

3 Years PYQ Solution Unit-1

Constitution Of India

Aktu-3rd-year-KNC-501

Multi Atoms

Q. Evaluate the functions of constitution.(Aktu-2020-21)

- Constitutions can declare and define the boundaries of the political community.
- Constitutions can declare and define the nature and authority of the political community.
- Constitutions can express the identity and values of a national community.
- Constitutions can declare and define the rights and duties of citizens.
- Constitutions can establish and regulate the political institutions of the community- defining the various institutions of government; prescribing their composition, powers and functions; and regulating the relations between them.
- Constitutions can divide or share power between different layers of government or sub state communities.

Q. Discuss the formation of constituent assembly.(2022-23,2020-21)

- On the basis of the framework provided by the Cabinet Mission, Constituent Assembly was constituted on 9th December, 1946. to draft a Constitution for the Country. The Constitution making body was elected by the Provincial Legislative Assembly constituting of 389 members who included 93 from Princely States and 296 from British India.
- The first meeting of the Constituent Assembly took place on December 9, 1946 at New Delhi with Dr. Sachidanand being elected as the interim President of the Assembly.
- on December 11, 1946, Dr. Rajendra Prasad was elected as the President and H.C. Mukherjee as the Vice-President of the Constituent Assembly.

Committees of the Constituent Assembly

1. Constitution Making Union Powers Committee
2. Union Constitution Committee
3. Provincial Constitution Committee
- 4. Drafting Committee**
5. Advisory Committee on Fundamental rights and Minorities
6. Rules of Procedure Committee
7. States Committee
8. Jawaharlal Nehru Steering Committee

On 29th August 1947, the Constituent Assembly set up a Drafting Committee under the chairmanship of Dr. B.R. Ambedkar to prepare a Draft Constitution for India.

Functions of the Constituent Assembly

1. Framing the Constitution.
2. Enacting laws and involved in the decision making process.
3. It adopted the National flag on July 22, 1947.
4. It accepted and approved India's membership of the British Commonwealth in May 1949.
5. It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.
6. It adopted the National anthem on January 24, 1950.
7. It adopted the National song on January 24, 1950.

Q. Examine Government of India Act 1935.(2020-21)

- On August 1935, the Government of India passed longest act i.e. Government of India Act 1935 under the British Act of Parliament. This act also included the Government of Burma Act 1935.
- India would become a federation if 50% of Indian states decided to join it.

Features of the Act-

- It provided for the establishment of an All-India Federation consisting of provinces and princely states as units. The Act divided the powers between the Centre and units in terms of three lists-**Federal List, Provincial List and the Concurrent List.**
- **It abolished dyarchy in the provinces and introduced 'provincial autonomy' in its place.** The provinces were allowed to act as autonomous units of administration in their defined spheres.
- It provided for the adoption of dyarchy at the Centre. Consequently, the federal subjects were divided into reserved subjects and transferred subjects. However, this provision of the Act did not come into operation at all.

- It introduced bicameralism in six out of eleven provinces. Thus, the legislatures of Bengal, Bombay, Madras, Bihar, Assam and the United Provinces were made bicameral consisting of a legislative council (upper house) and a legislative assembly (lower house). However, many restrictions were placed on them.
- It further extended the principle of communal representation by providing separate electorates for depressed classes (scheduled castes), women and labour (workers).
- It abolished the Council of India, established by the Government of India Act of 1858. The secretary of state for India was provided with a team of advisors.
- It extended franchise. About 10 percent of the total population got the voting right.
- It provided for the establishment of a Reserve Bank of India to control the currency and credit of the country.

- It provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.
- It provided for the establishment of a Federal Court, which was set up in 1937.

Hence, These are the Features of Government Of India Act, 1935.

Q. Describe Indian Independence Act 1947.(2022-23,21-22)

The Indian Independence Act, 1947 received the royal assent and entered into force on 18th July 1947. This Act put into action the Mountbatten Plan for the independence and partition of India.

- The Indian Independence Act, 1947 was an act of the British Parliament that partitioned India into two independent dominions of India and Pakistan.
- The legislation was drafted by the Labour government of Clement Attlee. It was based on the Mountbatten Plan.
- Lord Mountbatten came to India with the specific task of seeing over the handing over of the authority to Indians. But the INC and the League could not agree on the question of partition.

- An initial plan proposed by Mountbatten known as the Dickie Bird Plan was opposed by Nehru. According to this plan, the provinces were to be declared independent and then allowed to join or not join the Constituent Assembly. Nehru opposed this as it would, in his opinion, lead to the country's balkanisation.
- Then, Mountbatten came up with the last plan known as the 3 June Plan which was accepted by all parties. The INC, which was opposed to any partition of the country, finally accepted it as an unavoidable process.
- As per this plan, India would be partitioned into India and Pakistan. The constitution framed by the Constituent Assembly would not be applicable to the areas which would go into Pakistan. These provinces would then decide on a separate constituent assembly.
- The Legislative Assemblies of Punjab and Bengal voted for the partition according to which these provinces were to be divided between the two dominions along religious lines.

- The assembly of Sind was given the choice to join the Indian Constituent Assembly or not. It decided to join Pakistan. In the North Western Frontier Province (NWFP) and Sylhet, a referendum was to be held which would decide the country they were to join.
- The complete legislative authority would be given to the Constituent Assemblies of the new countries.
- The Act decided to grant independence to India and Pakistan with effect from 15th August 1947.
- The new boundaries of the dominions would be demarcated by the Boundary Commission.
- British suzerainty over the princely states was to end. These states could decide to join either India or Pakistan or remain independent. Over 560 states decided to merge with India.
- The British emperor would cease to use the title 'Emperor of India'.

- Until the new dominions' constitutions would become effective, the heads of state would be the respective Governor-Generals who would continue to assent laws passed by the Constituent Assemblies in the name of the king.
- This Act received the royal assent on 18th July 1947 and entered into force.
- Pakistan became independent on 14th August and India on 15th August 1947. Muhammad Ali Jinnah was appointed Pakistan's Governor-General and Lord Mountbatten became India's.

Hence, This is the Indian Independence Act 1947/ MountBatten Plan.

Q. Discuss the salient features of Constitution.(2021-22)

- Written and Detailed Constitution.
- Self- made and Enacted Constitution.
- Preamble of the Constitution.
- India is a Democratic State.
- India is a Secular State.
- India is a Socialist State.
- India is a Republic.
- India is a Union of States.
- Mixture of Federalism and Unitarianism.
- Mixture of Rigidity and Flexibility.
- Bi-Cameral Union Parliament.
- Parliamentary system.
- Adult- Suffrage.
- Fundamental Rights of the Citizens.
- Fundamental Duties
- Directive Principles of State Policy.
- Single integrated State with Single Citizenship.
- Single Integrated Judiciary.
- Independence of Judiciary.

Q. Explain the Fundamental Rights and Duties.(2021-22)

● **Fundamental Rights**

Fundamental Rights are the basic human rights protected in the Constitution of India which are guaranteed to all citizens. They are applicable without discrimination.

- Right to Equality.
- Right to Freedom
- Right against Exploitation.
- Right to Freedom of Religion.
- Cultural and Educational Rights.
- Right to Constitutional Remedies.

Fundamental Rights are justiciable (enforceable by courts).
In case of a violation, a person can approach a court of law.

Fundamental Duties

1. Respect for the Constitution, the National Flag and the National Anthem.
2. Cherish the noble ideals of the freedom struggle.
3. Uphold and protect the sovereignty, unity and integrity of India.
4. Defend the country and render national service when called.
5. Promote the common brotherhood of all the people of India and renounce any practice derogatory to the dignity of women.

6. Preserve the rich heritage of the nation's composite culture.
7. Project the natural environment and have compassion for living creatures.
8. Develop scientific temper, humanism and spirit of inquiry and reform.
9. Safeguard public property and abjure violence.
10. Strive for excellence in all individual and collective activity.
11. Duty of the parents to send their children to schools for getting education.

Describe President rule?(2022-23)

1. According to Article 356, President's Rule can be imposed on any state of India on the grounds of the failure of the constitutional machinery. This is of two types :
 - i. If the President receives a report from the state's Governor or otherwise is convinced or satisfied that the state's situation is such that the state government cannot carry on the governance according to the provisions of the Constitution.

ii. Article 365 : As per this Article, President's Rule can be imposed if any state fails to comply with all directions given by the Union on matters it is empowered to.

2. In other words, President's Rule is when the state government is suspended and the central government directly administers the state through the office of the governor (centrally appointed).

3. It is also called 'State Emergency' or 'Constitutional Emergency'.

Effects of President Rule (State Emergency) :

- i. On Executive : State government is dismissed and the executive power of the state is exercised by the centre.
- ii. On Legislature : State legislature does not function to legislate; state legislative assembly is either suspended or dissolved.
- iii. On Financial relation : There is no impact on the distribution of financial resources between centre and the state.

Q. Explain the preamble to the Indian constitution.

1. The ideals behind the Preamble to India's Constitution were laid down by Jawaharlal Nehru's Objectives Resolution, adopted by the Constituent Assembly on January 22, 1947.
2. Although not enforceable in court, the Preamble states the objectives of the Constitution, and acts as an aid during the interpretation of Articles when language is found ambiguous.

Key words in the Preamble :

1. **We, the people of India** : It indicates the ultimate sovereignty of the people of India. Sovereignty means the independent authority of the State, not being subject to the control of any other State or external power.
2. **Sovereign** : The term means that India has its own independent authority and it is not a dominion of any other external power. In the country, the legislature has the power to make laws which are subject to certain limitations.
3. **Socialist** : The term means the achievement of socialist ends through democratic means. It holds faith in a mixed economy where both private and public sectors co-exist side by side. It was added in the Preamble by 42nd Amendment, 1976.
4. **Secular** : The term means that all the religions in India get equal respect, protection and support from the state. It was incorporated in the Preamble by 42nd Constitutional Amendment, 1976.

5. Democratic : The term implies that the Constitution of India has an established form of Constitution which gets its authority from the will of the people expressed in an election.

6. Republic : The term indicates that the head of the state is elected by the people. In India, the President of India is the elected head of the state

Remaining Topics:

- Directive Principles of State Policy
- Amendment of the Constitutional Powers and Procedure
- Federal System
- Parliamentary System

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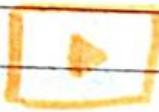
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ONE-SHOT

UNIT-02 (COI)

- State Execution [AKTU-21-22]
- Union Execution [AKTU-21-22]
- Lok Sabha & Rajya Sabha [AKTU-21-22, 23-24]
- Powers & Function of President [AKTU-21-22, 23-24]
- Lokpal and Lokayuktas [AKTU-21-22, 22-23, 23-24]
- Comparison of President Power US v/s India
- PIL [AKTU-22-23]
- Powers of Chief minister [AKTU-22-23]

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Q Define the term Union Executive? [AKTU-21-22]

So^m The Union Executive refers to the group of people who run the central government of India.

- The President → head of the country Powers like → approving Laws
- The Vice President → second in rank
- The Prime minister → head of the Government
- The Council of minister → A Group of minister chosen by Prime minister to handle specific area like → education, health, defense etc

Q Define the term State Executive? [AKTU-21-22]

So^m The State Executive refers to the group of people responsible for running the government of a state in India.

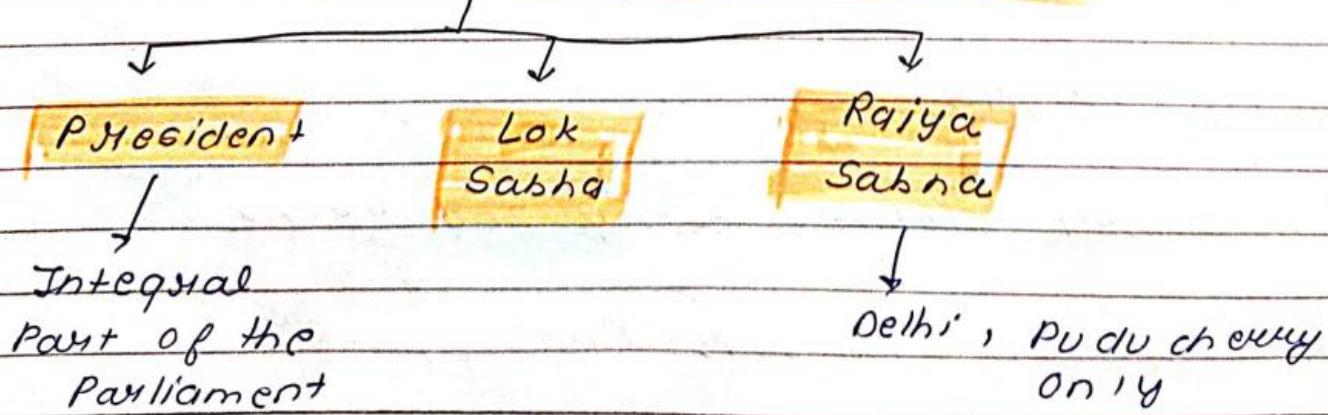
- 1 The Governor → The Ceremonial head of the state, who represents the central government at the state level.
- 2 The Chief minister → The head of the state government who makes major decision.
- 3 The Council of minister → A team of minister chosen by the CM to manage different departments like health, education & transport.

Lok Sabha: [AKTU-21-22 / 23-24]

लोक + भा → Elected by People → How?
↓
Election.

- It also known as House of People
- Lok Sabha is responsible for making laws and representing the people.
- Max Strength → 552
 - 530 States
 - 20 Ut's
 - 2 Nominated members of anglo Indian community
- Lok Sabha is not a permanent body.
- Lok Sabha is elected for a period of 5 years.

Parliamentary form of govern^



Rajya-Sabha :

310-4 + 3427 → Represents the State of India

↓
Indirectly elected body

• The Rajya Sabha is the upper house of the Parliament of India. The term "Rajya Sabha" means "Council of States" in Hindi because it represents the state and union territories of India.

• The Rajya Sabha can have up to 250 members most are elected by the state legislative assemblies, while some are appointed by the President.

• Rajya Sabha is a permanent Body

Max Strength → 250

↓

12 (Nominated by President)

Presently → 245

• 1/3rd Members retire every 2nd year

• Term → 6 Years (for each person)

Only 207's → Delhi → 3

Puducherry → 2

max seats → UP[31]

Power of Lok Sabha and Rajya Sabha:

Parliament → Bicameralism → diff b/w the legislature
power of Lok & Rajya Sabha

Power of Lok Sabha:

- Make laws
- Approves proposals for taxation, budget & annual financial statement
- Controls the executive by asking question
- Establishes Committees & Commissions
- Elect the president & Vice president & removes Judge of Supreme Court & High court.

Power of Rajya Sabha:

- Consider & approves non-money bills &
- Can give the Union parliament power to make laws on matter included in the State list.
- Can discuss financial matter but has no significant authority over money bill.

Power & Function of President [AKTU-21-22] [AKTU-23-24]

President is the formal head of the government (state)



The President has wide ranging executive, legislative, judicial and emergency powers

1. Executive Powers :-

- Appoints key officials, including the Prime Minister, other ministers, Governors of the state.

2. Legislative Powers :-

- Gives assent to bills passed by Parliament to make them laws or sends them back for re-consideration.

3. Financial Powers :-

- Ensure that the Union Budget and money Bills are introduced in Parliament with their recommendation.

The President plays a vital role in maintaining the Constitutional framework while acting on the advice of the Prime Minister.

Lokpal and Lokayuktas Act 2013 [AKTU-21-22, 22-23, 23-24]

The Lokpal and Lokayuktas Act 2013 is a landmark law aimed at addressing corruption among public servants.

They are not constitutional bodies but derive their powers from the act enacted in 2013.

Lokpal and Lokayuktas are India's anti-corruption ombudsman at centre and state level respectively.

Lokpal

- Lokpal consists of one chairperson and a maximum of 8 members.
- Chairperson of the Lokpal should be either the former chief Justice of India or the former Judge of the Supreme Court or an eminent person with outstanding ability.
- minimum 25 years.
- Half of the members should be judicial memm.
- The term of office for Lokpal chairman & members is 5 years or till the age of 70.

Lokayuktas:

- States are required to set up their own Lokayuktas through legislation
- Some states, like Maharashtra & Karnataka, have Lokayuktas even before the 2013 Act
- Lokayuktas are crucial in combating corruption at the state level, promoting transparency & ensuring good governance
- They act as a bridge between the public and the government

Comparison of Powers of Indian Pres^m with US

Topic	US President	Indian President
How they are elected	Chosen directly by people	Chosen indirectly
Advantage	Stable govt ^m , no coalition problem	can face issues from coalition partners
Head of	Head of both Country & Government	only head of the country
Term length	4 years	5 years

Public Interest Litigation: [AKTU-22-23]

- Public Interest Litigation is a legal process in India where anyone can approach the court to seek justice for a larger public cause.
- It allows even individual who are not directly affected by the issue to file a case on behalf of those who may not be able to stand themselves
- To protect public interest on issues like pollution, road safety etc

Powers of Chief Minister [AKTU-22-23]

1. Leader of the state

The CM is the main boss of the State government and leads the team of ministers to run the state

2. Choose ministers:

The CM picks other ministers to help run the government

3. Make Important Decision

The CM plans and decide on policies &

Program to improve the state like
building roads, improving schools at
healthcare

4. Budget planning

The CM helps make the state's budget
deciding where the money should be
spent

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UNIT-3 (COI)

- Law
- Source of Law [AKTU-21-22]
- Types of Law [AKTU-21-22]
- Tribunal [AKTU-21-22]
- Arbitration [AKTU-21-22, 22-23]
- Acts of Parliament [AKTU-22-23]
- Contract Law [AKTU-21-22]
- Tort [AKTU-22-23]

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Law :-

Law is a set of rules made by a government or society to maintain order, protect people's right.

Main Functions of Law :-

1. Protecting Rights
2. Promoting Justice
3. Resolving Disputes

Qn-1. Explain / Examine the Source of Law and its Types? [AKTU-2021-22]

Sol" The source of law refers to the origins from where laws come. These include traditions, written rules and decisions that guide a society

Different opinion on origin of law

Austin	Savigny	Theologians
Sovereign as Source of Law	Custom as a Source of Law	Religious Script are source of Law

1. Constitution :-

The highest Law in a Country that defines how the government works and protects citizen's rights

2. Legislation :-

Law made by the government or Parliament. Like - traffic or tax laws

3. Customs :-

Traditions and Practice followed by people over a long time.

Classification of Sources

If we look around and examine the contemporary legal system, it may be seen that most legal systems are based on legislations

At the same time, it is equally true that sometimes customs play a significant role in the legal system of a country

In some of the legal systems, court decisions are binding as law

Types of Law :-

Laws can be divided into several categories :-

1. Civil Law :-

Deal with disputes between individual or organizations, like property, family matter (e.g. divorce)

2. Criminal Law :-

Focuses on crimes like theft or murder.

3. Constitutional Law :-

Relates to the rules and principles of the Constitution like + rights of citizens

4. Administrative Law :-

These laws tell government offices how to do their jobs and make sure they treat people fairly

5. International Law :-

These are rules that different countries agree to follow, like trade rules or protecting the environment together.

6. Personal Law :-

These laws deal with personal matters like → marriage, family, religion.

Summary

1. Criminal Law :- For crimes

2. Civil Law :- For solving arguments

3. Constitutional Law :- For Country rules

4. Administrative Law :- For government office

5. International Law :- For Country working together

6. Personal Law :- For Family & personal life

Tribunal in India :- [AKTU- 21-22]

A tribunal is a special court set up to deal with specific types of cases. Unlike regular courts, tribunals focus on particular areas like tax, labour or the environment.

They work faster and are less formal than normal courts.

Why tribunals are Important:

1. To reduce the burden on regular courts
2. To give decision quickly
3. To handle specialized cases that need expert knowledge.

Types of Tribunal in India:

1. Administrative Tribunals:

These deal with disputes between government employees and the government.

Ex:- Promotions, pensions

2. Income Tax Tribunal

Handle disputes related to income tax.

3. Labour Tribunal

Deal with disputes between employers and workers, like salary issues.

4. National Green Tribunal

Focuses on environment issues like → pollution.

5. Consumer Disputes Tribunal

Court that helps people who face problems with products or services like → faulty goods, poor services.

In simple terms, tribunals are like mini-courts designed to solve certain types of cases quickly and efficiently.

Features of Tribunals:

1. Less formal than regular courts
2. Experts handle cases in their specific fields

3. Decisions are usually faster than in traditional courts

Ambitration :- [AKTU- 21-22, 22-23]

Ambitration is a way to solve disputes without going to court. Two people or groups with a disagreement choose a neutral person (called an arbitrator) to listen to both sides and make a decision.

Types of Ambitration :

1. Ad-hoc Ambitration

• Parties set their own rules for the arbitration process

2. Institutional Ambitration

• A recognized arbitration institution manages the process.

3. Domestic Ambitration

• When both parties are from the same country and the dispute

is solved within the country

4. International Arbitration

When Parties are from different Countries, or the dispute involves International rules.

Acts of Parliament :-

Qn:- Explain the term Acts of Parliament? [AKTU-22-23]

Sol:- An Act of Parliament is a law that has been officially made by the Parliament of a country

Parliament is a place where representatives of the people meet to discuss and make decision about how the country should run

1. Starts an Idea :-

Someone has an idea to make something better for the country, like "Everyone should go to school for free".

2. Written Down a Plan (Bill):

This idea is written down, like writing a list of rules, and shared with Parliament.

3. Talk About It:

The leaders in Parliament talk about the idea.

→ Is this good idea?

→ How will it work?

4. Vote on it:-

After talking, they vote to say "Yes" or "No" to the idea.

5. Approval :-

If most leaders say "Yes", it goes to the country's top leader (like President) to say, "This is now a rule".

6. Become a Law :-

Once it's approved, the idea becomes a real law called an Act of Parliament. Now everyone must follow it.

Contract Law :- [AKTU-21-22]

The Indian Contract Act, 1872 governs contracts in India.

Contract Law is about rules that deal with agreements between people, businesses or groups.

It helps make sure that when people make promises to each other, they keep those promises and face consequences.

Contract Law is like a set of rules to keep deals fair and honest for everyone.

Agreement

+

→ Contract

Enforceable in
Law

Total :- [AKTU-22-23]

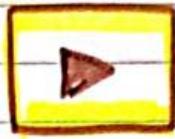
A tort is a civil wrong, meaning it's not a crime but still something harmful.

- Hurting someone physically
- Damaging their reputation
- Causing financial loss.

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Unit - 4 + PYQs.

Topics:-

- * Intellectual Property [2020-21]
- * Patent [2020-21, 2022-23]
- * Copyright
- * Right to Information Act [2021-22]
- * Information Technology Act [2020-21, 22-23]
- * Digital Signature [20-21, 22-23]
- * Cyber Appellate Tribunal [21-22]
- * Limitations of IT Act.

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* Describe Intellectual Property [2020-21] 2 marks

- It is an intangible creation of the human mind.
- Intellectual → Creativity, Idea.
- Property → owned or Registered.
- Intellectual Property Rights.
- Rights given to people over the creation of their minds. (for certain time)
- IP refers to creations of the mind : inventions, symbols, images etc.

Intellectual Property

Industrial Property

patents, trademarks etc.

Copyrights

novels, poems, films etc. (Artistic Work)

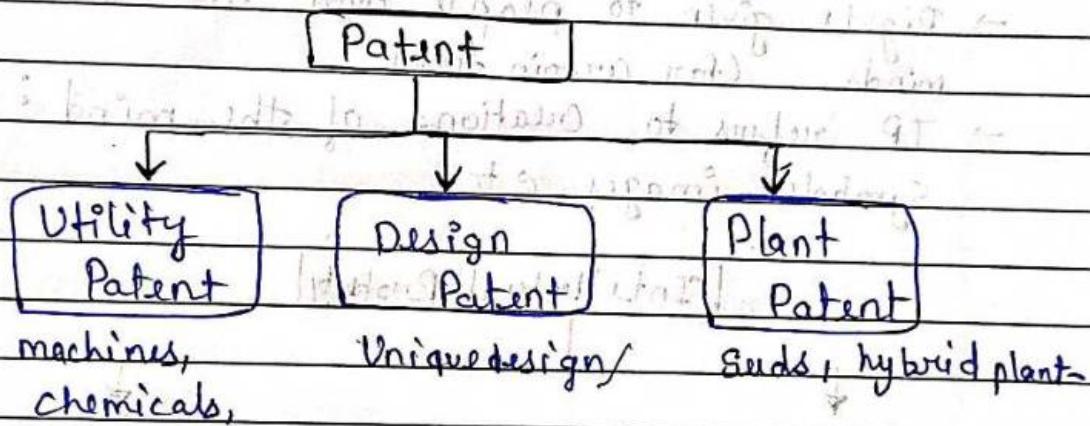
* Evaluate Patent [2020-21, 2022-23] (2marks) ~~8~~ (10 marks)

- A Patent is granted as an exclusive right by the government to a true and first inventor for a limited period of time in exchange for the public disclosure of an invention.

- Valid of a certain period of time [20 years] then after fail for public.

Objective of Patent

1. To encourage inventions by providing protection to inventors from infringement of their inventions.
2. To provide maximum benefit of inventions to the Society by securing the working.
3. (Income + recognition)



* Patent filing Procedure

Provisional specification

Complete Specification

within 12 months

Publication

After 18 months

Request for Examination

within 48 months

Report of Examination

within 6 months

Respond to Office Action

within 12 months

Patent Granted

* Define the rights of patent holder. [10 marks]

→ Exclusive rights according to Article 28.

① where patent is a product:

→ owner's consent from the acts of making, using, offering for sale,

② where patent is a process:

→ sell, selling or importing for these purposes at least the product obtained directly by that process.

- Right to Exploit the patent.

- Right to assign and license.

- Right to Surrender the patent.

- Right in case of infringement.

Q. Describe patent infringement and its types

[2022-23] 10 marks

→ Selling, offering to sell, using or manufacturing a Patented product without the owner's permission can constitute infringement.

Types → ① Direct Infringement

→ ② Indirect Infringement.

① Direct infringement:

- It occurs when a product is substantially close to any patented product.
- without permission owner.

② Indirect infringement:

- It occurs when some amount of accidental infringement happens without any intention of infringement.

* Example

* Define Trademark [2021-22] 2marks ✓

- any word, phrase, symbol, design identifies the source of your goods or services.
- Provide legal protection for your brand.

* Copyright

- It is a form of legal right ✓

- given to the creator who has ownership in literary, musical or any other artistic work.

- Sound, recording, painting, drama or any artistic work.

→ Copyright Infringement

- If someone copies the work of a copyright without permission of owner.

- take legal action by owner,

Remedies for Copyright Infringement

① Civil Remedies

- Compensation ✓
- Pay fine ✓
- Jurisdiction in District Court. ✓

② Criminal Remedies

- Jail (6 months - 3 years) ✓
- 1 lakh - 2 lakh fine. (50,000 - 2 lakh). ✓
- Seize the infringing copies. ✓

* Explain briefly Right to Information Act 2005

[2021-22]

(10 marks)

- mandates timely response to citizens' requests for government information. ✓
- most imp. acts which empower ordinary citizens to question the government and its working. ✓
- uncovers corruption, progress in government work, expenses related information, etc. ✓
- Union government or state govt. to provide timely response to the citizen's request for info. ✓
- The act also imposes penalties if the authorities delay in responding. ✓

- Exempted from RTI
 - * Internal Security
 - * Relation with Foreign Countries
 - * Cabinet discussions.
- Objectives of the RTI Act, 2005.
- * Empower citizens to question the govt.
 - * promotes transparency and accountability
 - * Govt to work for the people in a better way.

Describe Information Technology Act, 2000

[2020-21.]

[2022-23]

→ This Act provides legal recognition for transaction carried out by means of electronic data.

→ electronic communication ✓

→ electronic commerce ✓

→ Enacted on 17th Oct, 2000 ✓

→ India - 12th nation to adopt it. ✓

→ also deal with cyber crime. ✓

→ Some highlights of the Act :

1. Use of Digital signature to authenticate an electronic record.
2. Details about Electronic Government.
3. Records Kept in electronic form.

4. Cyber law appellate tribunal.

- Objectives of this Act ✓
- electronic storage ✓
- Computer crime and protect privacy ✓
- Recognition of Digital signature legally ✓
- Online forms. ✓

E-Governance — Unit-5 (Overview).

* Discuss digital signature and its types in detail. [10,2 marks]

- Digital Signature is a mathematical scheme to verify the authenticity of digital documents or message.
- A valid digital signature allows the recipient to trust the fact that a known sender sent the message.
- Digital Signature authenticate the source of messages like an electronic mail or a contract in electronic form.

* E-Governance

- Government functioning with the application of ICT (information and Communication Technology).
- e-Governance is basically a move towards SMART governance.

S - Simple ✓

M - moral ✓

A - accountable ✓

R - Responsive ✓

T - transparent ✓

Types.

- ① G2C (Government to Citizens)
- ② G2B (Government to Business)
- ③ G2E (Government to Employers)
- ④ G2G (Government to Government).

Advantages:

- improved delivery and efficiency ✓
- increased transparency ✓
- cost reduction ✓
- less corruption. ✓

Types of Digital Signature.

① Certified Signature:

- display unique blue ribbon across the top of document
- name of document signee ✓
- certificate issuer name. ✓

② Approval Signature:

- used in the organization business workflow
- image of physical signature, location, date

③ Visible Digital Signature:

- Same as a physical document.

④ Invisible Digital Signature:

- Not want to show the physical signature but need to provide the authenticity.

Limitations of IT Act, 2000.

1. Spamming.

2. phishing.

3. Privacy protection.

4. Cyber War, not control.

5. Identity theft.

* Describe Cyber Appellate Tribunal. [2021-22]

10 marks.

→ Sec 48 of the IT Act, 2000, authorizes the establishment of specialized Cyber Appellate Tribunal.

→ The tribunal's presiding officer is known as the Chairperson, who will be nominated by the Central Govt. ~~will be~~

Qualifications for Appointment

- a Judge of a High Court or
- member of the Indian Legal Services and holds or has held a post in Grade I of that service for at least three years.

The Term of Office

→ Presiding Officer since five years from the date of entering the office or until he attains the age of 65 years.

Right Resignation and Removal

→ He can resign from his office after submitting a notice in written to the Central Government before 3 months or up to Successor not appointed.

→ In case of misbehaviour, the Central Govt. can pass an order to remove the Presiding Officer.

100000

Unit-4 - Completed.

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Unit-5 COI + PYQs

Topics

① Sole Trader and Partnership [2020-21]

② Companies Act 2013 [2022-23, 2021-22] ✓

③ Diff b/w MoA and AoA [20-21, 22-23] ✓

④ AGM [2022-23]

⑤ Prospectus and its types [21-22]

⑥ Shares [2020-21]
[2022-23]

⑦ Auditor

⑧ E-Governance and its type

⑨ Role of Engineers in E-Governance [20-21, 21-22] ✓

⑩ IT Professions in Judiciary [20-21]

⑪ Alienation and Succession.

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Q) Sole trader [2021-22] 2marks ✓

→ also known as a Sole proprietorship - is a simple business arrangement, in which one individual runs and owns the entire business. ✓

* Partnership - 2marks (2020-21) ✓

→ A partnership is an arrangement between two or more people to oversee business operations and share its profits and liabilities.

→ Indian partnership act of 1932.

→ No. of member - 20 max

→ Types of Partners. - 2marks (2020-21)

① Active Partner ✓

② Dormant Partner - (Invest)

③ Secret Partner

④ Nominal Partner - (No money and No share)

⑤ Partner by Estoppel - (No agreement)

* Companies Act (2022-23, 2021-22) ✓

→ The Companies Act 2013 is an Act of the Parliament of India on Indian company law.

→ The act regulates the incorporation, responsibilities of directors and dissolution of a company in India.

→ all the listed as well as unlisted org. in India.

→ provides more power to the shareholders and emphasis more on corporate governance.

→ Features of Companies Act, 2013

1. Democracy of shareholders ✓
2. Strengthening Women Contributions ✓
3. Increase in number of shareholders ✓
4. limit on Maximum Partners. ✓
5. Electronic Mode. ✓
6. Independent Directors ✓
7. Financial year. ✓
8. One Person Company. ✓

→ Steps to be taken to get a new company incorporated:

1. Select at least one suitable name (max of six names)
→ on main objects of the Company.
2. Ensure name is unique (not already registered)
3. Apply to the concerned RoC to ascertain the availability of name.
4. After approval, you can apply for registration of the new company.
5. Arrange for the drafting of the memorandum and articles of association.
6. Arrange for stamping with appropriate stamp duty.
7. Login to the portal and fill the forms.
8. Submit the eforms after attaching the digital signature.
9. After processing of the form is complete and Corporate Identity is generated obtain Certificate of Incorporation from RoC.

Q. Diff. b/w memorandum and article of Association.

MoA vs AoA

[2020-21]

[2022-23]

Memorandum of Association

Article of Association

→ Contains fundamental conditions upon which the companies are incorporated.

→ Contains the provisions for internal regulations of the company.

→ Benefits and clarity of the public and the creditors and the shareholders.

→ Regulates the relationship b/w the company and its members.

→ Not easily altered.

→ Easily altered.

→ It is compulsory.

→ It is not compulsory.

→ Must contain 6 clauses.

→ Can be drafted acc. to company's decision.

① Name clause (ltd, govt)

② Registered office clause

③ Object clause (aim)

④ Liability clause (liability)

⑤ Capital clause (initial share capital)

⑥ Association clause.

* Explain Annual general meeting (AGM) in detail.

[AKTU- [2022-23]]

- An AGM refers to the meeting which is held annually by the Company.
- It is compulsory for every type of Company whether it is a private or a public company to conduct an AGM once in a year.
- There shouldn't be a gap of more than 15 months b/w two AGMs.
- Exception is given when a Company is incorporated, the Company needs to conduct an AGM within 18 months. Acc. to Sic 166 of the Companies Act.

* Define Prospectus. Explain its types.

[AKTU- 21-22]

- Any document for invitation for investment in Company.
- Any document, Notice, Advertisement inviting the money to be raised from the public.

Content of the Prospectus.

1. Name and Address of the Registered office
2. Capital structure of the Company
3. Qualification of Directors
4. Company Management and the Project.
5. Financial Information of the Company,
6. Number and classes of shares.

→ Types of Prospectus:

① Abridged Prospectus:

→ discussed under Sec. 2(1) & Sec. 33.

→ It is a memorandum (salient features).

→ All the info in brief.

② Shelf Prospectus:

→ discussed under 31 of Companies Act, 2013.

→ Single prospectus for multiple Securities (Offer).

→ does not need to issue a separate prospectus for each offering.

→ Valid for One year, No. of offer → 4.

③ Red Herring Prospectus:

→ discussed under 32 of Companies Act, 2013.

→ does not include complete particulars of the price of the securities included them. (Price not fix)

→ Variation highlighted.

④ Demid Prospectus:

→ discussed under section 925(1) of Companies Act,

2013.

→ When any company allocates or agrees to allot securities for sale to the public.

* Shares [2020-21] 2 marks.

→ Total capital of a company is divided into units of small denominations. Each such unit is called shares.

Types of Shares

① Preference share capital :

- Rate dividend is fixed.
- No control over management

② Equity shares

- Dividend varies acc. to profit.
- Control over management

* Directors

- Any person occupying the position of a director by whatever name called.
- min. three directors in public Company
- min. two directors in private Company

* Describe Auditor. [2022-23] 2 marks.

- The person who does the audit is called Auditor.
- In Company's Act, Any person have to satisfy the conditions or qualities to become it an Auditor.

Qualities → ① Independent ④ Confidential
 ② Knowledgeable ⑤ Judgement Skill.
 ③ Unbiased

E-Governance

- Government functioning with the application of ICT (Information and Communication Technology).
- e-Governance is basically a move towards SMART governance.

S - Simple

M - Moral

A - accountable

R - Responsive

T - transparent

Types

- ① G2C (Government to Citizens)
- ② G2B (Government to Business)
- ③ G2E (Government to Employers)
- ④ G2G (Government to Government).

Advantages:

- improved delivery and efficiency
- increased transparency
- cost reduction
- less corruption.

* Roles of Engineers in E-Governance. [2020-21] [2021-22]

- To make governance better an engineer must conduct to E-governance through computers and knowledge of Cyber laws.
- Understand the E-governance requirement and develop reports.
- Design the process which is more user-friendly.
- Secure & Accessibility / Database and information in electronic form.
- Do not violate the provisions of the Constitution.
- From initiation to the deployment and to the sustainability of the e-governance system requires multi-disciplinary engineering.
- Mainly focus on :
 - ① Privacy (internal) ✓
 - ② Security (External) ✓
 - ③ 24/7 Services available to User ✓
 - ④ Updating the Content. ✓
 - ⑤ Access of Services of E-Governance. ✓

* Role of IT Professionals in Judiciary.

[2020-21]

- Use of Technology in Judicial process.
- * Slow disposal rate of pending cases has increased.
- * Courts had to maintain all the records in physical manner.
- * Case Management, File Management and Docket Management will be vastly improving by resorting to the use of Computers.

→ Role of IT professionals in Judiciary:

- * Installing and Maintaining software for
- Video Conferencing
- Word Processing
- Storage Management
- * Designing Software for Encryption, Recognition of Digital Signature, an
- Voice Recognition and Recording
- Imaging and Scanning
- * In May 2020, Supreme Court introduced a new system of e-filing and AI enabled referencing.

* Alienation

- ✓ → theoretical concept developed by Karl Marx.
- ✓ → isolating, dehumanizing and disenchanting effects of working within a capitalist system of production.
- ['Objectification'] of labour.

* Secession

- withdrawal of a group from a larger entity, especially a political entity, but also from any organization, union or military alliance.
- Hong Kong and China

Unit 5 Completed

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