such ground)
 Approved in 6 weeks of re-assembly (if not, then void)
 Budget (Feb-May)
 Monsoon (July-Sep)
 Winter (Nov-Dec)

Article 141 & 225 - Binding Authorities of Court

SC HC Authoritative & Persuasive Precedents
 National Anthem in Theatres = Justice Deepak Mishra - Shall Play Court modified order - May Play
 Shyam Narayan Chouksey v/s UOI (9th Jan, 2018)
 Cinema Hall isn't a suitable place to check Patriotism.

Article 246 - Power of Parliament to make laws on State List Matters (C-DINE)

Constitutional Breakdown + Dispute b/w States + International Agreement + National Interest + Emergency

Article 368 - Amendability of FR (if yes, then violates Article 13)

- ① Shankari Prasad v/s UOI (1951) - First Constitutional Amendment was challenged - Parliament Can amend.
- ② Sajjan Singh v/s SO Raj (1965) - Followed Same Decision.
- ③ Golak Nath v/s SO Punjab (1967) - FR are unamendable.
 24th Amendment Act (1971) - No nullify affect of Golak Nath's Case.
- ④ Keshwananda Bharti v/s SO Kerala (1973) - FR are alterable, but Parliament can't alter basic constitutional framework.
 (Conclusion)

Article 301-305 - Freedom of Trade, Commerce & Intercourse

- 301 - Free within territory of India except taxes.
- 302 - Parliament Can impose restricⁿ in Public Interest.
- 303 - Parliament can't discriminate while imposing restricⁿ under 302.
- 304 - State can impose taxes on goods from other states (if produc⁸ is taxable in State).
 except under Sarcas^y of goods

5 Principles under Constitution of India

- ① Plenary Powers = Elementary Principle + Constitutional word to be interpreted in widest sense + Eg - Power to collect Tax
(Inclusive of Exempt + Refund + Penalize)
- ② Delegated Legislation = Laws made by Executive Body
or
Sub-ordinate
- Rationale = Legislature time save + Limits amplitude of Legislature + Tool to tackle emergent situation
- Rules = Favours of Executive only + Depends upon Supreme Legislation + Sub-ordinate to main + No unreasonable or Contradictory Delegation (Void)
- ③ Harmonious Construction = Contradiction < Union List State List } Harmoniously Constructed.
- ④ Pith & Substance = List II - Entry 6 - "Public Health & Sanitation"
↓
Real intension
"G. Chawla v/s State of Raj" (1954)
SC = Real intension of Rajasthan Legislature
To prohibit unnecessary noise affecting Public Health & not to make law on broadcasting.
- Rajasthan Legislature = Restricted use of Amplifiers
↓
Touch
List I - Entry 81 - "Post & Telegraphs, Wireless broadcasting & Other forms of Communication"
- ⑤ Cobursable Legislation = Law restrict something directly + Such thing can't be done indirectly.
→ If Legislature, Executive, Judiciary isn't competent to make law directly, then can't make laws on such matters indirectly. (3 Lists - Context)
↓
Restricts Govt. Powers

Administrative Law

Q1 Definition & Meaning

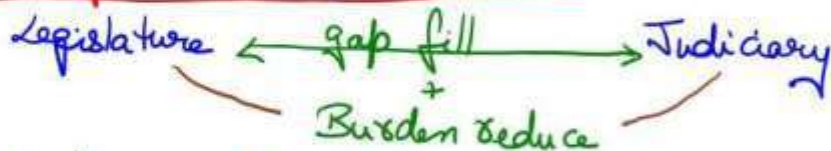
Law deals with = Powers + Functions + Responsibilities = Government & Its Authorities

Kenneth Culp Davis = Law concerning administrative agencies.

Albert Venn Dicey = Law determining right & liabilities of State officials.

Ivor Jennings = Law stating powers & duties of authorities administrative

Q2 Need for Administrative Law



Objective = Administrative Authorities not to cause despotism (dictatorship) and Totalitarian (Oppression) by abusing its powers.

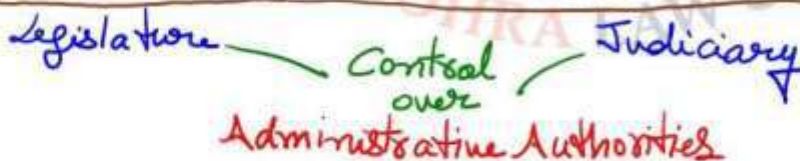
Q3 Sources of Administrative Law

Constitution (73 + 62) + Statutes + Ordinance (123 + 213) + Judicial Precedents
 ↓ ↓ ↓
 CA SA Motor Vehicle Act, 1988

Q4 Administrative Discretion = Freedom of Administrative Authorities + To choose among various alternatives.
+ Legislature can't control everything + Humankindly impossible.

Administrative Employees = Power to make, amend, repeal rules.

Q5 Judicial Control over Administrative Actions



Judicial Control

Constitutional

- Constⁿ new Enactment + Judicial Review = Unconstitutional = Void

- Mansukhlal Vithaldas Chauhan v/s State of Gujarat (1997)
Court can merely review & not substitute law.

- Judicial review < At the stage of delegation of discretion. (Article 14 & 19)
 At the stage of exercise of discretion.

Abuse of Discretion

Statutory

- Appeal to HC/SC
- Reference to HC for Statement of Case

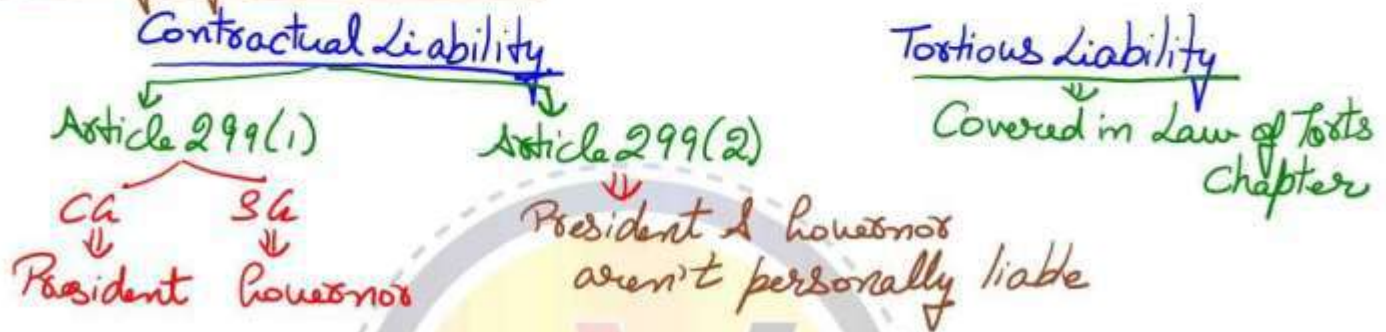
Ordinary/Equitable

- Injunction
- Action for Damages
- Declaratory Action

Non-application of Mind

Irrelevant Considerations	- Malafide	- Acting under Dictation Com ^r of Police w/s Ramesh Chandra Bhanji (Construction License)
Improper Use	- Leaving out relevant considerations	- Self restriction (False Chain)
Exceeding Jurisdiction	- Non-Compliance of Principles of Natural Justice	- Acting mechanically & without due care.

Q6 Liability of Government



Q7 Liability of Public Servant

If acted illegally or If acted outside the scope of authority
 → Excepⁿ = Not Liable = Neither biased nor malafide intension.

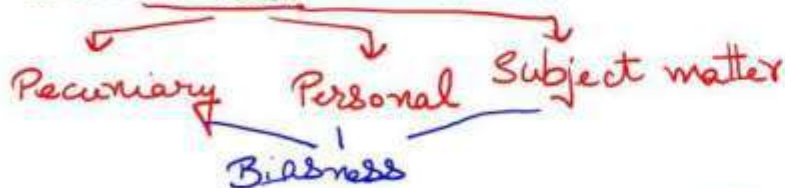
Q8 Principles of Natural Justice

Not provided by Constitution (+) Necessary for Administration of justice.
 To ensure people's faith in the system of adjudication.

2 Principles

① Nemo Jux in Causa Sua

No person can be judge in his own case (+) No fair decision when interest is involved.



② Audi Alterem Partem

Rule of Fair Hearing (+)

No one should be condemned unheard.



Q9 Exceptions to the Principle of Natural Justice

Statutory Exclusion + Academic Evaluation + Impracticability + Emergency + Interim Disciplinary Action

Menaka Gandhi v/s UOI (1978) → Prompt Action is required

Abhay Kumar (1981) w/s Debarred
 Srinivasan Student

Sources of Law

① Nature & Meaning of Law = Described by Various jurists + No unanimity
↓
Different Nature + Purpose + Source

② Rule of Law = Mandatory + Prohibitive + Permissive (Neither require
(Affirmative) (Negative) nor forbid)
Tax Weapon Vote

③ Sources of Law Primary = Judicial + Customs + Statutes + Personal
Precedents Laws
Secondary = Justice Equity & good conscience + Sources of
English Law

④ Judicial Precedents = Guidance or Authority derived from past decisions
of the Court for future cases.

SC
↓
141
Binding
Value
HC
↓
225
Binding &
Persuasive Value

Kind of Judicial Precedents

Authoritative + Persuasive + Original + Declaratory

⑤ Doctrines related to Precedents

Stare & Decisis = Stand by + Adhere to + Not to + Court will look
things decided decisions unsettle + upto past similar
+ Past Judgement obliges future judges things issues
to guide decisions
+ Doctrine that obliges court
to look to precedent while
making their decisions

Ratio Decidendi = Rationale behind + Judge's reason legal rule Court uses
decision + for coming to (+) or section (+) Political
used by judge Social
to determine Legal
final decision Principles
with reasoning

Obiter Dicta = Said by + Casual opinion + No authoritative + Persuasive in
the way of Judges form nature
+ Judicial utterances in the course of delivering a judgement
which were not necessary for the decisions.

⑥ Customs = With or Without sanction
Obligatory non-Obligatory but observed due to public pressure
Punishment

Legal (by Law) Conventional (Usages) | Antique + Certain + Reasonable
Local + General Local + General | + Compulsory + Unanimous
+ Peaceful + Consistent

⑦ Statutes = Supreme Legislation + Sub-ordinate Legislation

⑧ Personal Laws = HPL + MPL
 ↓ Quran
 ↓ Hadis (Mold. Teachings)
 ↓ Ijmas (Companions opinion)
 ↓ Kiya (Comparative Analysis)
Recollection of content handed down by Rishis
Manu Narad Yajnavalkya
Vedic (4)
Yajur Atar Sam Rig

⑨ Justice, Equity & Good Conscience = Last resort + No Custom + No Statute + No personal Law (in India)

⑩ Sources of English Law = Common Law + Statute Law + Principle of Equity + Mercantile Law (Traders)
 ↓ Sources
 English Mercantile Law + Judicial Decisions + Indian Legislative Acts + Customs & Trade Usage
 Neither custom nor written law but dictation of Conscience.

⑪ Significance of Law = Not Static + Dynamic + Changes with reg- of society.
 + Prevailing Law must be in conformity with customs & aspirations of its people.
 + Law vast transformation (Conceptual & Structural)
 + Provides Socio-Economic Justice & remove imbalances

⑫ Classification/Schools of Law

Natural
 ↓ Good or Bad
Just or Unjust
Law = Rules for Humans Things
Positivist
 ↓ "What Law is"
Historic
 ↓ Law isn't made but found
+ Unconscious growth
Realistic
 ↓ Most sensible
+ practical idea
↓ Court judgements are best Law.
Socio-logical
 ↓ Law is Social fact
+ For Society
+ Made by Politically & Socially superior for sub-ordinate
Command
Sovereign
Monistic
 ⑬ Austin's Theory of Law
 1790 Born + European Jurist + Father of Analytical School
 + 1832 book "The Province of Jurisprudence determined" + "Sovereign Expression of desires given by superior"
 + "Command + Sanction"
 To control disobedience

Criticism = ~~Moral & Ethical Content~~ + ~~Customs & Habits~~ + ~~Judicial Precedents~~ + ~~International Law~~ + Command Theory "Impracticable"

⑭ Prof - HLA Hart = Analytical School + Herbert Lionel Adoffia + 1907 Born + 1961 Book "Concept of Law" + Biggest criticizer of Austin

→ Sovereign + Exec + Judiciary
→ Legal Rules + Moral & Ethical

Gunman Theory

Law ≠ Coercion
Coercion ≠ Law

Compliance of Order out of fear ≠ Law

⑮ Bentham's Theory of Law

Sir Jeremy Bentham + Born 1748 + Book "Limits of Jurisprudence defined"

State = Pleasure ↑ - Pain ↓

Absolute Power to Legislature

Aim of Law = Security + Equity

Criticism = ~~Customs~~ + ~~Judicial Precedents~~ + Happiness Theory Wrong + Command & Titles

Bentham (1748)

Austin (1790)

Hart (1907)

8 Different Aspects of Bentham Theory

Source + Subject + Object + Extent + Aspect + Force + Remedial + Expression
↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Sovereign Person or Things Goal Position of Land (May or Shall) Subsidiary Laws Will of Sovereign

only motivation

⑯ Roscoe Pound Theory

Born 1870 + American Scholar + Socio-logical School + Dual Theories

Social Engineering is an attempt to control human conduct by using Law. (Social Engineering + Social Interest)

"Law maker acts as a Social Engineer by attempting to solve problems in society by using law as a tool."

Law → Society
Social Engineers → Fix

Social Engineering is based on the theory that laws are created to shape the society & regulate people's behaviour.

Law belongs to land

Criticism = Interest Pre Exist Law + Jud > Leg + No distinction among Indiv, Social & Public interest.
(False) (False)
+ No formula for valuation of interest.

⑰ Hans Kelsen's Pure Theory of Law

Born 1881 + Australian Philosopher + Positivist + Law is Primary norm which stipulates sanction +

But also firm believer of Normative "Theft"

(shall) Command (can) Authorize (may) Permit

Acc to Kelsen "An acceptable Theory of Law must be pure i.e. Logical, Self supporting & not dependant upon extra legal values i.e. Socio-logical, Political, Economic & historical influence of law."

Subjective & Objective Meaning

External Manifestation of Human Conduct

Legal meaning of Human Conduct

"Every Law has a ground norm"

→ Parliamentary Discussions

↓
Bill passed

→ President Sign

↓
New Law enacted.

Criticism - Difficult to trace ground norm

+ How to analyse effectiveness of ground norm

+ Int Law > National Law
↓
Unrealistic.

⑮ Salmond Theory = John William Salmond + New Zealand + Judge S.C.

1902 Book = Theory or Jurisprudence of Law.

"Law is the body of Principles which are recognized & applied by State in the administration of Justice"

State = Court + Govt

Law = Civil Law ⇒ Law of Land ⇒ Law of State

Jurisprudence is the study of knowledge of laws recognized by State.

Generic Specific

① Customs X

③ Not all Laws provide justice

② Int Laws X

④ There can be objectives other than justice.

Criticism = Narrow & Ltd.

⑰ Jurisprudence

① Jurisprudence ≠ Law

② Juris ≠ Legal Theories

③ Law reasoning Theories

Study + Investigⁿ → Jurisprudence

④ No perfect defⁿ of law.

⑤ Study of fundamental principles or Philosophies of law laid down by Different jurists.

⑱

Importance of Jurisprudence

① Educational Value (Necessity to become lawyer)

② Eye & Grammar of Law

③ Help lawyers to study criminal mind.

④ Study of Human Mind — Will
Punishment
Public Fear

Limitation Act, 1963

Intro & Object

Whole of India + Including J & K + Prescribe period to enforce rights.

Object = Rest + Peace + Justice.

"Vigilantibus Non Dormientibus"

Bombay Dying & Manufacturing Co. Ltd.

← "Iura Subveniant"

Law will help vigilant & not negligent.

u/s State of Bombay (1958)

Those who are sleeping, let them sleep.

Section 27 = Limitation bars remedy but doesn't extinguish right.

Section 4 = Extension of time if Court is closed. (To next working day).

Section 5 = Doctrine of Sufficient Cause < Suits x Appeals ✓ MF-3

Section 6 = Limitation Period when remedy comes to minor
LP will not start unless majority is attained by such minor.

Section 7 = Limitation Period when remedy comes to insane
LP will not start unless sanity is attained by such insane.

Section 8 = Limitation Period to start after removal of all legal disabilities

Section 9 = Continuous running of time + Excepⁿ to Sec 6, 7, 8 + LP once started shall not stop for anyone + No subsequent disability can stop LP.

Section 12 = Calculation of LP for appeal (From the date on which copy of order is being made available by the Court).

Section 16 = Death of Party (LP will start when Legal Representative comes into existence).

Section 17 = Fraud (LP will start from the date of discovery & not Commencement of fraud)

Section 18 = Effect of Acknowledgement in Writing (V. Pillay u/s P. Pillay)
Made by Party + To any person + In Writing + Before expiry of LP + Given at times.

Section 19 = Effect of Part Payment (Before Expiry of LP)

Section 20 = Acknowledgement by other person (Agent/Attorney/Joint Owner)

Note = Limitation Period doesn't apply to Writ Petition.

Criminal Procedure Code, 1973

- ① Crime is against society & not particular person.
- ② Sec 2(n) - Offence = Act or omission + Punishable + Fine/Imp/Both + ^{Cattle Trespass Act, 1871.}
- ③ Crime = Wrong Intension + Wrong Action
(Mens Rea) (Actus Reus)

Every crime is an offence, but every offence isn't crime.

"Act Non Facit Reum Nisi Mens Sit Rea"

↳ The act doesn't make a person guilty unless guilt mind has been proved.

- ④ Sec 2(d) Complaint - Allegation + Oral/Written + To Magistrate + Other than Police report.
- ⑤ Sec 2(u) Public Prosecutor = State Counsel + Officer of Court + Attached to Every Court + Govt. Officer

- ⑥ Sec 2(h) Investigation = Police Officer + Collection of Evidences
- Sec 2(g) Inquiry = By Magistrate/Court + Judicial/Non-Judicial
- (Not Defined) Trial = Proceedings to adjudge guilty or innocence.

- ⑦ Types of Offences = Cognizable or Non-Bailable
↳ Serious + Police start investigⁿ + No bail + 3 yrs or more + Bail at discretion of Court.
Non-Cognizable
Bailable Offences → Sch I + Less Serious + Bail is right of accused + < 3 yrs offence + Police not to start investigation.

- ⑧ Factors to be considered by Court while granting bail in Cognizable offence
Nature of offence + Accused + Chances ^{summing over} ~~offence~~
Age Health Past record Tampering with evidence
+ Public Standing Wirming over witnesses.

- ⑨ [Sec 438] - Anticipatory Bail

Bail before Arrest + High Court/Session Court + 3 conditions
Interrogation available No threatening to witnesses Not to go out of India

- ⑩ Sec 257 - Cases

Warrant (Non-Withdrawable) (> 2 yrs)
Summon (Withdrawable) (Upto 2 yrs)

⑪ Sec 29 - Powers of Court

(Death Sentence with Prior HC only)

SC
↓
HC
↓
Session & Additional Session
↓
Assistant Session (10 yrs)

⑫ Sec 30 - Imprisonment in Lieu of Fine

Original Imp
+
In Lieu Imp (+)
≤
Total Power

In Lieu Imp
≤
1/4th of total power

(7 yrs) CJM & CMM
↓
MM 1st class (3 yrs + upto ₹1,000)
↓
MM 2nd class (1 yr + upto ₹5,000)

⑬ Essentials Elements of a Bail = Offence + Guilty + Arrested + Surety Bond + Released.

⑭ Arrest of a Person

Preventive Arrest = Before crime + By Police only + Present in Court

Sec 41 - Non Preventive Arrest = Cognizable + Proclaimed offender + Arms + Housebreaking + Obstructs Police officer + Possⁿ of Stolen Property + Requisition from other Police Station regarding Cognizable offence. + Breach of order by released convict.

⑮ [Sec 61] - Summon ⇒ Order of Court + To accused or Witness + To make himself present to the Court.

Summon = Written + Court Name + Sign & Seal + Person name + Day, Date, Time to present.

[Sec 62-66] Serving of Summon

To accused or other person (Major + Male + Family Member)

Post Service (Immediate Boss)

Company (CS)

No Summon to female unless she herself is an accused.

⑯ Short Note

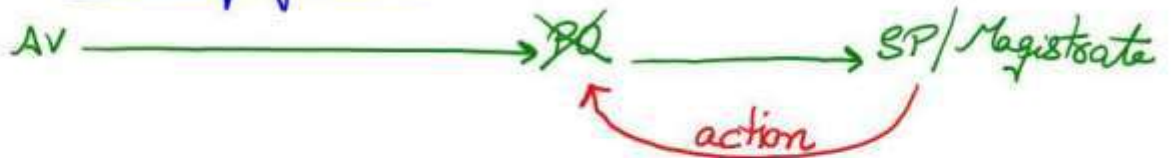
Sec 70 ⇒ Arrest Warrant = All Essentials of a valid summon.

Sec 93 ⇒ Search Warrant = DM + CJM + CMM + MM

Sec 129 ⇒ Unlawful Assembly = 5 or more persons likely to commit an offence.

Dispersal Order
Sub Inspector Executive Magistrate

⑪ Sec 154 - Recording of FIR



⑫ [Sec 260] - Summary Trial

Imprisonment
not exceeding 2 years

(+)

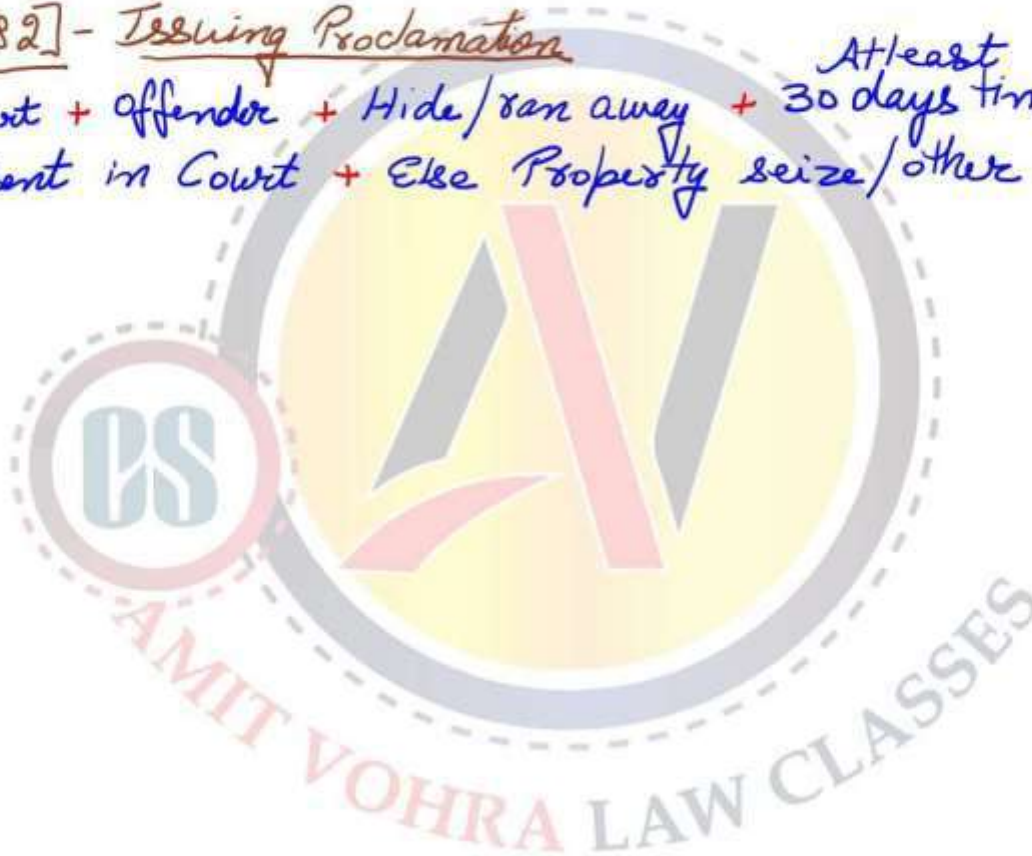
Value of Property $\leq$ ₹ 200/-

Section 262

If Accused is found guilty, then imprisonment upto 3 months only.

⑬ [Sec 82] - Issuing Proclamation

Court + offender + Hide/ran away + At least 30 days time + To present in Court + Else Property seize/other action deem fit.



Indian Penal Code, 1860

① Introducⁿ to Crime

Social Phenomena + Against Society + Concept of crime changes with time.

② Civil v/s Criminal Wrong

Wrong against Individual

⇒ Wrong against Society.

③ IPC, 1860 = Colonial Legislation + 1st Jan, 1862 + ~~IRK~~ (Ranbir Penal Code)
+ Substantive Law + Define offence & laid down punishments
+ 23 chapters + 511 Sections

④ Intra Territorial v/s Extra Territorial Jurisdiction

Within Indian territory (Article 1 Territory + Water Territory + Indian regt- Ship/Aircraft)
Indian/Foreign Criminal

Note - Ignorance of Law is no excuse.

(1957) Mabarak Ali Ahmed v/s State of Bombay

Not necessary to make the law published
outside India to bring the foreigners under the ambit of IPC.

Exemptions from Intra-Territorial

President/Governor + Foreign Sovereign + Diplomat + Military person on mission with special status in India.

Extra Territorial = Laws applicable outside Indian Territory

- Crime done by AV outside India.
- Hacking done by Pado Rosati from Italy.
- Indian Plane Hijacked in Nepal by Pakistani Terrorists.

⑤ Admiralty Jurisdiction = Ship is a floating Island.

Ship/Boat + Moving/Stationary + High Seas/Rivers = Indian Flag = Indian Admiralty Jurisdiction

⑥ Fundamental Elements of Crime

Human Being + Mens Rea + Actus Reus (includes omission)

Capable of being punished

Intention (Purpose clear)

→ An act is a willed movement of body.

or Negligence (Not taking due care)

Exceptions of Mens Rea

- Absolute Liab- (Hotel etc)
- Petty Fines
- Public Safety
- Without Knowledge

or Recklessness (Actor doesn't desire the consequence, but foresees the possibility & consciously takes the risk.)

⑦ Corporate Body & Mens Rea (Alter Ego) = Intent of BOD is an intent of company. State of Maharashtra v/s Syndicate Transport (1964)

⑧ Stages of Crime

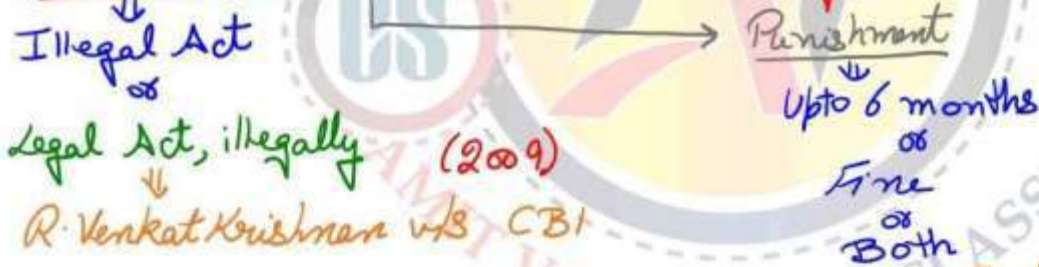


⑨ Presumption of Innocence & Burden of Proof

Accused is innocent, till he is proven guilty by the prosecution.

⑩ Punishments (Death + life Imprisonment + Imprisonment + Forfeiture + Fine)

⑪ [Sec 120A & 120B] - Criminal Conspiracy



⑫ [Sec 415-420] Cheating

415 - Essentials = Deceive Person + Induce

To deliver property
To retain property
To do/omit things

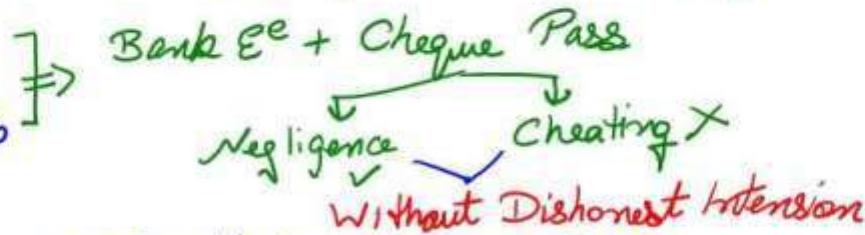
① - By Personation (416)

② By False Sample

③ - By Imitation

④ By Intension not to pay back.

T.R. Asha
v/s
State of Punjab



Punishment < 417 → 415 - upto 1 yr. or Fine or Both

419 → 416 - upto 3 yrs. or Fine or Both

418 - Cheating by Person intending to Protect - 3 yrs / Fine / Both.

420 - Cheating & Dishonestly inducing delivery - upto 7 yrs. + Fine of Property

⑬ [Sec 403-404] Criminal Misappropriation of Property

Upto 2 yrs

or
Fine or Both

① Founder didn't return
(Aware about Owner)

② Implied Consent of
Owner (to Use only but
bailee sold out)

③ Sale by joint Owner
without sharing proceeds

Property of deceased person
after his death.

offender is unknown
to deceased person

↓
Fine + Upto 3 yrs.

offender is an employee
of deceased person.

↓
Fine + Upto 7 yrs.

⑭ [Sec 405-406] Criminal breach of Trust

405 - Meaning = Accused acted Dishonestly

Personal
other } Purpose.

406 - Punishment = Upto 3 yrs / Fine / Both

407 - By Carrier = Upto 7 yrs + Fine

408 - By Clerk / Servant = Upto 7 yrs + Fine

409 - By Banker / Public Servant = For Life / Upto 10 yrs. (+) Fine

⑮ Fraudulent Deeds & Dispositions of Property [Sec 421-424]

421 - Transfer of Property without adequate consⁿ + Intension to deceive Creditors

422 - Dishonest or fraudulent prevention of debt being available for creditors

423 - Benami Transactions (Prohibition) Act, 1988 related.

424 - Dishonest or False claim to avoid payment to creditors.

⑯ [Sec 463-465] Forgery (Wrong done with document/Record = Forgery)

464 - Document executed loss to other or Profit to self
with forgery is Forged Document.

465 - Punishment - Upto 2 yrs / Fine / Both

Babir Kaur
v/s
State of Punjab (2011)

⑰ [Sec 499-502] Defamation

Sec 499 - Words / Signs / Visible representation + Publish Content + Person related
+ Reputation Harm = Defamation

Exceptions under Defamation

Disclosure of Truth to Public

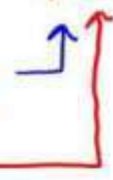
Warning by Senior to Junior in good faith

Publication of Judicial Pronouncement

Expression of Public Conduct of Public Servant in good faith.

Merits of Public Faith.

Sec 500 - Punishment for defamation = Imp Upto 2 yrs / Fine / Both.

Sec 501 - Printing/Engraving matter known to be defamatory 

Sec 502 - Sale of Printed or Engraved Substance 



Unacademy Unlock/Discount Code AVC

Civil Procedure Code, 1908

Q1 Aim & Scope

To consolidate
&
amend

- General Law
- Confrontation $\Rightarrow$ Specific Law > CPC
- Procedural not substantive Law.

Civil procedural Laws

Note - Specific Civil Law + Silent on Particular matter
CPC is applicable

Note - Part I + Part II
(158 Secⁿ) (Schedule)

Q2 Defⁿ

2(2) Decree = Formal expression + Conclusively determine rights

2(3) Decree Holder = Person in favour of whom decree has been passed.

2(9) Judgement = Statement given by Judge on basis of Decree/Order
(Concise + Point + Decision + Reasoning)

2(10) Judgement Debtor = Person against whom decree has been passed.

2(14) Order = Decision of Court other than decree

Preliminary

Final

Interlocutory
Final

Q3 [Order 9] - Appearance of Parties

Plaintiff + Defendant + Court + Absence

Ex parte

Dismissal

Q4 [Sec 10] - Stay of Suit (Doctrine of Res Sub-judice)

2 Suits + Same parties + 2nd suit is direct & substantial to 1st issue.

+ Such previous suit is still pending + [Wings Pharmaceuticals v/s Swan Pharmaceuticals]

Q5 [Sec 11] - Doctrine of Res-Judicata

Once the matter is decided + Competent Court + Same Parties + Same Issue
+ Not to be re-opened.

Q6 [Order 2 Rule 2] - Cause of Action

All Essential facts (Rights + Infringement)

→ Directly & substantially related to his infringement of right.

Q7 Place of Filing of Suit

Sec 15 - Court of Lowest grade

Sec 16 - Immoveable Property (Situated)

Sec 17 - Immoveable Property (Different Courts) - Any Court

Sec 18 - Uncertainty regarding jurisdiction - Any Court

Sec 19 - Suits regarding Compensation for Wrong - where wrong committed or Defendant resides.

Sec 20 - Suit to be instituted where
Defendant resides or Cause of Action resides.
Company - Such Branch or Head office.

Q8 [Sec 113-115] - Sec 113 - Reference
Sec 114 - Review
Sec 115 - Revision

Order 8 Set Off
Equitable Set Off
Counter Claim

Q9 Appeal - Application by which a party requests an appellate Court to set aside or modify the decision of sub-ordinate Court.

Appeal from original Decree
Second Appeal
Appeal against orders (Generally unavailable)
Appeal to Supreme Court
Injunction = Judicial Process + Restrained from Act + Preventive relief.

Q10 [Order 37] - Summary Procedure

Defendant is not entitled to defend his suit + Only under recovery of money.
[S.P] file under Article 136 of COA

→ Leave not granted if (Frivolous Defence + Amount accepted by Defendant but not yet paid).

Q11 [Order 32] - Suits by / Against Minor

Minor is Incompetent

Court shall appoint guardian

+
Suit by his next friend

+
Guardian is responsible for proceedings

+
18 or 21 age

↓
Continue Even after being major

↓
Minor may decide to continue or not to continue suit after attainment of majority age.

Indian Evidence Act, 1872

Q1 Intro = Civil + Criminal + Applicable including T&K + Evidence < Oral
Written
(Documentary)

Q2 Doc Evidence = Sec 62 (Primary) + Sec 63 (Secondary)
[Certified copies + Copies made from original by mechanical process + Compared with original copies + Counterparts of Doc + Oral HC of Content given.]

Q3 Scheme of the Act < Part I - Sec 5-55 = Relevancy of Facts
Part II - Sec 56-100 = Proof
Part III - Sec 101-167 = Production & Effect on Evidence.

Q4 Admissibility of Fact

Fact → Logical → Legal → Evidence → Admit

Q5 Sec 6 ⇒ Res Gestae ⇒ Relevancy of fact forming part of same transaction
Facts connected with facts in issue.

Eg - Purchase of revolver is a fact connected with facts in issue.

Q6 Sec 8 ⇒ Motive, Reparation & Conduct (Prev + Subsequent Conduct)

Q7 Sec 11 ⇒ Inconsistent Fact = Inconsistent though relevant.

Q8 Sec 17 ⇒ Admission ⇒ By any person + Oral/Written + Related to fact

Admission is admissible as Evidence if ⇒ Made by Person or his agent + Made by 1 party in case of joint parties + In any form Binding Upon Party making it + Precise & not vague.

Q9 Confession = Statement given by an accused admitting his guilt.
↳ Judicial Confession (made to Court) + Extra Judicial Confession (Made to person other than Court)

Sec 24 ⇒ Confession to be made freely & voluntarily without any threat or inducement.

Sec 25 ⇒ Confession made to Police Officer is irrelevant & inadmissible, even though made in presence of private person.

Sec 27 ⇒ Statement to Police Officer is evidence, if leads to discovery of facts

Sec 30 $\Rightarrow$ Statement given by Co-accused can be used against other Co-accused in case of joint trial.

Q10 Admission & Confession

Admission

Oral or Written
Voluntary or Compulsory
Civil & Criminal Cases
Made by anybody
Doesn't bind other person
Every admission isn't Confession.

Confession

Written & Signed
Voluntary
Criminal Cases
Made by accused
Binding even on Co-accused.
Every Confession is admission.

Q11 Sec 32 & 33 $\Rightarrow$ Persons who can't be called as Witness.

Dying Declaration $\Rightarrow$ Admissible though hearsay.

$\rightarrow$ Relates to death + Made voluntarily + Against any Person + Prior to death

Q12 [Sec 45-51] Opinions of 3rd Party

- 45 - Expert Person be admissible.
- 46 - Facts not otherwise relevant, are relevant if support or inconsistent with the opinions of expert.
- 47 - Opinion of Handwriting Expert.
- 48 - Opinion of person acquainted with existence is admissible.
- 49 - Matter of religious practice, person of such religion is admissible.
- 50 - In a relationship with person & have special knowledge of his affairs.
- 51 - Statement given on relevant ground.

Q13 Facts of which evidences needn't be given

Judicially noticeable
 $\times$
Admitted Facts

Q14 Sec 59 $\Rightarrow$ Hearsay Evidence or Oral Evidence

No evidence except (Confession by Person + Dying Declaration + Person can't be called as Witness)

Q15 Sec 65A & Sec 65B $\Rightarrow$ Electronic Records

- Elec record is a document.
- Document, when computer was regularly used by Authorized Person.
- Record must be maintained in ordinary course.

Q16 Evidence in respect of Certain Documents

- Sec 93 - Language of doc is defective, no oral evidence to remove such defect.
- Sec 94 - Where the language is plain & applies to fact, then no contrary evidence can be given.
- Sec 95 - Evidence can be shown regarding incomplete document.
- Sec 96 - Doc is applied to 1 fact, Evidence as to which fact does the party mean.
- Sec 97 - Language applies to 2 set of facts, then evidence to be shown as to which fact the language applies to.

Q17 Sec 115 - Estoppel - The facts constituting the estoppel will be relevant & admissible.

Q18 Sec 118 - Witness - Every person is a competent witness provided such person understands the questions posed to him & can give logical & rational answer to those questions. Mohd-Sugal v/s The King (1945)

Q19 Sec 121 to Sec 127 - Privileged Communication

- Sec 121 - Judge, magistrate & other person
- Sec 122 - Spouses during validity of marriage is privileged even after divorce.
- Sec 123 - No one shall be permitted to give any evidence derived from unpublished official records.
- Sec 124 - No Public Officer shall be compelled to disclose comⁿ made to him.
- Sec 125 - Source of information to a police officer or magistrate
- Sec 126 - No barrister, attorney, pleader or vakil can be compelled to disclose communication with client. Can't be questioned.
- Sec 127 - The provisions of Sec 126 shall apply to interpreters, clerks or servants of barristers, pleaders, attorneys & vakils.

Interpretation of Statutes

To discover

or
To Construct

(+)

Law

Act

Will

Discretion

of Legislature
↓
Parliament
+
Legislative
Assemblies

Q1 Introduction

Defⁿ of Interpretation

Salmond = Interpretation/Construction is the process by which Courts seek to ascertain the meaning of legislature.

Defⁿ of Statute = Maxwell (Will) + Crawford (Will necessary to constitute Law) + Bowyer's Law Dictionary (Law established by act of legislative powers)

Q2 Different Kinds of Statutes

Enabling + Disabling + Amending + Consolidating + Remedial + Penalizing
+ Codifying + Declaratory

Q3 Need & Object of Interpretation

Intension of Author's mind = Intension of Law = Same = Same Interpretation

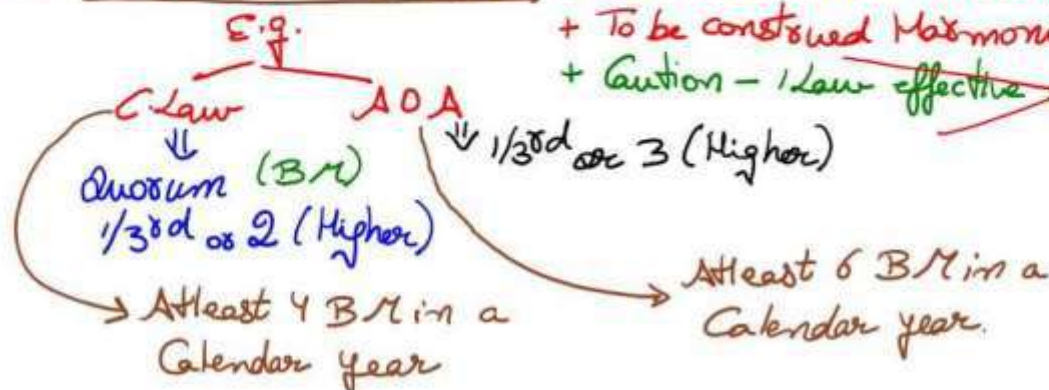
Q4 Principles of Interpretation

Primary Rules

① Literal Construction = Primary & Foremost + Natural Sense with cognate expression + Transparency + Natural & Ordinary meaning + Golden rule + Flow down along with the flow of language of Law.

② Reasonable Construction = Second important rule + Letter of Law is ambiguous + Logical w/s Grammatical + Word to be construed reasonably within periphery of its meaning.
Ut Res Magis Valeat Quam Peruat

③ Harmonious Construction = 2 or more laws + On same issue + Contradictory + To be construed harmoniously + Caution - Law effective & other redundant



④ Rule of Ejusdem Generis = Words of same kind or species + Specific word + General word (No meaning)
 ↓ [Eg] ↓
 Jaipur Books of Arts
 derive its meaning.

⑤ Mischief Rule = Heydon's Rule or Purposive Construction or Beneficial Interpretation
 + Oldest rule + 1584 + Last resort + Meaning is unclear or Meaning is clear but intension is unclear + Study that time + Mischief? + Law as remedy (Effective)

Secondary Rules

① Strict & Liberal Construction = Strict (Literal) + Liberal (Reasonable)
 Simultaneous Application

② Expressio Unius Est Exclusio Alterius = Expression of 1 means Exclusion of others + 1 is included means others are excluded + Sec 49 only Individual to become director.

③ Noscitur A Sociis - Word is known by its Associates + 2 specific words + Used together + 1 word meaning unclear or clear but not useful + Such word shall lose its significance & gain identity from other specific word
 ↓
 Plant & Machinery

④ Contemporanea Expeditio = Meaning within the law to be applied + No other meaning to be adopted + If no meaning within law, then meaning given by Authority.
 ↓
 Bonus Act
 ↓
 2(13) - Employee upto ₹ 21000/- month.

2.5 Tools of Interpretation

Internal

- Title (Imp + Define Purpose + Impress reader + Throw light on Law)
- Preamble (Define mischief + Key to Meaning + Not part of Law + Contain motive)
- Heading (Parts, chapters, Sections, Ideology represent)
- Marginal Notes (Last resort + Few Judges accept)
- Interpretation Clause (Sec 2 + Defⁿ of repetitive words)
- Explanation (Defn - of word used in Particular)
- Schedule - Part of Enactment + Read together with provisions

External

- Legal Dictionary
- Foreign Decisions
- Foreign Legislations
- Related Statutes
- Parliamentary History
- Committee Recommendations

L Prowise = Enacting part + Further provisions
or Exceptions + Law is incomplete

Q6 Presumptions where intension of Law is Unclear

- ① Words used Precisely not loosely.
- ② Vested rights not to be taken away.
- ③ Mens Rea is essential for crime.
- ④ Legislature knows the application of law.
- ⑤ Legislature knows the practice of executive & judiciary.
- ⑥ Legislature doesn't make mistake.
- ⑦ Legislature doesn't compel futile things.
- ⑧ Application of Doctrine of Natural justice.



General Clauses Act, 1897

Q1 Background

① Lord Brougham → 1850 → Under Every Act → Sec 2 → Interpretation Clause
↳ But there are basic words = Affidavit + Ch + Sh + Good faith + Year

Separate Enactment = Meaning of basic Words = GCA, 1868 (3rd Jan)

+
GCA, 1887 (14th Jan)

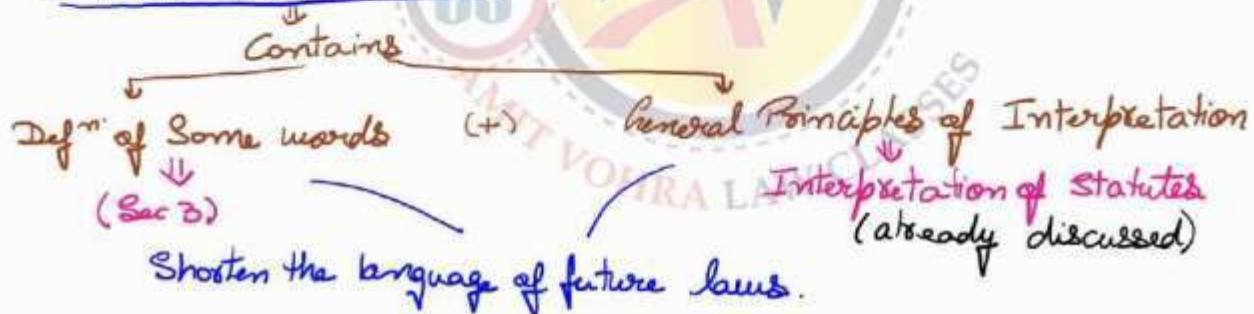
[Consolidate & Extend] GCA, 1897 (11th March)

E.g. 1 → Res X → Motor Vehicle Act, 1988 → Violation → Fine upto ₹5000/Imp 6 months/Both.
Police Man/Court → ₹1000 fine

If any Person has violated such provision, he shall be liable.
↳ includes she → GCA → Sec 13.

E.g. 2 → ECA, 1923 → If an employee has met with an accident causing employment injury, then E^r is bound to pay compensation to such an employee.
2 E^e accident ⇒ Will pay to 1 E^e only → Singular includes plural (GCA → Sec 13)

Q1 Introduction to GCA, 1897



Q2 Object & Purpose

→ To shorten the language of Central Acts (not State Legislations).

States → RCA → For State legislations.

→ To provide uniformity among all legislations

Purpose - To provide 1 single statute rather than explaining something again & again in all enactments.

↳ GCA has to be read with all applicable statutes.

GCA = bound norm of Interpretative laws.

GCA, 1897 - no prescribed territorial jurisdiction.

If main act is applicable + GCA ✓

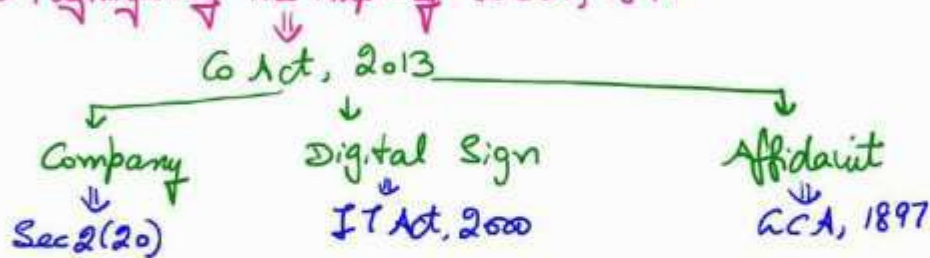
If main act isn't applicable + GCA ✗

C-Act
IT Act
HST
⇒ Affidavit
↓
Same

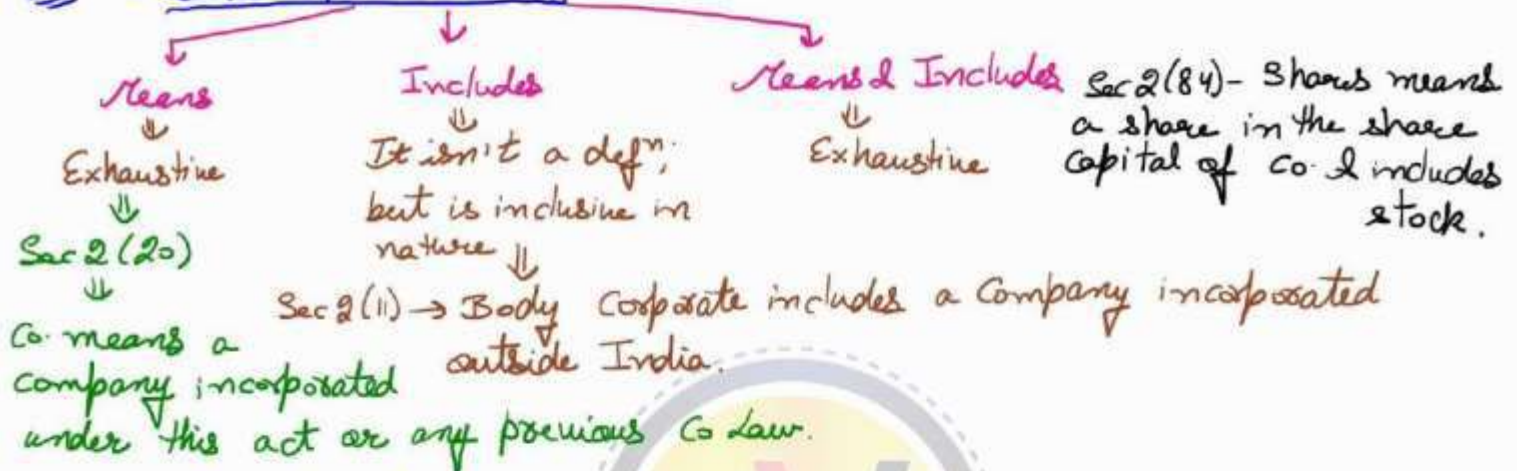
Q3 Importance of C.A, 1897

Law of all laws + Applicable to Central Acts + Interpretation Law

Few E.g. → Highlighting the imp- of C.A, 1897



Q4 Means w/s Includes



Q5 Shall w/s May



Note - A w/s B AIR 1973 HC 144

2. [Sec 3] - Definitions

① Act = Offence + Civil Wrong + Illegal Omission

② Affidavit = Affirmation & Declaration
Imp $\rightarrow$ Swear + Oath

Note - Affidavit is a written statement for use as an evidence before Court or any other authority.

③ Central Act = Pre Consⁿ + Post Consⁿ (26 Jan, 1950 onwards)

Imp
Before 1947 $\downarrow$ 1947-1950 $\downarrow$ Indian Parliament Approve
Dominion Legislature (British Parliament Pass) $\downarrow$ Governor General in Council (Approve)
Legislative Powers

④ Central Govt = Pre-Consⁿ + Post Consⁿ

Imp how General & includes President & includes
Chief Com^r + Sec 24 of GOI Act, 1935 $\downarrow$ Authority
SA - Article 258
UTG - Article 239
Chief Com^r $\rightarrow$ Article 243
Part C states $\leftarrow$

⑤ Commencement = Act or Regulation

Note - The day on which law comes into force (operation).
Statute without being operative is nullity.

⑥ Document $\rightarrow$ Written = Letters or Figures or Marks or Combination

⑦ Enactment $\rightarrow$ Law + Regulation + Codes
Imp
SEBI
or
RBI
or
Sectoral Regulators
Bengal Code
Madras Code
Bombay Code
 $\downarrow$
(Bombay Gift Act, 1935)

⑧ Financial Year $\rightarrow$ 1st Day of April.

⑨ Year $\rightarrow$ 1st Day of January (Calendar Year)

Year $\rightarrow$ From Effective Date (Specified in Act).

⑩ Good faith $\rightarrow$ Act done with honesty whether negligently or not.

⑪ Govt = CL + SG
 $\rightarrow$ SACAV.

⑫ Govt Securities $\rightarrow$ CL + SG = Securities.

Imp
(Municipal Bonds).
Before 26 Jan, 1950 $\Rightarrow$ Securities (Part B) states.
 $\downarrow$
not considered as Govt Securities.

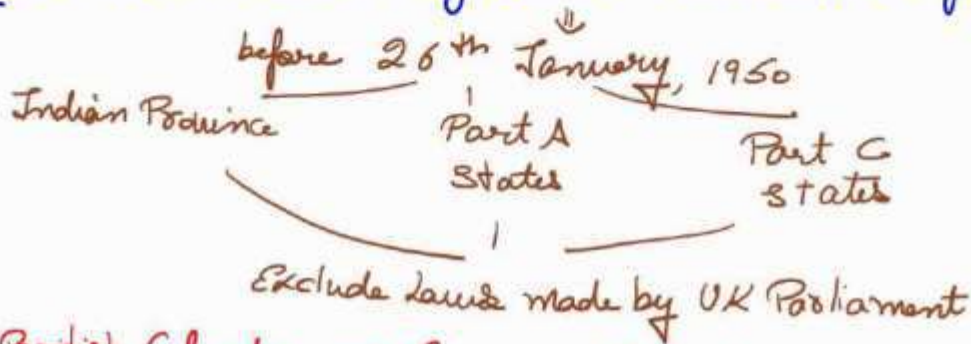
⑬ Immovable Property = TOPA, 1882

Land + Permanently fastened to Earth + Attached to earth + Benefits arising out of immovable property.

Trees - Immovable Crops - Movable

⑭ Imprisonment = IPC, 1860.

⑮ Indian Law = Act + Rule + Regulation + Ordinance + Bye-Law



⑯ Month = British Calendar → Gregorian Calendar

⑰ Movable Property = Other than immovable.

⑱ Offence = Any act or omission punishable by law for the time being in force.

Test = Wrongful Act

Offence = Wrongful Act + Punishable

Crime = Wrongful Act + Punishable under IPC

⑲ Official Gazette = NIOG1 + NIOG2

⑳ Person = Includes Co. + AOP + BOI

㉑ Regd. = Doc regd. in India.

㉒ Rule = Rules + Regulations

㉓ Schedule = Act + Regulations

㉔ Section = Act or Regulation

㉕ Sub-Section = of the section.

㉖ Writing = Printing + Photography + Lithography

Visible

Sec 4(1) - Application of foregoing defⁿ to Previous Enactments (Year)

(ICA, 1872) → Retrospective effect → All Laws → 3rd Jan, 1868 onwards
+ " " → 14th Jan, 1887 onwards

Sec 4(2) - Applicⁿ of Certain defⁿ to Prev enactments (Financial Year)

→ Retrospective effect → All Laws → 14th Jan, 1887 onwards

Conclusion

↓
Few Words

Sec 4(1)

↓
1868 onwards effective

Sec 4(2)

↓
1887 onwards effective

Sec 4A - Applicⁿ of Certain definitions to Indian Laws



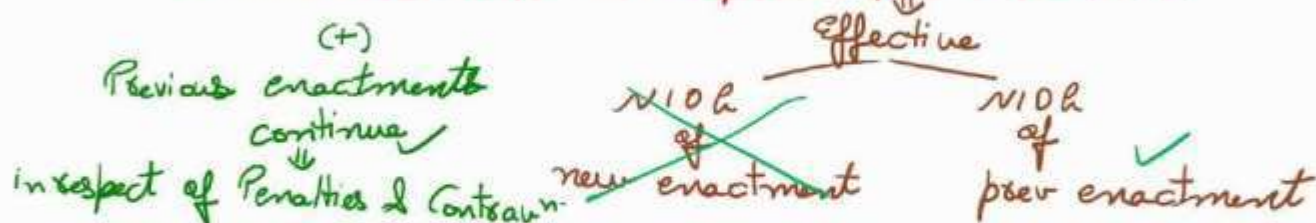
Sec 5 - Coming into operation of Enactments



State of UP w/s Mahesh Narain - SC held → Effective Date of rules
Rules are published in notificⁿ
& not from the date of prepⁿ.

Sec 6 - Effect of repeal

→ New Enactment → Repealed prev enactment.



State of UP w/s Hisendra Pal Singh (2011)

→ After repealment → Eclipse prev enactment.

Kolhapur Cane Sugar Works Ltd. w/s UOI (2000)

New Act + But Previous rules may be applied.

Repeal w/s Delete
 ↓ ↓
 Secⁿ / Law Secⁿ (Law)
 ↓ ↓
 Narrow Wider Narrow Abolish

Navrangpura Dharma Trust
 v/s
 Ramaji (1994).

Sec 6A - Repeal of Act making textual amendments in act or regulation

New Act $\xrightarrow{\text{repealed}}$ Prev Act
 $\xrightarrow{\text{repealed}}$ + Amendments

Sec 7 - Revival of repealed enactments

↳ Depends upon operation of new enactment.

E.g. Compⁿ Act, 2002 → Effective 2009.

↳ Meaning of undertaking → revived from MRTP Act, 1969.

Sec 8 - Construcⁿ of references to repealed enactments

Gauri Shankar Raur v/s State of UP.

↳ Other Acts = Income Tax Act, 1961 → RC w/s 67 of C Act, 1956.

Sec 9 - Commencement & Termination of Time

From

To

30th Sep
 [AGM] → AOC-4 in 30 days.
 ↳ (1st Oct - 30th Oct)

Sec 10 - Computation of Time

↳ 31st Dec, Default 2019 → 1st Jan, 2020 — 3 yrs → 31st Dec, 2022.

K. Soosathnam v/s Div Engineer NHC Tirunakuli (1995)

Tender Last Date → Subsequently notify as holiday.

↳ Extended to next date.

↳ Previously known holiday → Day prior to holiday is last day.

Sec 11 - Measurement of Distance

↳ Straight line on Horizontal line

Sec 12 - Duty to be taken pro-rata in enactments

→ 1kg - 3000/-
→ 400 gms = 1200/-

Sec 13 - Gender & Number

[Sec 14-19] Powers of Functionaries

Sec 14 - Authority under 1 Act = Authority under Other Act
Co Act, (ROC) = 2013 $\angle$ LP (ROC) Act, 2008

Sec 15 - Power to appoint to include power to appoint ex-officio
Latin Word - By virtue of one's office or position.

Sec 16 - Power to appoint to include power to suspend or dismiss.

Sec 17 - Substitution of Functionaries

→ EPF & MP Act, 1952

Authority = C P F C (Absence) → APFC.

Sec 18 - Successors - Authorities → Perpetual Succession

Compⁿ Act, 2002 → Chairperson → Senior most shall act as Chairperson unless successor is appointed.
(Death)

Sec 19 - Official Chiefs & Sub-ordinates

Chief - Obligations extended to Sub-ordinates
RPO extended to APO

[Sec 20-30] Powers as to Orders, Rules etc. made under enactments

Sec 20 - Construction of notifications etc. issued under enactments

Act & Rules
↓ ↓
Max Limit Operational Limit

Subhash Ram Kr.
v/s (2003)
State of Mah
↓

Circulars can be substituted.

Sec 21 - Power to issue notification, include power to add, amend or rescind notification.

Resid. Toned
w/s
State of UP (2010)

Sec 22 - Making of rules & issuing orders between passing & commencement of enactment.

C. Act, 2013

Sec 408-423

NCLT & NCLAT

Sep 2016

NCLT rules

2013-2015 → Sec - Rules x = Useless

2015-2016 → Sec ✓ Rules ✓
but not notified = Useless

Sec 23 - Provisions applicable to making of rules/Bye-Laws after previous publication.

Publish + Sufficient manner + Last date of + Other Authority + NIOE
↓
Draft rules of publication Consideration Approval final Law

Sec 24 - Continuation of Orders etc issued under enactments repealed & re-enacted.

C. Act, 1956

ROC

CLB

C. Act, 2013

ROC

NCLT

No Notificⁿ is reqd.

Notificⁿ is reqd.

1st Oct, 2019 Notificⁿ → valid → 25 Oct, 2019 Notificⁿ → valid →
Same issue

State of Punjab w/s Harneek Singh (2002)

Notificⁿ - 1 ⇒ Police extra power
Notificⁿ - 2 ⇒ Other topic

same act

Even then not override

Miscellaneous

Sec 25 - IPC, 1860 & GPC, 1898 → shall apply to all fines imposed under any act unless contrary.

Sec 26 - Provision as to offences punishable under 2 or more enactments
AV - 1 offence $\left\{ \begin{array}{l} \text{C. Law} - 2 \text{ yrs.} \\ \text{SEBI} - 2 \text{ yrs.} \end{array} \right\}$ Total 2 yrs.

Sec 27 - Meaning of Service by Post
→ Registered Post

Sec 26 - Send or give

+
Regd. Post by Acknowledgment Due
Law ✓
Regd post ✗

United Commercial Bank v/s Bhim Sain Makhija (1994)

Sec 28 - Citation of Enactments (reference numbers, year, other act)

Eg → Needn't seek approval of RBI under this guideline if already taken under 42nd enactment of the year 1999.

FEYA, 1999
29 Dec, 1999
42nd Law
1 June 2000 effective

Arbitration & Conciliation Act, 1996

Q1 Introduction

Settlement of Dispute by 3rd Party Independent
other than Court

Benefits = Time Save + Avoid Technicalities + Expenses Save

Part I (Domestic Arbitration) + Part II (Foreign Award) + Part III (Conciliation) + Part IV (Supplementary)

Q2 [Sec 7] - Arbitration Agreement = Agreement b/w parties to submit dispute to arbitrator.
Rupmanibai v/s Collector

Essentials = No prescribed format + Written + Valid Contract + Consensus - ad-idem

Note = Separate Agreement or Separate Clause in such agreement.

Q3 [Sec 8] - Power of Judicial Authority to refer parties to arbitration

Valid arbitral agreement + Applicⁿ by Party + At Earliest Stage + Matter within Scope of agreement + Applicⁿ accompanied by agreement

Q4 Matters referable & non-referable to Arbitration

Breach of Contract
+ Validity of marriage
+ Right to office
+ Time barred claims

Divorce + Will + Insolvency Matters
+ Guardianship + Charitable Trust
+ Criminal nature + Lunacy

Q5 [Sec 10] - Number of Arbitrators = Any Person + No Qualificⁿ.
+ Sole Arbitrator or Odd No.

Q6 [Sec 11] - Appointment of Arbitrator - A B

A → A1
B → A2

(A1 + A2 + A3)

Note - Arbitral Institution shall appoint Arbitrator in case inability of parties.

Q7 [Sec 12] - Challenging the appointment of arbitrator

Independence is Doubtful + Doesn't possess requisite qualificⁿ + Acting Partially

Note - Self appointed arbitrator can also be challenged.

Q8 [Sec 13] - Procedure for Challenging appointment of Arbitrator

Application + Within 15 days + To Arbitral Tribunal

Q9 [Sec 14] - Termination of Services of Arbitrator

Failure + Impossible + Mandate terminated + Incapable + Resign

Constnucⁿ India Ltd.
v/s

Secretary, Works Deptt,
Govt. of Orissa

Demotion of
Govt. employee
isn't a ground
for his termin-
ation as
arbitrator

De jure
(legally)

De facto
(infact)

Q10 [Sec 15] - Substitution of Arbitrator

Sub A^r will replace A^r + Previous proceedings may be repeated + Interim Order by Previous arbitrator is valid.

Q11 [Sec 16] - Jurisdiction of Arbitral Tribunal

AT is empowered to make rules + Arbitration Clause is valid, even if Contract stands void

Plea may be raised on jurisdiction before submission of "Statement of Defence"

Q12 [Sec 23-27] Procedure for Arbitral Proceedings

23 - Statement of Claim & Defence.

24 - Hearing & Writing of Proceedings.

25 - Default (Absence) of Parties

26 - Appointment of Expert

27 - Party or AT may move to Court for assistance

Sec 30

Decision by
Consensus
of Tribunal
members.

Note - Parties Dispute + Settlement = To be declared Formally as award by Tribunal.

Q13 [Sec 31] - Form & Contents of Arbitral Award

Written + Reasons + Date & Sign + Place + Copy to each party.

Q14 [Sec 32] - Termination of Arbitral Tribunal

Claim withdrawn + Parties Agree + Continuation Impossible or Unnecessary.

Q15 [Sec 33] - Correction & Interpretation of Award

Within 30 days of Award = Give Interpretation + Correct Typographical errors.
Within 60 days of Award = Request for additional award for matters remained undecided.

Q16 [Sec 34] - Grounds for Setting Aside of an Arbitral Award

Incapacity of Party + Violation of Principles of Natural Justice + Acted without jurisdiction + Agreement is valid + Not given proper notice + Conflict with Public Policy
Applicⁿ in 3 months + 30 days (Suff Cause)

Q17 [Sec 37] - Appeal against AT

To Competent Court + No further appeal except SC.

Q18 International Commercial Arbitration

Disputes out of Legal Relationship whether Contractual or not where atleast 1 Party is (Foreign National or Foreign Co or Foreign BC or Foreign Court)

Foreign Award

Sec 45

New York Convention Award

Not Commercial as per Indian Law

Sec 54

Geneva Convention Award

Commercial as per Indian Law

Q19 Conciliator = Settlement of Dispute without litigation in informal manner

Lower Tension + Improve Comⁿ + Interpret issues

+ Provide technical assistance + Explore Solution + Negotiate Settlement.

Note - No. of conciliators - 1, unless agreed by parties.

Q20 [Sec 69] - Appointment of Arbitrator



Role of Conciliator = Assist in settlement + Fair Justice + Not only assist but provide proposals

[Sec 70] Disclosure of Info - Disclose unless reqd to be confidential

Q21 [Sec 73] - Settlement Agreement

Formulation of Settlement Terms by Conciliator + Parties may accept & sign + Final + MOS + Copy to each party

Q22 [Sec 76] - Termination of Conciliation Proceedings

Date of Signing of Settlement Agreement

or Declaration by Parties regarding termination

Q23 [Sec 78 & 79] - Cost of Conciliation & Deposit of Advance

After termination of Proceedings + Cost = Fee & Exp + Cost fixed by Parties + Equally borne.

Q24 ICADR & ADR - Alternative Dispute Resolution

International Centre - Urgent need + Indian Courts burdened

Non-Profitable Society with independent experts.

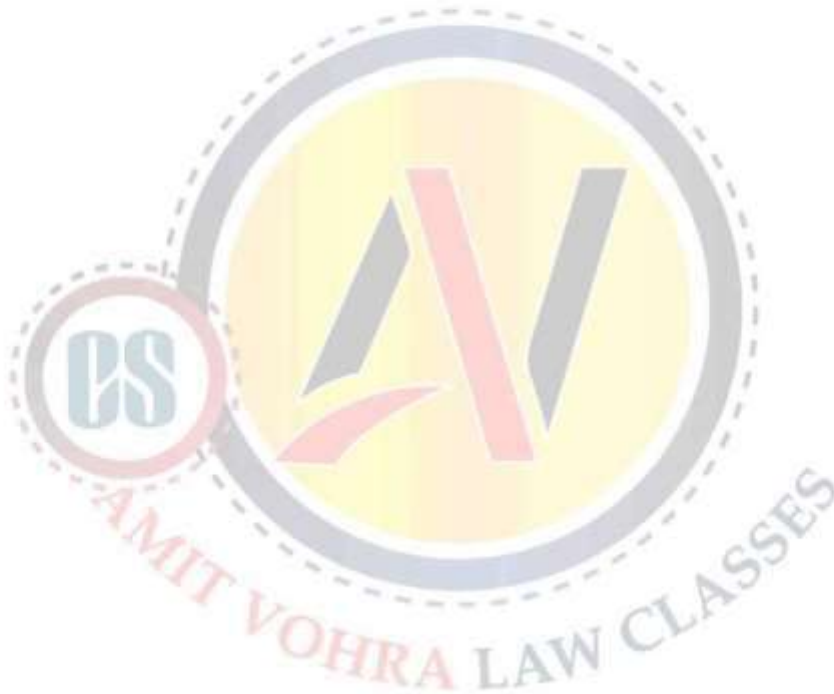
Areas for ADR = All Commercial areas.

Contractual + Construcⁿ Projects + Partnership + IPR + Real Estate
+ Securities + Insurance

Q25 Sec 2(1)(g) - Defⁿ of Legal representatives

Include = Executors + Administrators + Legal Heirs + Reversioners
+ Universal Legatee

Exclude = Assignee + Trespasser + New Trustee



Indian Stamp Act, 1899

Sec 1 $\Rightarrow$ Intro & Object $\Rightarrow$ Consolidate & Amend + Fiscal Legislation + 8 Chapters + Schedules
 $\Rightarrow$ Mandatory Liability + $\uparrow$ State Revenue + ~~Fraud~~ + Authenticate transactions

Sec 2 $\Rightarrow$ Defⁿ

- 2(1) = Banker = Banker + Person acting as Banker
2(2) = BOE = In writing + Unconditional + Certain + Includes Hundi.
Order money
2(3) = BOE on Demand = Order to pay + Weekly or monthly or other period + Letter of Credit.
2(4) = Bill of Lading = Bill Lading + Mate's receipt X
2(5) = Bond $\Rightarrow$ Instrument = Payment + To Order + Not bearer + Witness + Obligⁿ to deliver gain.
2(6) = Lease $\Rightarrow$ Immov Prop + Patta + Kabuliyaat + Tell
2(7) = Cheque $\Rightarrow$ BOE drawn on banker.
2(10) = Conveyance $\Rightarrow$ Instrument by which immovable property is transferred.
2(11) = Duly Stamped $\Rightarrow$ Instrument bears adhesive or impressed stamp not below the amount required by law.
2(12) = Executed & Execution $\xrightarrow{\text{Signed}}$ Signatures
2(14) = Instrument = Doc + Creating right or liability.
2(16A) = Marketable Security = Capable of being sold in stock market in India or UK.
2(22) = Promissory Note = Undertaking to Pay + Money + Unconditional + Payable to bearer + Signed by maker.
2(23) = Receipt = Note + Memo + In Writing + Mov Prop + Signifies acknowledgement
2(24) = Settlement $\Rightarrow$ In respect of = Marriage + Distribute property + Religious Purpose + Excludes Will.
2(26) = Stamp $\Rightarrow$ Mark + Seal + Endorsement + Impressed + Adhesive

Sec 3 $\Rightarrow$ Documents liable $\Rightarrow$ Made in India paid in India + Made in India paid abroad + Made abroad paid in India + Made & paid abroad (Prop in India)
Exempted from Stamp Duty $\Rightarrow$ Army etc. + Govt + Co-op Society + Ship or Vessel

Sec 4 $\Rightarrow$ Several instruments making single transaction $\Rightarrow$ Stamp Duty on Principal Instrument +
Re- Maharaj Someshwar Dutt

Sec 5 $\Rightarrow$ Single Instrument making Several Transactions $\Rightarrow$ Stamp Duty for all such transacⁿ + Board of Revenue w/s Arthur Paul Benthall.

Sec 6 $\Rightarrow$ Ambiguous Instrument $\Rightarrow$ Instrument with several Description or Multi-description instrument + Duty payable on instrument with higher duty.

Sec 8 $\Rightarrow$ Bonds, Debentures issued under the Local Authorities $\Rightarrow$ Under Local Authorities Loans Act, 1879 Securities needn't be stamped.

Sec 8A $\Rightarrow$ Securities Dealt in Depository not liable to Stamp Duty $\Rightarrow$ Registered Ownership was being severed from Beneficial Ownership.

Sec 8B $\Rightarrow$ Corporation & Demutualisation Schemes not liable to Stamp Duty $\Rightarrow$ Instrument of transfer such scheme shalln't be liable to duty.

Sec 9 $\Rightarrow$ Redemption, Remission & Compounding of Duties $\Rightarrow$ Govt may reduce, remit or compound if single transfer of marketable securities.

Sec 11 $\Rightarrow$ Adhesive Stamp $\Rightarrow$ Other than impressed + Pasted Stamp Duty + Documents (Executed Outside India + Chargeable upto 10 paise + Physical Sh transfer MOA or Vakalatnama)

Sec 12 $\Rightarrow$ Cancellation of Adhesive Stamp $\Rightarrow$ To avoid re-use + Non-Cancelled adhesive stamp isn't admissible as evidence + Mode of cancellation (Sign/Initials + Date of Party + Execution)

Sec 13 & 14 $\Rightarrow$ Rules regarding impressed Stamp $\Rightarrow$ Prescribed Purpose + To be written on ace of instrument + Allonge + Description of Parties on Stamp Paper + No 2 transacⁿ on Single paper Acceptable by paying penalty.

Sec 16 $\Rightarrow$ Denoting Duty $\Rightarrow$ Endorsement under the hand of Collector of Stamp.

Sec 18 & 19 $\Rightarrow$ Documents executed outside India $\Rightarrow$ Sec 18 - Stamp Duty in 3 months of time when brought in India.

Sec 19 - Word "Foreign Note" to be mentioned.

Sec 20 $\Rightarrow$ Advalorem Duty in Foreign currency must be converted in Indian currency.

Sec 21 $\Rightarrow$ Ad valorem Duty is paid on shares & stock as per the market value on date of transaction.

Sec 23 $\Rightarrow$ Inst (5.50 lac) = Principal (5 lac) + Interest (50,000).
 $\downarrow$
Stamp Duty

Sec 24 $\Rightarrow$ Duty in respect of Debt shall be paid if require transfer in property.

Sec 35 $\Rightarrow$ If unduly stamp, inadmissible as evidence.

Sec 29 $\Rightarrow$ Person liable to Stamp Duty $\Rightarrow$ Insurance Co. + Lessee + Purchaser
Executor + BOE (equally by both parties).

Sec 27 $\downarrow$ True & full disclosure of Parties	+	Sec 35 $\downarrow$ If lesser stamp duty is paid inadmissible evidence	+	Sec 64 $\downarrow$ Penalty upto ₹5000 for contravention of Sec 27.
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E-Stamping = Computer based application + Secured way of payment +
Benefits (E-Stamp Certificate is generated in minutes + Faster Processing + Easy Accessibility + Security + Cost Saving + User Friendly)
Can't be tampered

Registration Act, 1908

Sec 1 $\Rightarrow$ Intro & Object $\Rightarrow$ Whole of India + Including J & K + [Objective = Secure interest of Transferee + To Prevent forged + Ties in Rem transaction]

Sec 17(1) $\Rightarrow$ Doc Compulsory registration $\Rightarrow$ $\begin{matrix} \nearrow \text{Child Adoption Deed} \\ \text{Gift Deed} \end{matrix}$ $\rightarrow$ $\begin{matrix} \text{Test} \rightarrow (\text{Non-Testamentary} \\ \text{₹ 100 or more}) \end{matrix}$ $\rightarrow$ $\begin{matrix} \text{Lease Deed} > 1 \text{ yr.} \end{matrix}$ $\rightarrow$ $\begin{matrix} \text{Creating right} \\ \text{Conveying right} \\ \text{Acknowledgement of Debt or Loan} \end{matrix}$

Sec 17(2) $\Rightarrow$ Doc Not Compulsory registration $\Rightarrow$ A-S-C-S-T (Auction Certificate + Share Certificate + Composition Deed + Share Transfer Deed + Non testamentary Instrument (< ₹ 100) + Decree + Partition Deed + Orders) $\rightarrow$ [Loan + Instruments + Charitable Endowments]

Sec 18 $\Rightarrow$ Doc Optional Registration $\Rightarrow$ Sec 17(2) + Lease (< 1 yr) + Non-test (< ₹ 100) + Will

Sec 19 + 20 + 21 $\Rightarrow$ Sec 19 $\Rightarrow$ Regⁿ applicⁿ = English or Local Language
Sec 20 $\Rightarrow$ No blank space in deed.
Sec 21 $\Rightarrow$ True & fair description of parties.

Sec 23 $\Rightarrow$ Time for Regⁿ $\Rightarrow$ 4 months from Date of Transfer

Sec 25 $\Rightarrow$ Extension of Time for Regⁿ $\Rightarrow$ ~~9m~~ + 4m (Extension with regⁿ fee upto 10 times).

Sec 23A $\Rightarrow$ Re-regⁿ of Document $\Rightarrow$ Within 4 months from the date of discovery of error/authority of person.

Sec 26 $\Rightarrow$ Documents executed outside India $\Rightarrow$ 4 months of doc arrival in India + Nainsuck Das v/s Howasdeen Das $\Rightarrow$ [If Unregistered then inadmissible as Evidence]

Sec 28 + 30 ⇒ Doc pertaining to immovable prop (Place) ⇒ Registered with Sub-registrar in whose jurisdiction property is situated.

Sec 27 ⇒ Time for regⁿ of Will ⇒ Any time even before or after death of maker.

Sec 31 ⇒ Regⁿ of Will ⇒ With any registrar or sub-registrar throughout India.

Sec 32 ⇒ Who may apply for registration ⇒ Principal + Legal Representative + Agent (P^r = Tail or NRI or Not in India SPA Holder or Bodily restraint)

Sec 35 ⇒ When may registrar refuse to register transfer ⇒ Unduly stamped + Transferee disable + Request from transferor + Reg from legal heirs of deceased transferor
Note = No appeal (Unduly stamped or Incomplete Doc)

Sec 47 ⇒ 2 Regⁿ Doc pertaining to same property ⇒ Regⁿ → 18th April, 2019
Regⁿ → 18th Aug, 2019 } Earlier Valid regⁿ.

Sec 49 ⇒ Effect of Non-regⁿ ⇒ Unenforceable + Invalid transfer + Not admissible as evidence + Not confer any right + Mortgage void.

Sec 71-73 ⇒ Appeal to Registrar ⇒ Sub-Reg + 30 days to Registrar + Final & Binding + No further appeal + Wait

Books in Regⁿ Office ⇒ 1 (Non-Testamentary) + 2 (Refusal) + 3 (Will or adoption) + 4 (Misc) + 5 (Will with registrar)

Duties of Registrar ⇒ Register + Endorse (Date + Day + Hour + Place + Sign) + Give Receipt & make copy of Document.

Information Technology Act, 2000

- ① Introduction = E-Commerce + Cyber Crimes + UNCITRAL Model Law
- ② Objective = To provide legal recognition = transaction Electronically
Using Internet.
- ③ Impact = Legal recogⁿ = EDI + E-Commerce = Amendments
(Evidence Act + IPC + RBI Act + Banker's Books Evidence Act)
- ④ Non-applicability = PNotes & BOE + POA + Trust + Will + Conveyancing

⑤ Definitions

Access - ALM functions + Pricing Entry + C/CB/CN.

Asymmetric Crypto System = Private Key (Create) + Public Key (Verify)

Communicⁿ Device = Cell Phones + PDA + Text & Video & Audio & Image

Computer = Elec/Magnetic/Optical/High Speed + ALM funcⁿ.
+ Manipulation (Impulses) + Input & Output & Process & Storage facilities + CS/CN.

Computer Network (CN) = Interconnectⁿ of Computer + Satellite / Microwave / Terrestrial Lines + Temporary or Permanent.

Computer System (CS) = Device or Collection of Devices + Excludes Calculator + ALM + Capable of being used in Conjuncⁿ with External files.

Cyber Security = Info/Equip/Device/Computer + Protect + Unauthorized Access or Use or Disclosure or Disruption or Modifⁿ or Destrucⁿ.

Secure System = Hardware + Software + Procedure + Secure & Reliable & Suitable.

① [Sec 3 & 3A] DSC & ESC DSC

Asymmetric Crypto System

ESC
(Any reliable technique
Sch II)

Sign Control + Alteration detect

⑦ [Sec 4] Legal recognition to E-records & E-Signatures

Written/Typed/Pointed

Valid + Enforceable + Evident

⑧ [Sec 6] Public Records Legal Recogⁿ = E-Forms + E-Licenses + E-Payments

⑨ Sec 7 & 7A - Retention of Elec Info & System Audit

(10) Sec 10 A to 16

Seco A - Validity of Contracts formed through E-Means

offer + Acceptance = Agreement + Legal Obligⁿ = Elec Mode (valid)

Sec 11 - Attribution & Dispatch of E-record

AV/Person/System = Dispatch = Attributable to AV.

Sec 12 - Acknowledgement of receipt of E-record

Addressee = Communicate = Automatic/Manual/Other indicator

Sec 13 - Time & Place of Dispatch & Receipt of E-record

↓
Data out of Control
of Originator

↓
Data enters the computer
Resource of receiver

Sec 14 + 15 + 16 - Secure E-records

↓
Verify

↓
CR to prescribe security procedures

Signature (Store + Affix + Control)

⑪ Sec 35 - Procedure to Obtain ESC = Fees + Applicⁿ. + Certificⁿ Practica Statement = Certifying Authority

Sec 38 - Grounds for revocation of ESC

False fact + Conceal Fact + Death/Insolvent + Issuance requirements
System Compromised + not satisfied

⑫ Computer Contaminant & Computer Virus

↓
To modify/destroy record

↓
Instrucⁿ/Info/Data/Program

+
Resided/in Transit

that
Destroy/Damage/Degrade

=
C/CS/CN

=
Performance of Computer

to
Ususp normal operation

⑬ [Sec 43] - Penalty & Compensation for Damage to C/CS/CN Without Permission

(Access + Files Download + Data Extract + Contaminate + Virus + Damage
+ Tamper + Denial Access + Destroy/Delete)

⑭ Appellate Tribunal = AV → ~~45~~ → ~~60~~ → HC → Telecom
Dispute Settlement
& AT.

⑮ Sec 79 = Network Service = Intermediary + Not Liable
Provider (Without Knowledge or Prevent)

⑯ Cyber Offences or Crimes = Tampering with Doc + Hacking + Publish Obscene info
+ Protected Portals Access + Misrepⁿ for DSC to CA
+ Breach Confidentiality + Knowingly create DSC for
unlawful purpose

Sale of Goods Act, 1930

Q1 Intro & Essentials

Formerly part of ICA, 1872 + Enacted on 15th March, 1930 + Applicable from 1st July, 1930

SGA = Mov Prop + 2 Parties + Consideration + Transfer of Property (ownership) + Essentials of a Valid Contract

Q2 Goods = Mov Prop + (Money + Actionable Claims) + Growing Crops + Timber + Grass + Everything attached to Earth $\left\{ \begin{array}{l} \text{Sewer} \\ \text{Subsequently sell} \end{array} \right. + \text{Shares \& Stock}$
 [Morgan Stanley MF v/s Kartik Das] - Shares are goods only after allotment.

Q3 [Sec 16] - Doctrine of Caveat Emptor - Principle of Aware Buyer / Let the buyer beware

Exceptions = ① where buyer relies on seller's skill & judgment.

② Fitness of buyer & his purpose.

③ Sale under Patent or Trade name ^{Griffin v/s Peter Conway Ltd}

④ Sale by Sample ⑤ Sale by description ⑥ Sale by sample & description

⑦ Consent by Fraud

Q4 [Sec 69] Sale by Auction

Auction = Compulsory + Voluntary (Flint v/s Wooding)

Rules = Prima facie in separate lots + Bidders + Highest bidder on fall of hammer

+ Bidder may retract + Reserve Price + DD + Auc^r not bound if mistakenly knocked below reserve price + Puffers illegal + Owner to bid himself with prior Auc^r consent + Pretended bidding is voidable at the option of buyer.

Q5 D/B - Sale & Agreement to Sell

Basis	Sale	Agreement
Ownership	To ✓	To ✗
Goods	Existing	Existing or Future
Risk of Loss	Buyer	Seller
Conveyancing	✓	✗
Resale right	Buyer ✓	Buyer ✗
Resale right	Seller ✗	Seller ✓
Nature	Executed Contract	Executory
RST	✓	✗
Insolvent Buyer	Goods belongs to his assignee ✓	✗
Insolvent Seller	✗	Goods belongs to his assignee ✓

Q6 D/B - Sale & Bailment

Basis	Sale	Bailment
Ownership	To ✓	To ✗
Consideration	✓	May/may not
Return Obligation	✗	✓
Risk of Loss	Buyer	Bailee
RST	✓	May/may not
Purpose	Not specific	Specific
Governing Law	SGA, 1930	ICA, 1872

Q7 Contract of Work & Material

Painter + Dentist (Labour)

Service is inseparable from goods

Q8 D/B - Sale & Hire Purchase

Basis	Sale	Hire Purchase
Property (Ownership)	Immediately To ✓	Agreed no. of installments paid
Holder Status	Owner	Bailee
Privilege	X	To return back ✓
Installments	Adjusted towards Principal Amount	No adjustment unless agreed.

Note - Hypothecation is different from Sale & Hire Purchase

Q10 [Sec 27] - Nemo Dat Quod Non Habet

No seller can pass the better title than what he himself has.

Exceptions 1. Effect of Estoppel

4. Sale by Pledgee

7. Sale by seller in possession after sale

2. Sale by Mercantile Agent

3. Sale by one of the several joint owners

6. Sale by Finder of goods

8. Sale by buyer in possession after agreement to sell.

Q11 Sale on Approval Basis

- Sale shall be deemed to be taken place if Buyer has intimated seller about his acceptance

Goods kept by buyer till lapse of time

Buyer had offered the goods for subsequent sale.

Q12 [Sec 12] Condition & Warranty

1. Essential stipulation

2. Agg Party may repudiate contract & claim price

3. Breach of Condⁿ
Breach of Warranty

Collateral Stipulation

Agg Party may claim damages only.

BOB ≠ BOC

Implied Warranties

1. Warranty as to quiet Possession of goods

2. Warranty as to freedom from encumbrances.

3. Warranty to disclose dangerous nature of goods.

Q9 Delivery = Voluntary transfer of possession

[Actual + Symbolic + Constructive]

Acceptance = Intimation from Buyer

Possession of Buyer till lapse of reasonable time

Buyer's act inconsistent with ownership of seller

Rules regarding Delivery

DVP unless agreed + Seller not bound to deliver

+ Place of Delivery = Place of Sale

+ If seller bound to deliver, then reasonable time

+ Larger v/s Smaller Qty delivered.

+ Delivery of goods in installments

Implied Conditions

① Condition as to sample

② Condⁿ as to description

③ Condⁿ as to sample & description

④ Condⁿ as to Title
(Rowland v/s Dinnall)

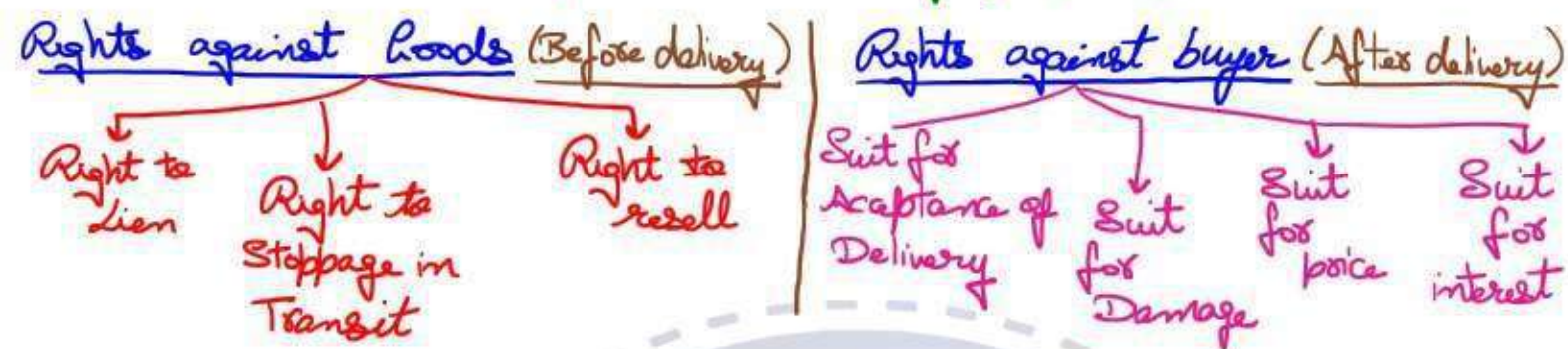
⑤ Condⁿ as to Merchantability
(Wilson v/s Rickett Gokrell Ltd.)

⑥ Condⁿ as to fitness for buyer's purpose

⑦ Condⁿ as to wholesomeness
(Chaplin v/s Mason)

Q13 [Sec 45] - Unpaid Seller

US = Full Price not paid $\propto$ N.I of full price paid but dishonoured



① Right of Lien = To retain goods unless payment is received.

When seller may exercise lien = Unpaid + Goods Not at Credit $\propto$ Credit period expired + Goods under Possession of seller

Termination of Lien = Goods not in possession of seller $\propto$ Goods in Transit $\propto$ Paid seller $\propto$ Right of lien waived by seller.

② Right of Stoppage in Transit

Transit Meaning = Seller's Agent $\propto$ Buyer's Agent $\propto$ Independent

When seller may exercise = Unpaid Seller + Goods in Transit + Buyer is insolvent

Termination of Stoppage in Transit = Goods delivered at destination $\propto$ Goods taken by buyer or agent before destination. $\propto$ Delivery is rejected $\propto$ Seller is been paid up

Note - Right to stoppage in transit is an extension to the right of Lien.

③ Right to Resale

Perishable goods = Without notice to buyer.

Non-Perishable goods = With notice $\begin{cases} \text{Surplus } \checkmark \\ \text{Deficit } \checkmark \end{cases}$
 $\propto$
Without notice $\begin{cases} \text{Surplus } \times \\ \text{Deficit } \times \end{cases}$

Q14 Document of Title to Goods v/s Document Showing Title to Goods

Transfer of Property Act, 1882

Sec 6 - Rights which can't be transferred

Sec 7 - Competent Parties (Sui Juris)

Sec 8 - Effect of Transfer (Right + Liab)

Sec 9 - Manner of Transfer (Only Written)

Sec 10 - Restraint against Transfer

Sec 11 - Restraint against Enjoyment

Sec 12 - Termination of Contract due to insolvency

Sec 13 - Transfer of Property to Unborn

Sec 14 - Rule of Perpetuity

Sec 16 - Failure of Condition

Sec 19 - Vested Interest

Sec 21 - Contingent Interest

Sec 25 & 26 - Conditional Transfer

Sec 35 - Doctrine of Election

Sec 41 - Doctrine of Sale by Holding Out or Ostensible Owner

Sec 43 - Doctrine of Grant by Estoppel

Sec 52 - Doctrine of Lis Pendens

Sec 53 - Doctrine of Fraudulent transfer

Sec 53A - Doctrine of Part Performance

Sec 54 - Sale

Sec 57 - Encumbrances on Sale

Sec 58 - Mortgage

Sec 60 - Right of redemption

Sec 56 & Sec 81 - Right of Marshalling

Sec 92 - Right of Subrogation

Sec 100 - Charge

Sec 105 - Lease

Sec 118 - Exchange

Sec 122 - Gift of movable property

Sec 123 - Gift of immov property

Sec 127 - Onerous Gift

Sec 58 - Mortgage

Immov Prop + As Security + Against $\xleftarrow{\text{Debt}} \text{Loan}$ = Mortgages + Mortgagees
Pecuniary Liab

1. Simple = 2 copies MD + No Possⁿ + No title Deeds delivery + Default + Court Prior approval + Surplus/Deficit Claim

2. Conditional Sale = Title Deeds + No Possⁿ + 2 copies + Default + No owner + No claim
Delivered MD

3. English = MD 2 copies + T^o of Ownership + Re-transfer on payment + Avoided due to dual stamp duty

4. Usufructuary = MD 2 copies + Possⁿ transferred + No Prop Use + Usage charges to be deducted from the liab of M^r

5. Equitable or Title Deeds = 2 copies + Title Deeds delivered + Possⁿ not transfer + Default + Sale + Without Court + Surplus/Deficit claim

6. Anamolous/Hybrid Mortgage = Combination of 2 or more.

Sec 60 - Right of Redemption

Creation of Mortgage + M^r rights sacrifice + M^r Repayment + M^r rights repossess
Right to 55

Sec 92 - Right of Subrogation

Subrogation = Right on remaining or Residual right
No ~~Payment~~ $\rightarrow$ Payment 3rd Party
 $\downarrow$
Doc + Security $\rightarrow$ pass

Sec 52 - Doctrine of Discharge
Immov Prop + 2 Parties
+ Dispute + In Court of Law
+ Transfer is Void-able.

Sec 10 - Restraint against Transfer = $T^s + T^e$ + Unjustified restricⁿ related to subsequent transfer + Transfer is Valid + Condⁿ is Void = T^e is not bound

Note - Partial restraint against transfer is valid.

Sec 11 - Restraint against Enjoyment = $T^s + T^e$ + Unjustified restricⁿ related to mode of enjoyment + Transfer is Valid + Condⁿ is Void = T^e isn't bound

Note - Partial restraint against enjoyment is valid.

Sec 35 - Doctrine of Election = $T^s + T^e$ + Condition + At the time of Transfer + T^e Condⁿ comply = Sale executed otherwise not.
(Elect)

Note - T^s can't impose any condition subsequently.

Sec 6 - Rights which can't be transferred - MEFIPO

Sec 25 + 26 - Conditional Transfer - Transfer subject to the compliance of condition to the extent possible.

D/B - Vested Interest	Contingent Interest
Int - is vested	Int not vested
Int is indep -	Int - is dependant
Transferable	X
Heritable ✓	X
May/May not be cond ⁿ al	Conditional

Sec 122 - Gift of Movable Prop

Mov Prop + 2 Parties + Donor & Donee + No Consⁿ
+ Natural Love & Affecⁿ + Ownership Transfer
Delivery = Actual or Symbolic or Constructive

Sec 123 - Gift of Immov Prop

Immov Prop + 2 Parties + Donor & Donee + No Consⁿ
+ Natural Love & Affecⁿ + Ownership Transfer
+ Must be written (Gift Deed) + Witnesses

3 Notes

1. Gift accepted but not registered is irrevocable.
2. Gift registered but not accepted is revocable.
3. Gift is completed on being accepted by the donee.
4. If immov prop is gifted by donor b/w- 2 donees & is accepted by 1 & rejected by other, donor is bound to perform the contract of gift to the extent accepted.

Sec 54 - Sale = Immov Prop + 2 Parties + Seller & Buyer + Consideration + Sale Deed + Witnesses + Transfer of Ownership

Sec 57 - Encumbrances on Sale = Transfer in immov property by sale shall be free from encumbrances (charges) / burden associated with property

Sec 56 & 81 - Marshalling = Right of buyer against mortgagee for settlement of the liability from remaining properties.

Sec 127 - Oneous Gift or Gift with Burdensome

Donor + Donee + Gift with Liability + Donee will pay liab & then be entitled to property gifted.

Sec 13 - Transfer of Property to Unborn
 Primary transfer to other person for life + Absolute transfer to unborn

Sec 14 - Rule Against Perpetuity - Unborn will acquire ownership
 Expiry of life of such person or Majority age
 Later

Sec 16 - Failure of Conditions related to transfer - Prop will revert back to donor.

Sec 41 - Sale by Holding Out - Owner + Non Owner + Buyer (Become Owner)
 No objection
 Pretended
 Owner

Sec 52 D/B - Lease	Sec 105 Licence
Leasor + Lessee	Assignor + Assignee
Heritable ✓	X
Transferable	X
Rent	Taxiff
Longer	Shorter
Reg ⁿ ✓	Reg ⁿ X
1 yr or more	

Sec 43 - Doctrine of Feeding grant by Estoppel

Transferor $\xrightarrow{\text{Prop sell to be performed in future}}$ Transferee

Future Date

Not to deny on ground of not being owner at the time of agreement or contract.

Sec 118 - Exchange = 2 Parties + 2 Immov Prop + Mutually Agreed + No Pecuniary transacⁿ.
 + Both parties are T^r & T^e at same time

Sec 53A - Doctrine of Past Performance

T^r + T^e + Possⁿ transfer + Consⁿ Paid

+ Stamp Duty paid $\neq$ Regⁿ

T^r can't avoid transfer on ground of non-regⁿ only when all other legalities has been complied with.

Sec 53 - Doctrine of Fraudulent Transfer

T^r $\xrightarrow{\text{claim avoid payment}}$ Creditors

sell at throw away price
 T^e

Transfer is Void-able

Indian Contract Act, 1872

- Q1 [Sec 182] Contract of Agency = Principal + Agent (To act or To represent)
+ Essentials = Agreement + Intension
+ Rules = Whatever can be done personally, can be done through an agent.
+ Act by agent is act by Principal.
+ True Test = Legal Relation with 3rd Party + Vicarious Liability of Principal
+ Contractual Capacity = Principal $\neq$ Agent

Q2 DIB - Agent & Servant
Legal relation with 3rd party $\times$
Control of Employer $\times$ $\checkmark$
Owners/Principals Many 1

Q3 DIB - Agent & Indep Contractor
Within Authority $\downarrow$ Independently act $\checkmark$
Personal Liability exception $\downarrow$ Personally liable always

Q4 Creation of Agency

Express + Implied (Holding Out / Estoppel / Necessity) + Operation of Law
+ Ratification (Agent Purport + Principal exist + P^o Sui Juris + Full knowledge + Reasonable time + Whole transⁿ + Empower to ratify + Must be communicated)

Q5 Kinds of Agents

Authority = Special + General + Universal
Work (Non-Commercial) = Attorney + Solicitor + Insurance Agent
Work (Commercial) = Factor + Broker + Banker + Comⁿ Agent + Del Credere Agent + Auctioneer.

Q6 Delegation Non Protest Delegation [Sec 190]

Delegatee can't further delegate

+ Exceptions

Custom of Trade + Nature of Work + Principal not Objected + Agent Prior Consent + Unforeseen Emergencies

Q7 Rights & Duties of Agents

Rights = Indemnified + Compensated + Remuneration + Retainer + Lien
Stoppage in Transit + Pledge

Duties = Comply Directions + Reasonable Care + NCs render + Communicate difficulty with P^o + No personal deal + Pay sums received + No secret profit + Protect P^o (Death/Insolvency) + No conflict of Int.

Q8 [Sec 230] Personal Liability of an Agent

Express Contract + Foreign P^r + Undisclosed P^r + P^r not be sued + Contracted in Personal Capacity + P^r non-existence + Agent Fraud + Coupled with interest

Q9 Termination of Agency

Act of Parties = Agreement + Revocation (By P^r or Agent)

Operation of Law = Performance + Expiry + Death of Party + Insanity of Party + Insolvency of Party + Destruction of subject matter + P^r as Alien Enemy + Termination of Sub-Agent Authority.

Irrevocable Agency = Coupled with interest + Personal Liability + Where agent had partly exercised his authority.

Q10 Co-Agent or Substitute Agent

P^r → Agent 1 + Agent 2 = Co Agents or Substitute Agents

P^r → Agent 1 → Agent 2 = Sub Agents

Relationship Between Principal & Sub-Agent

Where Sub-Agent is properly appointed = Agent is responsible + Principal is bound

Where Sub Agent isn't properly appointed = No responsibility or boundness on part of agent or principal

D/B- Co Agent

P^r Control ✓

P^r Can sue

Agent responsibility x

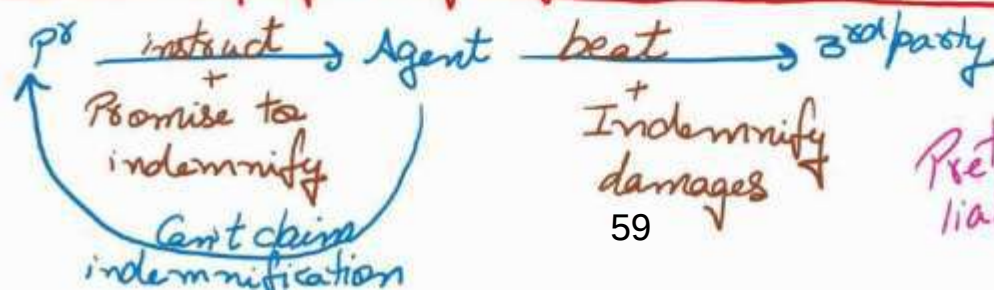
Sub Agent

Agent Control ✓

P^r Can't sue

Agent Responsibility ✓

Q11 Non-liability of E^r of agent to do a Criminal act



Note

Pretended agent is liable if not satisfied.

Negotiable Instruments Act, 1881



Q1 [Sec 13] NI = Transferrable Document Creating right or liability.

NI = Sec 4 (P. Notes) + Sec 5 (BOE) + Sec 6 (Cheque)

NI = Order Instrument (Endorse & Deliver) + Bearer Inst (Transfer by Delivery)

Characteristics of NI = Written + Signed + Unconditional + Money Only +
Freely transferrable + Title (HDC) + Stamped (cheque X)
(upto maturity)

Every HDC is Holder, but every Holder isn't HDC.

Q2 Presumptions as to NI [Sec 118]

Consⁿ + Date + Time of acceptance + Time of transfer + Delivery or Endorsement & delivery + Stamp + (H = HDC) + Sue all prior parties

Q3 Types of NI = By Statute or By Custom or Usage

Q4 [Sec 4] P. Notes = Written + Promise + ^(Uncontingent) Unconditional + 2 Parties (Maker & Payee)
+ Money Only + Order or bearer + Amount Certain

1. Acknowledgement of Debt ≠ P. Notes
2. P.N - undated = Valid.
3. P.N - Minors signed = Invalid.
4. P.N - Joint (Major + Minor) = Valid against major only.
5. P.N - Amount (Uncertain) = Invalid.
6. P.N - Conditional = Valid, but Contingent = Invalid.

Q5 [Sec 5] - BOE = Written + Order + Unconditional + Maker sign + Direct
Certain person + To pay (Certain person / Order / Bearer) +
Acceptance by Payer + Stamped + Money only.

Non-accepted bill is valid ← (Defⁿ - Sec 5 not provide for acceptance).

Q6 [Sec 6] - Cheque = BOE + Drawn on banker + Payable on Dd + Valid for
3 months + Includes elec image of truncated cheque +
Elec cheque + Banker is drawer.

Cheque is a BOE drawn on banker.

E-Cheque (DSC)

E-Cheque	Truncated Cheque
X	Paper ✓
DSC ✓	DSC X
Originally in Elec form	originally in ink & scanned

Q7 D/B-

P. Notes	BOE	Cheque
① 2 Parties	① 2 or 3 Parties	① 3 Parties
② Stamp ✓	② ✓	② Stamp X
③ No acceptance	③ Acceptance	③ No acceptance
④ Payer Draw	④ Payee Draw	④ Payer Draw
⑤ Promise	⑤ Order	⑤ Order on banker
⑥ Crossing X	⑥ X	⑥ ✓
⑦ Noting & Protesting ✓	⑦ ✓	⑦ X
⑧ Maturity Grace Period X	⑧ ✓ 3 days [Sec 22]	⑧ No grace period
⑨ Stop Payment X	⑨ X	⑨ Stop payment ✓

Note - Essentials of a Valid Acceptance = On bill + By Drawee + Delivered to Holder

Q8 Modes of Acceptance = General or Qualified.

Q9 Acceptance for Honor & Acceptance for Honor (Subrogation)

↓
Payer for Honor

↓
Right of Payer.

Payment for Honor - Conditions = (For Honor + By any person + Consent of Holder).

Q10 [Sec 8 + Sec 9] - Holder & Holder in Due Course

↓
Person holding instrument
(Possession + Entitled to receive)

↓
Holder + Considerⁿ + Possess before maturity + Good faith + Complete Instrument

=
Cured from all defects.

Privileges of HDC = Better Title + Cured from all defects + All prior parties liable + Inchoate Instrument (Fill Up) + Presumption of HDC unless contrary + No effect of conditional delivery.

D/B-

Holder	HDC
① Cons ⁿ without	With Cons ⁿ .
② After or before maturity	Before maturity only
③ (Bonafide) Not essentially reqd.	Essentially required.
④ Can't sue all prior parties	Can sue all prior parties.

Q11 [Sec 10] Payment in Due Course

Apparent Tenor + In good faith + No negligence by Drawee + Payment to HDC.

Q12 [Sec 11 (Inland Instrument) & Sec 12 (Foreign Instrument)]

Drawn or Made in India [Delhi → UK] Other than Inland Instrument
or
Drawn upon a person residing in India [UK → Delhi] Neither drawn nor made in India
or
Drawee is PROI.

[$\begin{matrix} x \\ \downarrow \\ NY \end{matrix} \xrightarrow{\text{Drawn in India}} \begin{matrix} y \\ \downarrow \\ \text{Chicago} \end{matrix} \text{ Payable Outside} \text{]} = \text{Deemed as Foreign Instrument}$

Q13 Miscellaneous Instruments

Demand Instru = No specified Time + Liab to pay when demand is made + On sight instrument + No grace period.

Time Instru = Payable at certain future time + Instrument with Due date + 3 days grace period.

Inchoate Instru = Inst with certain spaces left blank + Except Sign + [Sec 20] For e.g. Blank cheque

Trade bill = Accepted for a genuine trade transaction.

Accommodation bill = Accepted to provide financial help to the party.

Q14 [Sec 14 - Negotiation] & Assignment

Less formality	More formality
NI Act, 1881	ToPA, 1882
No notice of transfer	Notice of Transfer
Transferee may acquire better title	No better title to assignee
No separate Doc	Separate Doc
Cons ⁿ is Presumed	Cons ⁿ needs to be proved

Q15 Modes of Negotiation

Sec 46 - Delivery

Voluntary transfer of possⁿ of NI

Sec 15 - Endorsement

Writing of person's name on the back of instrument

Sec 47 - Negotiation by Delivery

Bearer Instruments

Sec 48 - Negotiation by Endorsement & Delivery

Order Instruments

Rules regarding Endorsement = Signed by Payee + Same Spelling + Endorsement in ink + Married Woman (Husband name) + Illiterate Person (Thumb Impression + Witness) + Completed by Delivery.

Q16 Kinds of Endorsements

Blank + Special/Full + Restrictive + Partial + Conditional (Sans Recourse)

Q17 [Sec 17] Ambiguous Instrument [Construed either as BOE or PN]
Stamp Duty on Higher instrument.

Q18 [Sec 18] Amount in Figures $\neq$ Amount in Words

Q19 [Sec 22-25] Maturity = Date on which instrument falls due
+ 3 Days grace + Public Holiday - next business day.

Q20 Liability of Various Persons

Sec 28 - Agent - Personally liable

Sec 29 - Legal representative - Personally liable

Sec 30 - Drawer - Personally liable to payee.

Sec 31 - Drawer of cheque - liable if sufficient funds + No bonafide ground.

Sec 32 - Maker of note & Acceptor of bill - Personally liable.

Sec 35 - Endorser - liable Personally

Sec 43 - Liability of Parties if there is no Consideration.
Not liable $\downarrow$ But Endorse to HDC, then liable.

Q21 Crossing & its types = Cheque + 2 transverse parallel lines + With or without words

Types = General + Not negotiable + Restrictive or A/C Payee + Special Crossing

Note = Cancellation of Crossing = Opening (by Drawer only)
Pay Cash (words mention)

Q22 When Banker refuses to honor Customer's Cheques

May = Insufficient Balance + Not withdrawable on dd + Inchoate + Stale + Joint names (not signed) + Banker has a claim.

Must = Stop Payment + Garnishee Order + Operation of Law + Lost Cheque (informed) + Defective Title + Presented Post Closure + Post Dated.

Q23 Nature of Cheques [Sec 85]

Payable to Order + Payable to Bearer + Generally Crossed + Specially Crossed.

Q24 Discharge

a) of Party

Payment + Cancellation + Release + Default of Holder + Material Alteration
(Date + Sum + Time + Rate)

Authorized Material Alterations = Inchoate Complete + Blank Endorsement
into full + Cross + Negotiation Back
(Payer = Payee)

b) of Instrument

Q25 Dishonor

Sec 91 → By non-acceptance

Refused to accept & made payment
in 48 hours

+ Incompetent

+ Qualified Acceptance

+ Drawee is Fictitious Person

Sec 92 → By non-payment

Initially accepted by
drawee

+ Subsequently refused

Q26 Notice of Dishonor [Sec 93-98]

By HDC + To all Parties + If omission, then no suit.

Notice isn't required to be served if

Prior Consent of Payer + Countersigned Payment + Party not found
+ Omission to give notice is unavoidable.

Q27 [Sec 99-103] Noting & Protesting

Authenticate & official proof
(+)

Presentment & Dishonor
(+)

Not compulsory
(+)

Specifications

[Date + Reason + Noting Charges]

Formal Certificate of Dishonor

+ Name of Parties

+ Statement = Money demanded but not paid.

Q28 Hundi = BOE + Local Language + Custom/Usage

Kind = Nam Jog + Dhani Jog + Darshani + Madi + Shahjog +
Jokhmi + Peth + Pethpeth + Khoka