

Law

23.7

Chapter-23

3(2): act

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- (i) offence
- (ii) civil wrong

(punishable by law)

(Tort ⇒ causing injury to a person, physically or otherwise)

Ex: - 1) Beating

2) Libel - Defamation

3) Arson - Burn property

(iii) Series of acts

(iv) illegal omissions (tax evasion).

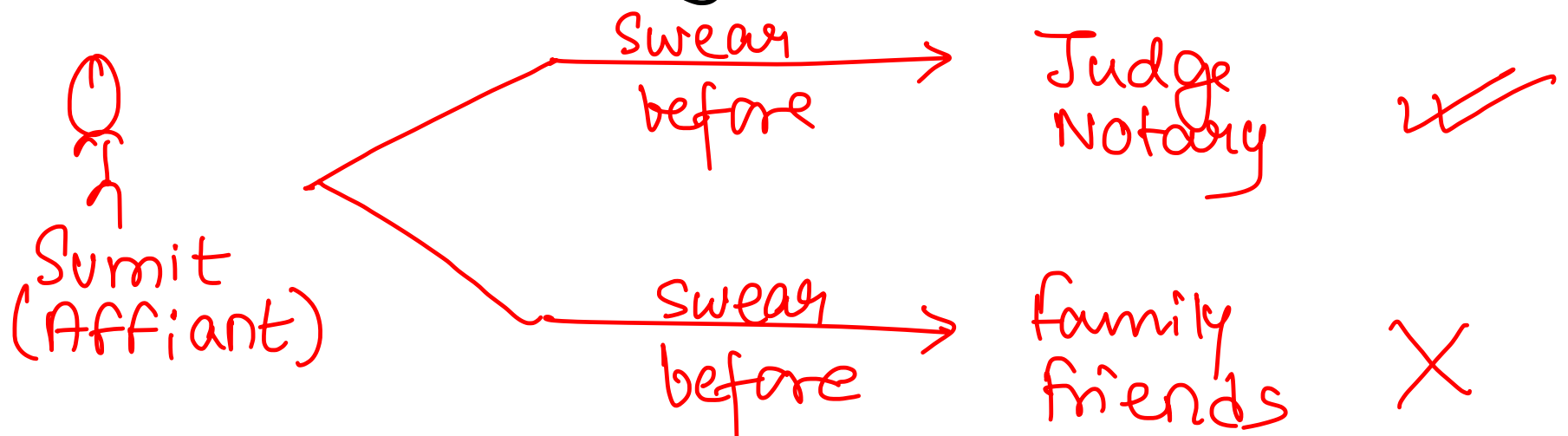
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Affidavit

- (i) Affirmation
- (ii) Declaration
- (iii) By persons allowed by law to affirm or declare

(not those who have committed perjury - false oath before court)

(iv) instead of swearing (before family/friends)



23.8

3(8): Central Government

Central Govt, from a legislative perspective, means "a person" under whose authority, the law is enacted.

CG means — Siddharth Agarwal

A) Before CoC —	B) After CoC —
CGC and includes: -	President and includes: -
i) in relation to Govt. of Province : PG Principal Govt	i) in relation to : Certain functions of State : State Govt
ii) in relation to C.C. provinces : CC Chief Commissioner	ii) in relation to : Part C states : C.C
	iii) in relation to : Union Territory : Administrator

23.11

3(22): Good Faith GF

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2 types	Definition	Example
GF ₁	GF ₁ = Honesty	G.C. Act, Negotiable Instrument Act 1881.
GF ₂	GF ₂ = Honesty + Diligence (due care & attention)	Contract Act, Sale of Goods Act.

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Sec 6: Effect of Repeal

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Note:- "REPEAL" means complete obliteration of the old statute, as if it never existed!

Sec 6: Effect of Repeal

① Repeal cannot revive the earlier law, which is not in force.

Ex:- Repeal of Co. Act 1956 cannot revive Co. Act 1913.

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② to ⑤

Repeal shall NOT affect—
(unless another purpose exists)

② Prior operation of old law
(ex:- incorporation)

③ Any rights/liabilities under old law

④ Any punishment " " "

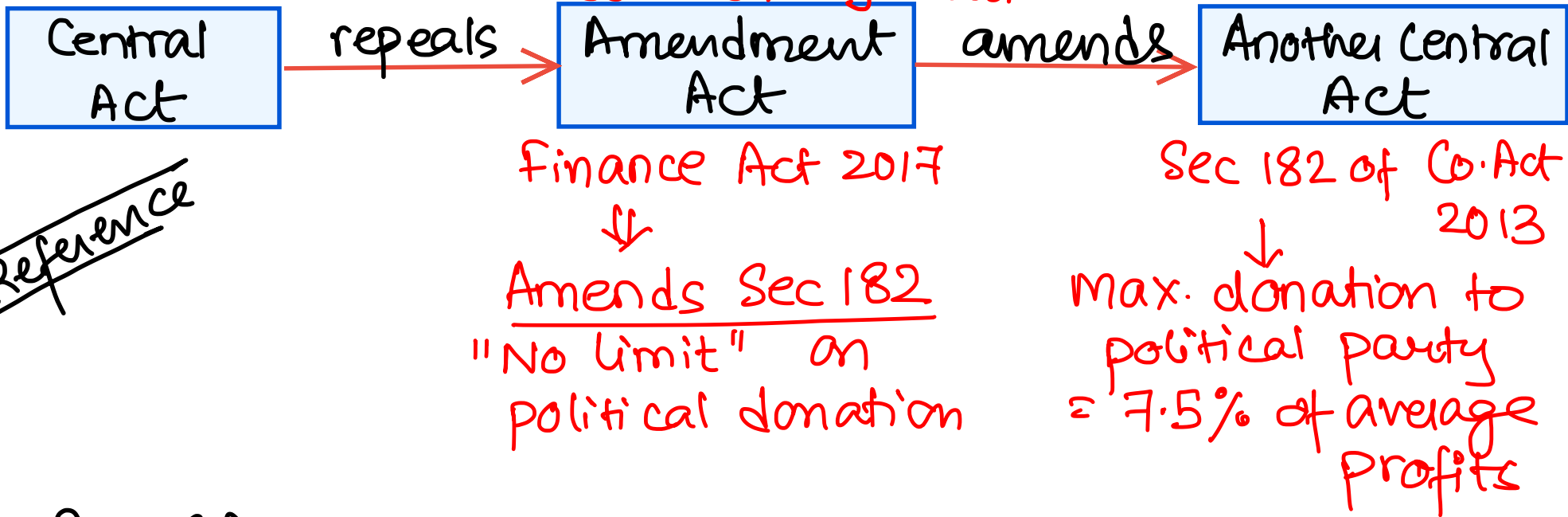
⑤ Any pending inquiry or investigation under old law.

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Sec - 6A

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Reference

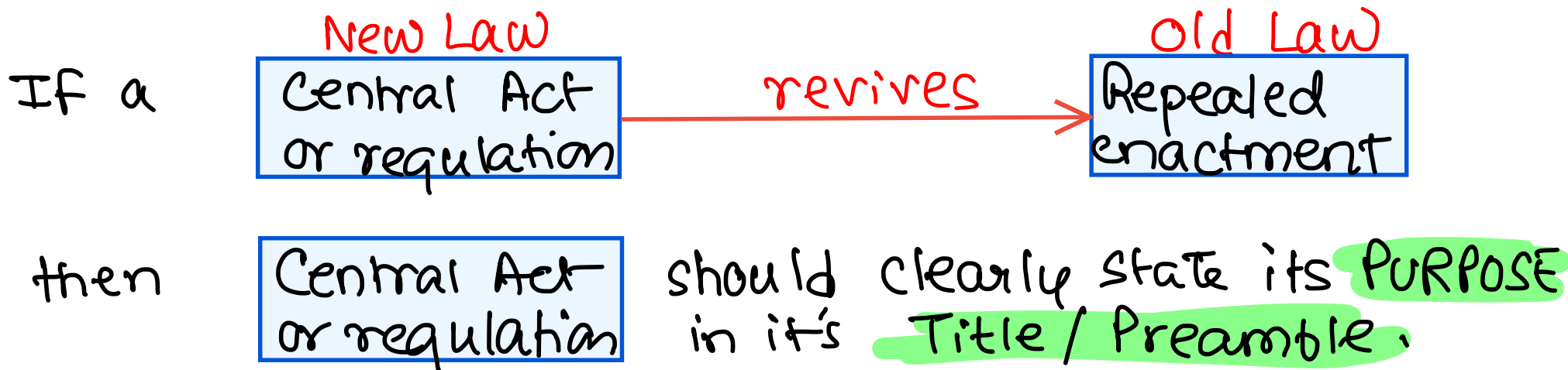
Sec-6A:-

Where a "Central Act" repeals an "Amendment Act", that brought amendments to "another Central Act", then **despite such Repeal of the Amendment Act**, the Amendments brought by it shall continue to have effect, **unless different intention appears.**

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Sec - 7

23.19



Sec 7 has retrospective effect.



The purpose of Sec-7 is to save time in drafting new law.

23-22

Siddharth Agarwal Functionaries

Section

Explanation

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If any power is conferred upon an Authority (Functionary) by Central Law, then that power can be exercised by that Authority from time to time.

Ex: - Sec 469 of Co. Act 2013 confers power on CG (MCA) to make Rules.
MCA can make Rules "from time to time".

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If a Central Act confers power on an Authority (Functionary) to make "appointments" in Govt position, then the Authority can appoint by:- Siddharth Agarwal
(i) Name or, (Fresh appt)
(ii) Virtue of Existing office. (ex-officio appt)

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Power to "appoint" under a Central Act includes the power to:-
i) suspend
ii) dismiss

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Ex: - Chief Justice has power to APPOINT officers in High Court, by virtue of Constitution.
This power also includes the power to:-
suspend or dismiss the officers.

Section	Explanation
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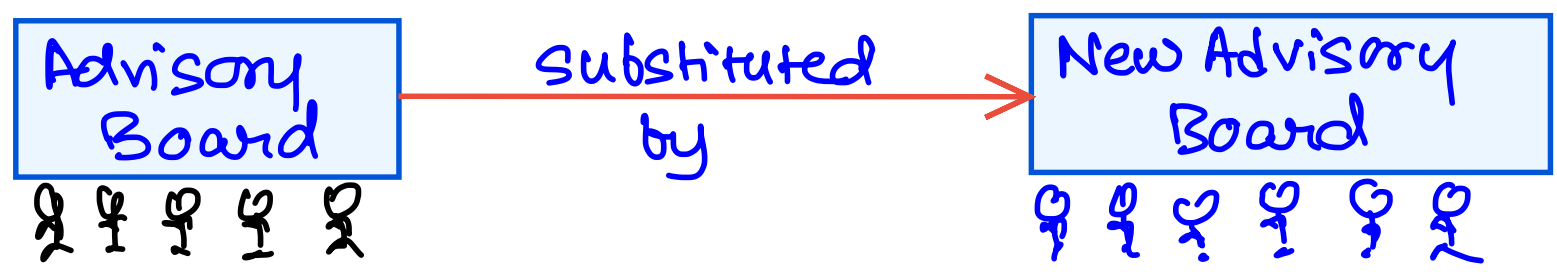
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Substitution of functionary

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Ex: -

Preventive Detention Act 1950



↓
Passed certain
detention orders

Can consider and act
upon these "orders"
passed by Earlier Board

If a Functionary has been "substituted" by another functionary, then the Law (power-duties) applicable to the earlier functionary also applies on the new functionary. For this purpose, "official title" of the earlier functionary shall be applied to the new functionary.

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"official title"

Section

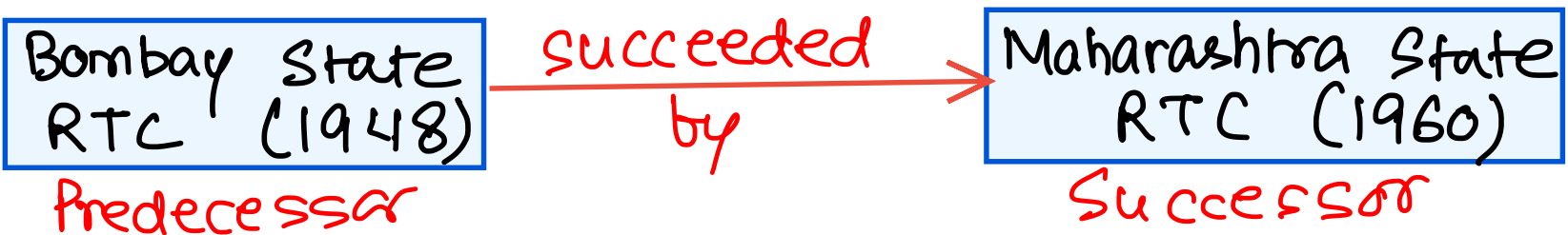
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Explanation

Successors

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Ex! - Road Transport Corporation (RTC) Act, 1950



For the purpose of indicating the application of Law (powers-duties) upon the successor of a functionary, express its **RELATION** (i.e., successor) to that functionary.

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Ex!-

Chief



President on leave
for 2 months

Siddharth Agarwal,

Subordinate



Vice-President shall
become "Acting President"
for 2 months.

When a subordinate is performing the duty of a "Chief" in his absence, then the Law (powers-duties) applicable to the "Chief" shall also apply to the "subordinate".

23.23

Subordinate legislation

Act Ordinance

Main legislation

Co. Act
2013

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Subordinate legislation

N - Notification
 O - Order
 S - Scheme
 R - Rules
 F - Forms
 B - Bye-laws

↓
Passed in Parliament
(Also amended by Parliament)

⇓
Passed by MCA
(Also, amended by MCA)

Section

Explanation

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Words used in NOSRFB shall have same meaning as given in the Act.

Ex: - "Shelf Prospectus" used in Co. (PAS) Rules 2014 shall have same meaning as defined in Sec 31 of Co. Act 2013.
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IF an Authority (MCA) has the power to "issue" NOSRFB, then it also has the power to "Add, Vary, Amend, Rescind (AVARA)" NOSRFB.

Ex: - Sec 469 of Co. Act 2013 gives power to MCA to make Rules. This power includes the power to amend the Rules.
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Ex:-

Co. Act 2013

Enactment

29-8-2013

Sec 123 = Dividend

Commencement

MCA prepare the "Dividend" Rules but it cannot come into force until the Sec 123 comes into force.

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Where a Statute has been enacted, but NOT yet commenced, then although the Authority (MCA) may prepare the Subordinate legislation (NOSRFB), yet such NOSRFB cannot come into force, until the Statute comes into force.

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From Book.

Section

Explanation

24

Read from BOOK + COPY

Ex! -

Co. Act 1956

Co. Act 2013

repeated.

↓

NOSRFB

-----> continues
under new law,
until superceded
by new NOSRFB.

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* The purpose of Sec 24 is to give time to Govt to make new NOSRFB.