

GENERAL & COMMERCIAL LAWS - C.S EXECUTIVE

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GCL - General Commercial Law is not so easy Subject to Learn, so what to do instead according to the number of times, Chapters are being asked - we can make arrangement to learn GCL. Below given is the sequence in which you should learn and also the weightage of each chapter:

I) This Chapters are extremely important - you should learn that thoroughly		
1. Constitution of India (very imp)	A+	20 marks
2. Interpretation of statutes	A	10-15 marks
3. An overview of law relating to specific relief, arbitration and conciliation , torts, limitation and evidence	A+	25-30 marks
4. law relating to transfer of property		10-15 marks
5. CODE OF CIVIL PROCEDURE CODE OF CRIMINAL PROCEDURE	A+	Both can be collectively come for 20 Marks
All the above chapters carries maximum weightage - so you should learn it thoroughly collectively all these chapters are coming approx. for more than 50 marks		
II) Law Relating to Registration of Documents Law relating to stamps	8-10 marks	
III) Information Technology Law (IT LAW) Law relating to Right to Information	5-6 marks each (3 chapters for 15-20 marks)	

Disclaimer: The abovementioned sequence are regarding Weightage, the importance of the Chapters - you can study according to the weightage and utilise your time so that maximum time is denoted to the useful chapters.

NOTE 1 : This interpretation is based on last 5 Years Question Papers. Students are advised to cover all areas in the syllabus. Please avoid selective study approach !.

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Certain advice:

- 1- Don't put stress upon yourself with regards to studies
- 2- Study with fresh mind and with devoting full of your heart
- 3- Enjoy your studies - Its very important - the subject which you are studying you like it - else its just a pressure on your head and mind and on your mental balance also
- 4- Maintain your diet - Eat properly on time and take 8 hrs. sleep max. at night.

GENERAL & COMMERCIAL LAWS - C.S EXECUTIVE

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Here would like to help you out how to prepare the GCL subject for exam.

See friends GCL subject is divided into 5 parts

1. Descriptive
2. Difference
3. Case study
4. Short notes
5. Objective

Here we would like to help you out by what to do from each chapter.

Ch.no	Name of Chapter	Weightage	Important area
1*	Constitution of India (mostly asked in Question:1 which is compulsory)	20 marks	-Descriptive**
2*	Interpretation of Statutes (mostly asked in Question:1 which is compulsory)	10-15 marks	- Descriptive - Short notes
3(i)	Limitation	25-30 marks	-Short notes -case study
3(ii)*	Arbitration and Conciliation		-Short notes** -case study
3(iii)	Specific Relief		-case study** -short notes
3(iv)	Torts		-case study
3(v)	Evidence		-Short notes -case study**
4*	Transfer of property	10-15 marks	-Short notes -Difference -case study
5	Stamp	10-15 marks (combine)	-Short notes
6	Registration of Documents		-Short notes -case study
7*	Information Technology	8-10 marks	-Short notes -Difference
8*	Civil procedure	15-20 marks (combine)	-Short notes -Difference** -case study
9*	Criminal procedure		-Short notes -Difference** -case study
10	Right to Information		-Short notes

Disclaimer: The above mentioned sequence are regarding Weightage, the importance of the Chapters
- you can study according to the weightage and utilise your time so that maximum time is denoted to the useful chapters and topics.

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IMPORTANT TOPICS TO BE COVERED

Chapter:1 Constitution of India

➤ Very important chapter try to learn thoroughly but if u can't then please learn this topics:

- Preamble to constitution of India
- Structure of the constitution - whether Federal or Unitary
- **FUNDAMENTAL RIGHTS:**
 - Article 12:- Concept of state
 - Article 13:- Justifiability/amendability of Fundamental Rights
 - Article 14 to 18 :- Right to Equality
 - Article 19 to 22 :- Right to Freedom
 - Article 32:- Right to constitutional Remedies
- **IMPORTANT DOCTRINE:**
 - Doctrine of Severability
 - Doctrine of eclipse
 - Doctrine of Waiver of Right
- Directive Principles of State Policy
- Fundamental Duties
- Ordinance making power of the President of India/Governor of state.
- WRITES
- Distribution of Legislative Power
- Freedom of TRADE, COMMERCE and INTERCOURSE
- **OTHER:**
 - Pith and Substances Rule
 - Colourable Legislation
 - Plenary power
 - Delegated Legislation

Chapter:2 Interpretation of Statutes

- ✓ Rule of literal Construction/Interpretation/Golden or primary.
- ✓ Rule of Reasonable Construction or Doctrine of Ut Res Magis Valeat Quam Pareat
- ✓ Mischief Rule or Heydon's Rules
- ✓ Harmonious Construction
- ✓ Rule of Ejusdem Generis
- ✓ Contemporanea Expositio Est Optima Et Fortissima Lege
- ✓ Noscitur a Sociis
- ✓ Internal and external aids of interpretation
- ✓ **INTERPRETATION OF IMP TERMS :**
 - Notwithstanding

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- Without prejudice
- Subject to
- Preamble (with case law)

Chapter:3(i) LIMITATION

- Limitation Bars Remedy But does not Extinguish Right
- Limitation is the Statute of REPOSE, PEACE and JUSTICE
- Concept of Time Barred
- Doctrine of Sufficient Cause for Extension of Time or CONDONATION OF DELAY
- Period of limitation in the case of person Under Legal Disability
- Continuous Running of Time
- Exclusion of Time in Legal Proceedings

Chapter: 3(ii) ARBITRATION AND CONCILIATION

- ✚ Alternate Dispute Resolution
- ✚ Arbitration and Arbitration Agreement
- ✚ Matters which may be referred to Arbitration and Matters which may **cannot** be referred to Arbitration
- ✚ **Arbitral Tribunal**
 - Number of Arbitrators (sec-10)
 - Appointment of Arbitrators (sec-11)
 - Challenges of appointment of Arbitrators
 - Law (sec:12)
 - Procedure (sec:13)
 - Failure or Impossibility to act (sec:14)
 - Substitution of Arbitration (sec:15)
 - Jurisdiction of Arbitral Tribunal (sec:16)
- ✚ Procedure for Arbitral/Arbitration proceedings (sec: 23 to 27)
- ✚ Settlement (sec:30)
- ✚ **AWARD**
 - Essentials of a valid award
 - Form and contents of Arbitral Award
 - Correction and Interpretation of Award
 - Additional Award
 - Setting aside of an Arbitral Award (sec:34)
- ✚ **CONCILIATION**
 - Appointment and Role of Conciliator

Chapter:3(iii) SPECIFIC RELIEF

- ❖ Principles upon which Specific Relief is Granted
- ❖ **Recovery of Possession of property**
 - Recovery of immovable property (sec:5 & sec:6)
 - Recovery of movable property (sec:7 & sec:8)

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❖ Specific performance of contract (imp for practical)

- Contracts which may be Specifically enforced (sec:10 & sec:11)
- Specific performance of part of contract (sec:12)
- Contracts which cannot be specifically enforced (sec:14)
- Parties who may obtain specific performance (sec:15)

} imp for
practical

❖ Declaratory Decree (sec:34 & 35)

❖ Injunction to perform Negative Agreement (sec:42)

❖ Miscellaneous topic:

- Rectification of Instruments
- Rescission of Contracts
- Cancellation of instruments (imp for practical)

Chapter:3(iv) TORTS

- ✓ (i) Damnum Sine Injuria and (ii) Injuria sine Damnum
- ✓ Strict liability as per Rylands v. Fletcher Case
- ✓ Absolute Liability as per M.C. Mehta v. Union of India
- ✓ Vicarious Liability
- ✓ **TORTS or WRONGS TO PERSONAL SAFELY and FREEDOM**
 - Battery
 - Assault
 - False imprisonment
 - Malicious prosecution
 - Defamation

Chapter:3(v) INDIAN EVIDENCE ACT

- Types of Evidence
- Relevancy of Facts
- Meaning of Res Gestae
- Relevancy of fact Forming Part of the Same Transaction (sec:6) (imp for practical)
- Relevancy of statements made under special circumstances/Expert Opinion/Opinion of third party [sec: 45-51]
- Handwriting expert (sec:73)
- MOVTIVE, PREPARATION AND CONDUCT (sec:8)
- ADMISSION AND CONFESSION
 - Meaning, Difference.
 - Important provision pertaining to confession Sec: 24,25,26,27,30 (imp for practical)
- HEARSAY EVIDENCE
- ESTOPPEL (sec:115)
- PRIVIEGED COMMUNICATION (imp for practical)
 - Communication during marriage (sec: 122)
 - Professional communication (sec: 126)
- EVIDENCE IN RESPECT OF CERTAIN DOCUMENTS (imp for practical)
 - Sec: 93
 - Sec: 97

GENERAL & COMMERCIAL LAWS - C.S EXECUTIVE

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Chapter:4 TRANSFER OF PROPERTY (imp for practical)

- ✚ Examples of Immovable Property and movable property
- ✚ TRANSFERABLE PROPERTY (sec:6) and EXCEPTIONS of this General Rule.
- ✚ ILLEGAL RESTRAINTS ON CERTAIN ALIENATION [sec: 10,11,12,&25]
- ✚ TRANSFER FOR THE BENEFIT OF UNBORN PERSON AND PEOPLE [sec:13,14,&16]

✚ IMPORTANT DOCTRINE: (imp for practical)

- Doctrine of election (sec:35)
- Doctrine of Holding Out **OR** Transfer by Ostensible Owner (sec:41)
- Doctrine of feeding the Grant by Estoppel (sec:43)
- Doctrine of Lis pendens **OR** Lite Pendente (sec:52)
- Doctrine of fraudulent transfer
- Doctrine of Part Performance (sec:53A)

✚ KINDS OF MORTGAGES

✚ IMPORTANT TERMS :

- Lease and Licence
- Right of Redemption (sec:60)
- Marshalling (sec:56)
- Subrogation (sec:92)
- Charge
- Sale /sale of immovable property
- Exchange
- Gift
- Actionable claim
- Attestation

Chapter:5 STAMP

- List Instruments which are chargeable with Duty under this act.
- MODE OF PAYMENT OF STAMP DUTY or MODE OF STAMPING
 - ✓ Adhesive stamps
 - ✓ Impressed stamps
- TIMING OF STAMPING
- VALUATION OF DUTY (sec:20 to 28)
- WHO SHOULD PAY THE STAMP DUTY (sec:29)
- Denoting Duty
- Instruments not duly stamped, inadmissible in evidence etc. (sec:35 &36)

Chapter:6 REGISTRATION

- ❖ DOCUMENTS FOR WHICH REGISTRATION IS COMPULSORY & OPTIONAL (sec:17& 18)
- ❖ TIME LIMITE FOR PRESENTATION OF DOCUMENTS FOR REG.
 - Document executed in India (sec:23,24&25)
 - Document executed in outside India (sec:26)
 - Time limit of presentation of WILL (sec:27)

GENERAL & COMMERCIAL LAWS - C.S EXECUTIVE

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- ❖ PLACE OF REG. (sec:28 & 29)
- ❖ RE-REGISTRATION OF CERTAIN DOCUMENTS (sec:23A)
- ❖ EFFECT OF REG. / NON-REG. OF DOCUMENTS (sec:47,48 & 49)

Chapter:7 INFORMATION TECHNOLOGY

- ✓ LEGAL RECOGNITION TO ELECTRONIC RECORDS (sec:4) (E-GOVERNANCE)
- ✓ IMPORTANT CONCEPT
 - Digital Signature
 - Asymmetric Crypto System
 - Hacking
 - Passing off
 - Network service provider
 - Originator
 - Computer
 - Computer System
 - Computer Network
 - Computer Contaminant
 - Computer Virus
 - Domain Name
 - Cyber offence
- ✓ APPEALS UNDER THIS ACT.

Imp for Difference

Chapter:8 CIVIL PROCEDURE

- ❖ PLACE OF FILING OF SUITE (sec: 15,16,17,18,19,20)(imp for practical)
- ❖ IMPORTANT DOCTRINES
 - Doctrine of Res Sub-Judice (sec:10)
 - Doctrine of Res-Judicata (sec:11)
- ❖ INJUNCTION
- ❖ SUMMARY PROCEDURE
- ❖ SUITE BY OR AGAINST MINOR

Chapter:9 CRIMINAL PROCEDURE

- ✚ ANTICIPATORY BAIL (sec:438)
- ✚ MENS REA
- ✚ SUMMARY TRAIL (sec:260)
- ✚ ARREST WITHOUT WARRANT (sec:41)

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- Here we would like to provide you the list of ALL DIFFERENCES AKSED BEFOR and which are very IMPORTANT. (Differences almost comes for 12 marks)

LIST OF DIFFERENCES

1. 'Powers of Supreme Court under Article 32' and 'Power of High Courts under Article 226' of the Constitution of India.**
2. Injunction and Specific performance.**
3. Arbitration and Conciliation*
4. Mortgage and charge**
5. Vested interest and contingent interest**
6. Lease and License
7. Sub -Mortgage and puisne mortgage
8. Judgment , Decree and order
9. Decree and order
10. Set-off, counter-claim and equitable set-off**
11. Set-off and counter-claim
12. Libel and Slander
13. Appeal, revision and review
14. Review and revision
15. Res Judicata and stay of suits
16. Temporary injunction and perpetual injunction
17. Reference , review and revision
18. Cognizable offence and non- Cognizable offence**
19. Inquiry , investigation and trail
20. Inquiry and investigation
21. Complaint and FIR**
22. Summons and warrant cases**
23. Bailable offence and non-Bailable offence
24. Pleader and public prosecutor
25. Admission and confession**
26. Public key and private key**
27. Computer system and computer network
28. Hacking and Passing off*
29. Domine and Passing off
30. Condition restraining alienation and condition restraining enjoyment
31. Sale and contract for sale
32. Electronic form and electronic record
33. Fact in issue and issue in fact
34. Movable property and immovable property
35. Sale and exchange
36. Computer and computer system
37. English mortgage and mortgage by conditional sale
38. Actionable claim and mere right to sue
39. Legal set-off and equitable set-off
40. Condition precedent and condition subsequent
41. Primary evidence and secondary evidence**
42. Battery and assault
43. Adhesive stamp and Impressed stamp

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We have found that students get confused while remembering the years of the ACT.

This is very simple way to remember it.

Name of Chapter	Years
Evidence	1872
Transfer of property	1882
Stamp	1899
Registration of Documents	1908
Civil procedure	1963
Limitation	
Specific Relief	
Criminal procedure	1973
Arbitration and Conciliation	1996
Information Technology	2000
Right to Information	2005

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