

CS EXECUTIVE IMPORTANT QUESTIONS FOR DECEMBER - 2016

Commercial Laws

Chapter 1 – Constitution of India:

- Concept of State
- Federal nature of the Constitution
- Fundamental duties
- Difference between directive principles and fundamental rights
- Doctrine of eclipse and doctrine of pith and substance
- Ordinance making powers of the President
- Article 21 of the Indian Constitution
- Can Parliament enact laws on items in the State List?
- Writ jurisdiction of Courts and different types of writs

Chapter 2 – Interpretation of Statutes:

- Short Note on Rule of ejusdem generis and the rule of literal construction
- Internal Aids for interpretation
- Short note on Noscitur a sociis Pari Materia
- Discuss the rule of reasonable construction
- Short notes on Heading, Title and Preamble

Chapter 3 -Law relating to Specific Relief, Arbitration and Conciliation, Torts and Limitation & Evidence

- Persons against whom specific performance enforceable and not enforceable
- Short note on declaratory decrees
- Contracts which cannot be specifically enforceable
- Short note on International Commercial Arbitration
- Appointment of Arbitrators
- Provisions for setting aside the arbitral award
- Kinds of Tortious liability
- Law of Limitation bars the remedy but does not extinguish the right – Comment
- Facts of which evidence need not be given
- Short note on Dying Declarations
- When do the statements under special circumstances become relevant ?

Chapter 4 – Law relating to transfer of property

- Transfer for the benefit of unborn person
- Doctrine of fraudulent transfer
- Types of mortgage
- Short note on Doctrine of Election
- Distinguish between mortgage and charge
- Doctrine of Lis Pendens
- Doctrine of part performance of contracts

Chapter 5 – Law relating to stamps

- Different methods of stamping
- Time of stamping documents
- Consequences of unstamping of documents
- Short note on Denoting Duty

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Chapter 6 – Law relating to registration of documents

- Registration of wills
- Time for registration of documents
- Effects of non-registration
- Documents whose registration is compulsory and whose registration is optional

Chapter 7 – Information Technology – an overview

- Concept of Digital Signature
- Legal recognition of electronic records
- Certifying Authorities
- Domain names & hacking
- Difference between computer and computer network

Chapters 8 & 9 – Code of Civil and Criminal Procedure

- Re judicata and Res subjudice
- Place of suing
- Distinguish between judgment, decree and order
- Distinguish between reference, review and revision
- Distinguish between investigation, inquiry and trial
- Powers of the police officer to arrest without warrant
- Short note on power of Magistrate in case of apprehended danger

Chapter 10 – Law relating to RTI

- Duties of a PIO
- The categories of information exempted from the requirement of the RTI Act
- Manner in which request can be made by a citizen for information under the RTI Act

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Company Law

Chapters 1 – 5 – Company Incorporation etc.

- Distinguish between company and partnership
- Lifting of Corporate Veil
- Concept of company as a citizen
- Short note on illegal association
- Legal position of promoters
- Various clauses of MOA and AOA and their alteration
- Doctrine of Ultra Vires
- Statutory Corporations as State within the meaning of Article 12 of the Indian Constitution
- Pre-incorporation contracts vs. Provisional Contracts

Chapters 6 – 11 – Financial Structure

- Conclusiveness of Certificate of Incorporation
- Issue of shares at premium
- Liability for misstatement in a prospectus
- Issue of shares on rights basis and bonus shares
- Does forfeiture amounts to reduction of capital
- Buy back of shares
- Registration of charges
- Short note on debentures and sweat equity shares
- Forfeiture of shares and surrender of shares
- Voting rights on preference shares

Chapters 12 – 13 Membership, depositories and transfer / transmission

- Modes of acquiring membership
- Expulsion of a member
- Rights of joint members
- Transmission of shares and Nomination of shares

Chapter 14 – 18 – Management and Control of companies

- Resignation of directors
- Appointment of additional directors and directors appointed to fill casual vacancy
- Office or place of profit
- Liability of Non-Executive Directors
- Appointment of director by small shareholders
- Disqualifications of directors
- Powers which the BOD may exercise only with the approval of shareholders
- Disclosure of interest by directors
- Officer in default
- Appointment of Managing Director
- Role of a company secretary
- Short note on AGM
- Duties and role of Chairman
- Methods of ascertaining sense of the meeting
- Proxy in general meetings
- Passing of resolutions by way of postal ballot
- Conduct of Board and General Meetings through video-conferencing

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Chapter 19 – Investments and Loans

- Investments to be held in company's name
- Inter-corporate loans and investments

Chapter 20 – Deposits

- Small depositors
- Advertisement for raising deposits

Chapter 21 – Accounts and Audit

- Director's responsibility statement
- What are the various methods of appointing auditor in a company?
- Attachment of subsidiary accounts to the holding company
- Liabilities of an auditor
- Short note on Director's Report and Audit Committee

Chapter 22 -Dividend

- Transfers of profits to reserves before declaration of dividend
- Short note on interim dividend
- Investor Education and Protection Fund

Chapters 23 – 24 – Sole selling agent, accounts etc.

- Attachment of accounts of subsidiary companies with the accounts of the holding company
- Disclosures in the Director's report pursuant to the listing agreement

Chapter 25 – 28 – Oppression and Mismanagement etc.

- Statutory registers of a company
- Investigation into the affairs of a company
- Rule of Foss vs. Harbottle and its exceptions
- Compromise and Arrangements

Other Chapters –

- Law relating to trusts and societies
- Concept of producer company
- Short note on LLP
- Short note on winding up of a company
- Powers of a court to wind up a company
- Short Note on DIN
- Short notes on Back offices, front offices etc.

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Economic and Labour Laws

Chapter 1 – IDRA

- Industrial Licence
- Industrial Entrepreneur's Memorandum
- COB Licence
- Calculation of value of plant and machinery
- MSMED Act, 2006

Chapter 2 – Foreign Trade Policy and Procedures

- Special Economic Zones
- IEC Code
- Vishesh Krishi and Gram Udyog Yojana
- Focus Product and Focus Market Scheme

Chapters 3 – 6 – Trade, Competition and Consumer Protection

- Regulation of Combinations in detail
- Predatory Pricing and Bid Rigging
- Abuse of Dominant position
- Short note on Competition Commission of India
- Redressal Machinery under the Act
- Definition of Consumer
- Case laws on deficiency of service
- Other case laws given in the class

Chapters 7 & 8 – Essential Commodities and Standard of Weights and Measures

- Powers of the CG under the Essential Commodities Act
- Definition of Essential Commodities
- Concept of seizure and confiscation of essential commodities
- Declaration to be made on standard packages
- Maximum permissible error
- Short note on Principal Display Panel

Chapter 9 and 10 – FEMA & FCRA

- Short note on permissible capital and current account transactions
- Raising of funds through ADRs and GDRs
- Direct Investment in a JV / Wholly owned subsidiary outside India
- Establishment of branch, project and liaison offices
- Concept of Authorised person
- Restrictions on acceptance of foreign contributions by certain associations
- Restrictions on acceptance of foreign hospitality

Chapters 11 & 12 – Pollution Laws

- Concept of Sustainable development
- Short note on Public Liability Insurance Act, 1991
- Short note on Pollution Control Boards
- Power of Central Government relating to entry, inspection and take samples etc.
- Short note on environmental clearances
- Short note on the case MC Mehta vs. Union of India
- Short note on Noise pollution
- National Green Tribunal Act

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Chapter 13 – Intellectual property rights

- Contents of complete specification
- Restoration of lapsed patents
- Grant of Compulsory licences in connection with IPRs
- Concept of new inventions and patentable inventions
- Removal of trademark for non-use
- Short note on Collective Marks
- Short note on assignment of copyrights

Chapter 14 – Prevention of Money Laundering

- What is money laundering?
- Short note on Financial Action Task Force

Chapter 15 – Minimum Wages Act, 1948

- Mandatory payment of minimum wages to the workers

Chapters 16 – 17 – Payment of Bonus and Gratuity

- Short notes on amount of gratuity payable to a worker
- Rights and obligations of employers w.r.t to payment of gratuity
- Computation of bonus payable to the workers
- Payment of Customary or interim bonus to the employees
- Can gratuity payable to workers be attached by a decree of Court?

Chapters 18 – 19 – Provident Fund and ESI Act

- Short note on Employees' Provident Fund Scheme
- What do you mean by Employees Deposit Linked Insurance Scheme
- Short note on Employees' State Insurance
- What do you mean by employment injury under the ESI Act?

Chapters – 20 – 21 – Employees' Compensation and Contract Labour

- Employer's liability for payment of compensation to workers when contractor is engaged
- Distinguish between partial disablement and total disablement
- Prohibition of employment of contract labour
- Welfare and health of contract labour

Chapter 22 – Industrial Disputes Act

- Unfair Labour Practices
- Reference of industrial disputes through arbitration
- Distinguish between lay off and lock out
- Whether individual dispute can be said to be industrial dispute ?
- Discuss the various types of strikes
- Wages for the strike period

Chapter 23 – 24 –Standing Orders and Factories Act

- Payment of subsistence allowance
- Matters to be provided in the standing orders
- Annual leave with wages
- Definition of factory
- What do you mean by manufacturing process?
- Who can be appointed as Occupier of factories?

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Securities Laws and Compliances

Chapter 1 & 2 – Securities Market

- Powers and Role of SEBI
- Relation between securities market and economic growth
- Composition of SEBI and SAT

Chapters 3 & 4 – Money Market & Capital Market Instruments

- Distinguish between Commercial Paper and Certificate of Deposit
- Money market mutual funds
- Short notes on tracking stocks and disaster bonds
- What do mean by participatory notes?
- Short notes on ETFs, Hedge Funds & Fund of Funds
- Short note on Secured premium notes and derivatives
- Different kinds of bonds

Chapter 5 – Credit Rating

- Standard rating symbols
- Short note on rating process
- Factors considered by rating agencies for rating

Chapter 6 – Capital Market Intermediaries

- Short note on Merchant Bankers, RTAs and SROs
- Obligations of Stock brokers and sub brokers
- Obligations of the intermediaries under the Prevention of Money Laundering Act
- Obligations of underwriters and portfolio managers

Chapters 7 & 8 – Stock Exchanges

- Recognition of Stock Exchanges
- Application for listing of securities to SEs
- Demutualisation of Stock Exchanges
- Trading & Settlement Mechanism and STP
- Market abuse mechanisms
- Obligations under Cl. 49 of Listing Agreement

Chapter 9 – Mutual Funds

- Different types of Mutual funds
- Short note on Asset Management Company
- Advertisement Code of Mutual Funds

Chapters 10 & 11 – Venture Capital and Collective Investment Scheme

- Short notes on Foreign Venture capital investors
- Short note on Collective Investment Scheme

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Chapter 12 – Buy Back of Securities

- Securities not available for buy back
- Buy back of shares from non-resident shareholders
- Buy back through book building process

Chapter 13 – Depositories

- Benefits of the depository system
- Internal audit of operations of depository participants
- Rights and obligations of the depository participants

Chapter 14 – Public Issue of Securities

- Green Shoe Option
- Different types of book building processes
- Short note on Employee Stock Option Scheme
- Short note on reservation on competitive basis
- Short note on Fast Track Issues
- Requirements of preferential allotment

Chapter 15 – Debt Market

- Various types of debt market instruments
- Debt market intermediaries
- Short note on listing of debt securities

Chapters 16 – 18 – International Capital Market and Investor Protection

- Short note on FCCBs and ECBs
- Short notes on Road shows
- Procedure for making issue of IDRs
- Legal framework for investor protection in India
- Who is an Ombudsman?