Skillshort

Self-Study Preparation Pack

CS EXECUTIVE

Paper 1: Jurisprudence, Interpretation and General Laws (JIGL)

Chapter-wise Detailed Notes

For the December 2026 examination (Mon 21 Dec 2026, 2:00–5:15 pm incl. 15 min reading) · ICSI Syllabus 2022 · Laws as amended up to 31 May 2026

100 marks · 3 hours | 6 questions – all compulsory | Q1 case study 20 marks | Internal choice in Q4 and Q6 | BNS / BNSS / BSA cited with old sections

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This subject pack has 6 parts

1 Chapter-wise notes | 2 Important topics & weightage | 3 Past papers: trends & links | 4 Mock tests + solutions | 5 Chapter practice questions | 6 Last-week plan & strategy

Prepared by Skillshort for self-study. Original explanations and questions; not an official ICSI publication. Items marked VERIFY should be checked against the latest official material.

How to use these notes

These notes follow the **14 lessons of the current ICSI study material** (Syllabus 2022, as rationalised). Each chapter gives the provisions, case law and answer frames that recent papers test. Section numbers of the new criminal laws are shown as **new section [old section]**.

Paper at a glance

Item	Detail
Marks / time	100 marks, 3 hours (2:00–5:15 pm with 15 minutes' reading time)
Structure (Dec 2024 – June 2026 papers)	**6 questions, all compulsory**; Q1 is a **case study of 20 marks** answered in short parts of 2–3 marks; Q2–Q6 have three or four parts of **5 marks** each
Choice	Internal choice only: **Q4 or Q4A** and **Q6 or Q6A**
Question style	Mostly fact-based problems ("advise", "decide with reasons") plus a few direct theory parts
Applicable law	Amendments up to **31 May 2026**; ICSI study material updated to 30 November 2025 + Supplement for December 2026
Pass	40% in each paper and 50% aggregate in the group

Recent papers have been fully written answers – no OMR or MCQ section, so no negative marking was applied VERIFY. Check the ICSI instructions on the question paper itself.

NOTE New criminal laws (in force 1-7-2024)

New law	Replaced
Bharatiya Nyaya Sanhita, 2023 (BNS)	Indian Penal Code, 1860
Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)	Code of Criminal Procedure, 1973
Bharatiya Sakshya Adhiniyam, 2023 (BSA)	Indian Evidence Act, 1872

- ICSI note: by **s.8 General Clauses Act 1897**, references to old laws are read as references to the corresponding new provisions.
- These notes cite **new section [old section]**.

NOTE ICSI Supplement - case laws (Dec 2026)

- **L2 Constitution**: *Nandi Infrastructure Corridor v. B. Gurappa Naidu* (SC, 30-4-2026) - **Art. 227** superintendence only for unwarranted assumption, gross abuse or unjustified refusal of jurisdiction; HC is **not a court of appeal**.
- **L6 CPC**: *B.S. Lalitha v. Bhuvanesh* (SC, 15-5-2026) - **res judicata** applies between **two stages of the same litigation** (second Order VII R.11 application barred).
- **L9 Limitation**: *Shankar Khandelwal v. Omkara ARC* (SC, 29-4-2026) - admission of claim by **IRP/RP** is **not acknowledgment** u/s 18.
- **L10 Arbitration**: *Home Care Retail Marts v. Haresh Sanghavi* (SC, 24-4-2026) - even an **unsuccessful party** may seek **s.9 interim measures** post-award (with caution).
- **L14 NI Act**: *Parsharvanath Weld Wires v. State of Chhattisgarh* (SC, 27-5-2026) - **s.138** conviction can be **compounded/quashed on compromise** even after conviction (Gian Chand Garg).

Answer framework

Issue → **Rule** (section / Article + case law) → **Application** to facts → **Conclusion** (who wins / valid or void / remedy)

Note: For interpretation questions name the **rule** (literal, golden, mischief, harmonious) and the **maxim**; for criminal law cite BNS / BNSS section and old section in brackets.

MEMORY TRICK **14 lessons - "SCI-ATCC-ELA-RICN"**

SCIATCCELARICN – S Sources of law; C Constitution; I Interpretation; A Administrative law; T Torts; C Civil procedure; C Crime & procedure; E Evidence; L Limitation; A Arbitration, mediation, conciliation; R RTI; I Information technology; C Contract; N Negotiable instruments

Chapter 1: Sources of Law

In this chapter: Meaning of law & significance · Relevance of law to civil society · Jurisprudence & legal theory · Schools of law - Austin, Roscoe Pound, Salmond, Kelsen, Savigny, Bentham · Statutes · Subordinate legislation · Custom · Common law · Precedent · Stare decisis

1.1 Schools of jurisprudence

School / jurist	View of law
Analytical / imperative - **Austin**	Law = **command of the sovereign** backed by **sanction**
Bentham	Utilitarian - greatest happiness of greatest number; codification
Salmond	Law = body of principles recognised & applied by the **State in administration of justice**
Pure theory - **Kelsen**	Hierarchy of norms resting on **Grundnorm** (basic norm)
Historical - **Savigny**	Law grows from **Volksgeist** (spirit of people); custom first
Sociological - **Roscoe Pound**	Law as **social engineering** - balancing interests
Natural law	Law based on reason & morality (higher law)

1.2 Sources of law

- **Legislation** (supreme source): Constitution → statutes (Parliament / State) → **subordinate legislation** (rules, regulations, bye-laws, notifications) - must be **intra vires** parent Act; delegation of essential legislative function not allowed.
- **Precedent**: **stare decisis**; **ratio decidendi** binds, **obiter dicta** persuasive; **Art. 141** - SC law binds all courts; HC binds subordinate courts in State; per incuriam decisions not binding.
- **Custom**: valid if **ancient, continuous, certain, reasonable**, not opposed to law/public policy; conventional (by agreement) vs legal.
- **Common law** (English judge-made), **equity, justice & good conscience** where law silent; personal laws.

1.3 Meaning & relevance of law

- Law = rules of conduct enforced by the State; purposes - **order, justice, protection of rights, social change**.
- Relevance to civil society: regulates relations, protects liberty & property, resolves disputes, promotes welfare (labour, consumer, environment laws).
- **Jurisprudence** = "science of law" / "knowledge of law" (Ulpian); analytical, historical, ethical (normative) branches.

EXAM TIP FAQ

- Is obiter dictum of the Supreme Court binding? **Persuasive**, but carries great weight; under Art. 141 only "law declared" (ratio) binds.
- Who said "law is the command of the sovereign"? **John Austin** (criticised - ignores custom, international law).
- Difference between precedent and custom? Precedent = judge-made, binding by hierarchy; custom = practice of people, recognised if conditions met.

COMMON MISTAKE Traps

- Kelsen's Grundnorm is a **presupposed** norm - not a statute.
- Subordinate legislation inconsistent with the parent Act is **ultra vires & void** (not voidable).
- Stare decisis: a **larger bench** decision binds a smaller bench.

Chapter 2: Constitution of India

In this chapter: Broad framework · Fundamental Rights · Directive Principles · Fundamental Duties · Legislative framework & powers of Union & States · Judicial framework · Executive / administrative framework · Legislative process · Writ jurisdiction of HC & SC · Types of writs

2.1 Legislative relations (Art. 245-255)

- **Seventh Schedule**: List I **Union** (defence, banking, company law, income-tax), List II **State** (police, public health, agriculture, land), List III **Concurrent** (criminal law, contracts, bankruptcy, labour, economic planning).
- **Art. 248** residuary powers - **Parliament**; **Art. 249** RS resolution (2/3) for State subject in national interest; **Art. 250** emergency; **Art. 252** two or more States consent.
- **Art. 254 repugnancy**: Union law prevails on Concurrent subject; State law prevails in State if reserved & **President's assent**.
- Doctrines: **pith & substance**, **colourable legislation** (what cannot be done directly cannot be done indirectly), territorial nexus, harmonious construction.

2.2 Judicial & executive framework

- **Supreme Court (Art. 124)**: original **Art. 131** (Centre-State), writ **Art. 32**, appellate **Art. 132-134**, **SLP Art. 136**, advisory **Art. 143**, law binding **Art. 141**, review **Art. 137**, complete justice **Art. 142**.
- **High Courts (Art. 214)**: writs **Art. 226** (wider - "any other purpose"), superintendence **Art. 227** (Supplement case - not appellate) NEW; subordinate courts Art. 233-237.
- **Executive**: President (Art. 52-53) acts on aid & advice of CoM (Art. 74); PM & CoM (Art. 75) collectively responsible to Lok Sabha; Governor (Art. 154, 163); **Ordinances** Art. 123 / 213.

2.3 Legislative process

Bill introduced (first reading) → Second reading - general discussion / select or joint committee / clause-by-clause → Third reading - passed → Other House (same stages) → **President's assent** (Art. 111) → Act

- **Deadlock** in ordinary bill → **joint sitting** (Art. 108); not for money / constitution amendment bills.
- **Money bill (Art. 110)**: only in **Lok Sabha** on President's recommendation; Speaker certifies; RS returns with recommendations in **14 days** (Art. 109).
- **Constitutional amendment (Art. 368)**: special majority (+ ratification by half of States for federal matters); **basic structure** cannot be destroyed (*Kesavananda Bharati* 1973).

2.4 Writs (Art. 32 / 226)

Writ	Meaning	Issued against
Habeas corpus	"Have the body" - release from illegal detention	State & private persons
Mandamus	"We command" - perform public duty	Public authority (not President/Governor, private person)
Prohibition	Stop proceeding beyond jurisdiction (pending)	Judicial / quasi-judicial bodies
Certiorari	Quash order already passed without jurisdiction / error apparent	Judicial / quasi-judicial (also administrative - *A.K. Kraipak*)
Quo warranto	"By what authority" - usurper of public office	Holder of substantive public office

2.5 Key Fundamental Rights for business

- **Art. 12** "State" includes Govt, Parliament, local & other authorities - instrumentalities (*R.D. Shetty; Ajay Hasia*).
- **Art. 14** equality & reasonable classification (intelligible differentia + rational nexus); arbitrariness (*E.P. Royappa; Maneka Gandhi*).
- **Art. 19(1)(g)** trade/profession - reasonable restrictions **Art. 19(6)**; companies are **not citizens** - shareholders can challenge (*R.C. Cooper*).

- **Art. 21** life & personal liberty - privacy (*K.S. Puttaswamy* 2017), speedy trial, livelihood; **Art. 20** protection on conviction (no ex post facto, double jeopardy, self-incrimination).
- **Art. 265** no tax without law; **Art. 300A** property (legal right); **Art. 301** freedom of trade & commerce.

2.6 DPSP vs Fundamental Rights; duties

Point	FR (Part III)	DPSP (Part IV)
Nature	Justiciable (Art. 32)	**Non-justiciable** (Art. 37)
Aim	Political democracy	Socio-economic democracy
Examples	Art. 14, 19, 21	Art. 39 (equal pay, distribution of resources), 41, 43 (living wage), 44 (UCC), 48A (environment)

- **Fundamental Duties Art. 51A** (42nd Amendment 1976): **11 duties** (11th - education of child 6-14, 86th Amendment).
- Harmony: *Minerva Mills* - balance between Part III & IV is **basic structure**.

WORKED EXAMPLE **Landmark constitutional cases**

Case	Principle
Kesavananda Bharati (1973)	**Basic structure** - Parliament can't destroy
Maneka Gandhi (1978)	Art. 21 procedure must be **just, fair & reasonable**; golden triangle 14-19-21
Minerva Mills (1980)	Balance of FR & DPSP; limited amending power
R.C. Cooper (1970)	Shareholders can challenge law affecting company
K.S. Puttaswamy (2017)	**Privacy** a fundamental right
L. Chandra Kumar (1997)	Judicial review by HC (Art. 226/227) - basic structure
S.R. Bommai (1994)	Federalism; Art. 356 limits

EXAM TIP **FAQ – Constitution**

- Can a company file a writ under Art. 32 for Art. 19 rights? **No** (not a citizen) - but its **shareholders** can; for Art. 14 / 21 a company can.
- Difference between Art. 32 and Art. 226? Art. 32 is itself a FR (only FR enforcement); Art. 226 - FR **and other legal rights**, wider.
- Is an Ordinance a law? **Yes** - same force as Act; must be laid & lapses **6 weeks** after reassembly.
- Emergency types? National **Art. 352**, President's rule **Art. 356**, financial **Art. 360**.

Chapter 3: Interpretation of Statutes

In this chapter: Need & meaning · Casus omissus · Definition clauses · Rules - literal, golden, mischief (Heydon's), harmonious · Aids to interpretation · Legal terminologies · Reading a bare Act & citation · Pari materia · Prospective & retrospective · May & shall · And & or · Proviso · Latin maxims · Contemporanea expositio · Deeming provisions · Repugnancy · General vs special · Beneficial construction · Procedural, fiscal & penal statutes · Delegated legislation · Substantial compliance · Impossibility · General Clauses Act 1897 · Reading the Companies Act 2013

3.1 Primary rules of interpretation

Rule	Essence
Literal	Plain, grammatical meaning; if clear → apply even if harsh
Mischief (Heydon's)	Find the **mischief** the Act intended to cure; suppress mischief, advance remedy
Golden	Modify literal meaning to avoid **absurdity/inconsistency**
Harmonious construction	Read conflicting provisions to give **effect to both**
Beneficial	Social welfare laws read in favour of beneficiaries
Strict	Penal & taxing statutes - construed strictly

3.2 Latin maxims (rules of language)

- **Ejusdem generis**: general words after specific words take meaning of **same kind (genus)**.
- **Noscitur a sociis**: word known by the **company it keeps** (associated words).
- **Reddendo singula singulis**: distributive - refer each to its appropriate object.
- **Ut res magis valeat quam pereat**: interpret to **make it valid** rather than void.
- **Expressio unius est exclusio alterius**: express mention of one excludes others.
- **Contemporanea expositio**: contemporaneous understanding of old statute.

3.3 Internal vs external aids

Internal aids	External aids
Title (long & short)	Parliamentary history & debates
Preamble	Statement of Objects & Reasons
Headings & marginal notes	Historical background
Definitions / interpretation clause	Dictionaries
Illustrations	Textbooks, foreign decisions
Provisos & explanations	Other statutes (in pari materia)
Schedules & punctuation	Contemporanea expositio

3.4 Provisos, explanations & mandatory vs directory

- **Proviso**: carves out exception from main enactment; not to be read as general rule.
- **Explanation**: clarifies/explains meaning; doesn't enlarge scope (unless clear).
- **Mandatory** provisions → non-compliance invalidates; **directory** → substantial compliance enough. Use of "shall" usually mandatory but depends on intent/consequence.
- Presumptions: against **retrospective** operation (substantive law), against **ousting jurisdiction**, territorial operation, legislature knows the law.

EXAM TIP **Frequently asked (Interpretation)**

- "Coal, wood, iron and **other goods**" - other goods limited to **similar** commodities → **ejusdem generis**.
- Two conflicting sections in same Act → **harmonious construction**.
- Taxing statute ambiguous → benefit to **assessee** (strict construction).
- Preamble used only when enacting part is **ambiguous**.

3.5 Interpretation of deeds & documents

- Read **document as a whole**; intention of parties gathered from words used.
- Words in **ordinary/natural sense**; technical words in technical sense.
- **Ambiguity**: patent (on face - no external evidence) vs latent (evidence admissible) VERIFY.
- **Contra proferentem**: ambiguity construed **against the party who drafted** it.
- **Recitals** explain operative part; operative part prevails over recitals when clear.
- Earlier clause prevails in **deeds** if conflict; later prevails in **wills** (last intention) VERIFY.

WORKED EXAMPLE **Case scenarios (Interpretation)**

- A welfare law says "employee" - ambiguous whether includes apprentices → **beneficial construction**.
- Statute: "No person shall park a vehicle..." - bicycles? → apply **mischief rule** to find purpose.
- "Houses, offices, rooms or other places" → "other places" read with genus of **closed premises** (ejusdem generis).
- Penal provision ambiguous → construe in favour of **accused**.

3.6 Special rules & doctrines

Rule / doctrine	Gist
Casus omissus	Court can't fill a gap in statute (supply omission) - only in clear necessity
Definition clause	"means" = exhaustive; "includes" = extends ordinary meaning
Pari materia	Statutes on same subject read together
Contemporanea expositio	Old statutes read as understood when enacted; long usage
Deeming provision	Legal fiction - carried to logical conclusion but only for stated purpose
Generalia specialibus non derogant	Special provision prevails over general
Leges posteriores	Later law prevails over earlier (repugnancy)
Beneficial construction	Labour/welfare laws read in favour of beneficiaries
Fiscal / penal statutes	**Strict** construction - benefit of doubt to subject (*Cape Brandy Syndicate*)
Procedural law	Generally **retrospective**; handmaid of justice
Substantial compliance	Directory provisions - substantial compliance enough
Impossibility	*Lex non cogit ad impossibilia* - law doesn't compel impossible

3.7 Retrospectivity, "may/shall", "and/or"

- Substantive laws presumed **prospective**; procedural & declaratory laws may be retrospective; penal laws never retrospective (**Art. 20(1)**).
- **"Shall"** ordinarily mandatory, "**may**" directory - but context decides (*State of UP v. Manbodhan Lal*); "may" read as "shall" where power coupled with duty.
- **"And"** conjunctive, **"or"** disjunctive - may be read interchangeably to avoid absurdity.
- **Proviso** carves an exception from main enactment; doesn't enlarge it.

3.8 Delegated legislation & reading the Companies Act

- Delegated legislation valid if within **policy & guidelines** of parent Act; conflict - **Statute > Rules > Regulations > circulars**.

- Laid before Parliament (negative/affirmative procedure); judicial review for ultra vires, unreasonableness.
- **Reading a bare Act**: long title, preamble, sections, sub-sections, clauses, provisos, explanations, schedules; **citation**: (2017) 10 SCC 1, AIR 2026 SC __, SCC OnLine.
- **Companies Act 2013 methodology**: Act (470 sections) → **Rules** (e.g., Companies (Incorporation) Rules 2014) → Schedules → **Forms** (e-forms) → MCA circulars & clarifications → Secretarial Standards (s.118(10)).

3.9 Purpose

- Avoids repetition by giving **common definitions & rules of construction** applicable to all Central Acts & regulations (unless repugnant to subject/context).
- **s.5**: a Central Act not expressed to come into operation on a particular day → comes into operation on the day it receives **President's assent**; construed as coming into effect **immediately on expiration of the day preceding** commencement.
- **s.5A** ordinances; **s.6** repeal does **not** revive anything not in force, affect previous operation, rights/liabilities acquired, penalties, or pending proceedings.

3.10 Key definitions (s.3)

Term	Meaning (gist)
Affidavit	incl. affirmation & declaration (if permitted)
Immovable property	land, benefits from land, things attached to earth
Movable property	property of every description **except immovable**
Person	any company/association/body of individuals, incorporated or not
Document	matter on any substance by letters, figures, marks (for recording)
Financial year	year commencing **1st April**
Month	as per **British calendar**
Good faith	thing done **honestly**, whether negligently or not
Sign	includes affixing **mark** (for one unable to write)
Writing	printing, lithography, photography, visible form

3.11 Time & construction rules

- **s.9**: "**from**" → **exclude first** day; "**to**" → **include last** day.
- **s.10**: act to be done in court/office on a day it is **closed** → valid if done on **next open day**.
- **s.13**: masculine includes feminine; **singular includes plural** and vice versa.
- **s.14**: powers may be exercised **from time to time**; **s.16** power to appoint includes power to **suspend/dismiss**; **s.21** power to issue notifications/orders includes power to **add, amend, vary, rescind**.
- **s.26**: act is offence under 2 enactments → prosecuted under either but **not punished twice**.
- **s.27**: service by **post** deemed effected by properly addressing, pre-paying & posting by **registered post**.

EXAM TIP Frequently asked (GCA)

- Notice "within 15 days from 1 March" → count from **2 March** to 16 March (s.9).
- Last day for filing falls on Sunday (office closed) → file on **Monday** (s.10).
- Repealed Act - pending prosecution continues (s.6(e)).
- "Person" includes a **company** - so a company can be prosecuted/sued.

COMMON MISTAKE Mistakes

- Confusing **s.9** ("from"/"to") with **s.10** (closed office).
- Writing GCA applies to **State Acts** - it applies to **Central Acts & Regulations** (States have their own GCAs).
- Thinking **good faith** requires due care - it requires **honesty** only.

3.12 More GCA provisions

- **s.3** also: "Central Government", "Chapter", "Commencement" (day Act comes into force), "Father" (incl. adoptive father for personal law cases), "Government", "Section", "Schedule", "Swear" (incl. affirm), "Will" (incl. codicil), "Year" (British calendar), "Vessel".
- **s.11**: distance measured in **straight line on horizontal plane**.
- **s.12**: duty on quantity → **pro rata** on lesser/greater quantity.
- **s.15-19**: power to appoint includes **ex-officio**; substitution of functionaries; successors; official chiefs & subordinates.
- **s.20**: words in notifications have same meaning as in the Act.
- **s.22-23**: rules can be made after Act passed but before commencement; previous publication requirements.
- **s.24**: orders under repealed Act **continue** till superseded.
- **s.25**: recovery of fines per IPC/BNS & CrPC/BNSS provisions VERIFY; **s.28** citation of enactments.

WORKED EXAMPLE Case scenarios (GCA)

- Rent agreement: "for 1 year from 1 April 2026" → period starts **2 April 2026** (s.9).
- A notification was rescinded by Govt using its power under an Act silent on rescission → valid (s.21).
- A rule made under a repealed Act continues if re-enacted provision similar (s.24).
- Document electronically created on a computer → falls within "document" (writing & visible representation).

Chapter 4: Administrative Laws

In this chapter: Conceptual analysis · Source & need of administrative law · Principles of natural justice · Administrative discretion · Judicial review & other remedies · Liability of Government & public corporations

4.1 Concept, sources & need

- Administrative law = law relating to **organisation, powers & duties of administrative authorities** and control over them (Wade, Jain).
- Need: growth of **welfare State**, delegated legislation, tribunals (quasi-judicial), technical complexity.
- Sources: **Constitution**, statutes, delegated legislation, judicial decisions, conventions.
- **Rule of law** (Dicey): supremacy of law, equality before law, rights from courts; **separation of powers** (Montesquieu) - Indian Constitution has functional separation (*Ram Jawaya Kapur*).

4.2 Natural justice

- **Nemo judex in causa sua** - rule against **bias** (personal, pecuniary, subject-matter, departmental) - *A.K. Kraipak v. UoI*.
- **Audi alteram partem** - fair hearing: notice, disclosure of material, opportunity to present, cross-examination where needed - *Maneka Gandhi* (Art. 21 fair procedure).
- **Reasoned decision** (speaking order) - third pillar (*S.N. Mukherjee*).
- Exclusions: emergency, legislative acts, statutory exclusion, confidentiality, **useless formality**; post-decisional hearing.

4.3 Discretion & judicial review

- **Abuse of discretion**: mala fides, irrelevant considerations, improper purpose, unreasonableness (**Wednesbury**), **proportionality** (*Om Kumar*).
- **Failure to exercise**: acting under dictation, fettering by rigid policy, sub-delegation (*delegatus non potest delegare*).
- **Judicial review**: Art. **32, 226, 136, 227**; grounds - illegality, irrationality, procedural impropriety (*CCSU / GCHQ*).
- Other remedies: **injunction**, declaration, damages, **Lokpal & Lokayuktas Act 2013**, tribunals (Art. 323A/323B), PIL.

4.4 Liability of Government & public corporations

- **Art. 300**: Govt may sue / be sued; **tortious liability** - sovereign vs non-sovereign functions: *P&O Steam Navigation* (1861), *Kasturi Lal v. State of UP* (sovereign immunity - police), *State of Rajasthan v. Vidyawati* (Govt jeep - liable).
- Modern view: **constitutional tort** - compensation for violation of Art. 21 (*Rudul Sah*, *Nilabati Behera* - custodial death).
- **Contractual liability Art. 299**: contracts in name of President/Governor, executed by authorised person; else not binding on Govt (personal liability excluded).
- **Public corporations** (statutory bodies, Govt companies) = "State" under Art. 12 → bound by FR & natural justice; sue & be sued in own name.

EXAM TIP FAQ

- Is a show-cause notice without supplying adverse material valid? **No** - violates audi alteram partem.
- Can a statutory authority delegate its quasi-judicial power? **No**, unless statute permits.
- Remedy where an officer acts without jurisdiction? Writ of **certiorari / prohibition**.

WORKED EXAMPLE **Admin law cases**

- *A.K. Kraipak v. UoI* (1970) - line between administrative & quasi-judicial thin; bias vitiates.
- *Maneka Gandhi* (1978) - hearing implied in passport impounding.
- *Associated Provincial Picture Houses v. Wednesbury* (1948) - unreasonableness.
- *Kasturi Lal* (1965) vs *Vidyawati* (1962) - sovereign vs non-sovereign.
- *Union of India v. Tulsiram Patel* (1985) - exclusion of hearing under Art. 311 proviso.

MEMORY TRICK **Natural justice "BHR"**

BHR – B No Bias (nemo judex); H Hearing (audi alteram partem); R Reasoned order

Chapter 5: Law of Torts

In this chapter: General conditions of liability · Strict & absolute liability · Vicarious liability · Torts to personal safety & freedom · Liability of a corporate entity / company in torts · Remedies in torts

5.1 General conditions

- Tort = **civil wrong** (other than breach of contract/trust) redressible by **unliquidated damages**.
- Essentials: **wrongful act or omission** + **legal damage** (violation of legal right) + **legal remedy**.
- **Injuria sine damno** - actionable without loss (*Ashby v. White*; *Bhim Singh v. State of J&K*).
- **Damnum sine injuria** - loss without legal injury - not actionable (*Gloucester Grammar School*; *Mogul Steamship*).
- Mental element: intention / malice generally irrelevant (except malicious prosecution, deceit).

5.2 Strict vs absolute liability

Point	Strict (*Rylands v. Fletcher*, 1868)	Absolute (*M.C. Mehta v. UoI* - Oleum gas, 1987)
Applies to	Non-natural use, dangerous thing escapes	**Hazardous / inherently dangerous industry**
Exceptions	Act of God, plaintiff's default, consent, third party act, statutory authority	**No exceptions**
Damages	Compensatory	Correlated to **magnitude & capacity** of enterprise (exemplary)

- Statutory: **Public Liability Insurance Act 1991**; Bhopal gas case.

5.3 Vicarious liability

- **Master-servant**: liable for torts in **course of employment** (even if prohibited mode - *Limpus v. London General Omnibus*; fraud of agent - *Lloyd v. Grace Smith*).
- **Not** for independent contractor (exceptions: hazardous work, statutory duty, negligence in selection).
- **Principal-agent**, **partners** (s.26 Partnership Act), **State** (Art. 300).
- **Corporate liability**: company liable for torts of servants/agents in course of employment, even **ultra vires** acts in some cases; directors personally liable if they **direct or procure** the tort.

5.4 Torts to person & others

- **Assault** (apprehension of force) vs **battery** (actual force); **false imprisonment** (total restraint without lawful justification - *Rudul Sah*); **malicious prosecution** (prosecution without reasonable cause, with malice, terminated in plaintiff's favour).
- **Defamation**: libel (permanent) / slander (transient); defences - truth (justification), fair comment, privilege.
- **Negligence**: duty of care, breach, damage (*Donoghue v. Stevenson* - neighbour principle); res ipsa loquitur.
- **Nuisance**: public / private; trespass to land & goods.

5.5 Defences & remedies

Defences	Remedies
Volenti non fit injuria (consent)	**Damages** - nominal, contemptuous, compensatory, aggravated, **exemplary**
Inevitable accident, act of God	**Injunction** - temporary / perpetual / mandatory
Private defence, necessity	Specific restitution of property
Statutory authority, plaintiff the wrongdoer	Self-help (re-entry, abatement of nuisance)

EXAM TIP FAQ

- Can a company be sued for malicious prosecution? **Yes** - malice of its agents attributed.
- Doctor's negligence - test? **Bolam test** / *Jacob Mathew* - reasonable professional standard.
- Plaintiff loses trade due to a lawful rival shop - remedy? **None** - damnum sine injuria.

Chapter 6: Law relating to Civil Procedure

In this chapter: Code of Civil Procedure 1908 - definitions · Jurisdiction s.9 · Res sub judice s.10 · Res judicata s.11 · Place of suing · Institution of suit · Pleadings, plaint & written statement · Summary procedure (Order XXXVII) · Appeals, reference, review & revision · Powers of civil court exercised by tribunals · Commercial Courts Act 2015

6.1 Key definitions & jurisdiction

- **Decree s.2(2)**: formal expression of adjudication **conclusively determining rights** - preliminary / final / partly; includes rejection of plaint & s.144 restitution; excludes appealable orders & dismissal for default.
- **Judgment s.2(9)** = grounds of decree; **order s.2(14)** = formal expression of decision not a decree; **decree-holder s.2(3)**; **mesne profits s.2(12)**.
- **s.9**: civil courts try **all suits of civil nature** unless barred expressly or impliedly (e.g., DRT, NCLT, consumer forums).
- **s.15** suit in **lowest competent court**; **s.16** immovable property - where situated; **s.19** wrongs to person/movables - where wrong done or defendant resides (plaintiff's option); **s.20** other suits - where defendant resides / cause of action arises.

6.2 Res sub judice vs res judicata

Point	s.10 Res sub judice	s.11 Res judicata
Stage	Matter **pending**	Matter **already decided**
Effect	**Stay** of later suit	**Bar** of later suit
Conditions	Same parties, same matter directly & substantially in issue, previous suit pending in competent court (incl. Indian court)	Same matter, same parties / title, competent court, **heard & finally decided**
Maxim	Avoid conflicting decisions	*Nemo debet bis vexari; interest reipublicae ut sit finis litium*

- **Constructive res judicata** - Explanation IV (matter that **might & ought** to have been raised).
- Supplement NEW: res judicata applies between **stages of same suit** (*B.S. Lalitha v. Bhuvanesh*, 2026).

6.3 Suit life-cycle

Plaint (s.26, Order VII - court fee, cause of action, valuation) → Summons (Order V) → **Written statement** within 30 days (max 90; commercial 120) → Framing of **issues** (Order XIV) → Evidence & hearing → **Judgment & decree** → Execution (s.36-74, Order XXI)

- **Order VII Rule 11 rejection of plaint**: no cause of action, undervaluation, insufficient stamp, **barred by law**, not in duplicate, non-compliance Rule 9.
- **Order VI Rule 17** amendment of pleadings - not after trial begins unless due diligence.

6.4 Appeals, reference, review, revision

Remedy	Section / Order	Court & ground
First appeal	s.96, Order XLI	From original decree - facts & law
Second appeal	s.100, Order XLII	HC - only **substantial question of law**
Appeal from orders	s.104, Order XLIII	Listed orders only
Reference	s.113, Order XLVI	Subordinate court refers doubt on **validity of Act** to HC
Review	s.114, Order XLVII	Same court - new evidence, error apparent, sufficient reason
Revision	s.115	**HC** - jurisdictional error of subordinate court (no appeal lies)

6.5 Summary suits - Order XXXVII

- Applies to suits on **bills of exchange, hundis, promissory notes**, written contracts for liquidated debt, guarantees.

- Defendant must **enter appearance in 10 days** and obtain **leave to defend** (10 days of summons for judgment) - else plaintiff gets decree.
- Leave refused where defence frivolous / vexatious; conditional leave (deposit) possible (*IDBI Trusteeship v. Hubtown* 2016).

6.6 Tribunals & Commercial Courts Act 2015

- Tribunals (NCLT s.424 CA 2013, SAT, NCDRC, DRT) have **powers of civil court** for: summoning & enforcing attendance, **discovery & production** of documents, evidence on affidavit, **commissions**, review, ex parte dismissal / setting aside - but not bound by CPC (natural justice).
- **Commercial Courts Act**: commercial disputes of **specified value ≥ ₹3 lakh**; Commercial Courts, Commercial Divisions & Appellate Divisions of HCs.
- **s.12A pre-institution mediation** - **mandatory** unless urgent interim relief (*Patil Automation* 2022); 3 months (+2).
- Written statement **120 days** outer limit; **summary judgment Order XIII-A**; case management hearing; appeal within **60 days**.

6.7 Interim & special provisions (CPC)

- **Temporary injunction Order XXXIX R.1-2**: prima facie case + **balance of convenience** + **irreparable injury** (*Dalpat Kumar*); disobedience - R.2A attachment / civil prison.
- **Arrest / attachment before judgment Order XXXVIII**; appointment of **receiver Order XL**; **commissions Order XXVI**.
- **s.80** - 2 months' notice before suing Govt / public officer (urgent relief with leave); **s.148A caveat** - valid **90 days**.
- **s.151 inherent powers** - ends of justice; **s.89** ADR reference (arbitration, conciliation, Lok Adalat, mediation).
- **Order I R.10** necessary & proper parties; **Order XXIII** withdrawal / compromise; **Order IX** ex parte & restoration.

EXAM TIP **FAQ – CPC**

- Can a suit be filed where only the defendant's branch office is? Yes for cause arising there - s.20 Explanation (corporation deemed to carry on business at **subordinate office** where cause arose).
- Can parties confer jurisdiction by agreement? Only **choose between courts having jurisdiction** (*A.B.C. Laminart*); can't create one.
- Second appeal on facts? **No** - only substantial question of law (s.100).

MEMORY TRICK **Injunction test "PBI"**

PBI – P Prima facie case; B Balance of convenience; I Irreparable injury

Chapter 7: Law relating to Crime and its Procedure

In this chapter: Meaning, nature & elements of crime · Mens rea · Joint liability · Offences against property (BNS) · Criminal breach of trust · Cheating · Fraudulent deeds · Mischief · Forgery · Property marks · Defamation · Procedure under BNSS - classes of courts, arrest, process, FIR, bail, trial, summary trial, compounding, limitation for cognizance

7.1 Elements of crime

- Stages: **intention → preparation → attempt → commission** (preparation punishable only for grave offences, e.g., waging war, dacoity).
- Elements: **human being, mens rea, actus reus, injury** - *actus non facit reum nisi mens sit rea*.
- **Strict liability** offences (economic, food safety) - mens rea not needed.
- **Joint liability**: **BNS s.3(5)** [IPC s.34] common intention; **s.190** [s.149] common object of unlawful assembly; abetment **s.45-60** [s.107-120]; criminal conspiracy **s.61** [s.120A/B].
- New in BNS: **community service** as punishment (s.4), **organised crime s.111**, petty organised crime s.112, terrorist act s.113 VERIFY.

7.2 Offences against property - BNS [IPC]

Offence	BNS [IPC]	Key element
Theft	s.303 [378-379]	Dishonest moving of movable property out of possession without consent
Extortion	s.308 [383-384]	Putting in fear to deliver property
Robbery / dacoity	s.309 / s.310 [390-395]	Theft/extortion + violence; dacoity = 5 or more
Criminal misappropriation	s.314 [403]	Dishonest conversion of property **lawfully** come into possession
Criminal breach of trust	s.316 [405-409]	**Entrustment** + dishonest misappropriation (aggravated - clerk, banker, agent)
Cheating	s.318 [415-420]	**Deception at inception** + inducement to deliver property
Fraudulent deeds & dispositions	s.320-323 [421-424]	Dishonest removal / concealment to defeat creditors
Mischief	s.324 [425-440]	Destruction / damage causing wrongful loss
Forgery	s.335-336 [463-465]	Making **false document / e-record** to cause damage, support claim, commit fraud
Property marks	s.345-350 [479-489]	Using false property mark / counterfeiting
Defamation	s.356 [499-500]	Imputation harming reputation; 10 exceptions; **community service** possible

- Section mapping per BNS - confirm sub-sections VERIFY.

7.3 CBT vs cheating vs misappropriation

Point	CBT	Cheating	Misappropriation
Initial possession	**Entrusted** (lawful)	Obtained by **deception**	Comes lawfully (found etc.)
Dishonest intention	Arises **later**	At **inception**	Arises later
Example	Director misusing company funds	Fake investment scheme	Keeping found wallet

7.4 Classes of criminal courts - BNSS s.6 [CrPC s.6]

Court	Sentence power (BNSS s.22-23)
High Court	Any sentence authorised by law

Court	Sentence power (BNSS s.22-23)
Sessions Judge / Addl. SJ	Any sentence; **death** subject to HC confirmation
Asst. Sessions Judge	Up to 10 years
Chief Judicial Magistrate	Up to **7 years**
JM First Class	Up to **3 years** / fine up to **₹50,000** (was ₹10,000) / community service
JM Second Class	Up to **1 year** / fine up to **₹10,000** (was ₹5,000) / community service

- **Metropolitan Magistrates abolished** in BNSS; Executive Magistrates separate VERIFY.

7.5 Arrest, process & FIR

- **FIR BNSS s.173** [CrPC 154]: cognizable info - oral / **electronic (e-FIR)**, **zero FIR** (any police station); preliminary enquiry (3-7 yr offences) within 14 days.
- **Arrest without warrant s.35** [41]; grounds to be informed **s.47** [50]; produce before magistrate within **24 hours s.58** [57]; handcuffing **s.43(3)**.
- **Summons s.63-71** [61-69] - may be **electronic**; **warrants s.72-83** [70-81]; proclamation & attachment **s.84-86** [82-83].
- **Search & seizure s.185** [165]; **audio-video recording** of search mandatory **s.105** (new).
- **Charge-sheet s.193** [173] - investigation progress to victim within 90 days.

7.6 Bail, trial & compounding

- **Bailable s.478** [436] - right; **non-bailable s.480** [437] - discretion; **anticipatory s.482** [438]; undertrial max detention **s.479** [436A] - **one-third** for first-time offender.
- **Summary trial s.283** [260]: offences up to **3 years** (was 2), theft etc. where value ≤ **₹20,000** (was ₹2,000) VERIFY.
- **Compounding s.359** [320]: Table 1 without court permission, Table 2 with permission.
- **Plea bargaining s.289-300** [265A-L]; **trial in absentia s.356** (proclaimed offenders) - new.
- **Limitation for cognizance s.514** [468]: fine only - **6 months**; up to 1 yr - **1 year**; 1-3 yrs - **3 years**; continuing offence **s.516** [472].

EXAM TIP FAQ

- A cashier entrusted with cash uses it for personal loans - offence? **Criminal breach of trust by clerk/servant** - BNS s.316(4) [IPC 408] VERIFY.
- Can a company be prosecuted for an offence requiring imprisonment? **Yes** - fine imposed (*Standard Chartered Bank v. Directorate of Enforcement* 2005).
- Where can a zero FIR be registered? **Any police station**, irrespective of jurisdiction; transferred later.

MEMORY TRICK Cognizance limits "6-1-3"

613 – 6 months - fine only; 1 year - imprisonment up to 1 year; 3 years - imprisonment 1 to 3 years; beyond 3 years - no limitation

7.7 Types of trial - BNSS [CrPC]

Trial	Offences	Key feature
Sessions trial s.248-260 [225-237]	Exclusively triable by Court of Session (> 7 yrs)	Committal by magistrate; PP conducts
Warrant case - police report s.261-266 [238-243]	> 2 years	Charge framed; discharge possible
Warrant case - complaint s.267-273 [244-250]	> 2 years	Pre-charge evidence

Trial	Offences	Key feature
Summons case s.274-282 [251-259]	≤ 2 years	No formal charge; particulars stated
Summary trial s.283-288 [260-265]	≤ 3 years (per BNSS)	Abridged record VERIFY

EXAM TIP FAQ – BNSS

- Time to decide on discharge in sessions trial? Within **60 days** of first hearing on charge (BNSS s.250) VERIFY.
- Judgment after conclusion of arguments? Within **30 days** (extendable to 45) - BNSS s.258 VERIFY.
- Electronic mode? Summons, trial, evidence recording & deposition may be by **audio-video electronic means** (s.530).

COMMON MISTAKE Crime traps

- Mere **preparation** is generally not an offence.
- **Cheating** needs dishonest intention **at the time of inducement**; later failure to pay = civil breach.
- Company can't be imprisoned but **can be fined** & convicted.
- Zero FIR ≠ no jurisdiction - transferred to competent station.

Chapter 8: Law relating to Evidence

In this chapter: Bharatiya Sakshya Adhiniyam - definitions · Relevancy of facts · Admissions & confessions · Statements by persons who cannot be called · Expert opinion · Oral & documentary evidence · Primary & secondary evidence · Electronic records & certificate · Burden of proof · Presumptions · Estoppel · Privileged communications · Witnesses · Examination of witnesses

8.1 Basics - BSA [IEA]

- **Evidence s.2(1)(e)** [s.3]: **oral** (incl. electronically given) & **documentary** (incl. **electronic & digital records**).
- **Fact in issue** vs **relevant fact**; "may presume", "shall presume", "conclusive proof" **s.2(1)(h)** [s.4].
- **Res gestae s.4** [s.6] - facts forming part of same transaction; motive & conduct **s.6** [s.8]; **conspiracy s.8** [s.10]; plea of alibi **s.9** [s.11].
- **Expert opinion s.39** [s.45, 45A] - includes **Examiner of Electronic Evidence**; handwriting, fingerprints, science.

8.2 Admission vs confession

Point	Admission s.15-25 [17-23, 31]	Confession s.22-24 [24-30]
Proceedings	Civil & criminal	**Criminal only**
By	Party / agent / person interested	**Accused**
Effect	Not conclusive; may be rebutted; can be used for/against	If voluntary - may convict; **to police inadmissible** s.23 [25-26]
Exceptions	Without prejudice negotiations (civil) s.21 [23]	Discovery statement s.23 proviso [27]; co-accused s.24 [30]

- **Dying declaration s.26(a)** [s.32(1)] - statement on cause of death; no oath / cross-exam needed.

8.3 Documentary & electronic evidence

- **Primary s.57** [62] - document itself; **electronic record** stored simultaneously / in multiple files, or from **proper custody**, is primary.
- **Secondary s.58** [63] - certified copies, copies by mechanical process, **oral admissions**, written admissions, **evidence of expert examining documents**.
- **Electronic records s.62-63** [65A-65B]: admissible if **certificate in Schedule** - Part A (party) + **Part B (expert)**; *Arjun Panditrao Khotkar* (2020) - certificate mandatory.
- **Public documents s.74** [74]; certified copies s.76 [76]; presumption as to e-records, e-mails, e-signatures s.85-90 [85A-90A].

8.4 Burden of proof & presumptions

- **s.104** [101]: who asserts must prove; **s.105** [102] - party who would fail if no evidence; **s.106** [103] particular fact.
- **s.109** [106] fact especially within knowledge; exceptions for accused **s.108** [105].
- **Presumptions**: of death (not heard for **7 years**, s.111 [108]); legitimacy (s.116 [112]); dowry death s.118 [113B]; court may presume **s.119** [114].
- **Estoppel s.121** [115]: representation → belief → acted upon; tenant & licensee s.122 [116]; bills of exchange s.123 [117].

8.5 Witnesses & privilege

- **Competency s.124** [118]: all persons competent unless unable to understand questions; **dumb witness** s.125 [119].
- **Privileged**: judges s.127 [121]; communications **during marriage** s.128 [122]; **affairs of State** s.129 [123]; official communications s.130 [124]; **professional communications (advocate)** s.132 [126]; in-house counsel included VERIFY.

- **Accomplice s.138** [133] - competent; conviction on uncorroborated testimony not illegal; **no particular number** of witnesses **s.139** [134].
- **Examination s.142-143** [137-138]: **chief → cross → re-examination**; **leading questions** s.146 [141-143] not in chief (allowed in cross).
- **Improper admission/rejection s.169** [167] - not ground for new trial by itself.

EXAM TIP FAQ

- Is a WhatsApp chat admissible? **Yes**, as electronic record with **s.63 certificate** (Part A + B); else secondary-evidence issues.
- Can a confession to police be used? **No** (s.23 BSA), except fact discovered in consequence.
- Who proves "I was elsewhere" (alibi)? The **accused** (s.106/109 especially within knowledge).

Chapter 9: Law of Limitation

In this chapter: Limitation Act 1963 - object & scope · Bar of limitation s.3 · Extension of prescribed period s.4-5 · Legal disability s.6-8 · Continuous running s.9 · Exclusion of time s.12-15 · Fraud & mistake s.17 · Acknowledgment s.18 · Part payment s.19 · Acquisition of ownership by possession s.25-27 · Schedule periods

9.1 Core sections

- **s.3** - suit / appeal / application after period **shall be dismissed** even if limitation not set up as defence; limitation bars **remedy, not right** (except s.27).
- **s.4** - court closed on last day → file on **reopening day**.
- **s.5 condonation** - "sufficient cause" - only for **appeals & applications** (not suits; not Order XXI applications).
- **s.6-8 legal disability** (minor, insane, idiot) - period from cessation; max **3 years** after cessation (s.8).
- **s.9** - once time begins, **no subsequent disability** stops it.

9.2 Exclusion & extension of time

- **s.12** exclude day of judgment & time for obtaining **certified copy**.
- **s.14** time spent **bona fide in a court without jurisdiction** excluded (applies to arbitration via s.43 A&C Act).
- **s.15** stay / notice period (e.g., s.80 CPC) excluded; **s.17 fraud / mistake** - time from discovery.
- **s.18 acknowledgment**: **in writing, signed**, **before expiry** → fresh period; balance-sheet entries can be acknowledgment (*Asset Reconstruction Co. v. Bishal Jaiswal* 2021).
- Supplement NEW: IRP / RP admitting a claim is **not acknowledgment** (*Shankar Khandelwal v. Omkara ARC*, 2026).
- **s.19 part payment** of debt / interest before expiry → fresh period (acknowledged in writing of payer if after 1969 Act).

9.3 Schedule - key periods

Matter	Period	From
Money lent / goods sold / bill (suit)	**3 years**	Due date / delivery
Recovery of immovable property on title	**12 years** (Art. 65)	Possession adverse
Govt suits	**30 years** (Art. 112)	As applicable
Specific performance	3 years	Date fixed / refusal
Appeal to HC from decree	**90 days** (Art. 116)	Decree
Appeal to other courts	**30 days**	Decree / order
Residual applications	**3 years** (Art. 137) - also IBC s.7/9	Right to apply accrues

- **Easement** by prescription **20 years** (s.25; Govt 30 yrs); **s.27** - on expiry of period for possession, **right itself extinguished**.
- Divisions: I suits (Art. 1-113), II appeals (114-117), III applications (118-137).

EXAM TIP FAQ - Limitation

- Does s.5 condonation apply to IBC applications? **Yes** (s.238A IBC applies Limitation Act; Art. 137 - 3 years).
- Is an acknowledgment after expiry valid? **No** under s.18 - but a written **promise to pay time-barred debt** is valid contract (s.25(3) Contract Act).
- Adverse possession against Govt? **30 years** (Art. 112).

COMMON MISTAKE Limitation traps

- Limitation **bars remedy, not right** - except **s.27** (right to property extinguished).
- Oral acknowledgment is **not** valid under s.18.
- Disability must exist **when right accrues**; subsequent disability ignored (s.9).

Chapter 10: Arbitration, Mediation & Conciliation

In this chapter: Arbitration & Conciliation Act 1996 - arbitration agreement · Reference by court s.8 · Interim measures s.9 & s.17 · Composition & appointment · Jurisdiction s.16 · Conduct · Award & time limits s.29A · Setting aside s.34 · Enforcement & appeals · Foreign awards · Conciliation · Mediation Act 2023

10.1 Domestic arbitration (Part I)

Arbitration agreement s.7 (written - clause / separate / exchange of letters, e-mail) → Court **refers s.8** (prima facie valid) / **appointment s.11** (SC/HC designated institution) → Disclosure **s.12** (Fifth/Seventh Schedule) → Challenge **s.13** → **Kompetenz-kompetenz s.16** → Statement of claim & defence (**6 months**, s.23(4)) → **Award s.31** within **12 months s.29A** (+6 by consent) → Set aside **s.34** → Enforce as decree **s.36**

- Sole arbitrator if parties fail to agree number (s.10); odd number.
- **Fast-track s.29B** - award in 6 months on documents.

10.2 Interim measures & court control

- **s.9 court**: before, during or **after award** (before enforcement); if granted pre-arbitration - commence within **90 days**; court won't entertain after tribunal constituted unless s.17 inefficacious.
- Supplement NEW: **unsuccessful party** may also seek s.9 post-award (*Home Care Retail Marts*, 2026).
- **s.17 tribunal** - same powers as court; orders enforceable as court orders.
- **s.5** - minimal judicial intervention; **s.34** grounds: incapacity, invalid agreement, no notice, beyond scope, composition, non-arbitrable, **public policy** (fraud/corruption, fundamental policy, basic justice), **patent illegality** (domestic only); **3 months + 30 days** (*Popular Construction* - s.5 Limitation not applicable).
- **s.37** appeals; **s.43** Limitation Act applies.

10.3 Arbitration vs conciliation vs mediation

Point	Arbitration	Conciliation (Part III)	Mediation Act 2023
Outcome	**Binding award**	Settlement agreement (s.73) = **arbitral award on agreed terms** (s.74)	**Mediated settlement agreement** enforceable **as a decree** (s.27)
Role	Adjudicator	Facilitator, may propose terms	Facilitator; no binding decision
Timeline	12 + 6 months	No fixed	**120 days + 60** days VERIFY
Confidentiality	s.42A	s.75	s.22-23
Bar	-	Conciliator **can't act as arbitrator** (s.80)	Mediator can't be arbitrator / witness

- Conciliation process: **written invitation s.62** - acceptance → appointment s.64 → statements s.65 → settlement / termination **s.76**; **s.77** no judicial proceedings during conciliation (except to preserve rights).

10.4 Mediation Act 2023 & foreign awards

- **Pre-litigation mediation** - voluntary (Commercial Courts s.12A mandatory); **online & community mediation**; **Mediation Council of India**; mediation service providers; challenge to MSA within **90 days** (fraud, corruption, impersonation, non-mediable).
- Disputes **not fit**: criminal prosecution, minors / persons of unsound mind, **First Schedule** matters (e.g., fraud, tax, land acquisition) VERIFY.
- Only some provisions notified (Oct 2023) - check commencement VERIFY.
- **Part II foreign awards**: **New York Convention** (s.44-52) - enforceable as decree once court satisfied (s.48 grounds - narrow; *Vijay Karia* 2020); Geneva Convention (s.53-60).

EXAM TIP FAQ

- Can a court refuse s.8 reference because fraud is alleged? Only **serious fraud** permeating agreement / public law (*Vidya Drolia* 2020 - fourfold test).
- Is an unstamped arbitration agreement void? **No** - curable defect (*In re Interplay of Arbitration & Stamp Acts*, 7-judge, 2023).
- Can the court modify an award under s.34? **Limited power** - severable / clerical modifications (*Gayatri Balasamy* 2025, Constitution Bench) VERIFY.

Chapter 11: Right to Information Act, 2005

In this chapter: Objective & definitions · Obligations of public authorities s.4 · PIO & request s.5-7 · Exemptions s.8-9 · Severability & third party s.10-11 · Central & State Information Commissions · Appeals s.19 · Penalties s.20

11.1 Definitions & duties

- **Information s.2(f)**: any material - records, documents, **e-mails, opinions, advices**, press releases, contracts, samples, data in electronic form; info of private body accessible by PA under law.
- **Public authority s.2(h)**: bodies under Constitution / law / Govt notification; **substantially financed** NGOs.
- **Right s.2(j)**: inspect, take notes / certified copies, samples, electronic copies.
- **s.4 suo motu disclosure** (17 items - organisation, powers, budget, norms...); **s.5** PIO & APIO in every PA.

11.2 Request → reply → appeal

Application s.6 (fee **₹10**; BPL exempt; no reasons needed) → PIO decides within **30 days** (life & liberty **48 hours**; via APIO +5; third party **40 days**) → Deemed refusal if silent → **First appeal s.19(1)** to senior officer within **30 days** (decide 30-45 days) → **Second appeal s.19(3)** to **CIC / SIC** within **90 days**

- Transfer to another PA within **5 days** (s.6(3)).
- Burden of proving denial justified - **PIO** (s.19(5)).

11.3 Exemptions & penalties

- **s.8(1)**: sovereignty & security; court-forbidden; breach of legislature privilege; **commercial confidence / trade secrets**; fiduciary info; foreign Govt; endangers life; impedes investigation; **cabinet papers** (till decision); **personal information** (s.8(1)(j) - narrowed by **DPDP Act 2023** s.44(3) VERIFY).
- **s.8(3)** - 20-year-old information disclosable (some exceptions); **s.9** copyright of non-State person; **s.10** severability; **s.11** third-party notice in 5 days.
- **Commissions s.12-15**: CIC + up to **10 Information Commissioners**; term & salary as prescribed by CG (**RTI Amendment Act 2019** - 3 years) VERIFY.
- **s.20 penalty** on PIO: **₹250 per day**, max **₹25,000**; disciplinary action; **s.24** intelligence & security organisations exempt (except corruption & human rights).

EXAM TIP FAQ – RTI

- Is a private company a public authority? **No**, unless substantially financed / controlled - but info accessible to a PA under law (e.g., via RoC) can be sought.
- Is the Supreme Court / CJI office under RTI? **Yes** (*CPIO, SC v. Subhash Chandra Agarwal* 2019), subject to exemptions.
- Can file notings be sought? **Yes** - "opinions, advices" are information.

COMMON MISTAKE RTI traps

- Applicant **need not give reasons** (s.6(2)).
- Penalty is on the **PIO personally**, not on the public authority.
- Third-party info - **40 days** for decision.

Chapter 12: Law relating to Information Technology

In this chapter: IT Act 2000 - definitions · Digital & electronic signature · Electronic records & governance · E-contracts · Certifying authorities · Cyber Appellate Tribunal · Offences & penalties · Intermediaries · Data protection - SPDI Rules & Digital Personal Data Protection Act 2023

12.1 E-records, signatures & governance

- **s.3 digital signature**: **asymmetric crypto system & hash function** - key pair (private signs, public verifies); **s.3A electronic signature** (Second Schedule techniques - e.g., Aadhaar e-Sign).
- **s.4** legal recognition of electronic records; **s.5** of e-signatures; **s.6** use in Govt; **s.7** retention; **s.10A e-contracts** valid.
- **s.11-13** attribution, acknowledgment, time & place of despatch / receipt (place of business).
- **Controller of Certifying Authorities** (s.17) licenses **CAs** (s.24); **DSC** issued s.35; Cyber Appellate Tribunal merged with **TDSAT** (Finance Act 2017); appeal to HC in 60 days (s.62).
- **Not applicable (First Schedule)**: negotiable instruments (other than cheques), power of attorney, trusts, **wills**, contracts for sale / conveyance of immovable property.

12.2 Penalties & offences

Section	Wrong	Consequence
s.43	Unauthorised access, download, virus, damage	**Compensation** to person affected
s.43A	Body corporate negligent with sensitive data	Compensation - **omitted by DPDP Act** VERIFY
s.65	Tampering with source code	3 yrs / ₹2 lakh
s.66	Computer-related offences (s.43 acts dishonestly)	3 yrs / ₹5 lakh
s.66C / 66D	**Identity theft** / cheating by personation	3 yrs + ₹1 lakh
s.66E	Violation of privacy (images)	3 yrs / ₹2 lakh
s.66F	**Cyber terrorism**	**Life imprisonment**
s.67 / 67A / 67B	Obscene / sexually explicit / child material	3-5 / 5-7 yrs
s.72 / 72A	Breach of confidentiality / of lawful contract	2 yrs / 3 yrs

- **s.66A struck down** (*Shreya Singhal* 2015); **s.79 intermediary safe harbour** - due diligence (IT Rules 2021).
- **s.85** - company offences: every person in charge liable unless no knowledge / due diligence.

12.3 Data protection – SPDI Rules & DPDP Act 2023

- **SPDI Rules 2011**: sensitive personal data - **passwords, financial info, health, sexual orientation, medical records, biometrics**; privacy policy, consent, grievance officer.
- **DPDP Act 2023**: **Data Fiduciary**, **Data Principal**, **Significant Data Fiduciary** (DPO, DPIA, audit), **Consent Manager**; lawful processing on **consent** or **legitimate uses**; notice; rights - access, correction, erasure, grievance, nominate.
- Children (< 18) - verifiable parental consent; no tracking / targeted ads.
- **Data Protection Board of India**; penalty up to **₹250 crore** per instance (Schedule).
- **DPDP Rules 2025** notified **Nov 2025** - phased (Board immediately; consent managers ~12 months; main duties ~18 months) VERIFY.

WORKED EXAMPLE IT & privacy cases

- *Shreya Singhal v. UoI* (2015) - **s.66A** unconstitutional; s.79 notice by court / Govt order.
- *K.S. Puttaswamy* (2017) - privacy FR → basis of **DPDP Act**; *Puttaswamy (Aadhaar)* 2018.
- *Anvar P.V. v. P.K. Basheer* (2014) / *Arjun Panditrao Khotkar* (2020) - **certificate mandatory** for secondary e-evidence.
- *Trimex v. Vedanta* (2010) - **e-mail exchange** forms a binding contract.

EXAM TIP **FAQ – IT & DPDP**

- Who appoints a Data Protection Officer? A **Significant Data Fiduciary** (based in India, answerable to Board).
- Is a click-wrap contract valid? **Yes** - s.10A IT Act + Contract Act essentials.
- Consent withdrawal? As easy as giving it; fiduciary must stop processing within reasonable time.
- Penalty for failure to take reasonable security safeguards (DPDP)? Up to **₹250 crore**.

Chapter 13: General Principles of Contract Law

In this chapter: Indian Contract Act 1872 - essentials · Offer & acceptance · Capacity · Free consent · Consideration · Legality of object · Void agreements · Contingent & quasi contracts · Performance & discharge · Breach & remedies · E-contracts · Commercial clauses

13.1 Essentials s.10 & key definitions

- **s.2(h)** contract = agreement enforceable by law; **s.10**: free consent, competent parties, lawful consideration & object, not expressly void.
- **Offer** s.2(a), **acceptance** s.2(b) - absolute & unqualified (s.7); **general offer** (Carlill v Carbolic Smoke Ball); invitation to offer ≠ offer (Harvey v Facey).
- **Communication** s.4: offer complete when known; acceptance complete against offeror when **posted**, against acceptor when received.
- **Revocation** s.5: offer before acceptance complete; acceptance before it reaches offeror.

13.2 Void, voidable, illegal

Type	Meaning	Example
Void agreement	Not enforceable from start	Wager s.30, restraint of trade s.27
Voidable	Enforceable at option of aggrieved party	Coercion, undue influence, fraud, misrepresentation
Void contract	Becomes unenforceable later	Impossibility s.56
Illegal	Forbidden by law; collateral also void	Smuggling contract

13.3 Capacity & free consent

- **s.11** competent: major, sound mind, not disqualified. **Minor's agreement void ab initio** (Mohori Bibee v Dharmodas Ghose); no estoppel; necessaries - reimbursed from estate (s.68).
- **s.14** free consent; **coercion** s.15, **undue influence** s.16 (dominant position), **fraud** s.17, **misrepresentation** s.18 → **voidable** (s.19, 19A).
- **Mistake**: bilateral of fact → **void** (s.20); of law of India - no excuse (s.21).

13.4 Consideration & legality

- **s.2(d)**: at desire of promisor; by promisee **or any other person**; past, present or future.
- Stranger to consideration can sue (Chinnaya v Ramayya); **stranger to contract cannot** (privity - Tweddle v Atkinson).
- **s.25 exceptions** (no consideration but valid): natural love & affection (written & registered, near relation); compensation for past voluntary service; written promise to pay **time-barred debt**; plus gifts & agency (s.185).
- **s.23** unlawful object/consideration: forbidden by law, defeats law, fraudulent, injurious, immoral, opposed to public policy.

13.5 Expressly void agreements

Section	Agreement
s.26	Restraint of marriage (except minor)
s.27	Restraint of trade (exception: sale of goodwill)
s.28	Restraint of legal proceedings (exception: arbitration)
s.29	Uncertain meaning
s.30	Wagering (exception: horse race prize ≥ ₹500)
s.36	Contingent on impossible event

13.6 Contingent & quasi contracts

- **Contingent** s.31-36: enforceable on happening/non-happening of uncertain collateral event.
- **Quasi contracts** s.68-72: necessaries to incapable person (s.68); payment by interested person (s.69); non-gratuitous act (s.70); finder of goods (s.71); money paid by mistake/coercion (s.72).
- **E-contracts**: valid - IT Act 2000 **s.10A**; click-wrap, shrink-wrap, browse-wrap; e-signature s.3A.

13.7 Discharge of contract

By **performance** (actual/attempted - tender s.38) → By **mutual agreement** s.62-63 (novation, rescission, alteration, remission, waiver) → By **impossibility** s.56 (frustration) → By **lapse of time** (Limitation Act) → By **operation of law** (death, insolvency, merger) → By **breach** (actual / anticipatory s.39)

13.8 Breach & remedies

- **s.73** damages: ordinary (natural consequence) - **Hadley v Baxendale**; remote/indirect not allowed; duty to mitigate.
- **s.74** liquidated damages/penalty: reasonable compensation **not exceeding** stipulated sum.
- Other remedies: **quantum meruit**, specific performance & injunction (Specific Relief Act 1963), rescission.
- **s.75**: party rightfully rescinding entitled to compensation.

13.9 Commercial clauses

- **Assignment**: rights (benefits) assignable unless personal; **obligations not** without consent → **novation** (s.62: new contract substituted).
- **Representations & warranties**: statements of fact/assurances in commercial contracts; breach → indemnity/damages.
- **Force majeure**: contractual clause (s.32 - contingent); if absent, **s.56 frustration** (Satyabrata Ghose v Mugneeram Bangur; Energy Watchdog 2017).
- **Govt tender**: NIT → bid (technical + financial) with **EMD** → evaluation → L1/QCBS → LoA → contract & performance guarantee; **GFR 2017**, **GeM** portal VERIFY.

EXAM TIP FAQ – contract

- A minor fraudulently misrepresents his age and borrows money - recovery? **No** contract; no estoppel (*Leslie v. Sheill*) - court may order restitution of identifiable property.
- Agreement in restraint of trade with employee after employment? **Void** (s.27); during employment negative covenant valid (*Niranjan Shankar Golikari*).
- Is a promise to subscribe to charity enforceable? Yes, if promisee **acted on it** (*Kedarnath v. Gorie Mahomed*).

MEMORY TRICK Essentials – "FOCAL-C"

FOCALC – F Free consent; O Offer & acceptance (lawful); C Competent parties; A Agreement not expressly void; L Lawful consideration & object; C Certainty & possibility of performance

Chapter 14: Law relating to Negotiable Instruments

In this chapter: Negotiable Instruments Act 1881 - promissory note, bill, cheque · Holder & holder in due course · Negotiation & endorsement · Presentment · Crossing · Dishonour & notice · Noting & protest · Discharge · s.138 offence & procedure · Compounding

14.1 Note, bill & cheque

Basis	Promissory note s.4	Bill s.5	Cheque s.6
Parties	2 (maker, payee)	3 (drawer, drawee, payee)	3 (drawee = banker)
Order/promise	Promise	Order	Order
Acceptance	Not needed	Needed (usance)	Not needed
Payable to bearer	Not on demand (RBI Act s.31)	Same	Yes

- Cheque includes **electronic image of truncated** cheque & e-cheque.

14.2 Holder, HDC & negotiation

- **Holder s.8**: entitled in own name to possession & recover.
- **HDC s.9**: for consideration, before maturity, **without cause to believe defect** in title; gets better title (s.53, 58).
- Negotiation s.14: bearer - delivery s.47; order - **endorsement + delivery** s.48.
- Endorsement kinds: blank, full/special, restrictive, partial (invalid s.56), conditional, **sans recours**, facultative.

14.3 Crossing & alteration

- **General crossing s.123**: two parallel lines - pay through bank; **special s.124**: named banker; **account payee** - to payee's account; **"not negotiable" s.130** - no better title.
- **Material alteration s.87**: voids instrument against non-consenting party (date, amount, time, place, parties); exceptions - converting blank endorsement, crossing.

14.4 s.138 dishonour of cheque

Cheque presented within **3 months** (validity) → Returned unpaid (insufficient funds) → **Demand notice within 30 days** of information → Drawer fails to pay within **15 days** → Complaint within **1 month** (s.142) → Punishment: imprisonment up to **2 years** or fine up to **twice** cheque amount, or both

- **s.143A** interim compensation ≤ **20%**; **s.148** appellate deposit ≥ **20%** of fine/compensation; presumption s.139 in favour of holder.

EXAM TIP FAQ – NI Act

- Notice of dishonour s.93; noting & protest s.99-100 (foreign bills mandatory s.104).
- Liability of parties: drawer s.30, acceptor s.32, endorser s.35 - order of liability.
- Inchoate stamped instrument s.20 - holder can fill up to stamp value.

14.5 Presentment, dishonour & discharge

- **Presentment for acceptance** (bill after sight) s.61; **for payment** s.64 - at proper place & time; e-cheque / truncated cheque (s.6).
- **Dishonour** by non-acceptance (s.91) / non-payment (s.92); **notice of dishonour** s.93 to all prior parties (else discharged); excused s.98.
- **Noting & protest** s.99-100 - by notary; mandatory for foreign bills (s.104).
- **Discharge**: payment in due course (s.10), cancellation, release, **material alteration** (s.87), delay in presentment, qualified acceptance.

14.6 s.138 procedure & case law

- **s.142** cognizance on **written complaint** by payee / HDC within **1 month** of cause of action; court where **payee's bank** branch (s.142(2)).
- **s.143** summary trial; **s.143A** interim compensation up to **20%**; **s.148** appellate court may order deposit of **20%** of fine.
- **s.141** company offences - directors in charge & responsible (averments needed - *SMS Pharmaceuticals*); **s.139** presumption of debt (rebuttable).
- **s.147** offences **compoundable** - Supplement NEW: even **after conviction** on compromise (*Parsharvanath Weld Wires*, 2026; *Meters & Instruments*; *Damodar Prabhu* guidelines).

EXAM TIP FAQ – NI

- Is s.138 attracted for a security cheque? **Yes**, if a legally enforceable debt existed on presentation (*Sripati Singh* 2021).
- Time to issue demand notice? **30 days** of information of dishonour; drawer has **15 days** to pay.
- Can a company director who resigned earlier be prosecuted? Not if he resigned **before** cheque issue and wasn't in charge.

Quick Revision – Sections, Periods & Maxims

In this chapter: Timelines · Remedies · Section maps · Maxims

Numbers to remember

Item	Number
RTI reply / life & liberty	30 days / 48 hours
RTI first / second appeal	30 / 90 days
RTI penalty	₹250/day, max ₹25,000
Arbitral award	12 months (+6)
s.34 challenge	3 months + 30 days
Commercial court specified value	₹3 lakh
Written statement	30 / 90 days (commercial 120)
Suit for money	3 years
Possession of immovable property	12 years
Appeal to HC	90 days
Produce arrested person	24 hours
s.138 notice / payment / complaint	30 / 15 days / 1 month

Old → new law map

Topic	New [Old]
Common intention	BNS 3(5) [IPC 34]
Cheating	BNS 318 [IPC 420]
CBT	BNS 316 [IPC 406]
FIR	BNSS 173 [CrPC 154]
Anticipatory bail	BNSS 482 [CrPC 438]
Compounding	BNSS 359 [CrPC 320]
Confession to police	BSA 23 [IEA 25]
E-record certificate	BSA 63 [IEA 65B]
Estoppel	BSA 121 [IEA 115]
Dying declaration	BSA 26 [IEA 32]

MEMORY TRICK Maxims bank

- *Ubi jus ibi remedium* - where there is a right there is a remedy.
- *Ignorantia juris non excusat* - ignorance of law no excuse.
- *Audi alteram partem* / *Nemo judex in causa sua* - natural justice.
- *Res ipsa loquitur* - thing speaks for itself (negligence).
- *Volenti non fit injuria* - consent defence.
- *Delegatus non potest delegare* - delegate can't sub-delegate.
- *Expressio unius est exclusio alterius* - express mention excludes others.
- *Ut res magis valeat quam pereat* - construe to make it workable.
- *Actus non facit reum nisi mens sit rea* - guilty mind needed.
- *Vigilantibus non dormientibus jura subveniunt* - law helps the vigilant (limitation).

Remedies at a glance

Wrong	Forum / remedy
FR violated	Writ - Art. 32 (SC) / 226 (HC)
Admin action without hearing	Certiorari; natural justice
Civil wrong (tort)	Damages / injunction - civil court
Contract breach	Damages s.73-74; quantum meruit
Commercial dispute ≥ ₹3 lakh	Commercial Court after s.12A mediation
Arbitration clause exists	s.8 reference; award s.31; challenge s.34
Dishonoured cheque	s.138 complaint; civil Order XXXVII suit
Information denied	RTI first appeal → CIC
Data breach	Data Protection Board (DPDP)

COMMON MISTAKE **Last-minute traps**

- **s.5 Limitation** doesn't apply to suits.
- Conciliation settlement = arbitral award, **mediation settlement = decree**.
- **Mandamus** not against private persons; **habeas corpus** can be.
- IT Act doesn't apply to **wills** & **immovable property sale**.
- Confession before **magistrate** admissible; before police not.
- Metropolitan Magistrates no longer a class under **BNSS**.

Descriptive Case Scenarios (model answers)

In this chapter: 6 case studies with structured answers

WORKED EXAMPLE Case 1 – Writ against a company

- **Facts**: A Govt company (51% Govt) terminates an employee without hearing.
- **Issue**: Is it "State"? Can a writ lie?
- **Rule**: Art. 12 instrumentality test (*Ajay Hasia*, *Pradeep Kumar Biswas*); natural justice.
- **Answer**: Deep & pervasive Govt control → "State"; termination without hearing violates Art. 14 & audi alteram partem → **certiorari** under Art. 226 to quash.

WORKED EXAMPLE Case 2 – Cheque & compounding

- **Facts**: X convicted u/s 138; in appeal X and complainant settle.
- **Rule**: s.147 NI Act; *Damodar Prabhu*; Supplement case *Parsharvanath Weld Wires* (2026).
- **Answer**: Offence **compoundable even after conviction** on genuine compromise; court may quash conviction, cost may be imposed per guidelines.

WORKED EXAMPLE Case 3 – Arbitration interim relief

- **Facts**: Award dismisses Y's claim; Y fears Z will dispose assets before Y's s.34 challenge.
- **Rule**: s.9 A&C Act; *Home Care Retail Marts* (2026).
- **Answer**: Unsuccessful party **may** seek s.9 measures post-award, but only in exceptional cases to protect subject matter - court exercises caution.

WORKED EXAMPLE Case 4 – CBT by director

- **Facts**: Director diverts company funds to his own firm.
- **Rule**: BNS s.316 [IPC 405-409] - entrustment + dishonest misappropriation; company law remedies parallel.
- **Answer**: **Criminal breach of trust** (aggravated - agent / director VERIFY); also civil recovery & s.166 duties.

WORKED EXAMPLE Case 5 – Limitation & IRP

- **Facts**: Creditor relies on RP's admission of claim in CIRP to file fresh suit after 3 years.
- **Rule**: s.18 Limitation Act; *Shankar Khandelwal v. Omkara ARC* (2026).
- **Answer**: RP's admission is **not** acknowledgment by debtor → no fresh period; suit time-barred (s.3).

WORKED EXAMPLE Case 6 – E-mail evidence

- **Facts**: Party produces printouts of e-mails without certificate.
- **Rule**: BSA s.62-63 [IEA 65A-65B]; *Arjun Panditrao Khotkar*.
- **Answer**: Secondary e-evidence needs **Schedule certificate** (Part A + B); court may allow certificate later before trial ends.