



# ANALYSIS SHEET

SBILL - JUNE'25

*Setting Up of Business, Industrial & Labour Laws*

## CHAPTER 1 : CHOICE OF BUSINESS ORGANISATION

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Degree of control (Repeating from 2 attempts)

**MY ANALYSIS:**

- a. Factors affecting choice of business:
- i. Capital Requirement.
  - ii. Scale of operation
  - iii. Nature of business activity
  - iv. Cost, procedure and Government Regulations
- b. Advice as to which form of business will be suitable to a particular venture (Case Base Question)



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## CHAPTER 2 : TYPES OF COMPANIES

**PREVIOUS YEAR MARKS: 6 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- Provisions of Rule 8 of the companies
- Eligibility Criteria for Section 8 company

**MY ANALYSIS:**

- Features of Spice +
- Incorporation process
- Nidhi companies - complete
- Small company
- Can a company limited by guarantee allow any person other than members to participate in profits
- Exemptions to OPC
- MOA - Name Clause
- AOA - Entrenchment Clause



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## CHAPTER 3 : FORMATION OF LLP

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Protection Provided under Sec 31(1) of LLP Act (Whistleblower)

### **MY ANALYSIS:**

- a. Small LLP
- b. Benefits of LLP as a legal structure for business
- c. Documents to be attached while filling Fillip
- d. Vacancy in DP and consequences of not appointing
- e. Alteration to LLP agreement.
- f. Annual companies/Event Based Compliances
- g. Shifting of Registered Office/Name Change



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## CHAPTER 4 : START-UPS AND ITS REGISTRATION

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Concept of Life Cycle of Start up

**MY ANALYSIS:**

- a. 5 Initiatives to support startups
- b. Criteria for Angel Tax Exemption
- c. Angel Investors
- d. 5 Benefits/Exemptions given to start ups
- e. Eligibility of being startup
- f. Funding procedure of VC/PE
- g. Important things while raising money in series A round
- h. Unconventional mode of Financing
- i. Unicorn
- j. Meaning and importance of Seed Capital



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## CHAPTER 5 : MSME

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Role of MSME in economic development and community empowerment

**MY ANALYSIS:**

- a. Registration process
- b. Reference to micro and small enterprises Facilitation Council
- c. MSME Schemes (PMEGP/SFURTI/ASPIRE/MSME Sambandh/ESDP)
- d. NSIC complete
- e. Classification of MSME



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## CHAPTER 6 : CONVERSION OF BUSINESS ENTITIES

**PREVIOUS YEAR MARKS: 0 MARKS**

**PREVIOUS YEAR QUESTIONS:---**

### **MY ANALYSIS:**

- a. Public to Private Company
- b. Conversion of LLP into private company
- c. Conversion and Post conversion compliances of a private company
- d. Conversion of section 8 company
- e. Conversion of OPC to Private Company and private to OPC



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## CHAPTER 7 : NON-CORPORATE ENTITIES

**PREVIOUS YEAR MARKS: 9 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- Joint Hindu Family Business
- Legal and Procedural steps involved in registering a multi-state Cooperative Society under the act
- Constituents of the Green Future Trust

**MY ANALYSIS:**

- Minor as a partner
- Consequences of not registering a partnership
- Formation of HUF (Just read it, case base question may come)
- Multi state cooperative society
- Public Trust vs Private Trust
- Difference Between Partnership and Trust Deed
- Exemptions to Public Trust
- Formation of Trust
- Registration and consequences of non-registration of Society
- Benefits of Mega Firm



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## CHAPTER 8 : FINANCIAL SERVICES ORGANISATION

**PREVIOUS YEAR MARKS: 15 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- Method of calculating Net Owned Funds as per RBI
- Note on Infrastructure Debt Fund (IDF-NBFC)
- Benefits of incorporating Nidhi Company
- RARC contribution to improving Financial health of banks
- Restrictions imposed by RBI on chit fund companies

**MY ANALYSIS:**

- Difference between banks and NBFCs
- Different type of NBFCs (Focus more on MFI) and its registration process
- Functions/Benefits of ARC
- Incorporation of MFI
- Payments Bank
- Difference between Asset Finance Company & Infrastructure Finance Company.
- Circumstances under which RBI may cancel the registration of NBFC
- Procedure for Registration of Asset Reconstruction Company



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## CHAPTER 9 : BUSINESS COLLABORATION

**PREVIOUS YEAR MARKS: 15 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- Alteration of AOA only with approval of shareholders
- Process to apply IEC
- Objectives of foreign collaboration
- Post conversion requirements after converting from private to a public company
- ODI

**MY ANALYSIS:**

- Types of Business Collaboration
- Types of Foreign collaboration
- Advantages of joint venture (5 to 6)
- Key characteristics of Equity JV
- Strategies for entering into JV
- Contractual JVs vs Equity JV
- SPV Complete
- Essential Component of JV Agreement



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## CHAPTER 10 : SETTING UP BRANCH OFFICE

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Steps involved in establishing an additional branch office in India for foreign entities

**MY ANALYSIS:**

- a. Eligibility/Registration/Permitted Activities of Branch in India
- b. Eligibility/Registration of Liaison office
- c. Branch vs Liaison office
- d. Cases where RBIs approval is required
- e. Procedure for establishing LO/PO
- f. Closure of BO/LO/po



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## **CHAPTER 11 : SETTING UP BUSINESS OUTSIDE INDIA**

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Technological aspects to be considered before choosing business location outside India

**MY ANALYSIS:**

- a. Automatic route
- b. Prohibitions
- c. Approval Route
- d. Reporting requirement
- e. Method of funding outside India
- f. Proposal which require Prior approval of RBI
- g. Issues in choosing location outside India
- h. Setting up in New York or Singapore
- i. Recent Initiatives (Common Answer given by me)



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## **CHAPTER 12 : IDENTIFYING LAWS APPLICABLE TO VARIOUS INDUSTRIES AND THEIR INITIAL COMPLIANCES**

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. 'Contracts lie at crux of running any business'. Explain

### **MY ANALYSIS:**

- Advantages of Section 8 Company
- Exemptions available to Section 8 Company
- Features of Spice +
- Various Licenses



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## CHAPTER 13 : VARIOUS INITIAL REGISTRATIONS & LICENSES

**PREVIOUS YEAR MARKS: 3 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- IEC (3 Marks)
- OSP (3 Marks)
- Implication of Sec 24 of CGST Act, in terms of compulsory GST registration

**MY ANALYSIS:**

- Compulsory Registration under GST
- PAN
- Udhyog Aadhar Memorandum (Udhyam Registration)
- Cancellation of License by RBI
- Registration of insurance company & when it may be suspended.
- Requirements of industrial license based on categories of industry.
- FSSAI registration/License
- Benefits of SSI/MSME Registration
- FCRA Registration
- IEM
- Minimum Requirement for drug license
- Composition scheme
- Benefits extended to MSE's for having NSIC registration



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## CHAPTER 13 : VARIOUS INITIAL REGISTRATIONS & LICENSES

### MY ANALYSIS:

- n. Conditions to be satisfied by white Category of Industries for pollution license exemption.
- o. Compulsory Licensing under Industrial Policy, 2015
- p. Compliances under Environmental laws
- q. Osp registration



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## CHAPTER 14 : CONSTITUTION AND LABOR LAWS

**PREVIOUS YEAR MARKS: 10 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Equal Pay for Equal Work
- b. Atal Beemit Vyakti Kalyan Yojna

**MY ANALYSIS:**

- a. Writs - can a trade union move to High Court by using writ under 226
- b. Article 21 Right to life
- c. Article 43 (Social Security)



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## CHAPTER 15 EVALUATION OF LABOR LEGISLATIONS

**PREVIOUS YEAR MARKS: 0 MARKS**

**PREVIOUS YEAR QUESTIONS:—**

### **MY ANALYSIS:**

- a. Features of new Labor codes
- b. Occupational safety, health and working conditions code, 2020
- c. Necessity of Consolidated Labour Laws (discuss this in the context of code on Industrial relations, 2020)



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## **CHAPTER 16 : LAW OF WELFARE & WORKING CONDITIONS**

**PREVIOUS YEAR MARKS: 5 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Prohibition of employment of Contract labour

### **MY ANALYSIS:**

#### **UNIT 1**

- a. Factory and Manufacturing Process
- b. Power of Inspector and Functions of Certifying surgeons
- c. Notice by occupier
- d. Health Measures any 5 (Cleanliness/overcrowding/Drinking Water/Latrines & Urinals/spittoons)
- e. Safety Measure any 5 (Safety officer/fencing/Employment of Young person/Hoists and Lifts/Portable Electric Light)
- f. Site Appraisal Committees
- g. Welfare Activities any 5 (washing/sitting/First Aid/Canteen/Creches)
- h. Prohibition regarding employment of women and children near cotton openers
- i. Responsibility of occupier in relation to hazardous process under factories Act.
- j. What is the duty of inspector with respect to the Safety of Buildings and Machinery



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## **CHAPTER 16 : LAW OF WELFARE & WORKING CONDITIONS**

### **MY ANALYSIS:**

#### **UNIT 2**

- a. Application of Contract Labour and Definition of contract labour
- b. Advisory Boards
- c. Prohibition of Employment of Contract Labour
- d. Welfare and health conditions for workers

#### **UNIT 3**

- a. Adolescent and period of work



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## CHAPTER 17 : LAW OF INDUSTRIAL RELATIONS

**PREVIOUS YEAR MARKS: 15 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Prohibition of Strikes and lock outs in PUS
- b. Powers of Inspector under sec 28 of Contract Labour Act,1970
- c. Matters that need to be provided in Standing orders under Industrial Employment (Standing Orders) Act,1946.

**MY ANALYSIS:**

### UNIT 1

- a. Object of Industrial Dispute Act
- b. Test of Industry and what does Industry doesn't include
- c. Industrial Dispute
- d. Lay off vs Lock out
- e. Strikes and types of strikes
- f. Legality and Justifiability of Strike (Case Base Question)
- g. Wages
- h. Reference of Disputes (Also see reference of dispute to Arbitration)

### UNIT 2

- a. Procedure to be followed by certifying officer
- b. Duration & Modification of standing orders
- c. Matters to be included in Model standing orders.
- d. Payment of subsistence allowance



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## CHAPTER 18 : LAW OF WAGES

**PREVIOUS YEAR MARKS: 10 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- Measures to be taken for recovery of amount due from employer
- Stipulations regarding payment of minimum bonus and maximum bonus under payment of Bonus Act.

**MY ANALYSIS:**

### UNIT 1

- Wages as per Payment of wages Act.
- Time Payment of wages
- Permissible Deductions from wages
- Claims against deductions and appeals

### UNIT 2

- Procedure for fixing Minimum wages in state
- Advisory Board
- Fixing Hours for a normal working day

### UNIT 3

- Wages as per this Act
- Calculation of Bonus
- Eligibility of Bonus
- Minimum-Maximum Bonus and when Bonus will not be paid
- Set on and set off of bonus
- Time Limit of payment bonus



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## CHAPTER 18 : LAW OF WAGES

### MY ANALYSIS:

g. Applicability and non-applicability of Bonus Act

#### UNIT 4

a. Duty of employer to pay equal remuneration to men and women for same work



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## CHAPTER 19 : SOCIAL SECURITY LEGISLATIONS

**PREVIOUS YEAR MARKS: 15 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- What is the Procedure for applying for Maternity benefits and requirement of notice to claim the same under Section 6
- Under what circumstances and to whom is gratuity payable under the Payment of Gratuity Act,1972
- Provisions offer novation of contracts of apprenticeship under Section 5 of the Apprenticeship Act,1961

### MY ANALYSIS:

#### UNIT 1

- Dependant
- Permanent Partial/Total Disablement
- Wings of ES corporation
- Employee State Insurance Fund
- Benefits under the Act
- E.I. Court

#### UNIT 2

- Advances from Provident Fund and Final Withdrawal
- Payment of Monthly pension in contingencies
- Transfer of Accounts



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## CHAPTER 19 : SOCIAL SECURITY LEGISLATIONS

### MY ANALYSIS:

#### UNIT 3

- Prohibition of work during certain periods
- When does a woman become eligible for Maternity relief
- Notice of Maternity, Payment and penalty for violation.

#### UNIT 4

- Applicability of Act
- Continuous Service
- Maximum Amount of Gratuity and Forfeiture

#### UNIT 5

- Types of Apprentice
- Contract of Apprenticeship
- Practical Training of Apprentice
- Obligation of Apprentice and Employer

#### UNIT 6

- Small and very small Establishments and Exemptions



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## **CHAPTER 20 : SEXUAL HARASSMENT (POSH) ACT, 2013**

**PREVIOUS YEAR MARKS: 15 MARKS**

**PREVIOUS YEAR QUESTIONS:**

- a. Punishment of Making False complaint

### **MY ANALYSIS:**

- b. Sexual Harassment at workplace and form
- c. Prohibition for making available contents of complaint and inquiry proceedings
- d. ICC and LCC complete
- e. Inquiry into Complaint
- f. Inquiry Report
- g. Duties of Employer
- h. Penalty for Non Compliance of Act