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Test No: _____ Subject:

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MARKS: 30

DURATION: 90 MINS

TEST NO. 6
SUGGESTED ANSWER

INSTRUCTIONS :

- Mention your name, subject name & Test No on your first page of the Answer Sheet.
- Paper will only be accepted when uploaded on the Students dashboard.
- Login in to your dashboard, and upload your answers under “**My Answer sheet**” tab
- You can Use **Adobe Scan app or Other**, available in Play Store / App Store for scanning your answer sheet.
- Scan your answer sheet as a single pdf in order to avoid rejection or delay in evaluation.
- Upload your pdf copy in a clear format which is legible to read.

OMR SHEET

Q.N.		Q.N.		Q.N.	
1.	(A B C D)	11.	(A B C D)	21.	(A B C D)
2.	(A B C D)	12.	(A B C D)	22.	(A B C D)
3.	(A B C D)	13.	(A B C D)	23.	(A B C D)
4.	(A B C D)	14.	(A B C D)	24.	(A B C D)
5.	(A B C D)	15.	(A B C D)	25.	(A B C D)
6.	(A B C D)	16.	(A B C D)	26.	(A B C D)
7.	(A B C D)	17.	(A B C D)	27.	(A B C D)
8.	(A B C D)	18.	(A B C D)	28.	(A B C D)
9.	(A B C D)	19.	(A B C D)	29.	(A B C D)
10.	(A B C D)	20.	(A B C D)	30.	(A B C D)

MCQ Marks Scored: /

Note: Kindly mention the question number and sub-question properly.

- Questions with incorrect question number/sub question number will not be evaluated.
- Start new questions on new page.

Question 1:**(5 Marks)**

Ramesh and Suresh were close friends and business associates. One day, Ramesh discovers that Suresh had forged his signature to take a bank loan of ₹10 lakhs in Ramesh's name and later defaulted on repayment. As a result, Ramesh's credit score was damaged, and he suffered both financial and reputational loss.

Ramesh decides to take legal action.

He files:

A complaint with the local police for forgery and cheating, and

A civil suit in court seeking compensation for the financial and reputational damage caused to him.

Based on the above case:

- (a) Identify which part of the case falls under Criminal Law and which under Civil Law.
- (b) Explain the fundamental differences between Criminal Law and Civil Law in the Indian legal system using this case.
- (c) Mention the key legal frameworks that govern each type of law.
- (d) State the primary objective of each legal system in the context of this case.

Answer 1:

- (a) (i) Filing a police complaint for forgery and cheating falls under Criminal Law.
(ii) Filing a civil suit for compensation due to financial loss and defamation falls under Civil Law.
- (b) In India, Criminal Law and Civil Law are distinct legal domains with different purposes and frameworks. Criminal Law is concerned with violations of the rule of law or public wrongs and the subsequent punishment. It is primarily governed by the Indian Penal Code, 1860, which defines crimes, their nature, and the associated penalties. The Code of Criminal Procedure, 1973 (Crpc), outlines the procedural aspects for enforcing these penalties. Examples of criminal offenses under Indian law include murder, rape, theft, fraud, cheating, and assault. The focus in criminal cases is on punishment and societal order.
- (c) In contrast, Civil Law pertains to disputes between individuals or organizations and focuses on resolving conflicts rather than punishment. The Code of Civil Procedure, 1908 (CPC), governs the process and administration of civil law.
- (d) Civil law encompasses various areas such as Law of Contract, Family Law, Property Law, and Law of Tort. Examples of civil offenses include breach of contract, non-delivery of goods, non-payment of dues, defamation, and disputes between landlords and tenants

Question 2:**(3 Marks)**

What are the main sources of law in India and how do they contribute to the legal framework of the country?

Answer 2:

The main sources of law in India are the Constitution, statutes passed by Parliament and State Assemblies, judicial precedents, and established customs and usages. India's legal system is founded

on the principles of parliamentary democracy, with the Constitution serving as the fundamental basis for all laws. Parliament and State Assemblies, where elected representatives make laws, are the ultimate law-making bodies. While laws passed by Parliament apply across India, state legislatures enact laws applicable only within their respective states.

Question 3:**(4 Marks)**

The State Government of Madhya Pradesh passes a law regulating online gaming and mobile app usage among children under 18, citing concerns about mental health and addiction. Meanwhile, the Central Government introduces a new law covering all digital platforms, including online gaming, under national cybersecurity and IT governance.

This leads to confusion about which law should prevail, and a petition is filed in the Supreme Court challenging the State law on the ground that it contradicts the Central law.

Based on the above case:

- (a) Identify the constitutional basis for distributing legislative powers between the Centre and States.
- (b) Explain how the Indian Constitution classifies subjects for law-making.
- (c) Discuss which law prevails in case of conflict and why, using constitutional provisions.
- (d) Mention relevant Articles and Schedules that support your explanation.

Answer 3:

- (a) The Government of India Act, 1935, was a precursor to the Indian Constitution and played a crucial role in defining the transition from a "unitary" to a "federal" system. It allocated powers between the Centre and the States to prevent conflicts. The Federal Court, established in 1937, had jurisdiction over appellate, original, and advisory matters, including civil and criminal cases. The Advisory Jurisdiction allowed the Federal Court to advise the Governor-General on public matters. The Federal Court was eventually succeeded by the Supreme Court of India. The Constitution of India, adopted in 1950, forms the corner stone of the Indian legal system. It outlines the framework for the democratic system and the rights and responsibilities of citizens. Fundamental rights and duties are enshrined in the Constitution, providing a strong foundation for laws made for and by the people. India's legal system is a hybrid one, with interconnected laws.
- (b) The Constitution divides the law-making power between the Central Government and State Governments through three lists: the Central List, State List, and Joint List. Matters listed in each list determine whether a subject becomes the domain of Central law, State law or both. For instance, Income Tax falls under the Central List, resulting in a single Income Tax law for the entire country, administered by the Central Government's Ministry of Finance. In contrast, issues like the levy of stamp duty are governed by both Central and State laws, exemplifying the of Indian law-making.
- (c) Conflict of Laws – Which Prevails:

In case of a conflict between Central and State laws on a Concurrent List subject, the Central law prevails (Article 254(1)).

However, if a State law on a concurrent subject receives Presidential assent, it can prevail in that state (Article 254(2)), unless Parliament later overrides it.

Application to the Case:

Regulation of digital platforms and IT governance typically falls under the Union List (national security, communication infrastructure).

Online gaming could fall under the State List (gambling and betting), but when linked to cybersecurity, it overlaps with the Union List.

Therefore, the Central law would prevail due to overriding national interest and possible conflict.

(d) Relevant Constitutional Provisions:

Articles: 245 to 254

Schedule: Seventh Schedule (Lists I, II, III)

Question 4:

(6 Marks)

Can you describe the structure of the Indian judicial system, including its key components and their respective roles within the system?

Answer 4:

The Indian judicial system is a complex and hierarchically organized system that serves as the guardian of the rule of law and justice in the country. It can be divided into multiple layers, each with its specific functions and jurisdictions.

Supreme Court of India: At the apex of the Indian judicial system is the Supreme Court. It acts as the highest court of appeal and is responsible for interpreting the Constitution and ensuring uniformity in the application of laws throughout the country. The Supreme Court can hear appeals from High Courts and other specialized courts, making it the ultimate authority in legal matters.

High Courts: India has 25 High Courts, each serving one or more states or union territories. High Courts have jurisdiction over their respective states or territories and serve as appellate courts for cases decided by lower courts. They also have the authority to issue writs and handle matters related to the violation of fundamental rights.

District Courts: Below the High Courts are District Courts, which are established in every district of the country. District Courts handle civil and criminal cases and are typically the first level of the judiciary that individuals encounter. These courts have the authority to try cases involving a wide range of issues.

Subordinate Courts: Subordinate Courts, also known as lower courts, come under the District Courts.

These include various levels of courts, such as sessions courts, magistrate courts, and specialized courts (e.g., family courts, consumer courts). Subordinate Courts primarily handle cases within their

specified jurisdictions, and appeals from their decisions can be made to the District Court or High Court, depending on the nature of the case

Tribunals and Specialized Courts: India has various tribunals and specialized courts to handle specific types of cases. These include the National Green Tribunal, Income Tax Appellate Tribunal, and others, which are designed to expedite justice and provide expertise in their respective areas of law.

Gram Nyayalayas: These are rural or village courts established to ensure access to justice for residents of rural areas. Gram Nyayalayas handle petty civil and criminal cases and aim to reduce the burden on higher courts.

In summary, the Indian judicial system is structured with the Supreme Court at the apex, followed by High Courts, District Courts, and Subordinate Courts. Specialized tribunals and village-level Gram Nyayalayas contribute to a comprehensive system that aims to provide access to justice for all citizens.

Question 5:

(12 Marks)

What do you mean by enforcement of law? Explain the various ministries and its functions.

Answer 5:

After a law is passed in Parliament, it has to be enforced. Somebody should monitor whether the law is being followed. For this purpose, government functions are distributed to various ministries.

Various Ministries and Their Functions

1. The Ministry of Finance (MOF)

- A ministry within the Government of India (GOI), concerned with the economy of India, serving as the Treasury of India.
- Important function: Presentation of the Union Budget.
- Apex controlling authority of central civil services:
 - Indian Revenue Service (IRS)
 - Indian Audit and Accounts Service
 - Indian Economic Service
 - Indian Civil Accounts Service

Departments under MOF:

- Department of Economic Affairs
- Department of Revenue
- Department of Expenditure
- Department of Financial Services
- Department of Investment & Public Asset Management
- Department of Public Enterprises

2. Ministry of Law and Justice

- Contains 3 departments:
 - **Department of Legal Affairs** – Advises various ministries of the Central Government.
 - **Legislative Department** – Drafts principal legislation for the CG.
 - **Department of Justice** – Administers justice in India.

3. Ministry of Home Affairs (MOHA)

- An interior ministry responsible for internal security and domestic policy.
- Headed by the Union Minister of Home Affairs.
- Manages borders and coastal borders.

Departments under MOHA:

- Department of Border Management
- Department of Home
- Department of Internal Security
- Department of States
- Department of Official Language
- Department of Jammu, Kashmir & Ladakh Affairs

4. Ministry of Corporate Affairs (MCA)

- Indian government ministry that administers:
 - Companies Act, 2013
 - LLP Act, 2008
 - IBC, 2016
- Mostly run by civil servants of the ICLS cadre.
- Officers selected via UPSC Civil Services Examination.
- Highest post: DGC&A

5. IBBI – Insolvency and Bankruptcy Board of India

- Regulates insolvency proceedings for **individuals, companies, LLPs, and firms**.
- Formed: **1 October 2016**, empowered by **IBC 2016**.
- Handles cases via **NCLT and DRT**.
- Goals:
 - Speed up resolution of stressed assets.
 - Simplify insolvency and bankruptcy processes.

6. SEBI – Securities and Exchange Board of India

- Regulates **securities and commodity markets** in India.
- Works under the **Ministry of Finance**.
- Established:
 - **12/4/1988** as an executive body.
 - Statutory powers from **30/1/1992** through **SEBI Act, 1992**.

RBI – India's Central Bank

- The RBI was established on **1st April 1935** (under the **RBI Act, 1934**).
- Initially a private entity, it was **nationalized in 1949**.
- Responsible for:
 - **Regulation of the Indian banking system**
 - **Control, issue, and maintaining supply of the INR**
- Manages the country's main **payment systems**.
- Works to promote **economic development**.

Divisions and Institutions Under RBI:

- **BRBNMPL (Bharatiya Reserve Bank Note Mudran Pvt. Ltd.)**
 - A specialised division that **prints and mints Indian currency notes (INR)**.
 - Operates currency printing presses in **Mysore and Salboni**.
- **NPCI (National Payments Corporation of India)**
 - Specialised division of RBI to regulate **payment and settlement systems** in India.
- **DICGC (Deposit Insurance and Credit Guarantee Corporation)**
 - Division to provide **insurance of deposits** and **guarantee of credit facilities** to all Indian banks.