

AIMT Group of Institutions, Greater Noida

Department of Computer Science Engineering/Information Technology



Course File

(KNC501: Constitution of India, Law and Engineering)

<i>Course Name (Code)</i>	<i>: B. Tech.</i>
<i>Semester/ Year</i>	<i>: 5th Semester/3rd Year</i>
<i>Session</i>	<i>: 2021-22</i>
<i>Prepared By- 1) Name & Signature</i>	<i>: Seema Yadav</i>
<i>2) Designation</i>	<i>: Assistant Professor</i>
<i>Approved By- 1) Name & Signature</i>	<i>:</i>
<i>2) Designation</i>	<i>:</i>
<i>Verified By 1) Name & Signature</i>	<i>:</i>
<i>2) Designation</i>	<i>:</i>

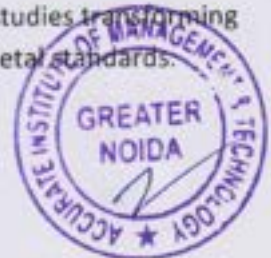


Vision

Our vision is to build an Accurate Institute of Management and Technology (AIMT), a center for excellence in quality education and research with world-class standards, to provide well-education and skilled technical professionals who can contribute to the well-being of society as well as the growth of the industry and our community.

Mission

- To enrich our students with quality education, professional, ethics, values and sound knowledge which leads to the development of self-esteem and for society.
- To ensure that students acquire excellent theoretical knowledge and practical training of industrial program through curricular and extra-curricular activities having human values and professionals ethics.
- To inspire innovation and entrepreneurship skills amongst students to face the challenges and demands of the professional world.
- To promote research and industrial exposure among the students to cope up with the ever-changing needs of the profession, industry, and society.
- To create an environment of regular up-gradation and higher studies transforming them into high-quality professionals to meet economic and societal standards.



Contents

S. No.	Contents
1.	Front page
2.	Contents
3.	Vision and mission of the Department
4.	PEOs, PSOs, POs
5.	Academic calendar
6.	Evaluation scheme
7.	Pre-requisites and syllabus
8.	Gaps in the syllabus, if any
9.	Text books, reference books, other sources of study
10.	Course Objectives ✓
11.	Course Outcomes (COs)
12.	Mapping matrix of COs to POs and PSOs
13.	List of students
14.	Time table
15.	Lecture plan
16.	Tutorials, assignments, quizzes, term paper, project, etc.
17.	Notes, PPTs, hand-outs, etc.
18.	Class Test (CT) question papers
19.	COs attainment table ✓
20.	One Good, average and poor answer script of each CT
21.	List of good and weak students
22.	Action taken for the improvement ✓
23.	Previous years CT papers and university question papers, Model question paper
24.	Solution of assignments, tutorials, test papers
25.	Feedback by students
26.	COs attainment calculations (Internal assessment)
27.	COs attainment calculation (External assessment)
28.	POs and PSOs attainment
29.	Other relevant information



Program Educational Outcomes (PEOs), Program Specific Outcomes (PSOs), Program Outcomes (POs)

Program Outcomes (POs)

S. No.	POs
PO 1	Engineering knowledge: Apply the knowledge of mathematics, science, engineering fundamentals, and an engineering specialization to the solution of complex engineering problems.
PO 2	Problem analysis: Identify, formulate, review research literature, and analyse complex engineering problems reaching substantiated conclusions using first principles of mathematics, natural sciences, and engineering sciences.
PO 3	Design/development of solutions: Design solutions for complex engineering problems and design system components or processes that meet the specified needs with appropriate consideration for the public health and safety, and the cultural, societal, and environmental considerations.
PO 4	Conduct investigations of complex problems: Use research-based knowledge and research methods including design of experiments, analysis and interpretation of data, and synthesis of the information to provide valid conclusions.
PO 5	Modern tool usage: Create, select, and apply appropriate techniques, resources, and modern engineering and IT tools including prediction and modelling to complex engineering activities with an understanding of the limitations.
PO 6	The engineer and society: Apply reasoning informed by the contextual knowledge to assess societal, health, safety, legal and cultural issues and the consequent responsibilities relevant to the professional engineering practice.
PO 7	Environment and sustainability: Understand the impact of the professional engineering solutions in societal and environmental contexts, and demonstrate the knowledge of, and need for sustainable development.
PO 8	Ethics: Apply ethical principles and commit to professional ethics and responsibilities and norms of the engineering practice.
PO 9	Individual and team work: Function effectively as an individual, and as a member or leader in diverse teams, and in multidisciplinary settings.
PO 10	Communication: Communicate effectively on complex engineering activities with the engineering community and with society at large, such as, being able to comprehend and write effective reports and design documentation, make effective presentations, and give and receive clear instructions.
PO 11	Project management and finance: Demonstrate knowledge and understanding of the engineering and management principles and apply these to one's own work, as a member and leader in a team, to manage projects and in multidisciplinary environments.
PO 12	Life-long learning: Recognize the need for, and have the preparation and ability to engage in independent and life-long learning in the broadest context of technological change.



AIMT College of Engineering and Technology, Greater Noida

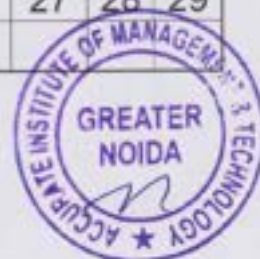
Department of Computer Science Engineering/Information Technology

APRIL, 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JUNE, 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY, 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JULY, 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



LIST OF HOLIDAYS-2023		
Holidays	Date	Day
Ambedkar Jayanti	14/04/2023	Friday
Eid-ul -Fitra	22/04/2023	Saturday
Eid- ul -Jua	29/06/2023	Thursday

Registration	10th April, 2023 (II SEM)
Commencement of classes	11th April, 2023 (II SEM) Even Semi
Assignment 1 given on	24th April , 2023
Course completion report before CT-I	29th April , 2023
Display of attendance & detained students	29th April , 2023
1st Sessional examination, CT-I	1st May - 3rd May 2023
Display of marks CT-I	8th May , 2023
Assignment-2 given on	19th May,2023
Assignment-3 given on	31st May,2023
Course completion report before CT-II	31st May,2023
Display of Attendance, detained students for CT-II	31st May,2023
IInd Sessional Exam CT-II	1st June- 3rd June , 2023
Display of marks CT-II	8th June , 2023
Assignment-4 given on	12th June , 2023
Assignment-5 given on	23th June , 2023
Course completion report before PUT	30th June, 2023
Pre University Test	3rd July- 12th July, 2023
Internal Practical Examination	13th July- 15th July, 2023
Display of PUT Marks	17th July, 2023
Preparatory leave	As per university schedule
Term-end examination	As per university schedule
External Practical Exam	As per university schedule

WORKING DAYS		
Sl. No.	Months	No. of days
1	April, 2023	16
3	May, 2023	26
4	June , 2023	23
5	July, 2023	19
Total Working Days		84

*The working days displayed above may vary according to university end semester examination schedule.



Evaluation Scheme

<i>Course Code</i>	<i>Subject Name</i>	<i>CT</i>	<i>TA</i>	<i>Practical Internal</i>	<i>Theory External</i>	<i>Practical External</i>	<i>Total</i>	<i>Credit</i>
KNC601	Constitution of India, Law and Engineering	15	10		50			

CT- Cycle Test

TA- Teaching Assessment



AIMT College of Engineering and Technology, Greater Noida

Department of Computer Science Engineering/Information Technology

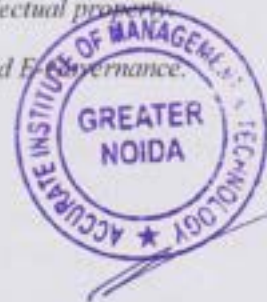
Subject Name (Code): Constitution of India, Law and Engineering (KNC501)

L/T/P: 2/0/0

Pre-Requisites:

To study, Constitution of India, Law and Indian Constitution, in B.tech course, students are supposed to have the basic ideas of the following-

- They should be aware about the basic information Indian Constitution.*
- They should have the basic ideas about powers of Indian Parliament functions of Lok Sabha and Rajya Sabha.*
- They should be aware about the Legal System.*
- They are supposed to keep the basic knowledge of intellectual property.*
- They should have the idea about Basic Organization and E-governance.*



University Syllabus

Module 1	Introduction and Basic Information about Indian Constitution: Meaning of the constitution law and constitutionalism, Historical Background of the Constituent Assembly, Government of India Act of 1935 and Indian Independence Act of 1947, Enforcement of the Constitution, Indian Constitution and its Salient Features, The Preamble of the Constitution, Fundamental Rights, Fundamental Duties, Directive Principles of State Policy, Parliamentary System, Federal System, Centre-State Relations, Amendment of the Constitutional Powers and Procedure, The historical perspectives of the constitutional amendments in India, Emergency Provisions: National Emergency, President Rule, Financial Emergency, and Local Self Government – Constitutional Scheme in India.
Module 2	Union Executive and State Executive: Powers of Indian Parliament Functions of Rajya Sabha, Functions of Lok Sabha, Powers and Functions of the President, Comparison of powers of Indian President with the United States, Powers and Functions of the Prime Minister, Judiciary – The Independence of the Supreme Court, Appointment of Judges, Judicial Review, Public Interest Litigation, Judicial Activism, LokPal, Lok Ayukta, The Lokpal and Lok ayuktas Act 2013, State Executives – Powers and Functions of the Governor, Powers and Functions of the Chief Minister, Functions of State Cabinet, Functions of State Legislature, Functions of High Court and Subordinate Courts.
Module 3	Introduction and Basic Information about Legal System: The Legal System: Sources of Law and the Court Structure: Enacted law -Acts of Parliament are of primary legislation, Common Law or Case law, Principles taken from decisions of judges constitute binding legal rules. The Court System in India and Foreign Courtiers (District Court, District Consumer Forum, Tribunals, High Courts, Supreme Court). Arbitration: As an alternative to resolving disputes in the normal courts, parties who are in dispute can agree that this will instead be referred to arbitration. Contract law, Tort, Law at workplace.
Module 4	Intellectual Property Laws and Regulation to Information: Intellectual Property Laws: Introduction, Legal Aspects of Patents, Filing of Patent Applications, Rights from Patents, Infringement of Patents, Copyright and its Ownership, Infringement of Copyright, Civil Remedies for Infringement, Regulation to Information-Introduction, Right to Information Act, 2005, Information Technology Act, 2000, Electronic Governance, Secure Electronic Records and Digital Signatures, Digital Signature Certificates, Cyber Regulations Appellate Tribunal, Offences, Limitations of the Information Technology Act.
Module 5	Business Organizations and E-Governance: Sole Traders, Partnerships: Companies: The Company's Act: Introduction, Formation of a Company, Memorandum of Association, Articles of Association, Prospectus, Shares, Directors, General Meetings and Proceedings, Auditor, Winding up. E-Governance and role of engineers in E-Governance, Need for reformed engineering serving at the Union and State level, Role of I.T. professionals in Judiciary, Problem of Alienation and Secessionism in few states creating hurdles in Industrial development.



Reference/Text Books

Suggested Readings:

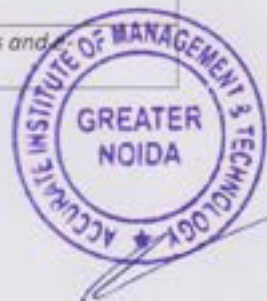
- Brij Kishore Sharma: *Introduction to the Indian Constitution*, 8th Edition, PHI Learning Pvt. Ltd.
- Granville Austin: *The Indian Constitution: Cornerstone of a Nation* (Classic Reissue), Oxford University Press.
- S.G Subramanian: *Indian Constitution and Indian Polity*, 2nd Edition, Pearson Education 2020.
- Subhash C. Kashyap: *Our Constitution: An Introduction to India's Constitution and constitutional Law*, NBT, 2018.
- Madhav Khosla: *The Indian Constitution*, Oxford University Press.
- PM Bakshi: *The Constitution of India*, Latest Edition, Universal Law Publishing.
- V.K. Ahuja: *Law Relating to Intellectual Property Rights* (2007)
- Suresh T. Viswanathan: *The Indian Cyber Laws*, Bharat Law House, New Delhi-88
- P. Narayan: *Intellectual Property Law*, Eastern Law House, New Delhi
- Prabudh Ganguli: *Gearing up for Patents: The Indian Scenario*, Orient Longman.
- BL Wadehra: *Patents, Trademarks, Designs and Geological Indications* Universal Law Publishing – Lexis Nexis.
- *Intellectual Property Rights: Law and Practice*, Module III by ICSI (only relevant sections)
- *Executive programmer study material Company Law*, Module II, by ICSI (The Institute of Companies Secretaries of India) (Only relevant sections i.e., Study 1, 4 and 36) <https://www.icsi.edu/media/webmodules/publications/Company%20Law.pdf>
- *Handbook on e-Governance Project Lifecycle*, Department of Electronics & Information Technology, Government of India, https://www.meity.gov.in/writereaddata/files/e-Governance_Project_Lifecycle_Participant_Handbook-5Day_CourseV1_20412.pdf
- *Companies Act, 2013 Key highlights and analysis* by PWC, <https://www.pwc.in/assets/pdfs/publications/2013/companies-act-2013-key-highlights-and-analysis.pdf>



Course Objectives and Course Outcomes (COs)

Course Objectives

<i>S. No.</i>	<i>Course Objective</i>
<i>1</i>	<i>To acquaint the students with legacies of constitutional development in India and help those understand the most diversified legal document of India and philosophy behind it.</i>
<i>2</i>	<i>To make students aware of the theoretical and functional aspects of the Indian Parliamentary System.</i>
<i>3</i>	<i>To channelize students' thinking towards basic understanding of the legal concepts and its implications for engineers.</i>
<i>4</i>	<i>To acquaint students with latest intellectual property rights and innovation environment with related regulatory framework.</i>
<i>5</i>	<i>To make students learn about role of engineering in business organizations and governance.</i>



Course Outcomes (COs)

<i>S. No.</i>	<i>Course Outcomes (COs)</i>
<i>CO1</i>	<i>Identify and explore the basic features and modalities about Indian constitution.</i>
<i>CO2</i>	<i>Differentiate and relate the functioning of Indian parliamentary system at the centre and state level.</i>
<i>CO3</i>	<i>Differentiate different aspects of Indian Legal System and its related bodies.</i>
<i>CO4</i>	<i>Discover and apply different laws and regulations related to engineering practices.</i>
<i>CO5</i>	<i>Correlate role of engineers with different organizations and governance bodies.</i>



Mapping of Course Outcomes with POs & PSOs

COs	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10	PO11	PO12
CO1						1						1
CO2						1						1
CO3						1						1
CO4						1						1
CO5						1						1

List of students

S. No.	Roll No.	Name of the Students
1	2002250100002	Abhinav Kumar Mishra
2	2002250100004	Abutalib Hussain
3	2002250100005	Akash Gupta
4	2002250100006	Akash Jaiswal
5	2002250100007	Aman Kumar
6	2002250100008	Aman Kumar Patel
7	2002250100009	Aman Kumar Sharma
8	2002250100011	Amit Singh
9	2002250100012	Ananya Bhatt
10	2002250100013	Aniket Raj
11	2002250100014	Anjali Singh
12	2002250100015	Anshik Chandel
13	2002250100016	Atif Raza
14	2002250100018	Ayush Gupta
15	2002250100019	Bramha Datt
16	2002250100021	Dhiraj Kumar Singh
17	2002250100023	Ghanshyam Singh
18	2002250100024	Kishan Kumar
19	2002250100025	MD AMMAD HUSSAIN
20	2002250100026	MD Arman Akhtar
21	2002250100027	Mithilesh Patel
22	2002250100028	MOHD SAMEER
23	2002250100030	Navneet Kumar Singh
24	2002250100031	Nitish Sharma
25	2002250100033	Piyush Priyadarshi
26	2002250100034	Prajyot Kumar
27	2002250100035	Prashant Mishra
28	2002250100036	Prince Kumar
29	2002250100038	Rakesh Singh
30	2002250100039	Rishabh Goyal
31	2002250100040	Rishav Singh
32	2002250100041	Rishikesh Kumar
33	2002250100042	Ritika Roy



34	2002250100043	Rohan Paul
35	2002250100044	Rohit Mehra
36	2002250100045	Rohit Usmani
37	2002250100046	Sagar
38	2002250100047	Sandeep Kumar Sharma
39	2002250100048	Sarthak Saxena
40	2002250100049	Satyam Soni
41	2002250100050	Shivanshu Shukla
42	2002250100051	Shubham Sahani
43	2002250100052	Sindhu Kumari
44	2002250100053	Sohil Usmani
45	2002250100055	Sourabh
46	2002250100057	Tanishk Dhaka
47	2002250100058	Tannu Singh
48	2002250100060	Topendra Kumar
49	2002250100061	VINAY SHARMA
50	2002250100062	Vishal Kumar
51	2002250100063	Vishal Kumar Chaubey
52	2002250100064	Vishal Singh
53	2002250100065	Vivek
54	2102250108001	Shaswat Anand
55	2102250109003	Anjali Roy
56	2102250109004	Bhushan Chauhan
57	2102250109005	Danish Ayoub
58	2102250109007	Deepti Saraswat
59	2102250109008	Krishna
60	2102250109011	Murli Manohar Joshi
61	2102250109012	Neeraj Yadav
62	2102250109016	Samridhi Raj
63	2102250109017	Sapna Kumari
64	2102250109019	Shushant Singh
65	2102250109020	Sweta Pandey



AIMT College of Engineering and Technology, Greater Noida
Department of CSE/IT

Time Table

Room No. : A-106 (CS-3A)

<i>Class Hour</i>	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>	<i>LUNCH BREAK</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>
<i>Time</i>	09:30- 10:20	10:20- 11:10	11:10- 12:00	12:00- 12:50	12:50- 01:40	01:40- 02:30	02:30- 03:20	03:20- 04:10	04:10- 05:00
MON		CS-3A							
TUE			CS-3A						
WED			CS-3A						
THU			CS-3A					CS-3A	
FRI				CS-3A					
SAT									



Lecture Plan

Lecture No.	Topic	Sub-topic	Planned date	Delivery date	COs
Module 1- Introduction and Basic Information about Indian Constitution					
1	Meaning of the constitution law and constitutionalism,	-			1
2	Historical Background of the Constituent Assembly	-			1
3	Government of India Act of 1935	-			1
4	Indian Independence Act of 1947	-			1
5	Enforcement of the Constitution,	-			1
6	Indian Constitution and its Salient Features	-			1
7	The Preamble of the Constitution	-			1
8	Fundamental Rights, Fundamental Duties	-			1
9	Directive Principles of State Policy, Parliamentary System,	-			1
10	Federal System, Centre-State Relations	-			1
11	Amendment of the Constitutional Powers and Procedure,	-			1
12	The historical perspectives of the constitutional amendments in India	-			1
13	Emergency Provisions: National Emergency,	-			1
14	President Rule	-			1
15	Financial Emergency, and Local Self Government – Constitutional Scheme in India	-			1
Module 2- Union Executive and State Executive					
16	Powers of Indian Parliament- Functions of Rajya Sabha	-			2
17	Functions of Lok Sabha	-			2
18	Powers and Functions of the President	-			2
19	Comparison of powers of Indian President with the United States	-			2
20	Powers and Functions of the Prime Minister	-			2
21	Judiciary – The Independence of the Supreme Court, Appointment of Judges	-			2
22	Judicial Review, Public Interest Litigation, Judicial Activism	-			2
23	LokPal, Lok Ayukta, The Lokpal and Lok ayuktas Act 2013	-			2
24	State Executives – Powers and Functions of the Governor	-			2
25	Powers and Functions of the Chief	-			2



	Minister				
26	Functions of State Cabinet	-			2
27	Functions of State Legislature				2
28	Functions of High Court and Subordinate Courts	-			2
Module 3- Introduction and Basic Information about Legal System					
29	The Legal System: Sources of Law and the Court Structure: Enacted law -Acts of Parliamentare of primary legislation	-			3
30	Common Law or Case law	-			3
31	Principles taken from decisions of judges constitute binding legal rules				3
32	The Court System in India and Foreign Courtiers (District Court, District Consumer Forum, Tribunals, High Courts, Supreme Court)	-			3
33	Arbitration: As an alternative to resolving disputes in the normal courts	-			3
34	parties who are in dispute can agree that this will instead be referred to arbitration	-			3
35	Contract law, Tort, Law at workplace	-			3
Module 4- Intellectual Property Laws and Regulation to Information					
36	Intellectual Property Laws: Introduction, Legal Aspects of Patents,	-			4
37	Filing of Patent Applications, Rights from Patents, Infringement of Patents	-			4
38	Copyright and its Ownership	-			4
39	Infringement of Copyright				4
40	Civil Remedies for Infringement,	-			4
41	Regulation to Information-Introduction, Right to Information Act, 2005	-			4
42	Information Technology Act, 2000, Electronic Governance	-			4
43	Secure Electronic Records and Digital Signatures, Digital Signature Certificates	-			4
44	Cyber Regulations Appellate Tribunal	-			4
45	Offences	-			4
46	Limitations of the Information Technology Act	-			4



Module 5- Business Organizations and E-Governance					
47	<i>Sole Traders, Partnerships: Companies: The Company's Act: Introduction, Formation of a Company</i>	-			5
48	<i>Memorandum of Association</i>	-			5
49	<i>Articles of Association</i>	-			5
50	<i>Prospectus, Shares, Directors</i>	-			5
51	<i>General Meetings and Proceedings</i>	-			5
52	<i>Auditor, Winding up</i>	-			5
53	<i>E-Governance and role of engineers in E-Governance</i>	-			5
54	<i>Need for reformed engineering serving at the Union and State level,</i>	-			5
55	<i>Role of I.T. professionals in Judiciary</i>				5
56	<i>Problem of Alienation and Secessionism in few states creating hurdles in Industrial development</i>	-			5



PAPER ID:

Subject Code: KNC501

AIMT College of Engineering and Technology, Greater Noida

Department of CSE/IT

B. Tech. (3rd Year)

Assignment-1

Module-1 (Introduction and Basic Information about Indian Constitution)

Subject Name: Constitution of India, Law and Engineering

Q. No.	Questions	Cos	POs
1	What is a constitution? What are the functions of a constitution?	1	6,12
2	Describe constitution at the intersection of legal, social and political life. What does a constitution typically contain?	1	6,12
3	What is constitutionalism? Write its elements.	1	6,12
4	What is the constituent assembly of India? Explain the formation of constituent assembly. What are its functions?	1	6,12
5	Elaborate Government of India Act of 1935.	1	6,12



PAPER ID:

Subject Code: KNC501

AIMT College of Engineering and Technology, Greater Noida

Department of CSE/IT

B. Tech. (3rd Year)

Assignment-2

Module-2 (Union Executive and State Executive)

Subject Name: Constitution of India, Law and Engineering

Q. No.	Questions	Cos	POs
1	Write a short note on Rajya Sabha (Council of States). What are the powers and functions of Rajya Sabha?	2	6,12
2	Write a short note on Lok Sabha (House of the people). What are the powers and functions of Lok Sabha?	2	6,12
3	What are the powers and the functions of President of India? Compare the powers of Indian President with United States President.	2	6,12
4	Who is the Prime Minister of India? Describe the powers and the functions of the Prime Minister of India?	2	6,12
5	Explain appointment of judges in Indian Judiciary.	2	6,12



Module-3 (Introduction and Basic Information about Legal System)

Subject Name: Constitution of India, Law and Engineering

Q. No.	Questions	Cos	POs
1	What are the sources of law, discuss enacted law in detail?	3	6,12
2	Discuss about court structure in India Context?	3	6,12
3	What do you mean by Acts of Parliament of primary legislation.	3	6,12
4	Differentiate among District Court, District Consumer Forum, a Tribunals, High Courts, Supreme Court.	3	6,12
5	What is Arbitration discussing the statement "Arbitration As an alternative to resolving disputes in the normal courts?"	3	6,12



Module-4 (Intellectual Property Laws and Regulation to Information)

Subject Name: Constitution of India, Law and Engineering

Q. No.	Questions	Cos	POs
1	Write process of Filing of Patent Applications, Rights from Patents, and Infringement of Patents.	4	6,12
2	Discuss about Copyright and its Ownership.	4	6,12
3	What is Regulation to Information and Right to Information Act 2005	4	6,12
4	Write short notes on Digital Signatures, Digital Signature Certificates	4	6,12
5	What are the Limitations of the Information Technology Act?		6,12



Module-5(Business Organizations and E-Governance)

Subject Name: Constitution of India, Law and Engineering

Q. No.	Questions	Cos	POs
1	Discuss The Company's Act and also discuss the Formation of a Company.	5	6,12
2	Memorandum of Association vs. article of association.	5	6,12
3	E-Governance and role of engineers in E-Governance.	5	6,12
4	Role of I.T. professionals in Judiciary	5	6,12
5	Problem of Alienation and Secessionism in few states creating hurdles in Industrial development.	5	6,12



CLASS TEST QUESTION PAPERS-

 Accurate Institute Of Management & Technology, Gr. Noida		
1st Sessional	ODD SEMESTER	Session: 2021-22
Branch/Course: B.Tech (CSE-A,B) 3rd Year		Semester-5th
Subject: Constitution of India, Law & Engineering		(KNC -501)
Time- 2 hrs.		MM: 50
Faculty name:Seema yadav		
Roll No.....		

Section-A	5x2=10
Attempt all the questions:-	
i) Who addresses the session of parliament & who dissolves the Lok Sabha?	
ii) What is constitution?	
iii) Write a note on the Preamble of Constitution.	
iv) Define the terms- Criminal Court & Civil Court.	
v) What makes Prime Minister powerful than President in India?	
Section-B	4x5=20
i) How is Federal system different from unitary system? Which of the system is adopted by India?	
ii) What are the functions of High Court?	
iii) List any five important Fundamental Duties.	
iv) What do you mean by the independence of Supreme Court in India?	
v) How is Lok Sabha different from Rajya Sabha?	
vi) What is the major function of Legislature, Executive & Judiciary?	
vii) Which of the two houses is power in state & how?	
Section-C	2x10=20
i) What are the differences between Indian & American Presidents? Mention all the points.	
ii) Explain any four important salient features of Indian Constitution?	
iii) Give details of the Indian federal system with its list & functions.	
iv) What is Emergency? Explain its type.	





Accurate Institute Of Management & Technology, Gr. Noida

2 nd Sessional	ODD SEMESTER	Session: 2021-22
Branch/Course: B.Tech (CSE-A,B)	3 rd Year	Semester-5th
Subject: Constitution of India, Law &		(KNC -501)
Time- 90mnts.		MM: 30
Faculty name-Seema Yadav		

Section-A

5x2=10

Attempt all the questions:-

- What are the Sources of Law?
- Write a note on Judicial Review & Arbitration.
- What do you mean by Tort? Mention its type.
- Describe the court structure of India.
- Note on Lok Ayukta Act-2013.

Section-B

5x4=20

Answer any four of the followings :-

- List the issues at work place. Mention the laws to protect employee.
- Show the difference between Indian President and American President.
- Describe the appointments of the judges in the courts of India.
- Indian Prime Minister is the captain of the ship. Describe.
- What means independence of Supreme Court? Define.
- Explain the difference of Lok Sabha & Rajya Sabha.





Accurate Institute Of Management & Technology, Gr. Noida

PUT (ODD) Session: 2022-23

Branch/Course: B.Tech (All Branches)

Semester-V(3rd Year)

Subject: Constitution of India, Law & Engineering

Code- KNC-501

Time- 3 Hrs

MM: 100

RollNo.....

Section-A

Q. 1. Attempt all questions.

(2x10= 20)

- i. What do you mean by Judicial Review?
- ii. Who are the Sole Traders? Any two disadvantage of it.
- iii. Note on Intellectual Property & law.
- iv. Explain Preamble of constitution.
- v. Explain Arbitration and its types.
- vi. Any two advantages & disadvantages of E-Governance.
- vii) What is Lokpal? Who is the current chairperson of it?
- viii) Explain infringement of copyright.
- ix) What are the sources of law?
- x) Define the terms- Secure Electronic Records, Patent.

Section- B

Q.2. Attempt any three questions out of five.

(10x3=30)

- i. How is the Partnerships made? Mention its advantages & disadvantages.
- ii. Describe the role of IT professionals in E- Governance.
- iii. Give details of Right to Information Act, 2005.
- iv. Write in detail about District Court with its powers & functions.
- v. What do you know about Joint Stock Company? Mention its features, advantages & disadvantages.

Section- C

Q.3. Attempt any five questions out of nine. Question no. 1 is compulsory.

(10x5= 50)

- i. Describe any five salient features of Indian Constitution.
- ii. What is Audit? Explain the types of audit.
- iii. Write the branches of Judiciary in India. Explain the independence of Judiciary.
- iv. Explain Information Technology Act with its objectives & disadvantages.
- v. Describe Independence act of 1947 or act of 1935 with its features & results
- vi) What is meeting? Explain its types.
- vii) Discuss the powers & functions of the Prime Minister of India.
- viii) Show the difference between Indian & American president on basis of Election, Impeachment & Terms.
- ix) Explain the powers and functions of the Chief Minister. Who is the real head of state?
- x) Define the term Constitution. Describe the functions of constitution.



Constitution of India, Law and Engineering (KNC-501)

Module I--

Introduction and Basic Information about Indian Constitution:

- Meaning of the constitution law and constitutionalism,
 - Historical Background of the Constituent Assembly,
 - Government of India Act of 1935 and Indian Independence Act of 1947,
 - Enforcement of the Constitution,
 - Indian Constitution and its Salient Features,
 - The Preamble of the Constitution,
 - Fundamental Rights, Fundamental Duties, Directive Principles of State Policy,
 - Parliamentary System, Federal System, Centre-State Relations,
 - Amendment of the Constitutional Powers and Procedure,
 - The historical perspectives of the constitutional amendments in India,
 - Emergency Provisions: National Emergency, President Rule, Financial Emergency,
 - Local Self Government –Constitutional Scheme in India.
-



Topic -1

Meaning of the constitution law and constitutionalism

Introduction- A constitution is a set of rules and principles specifying how a country should be governed, how power is distributed and controlled and what are rights. The Constitution became effective on 26 January 1950.

The Constitution of India is the supreme law of India.

India celebrates its constitution on 26 January as Republic Day.

It is the source of all powers of, and limitations on, the three organs of State, viz. the legislature, executive and judiciary.

Legislature-: Makes the law.

Executive-: Executes the law.

Judiciary-: Protects the law

i) Constitutional Law-

Constitutional law is a body of law which defines the role, powers, and structure of different entities within a state, namely, the executive, the parliament or legislature, and the judiciary; as well as the basic rights of citizens and, in federal countries the relationship between the central government and state, provincial, or territorial governments.

- **Federal-** Federal system, political power is decentralized and split between the national government and governmental subunits, such as states or provinces. United States, Germany, Australia etc.
- **Unitary-** A unitary system of government is a government where political power is centralized at the national level. Afghanistan, Bangla Desh, Iran, France etc

Constitutional law is based on the language of the Constitution, so matters like free speech, right to protest, abortion rights, racism and discrimination, and presidential powers are all constitutional law. Civil rights practice would be the clearest example to me.

Importance-:

It sets out where government powers end by guaranteeing individuals' specific rights and freedoms.

These rights help to assure the protection and promotion of human dignity, equality and liberty.

Constitutions may provide for the division of powers between the central government and the regions.

ii) Constitutionalism-

Constitutionalism is a compound of ideas, attitudes, and patterns of behavior for elaborating



the principle that the authority of government derives from and is limited by a body of fundamental law.

John Locke started Constitutionalism. He played a huge role in cementing the philosophy of constitutionalism. Locke was an English intellectual who helped develop the concept of social contract theory.

Constitutionalism in India- The concept of constitutionalism is that of a polity governed by or under a constitution that ordains essentially limited government and rule of law as opposed to arbitrary authoritarian or totalitarian rule. A Constitutional government, therefore, should necessarily be democratic government.



Topic -2

Historical Background of the Constituent Assembly

The idea of making the Constituent Assembly for framing the Constitution of India was devised by the Cabinet Mission Plan.

The Constituent Assembly was formed in 1946.

The Constituent Assembly of India was a sovereign body.

The Constituent Assembly met for the first time on 9 December 1946. The Constituent Assembly consisted of the elected representatives of various provinces who were eminent personalities in their own field.

- Temporary Chairman ----- Sachchidananda Sinha
- President ----- Dr. Rajendra Prasad
- Vice President ----- H. C. Mookerjee V. T. Krishnamachari
- Chairman of the Drafting Committee ----- B. R. Ambedkar

The design of the National Flag was adopted by the Constituent Assembly of India on 22 July 1947.



Topic-3

Government of India Act of 1935 and Indian Independence Act of 1947

i) Government of India Act of 1935- Provincial Autonomy

- The Government of India Act 1935 was an Act of the Parliament of the United Kingdom.
- It had 321 sections and 10 schedules.
- It set up Federation of India.
- It was the last constitution of British India which split Burma from it.
- It lasted until 1947, when British territory was split into Pakistan and India.

Features:-

- Abolition of provincial dyarchy act 1919.
- Introduction of dyarchy at center.
- Supremacy of British Parliament.
- Separation of Burma from India

Failure:-

- Indian National Congress never came for the accomplishment of the plan.

• ii) Indian Independence Act of 1947 (Mountbatten Plan)

- The Indian Independence Act was passed in 1947.
- It included the principles of partition, autonomy, sovereignty to both nations, right to make their own constitution.

➤ Features:-

- British India partitioned India.
- Into the two new independent dominions of India and Pakistan.
- Autonomy and sovereignty to both countries.
- Princely States were given the right to either join Pakistan or India
- Provinces can become a separate nation other than Pakistan or India.
- The date for the transfer of power was to be August 15, 1947.
- The British monarch would no longer use the title 'Emperor'



Result-:

- On the midnight of 14th and 15th August 1947, the dominions of Pakistan and India respectively came into existence.
 - Lord Mountbatten was appointed the first Governor-General of independent India.
 - M .A. Jinnah became the Governor-General of Pakistan.
 - The main purpose of the Mountbatten Plan was the partition of India and the speedy transfer of responsibility.
-



Topic- 4

Enforcement of the Constitution

- 26 January 1950: The Constitution Was Legally Enforced.
 - Passed by the Constituent Assembly on 26 November 1949, it came into effect on 26 January 1950.
 - The date 26 January was chosen to commemorate the declaration of Purna Swaraj (complete Independence) of 26 January 1930.
 - The day India was declared a republic with its Constitution coming into effect.
 - India is a Union of States.
 - It is a Sovereign Socialist Secular Democratic Republic with a parliamentary system of government.
-



Topic-5

Indian Constitution and its Salient Features

a) Written and Detailed Constitution-

- It was fully debated and discussed by the Constitution Assembly of India.
- It took the Assembly 2 years, 11 months and 18 days to write and enact the Constitution.
- It consists of 395 Articles divided into 22 Parts with 12 Schedules and 94 constitutional amendments.
- The US Constitution which has only 7 Articles
- The French Constitution with its 89 Articles.

b) Single Citizenship-

The Constitution of India provides for single citizenship to every individual in the country. No state in India can discriminate against an individual of another state.

c) India is a Democratic Socialist State-

- From the beginning India had the feature of democratic socialism.
- In 1976 that the Preamble was amended to include the term 'Socialism'.
- It is now regarded as a prime feature of the Indian state.
- India is committed to secure social, economic and political justice for its entire people by ending all forms of exploitation and by securing equitable distribution of income, resources and wealth. This is to be secured by peaceful, constitutional and democratic means.

d) India is a Secular State-

- There is no state religion of India.
- This makes it different from theocratic states like the Islamic Republic of Pakistan or other Islamic countries.
- Indian secularism guarantees equal freedom to all religions.
- The Constitution grants the Right to Religious Freedom to all the citizens.



e) **Fundamental Rights-**

- Under Part III Articles 12-35, the Constitution of India grants and guarantees 7 Fundamental Rights to its citizens.
- After the deletion of the Right to Property from the list of Fundamental Rights (44th Amendment Act 1979) now it is 6.

- i) Right to Equality
- ii) Right to Freedom –
- iii) Right Against Exploitation-
- iv) Right to Freedom of Religion-
- v) Cultural and Educational Rights-
- vi) Rights to Constitutional Remedies-

f) **Single Constitution for both Union and States-**

India has a single Constitution for the Union and all the States. Single Constitution empowers only the Parliament of India to make changes in the Constitution. It empowers the Parliament even to create a new state or abolish an existing state or alter its boundaries.

g) **Universal Adult Franchise-**

In India, every citizen who is above the age of 18 years has the right to vote without any discrimination on the grounds of caste, race, religion, sex, literacy etc.

h) **Federalism in India-**

The Constitution of India provides for the division of power between the Union and the State governments.

i) **Emergency Provisions-**

The President is empowered to take certain steps to tackle any extraordinary situation to maintain the sovereignty, security, unity, and integrity of the nation.

The states become totally subordinate to the Central Government when an emergency is imposed.

j) **Mixture of Federal and Unitary-**

India is a Union of States, the Constitution provides for a federal structure with a unitary spirit.

As Federal- A division of powers between the center and states, etc

As Unitary- Independent judiciary with the power to decide Union-State disputes, etc



Topic-6

The Preamble of the Constitution

It declares India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity of the individual, and unity and integrity of the nation.

The Preamble is the key to the constitution.



Topic-7

Fundamental Rights, Fundamental Duties

Directive Principles of State Policy

i) Fundamental Rights :-

The fundamental rights definition says that these are the basic human rights of all citizens, defined in Part III of the Constitution. These are applicable irrespective of race, place of birth, religion, caste, creed, or gender.

Following are some of the important rights of the citizens of India according to the Constitution.

- Right to Equality
- Right to freedom
- Right against exploitation
- Right to freedom of religion
- Cultural and Educational Rights
- Right to Constitutional Remedies

i) **Right to Equality**- It provides for Equality before Law, End of Discrimination, Equality of Opportunity and Abolition of untouchability and Abolition of Titles.

ii) **Right to Freedom** - Freedoms of speech and expression, freedom to form associations, freedom to assemble peaceably without arms, freedom to move freely in India, freedom of residence in any part, and freedom of adopting any profession or trade or occupation.

iii) **Right Against Exploitation**- It prohibits sale and purchase of human beings, forced labor (begaar) and employment of children in hazardous jobs and factories.

iv) **Right to Freedom of Religion**- This right involves the freedom of conscience, religion and worship.

Any person can follow any religion.

It gives to all religions freedom to establish and maintain their religious institutions.

The state cannot levy a tax for any religion and constitution prohibits the imparting of religious instructions in schools and colleges.

v) **Cultural and Educational Rights**- The Constitution guarantees the minorities to maintain and develop their languages and cultures.



It also confers upon them the right to establish, maintain and administer their educational institutions.

vi) Rights to Constitutional Remedies- It provides for the enforcement and protection of Fundamental Rights by the courts. It empowers the Supreme Court and High Courts to issue writs for the enforcement of these rights.

ii) Fundamental Duties :-

Fundamental Duties refers to the moral obligations of all citizens to help promote a spirit of patriotism. It is set to uphold the unity of India and concern the individuals and the nation. They are not enforced by the law. Rights and duties go hand in hand. One's right becomes a duty for others.

- To support the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
- To cherish and follow the noble ideals which inspired our national struggle for freedom.
- To uphold and protect the sovereignty, unity, and integrity of India.
- To defend the country and render national service for the nation's security when called upon to do so.
- To value and preserve the rich heritage of our composite culture.
- To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures.
- To develop the scientific temper, humanism and the spirit of inquiry and reform.

(Any other point also)



iii) Directive Principles of States Policy (Part 4 of Constitution)

Directive Principles of State Policy are some instructions to the State for achieving socio-economic development.

Directive Principles of State Policy are not enforceable in the courts and no one can go near the court for its proper implementation.

Directive Principles of State Policy are positive in nature.

The Directive Principles of State Policy is contained in Part IV of the Constitution.

Purpose-: Directive Principles of State Policy aim to -:

To create social and economic conditions under which the citizens can lead a good life.

To establish social and economic democracy through a welfare state.

Principles-:

Social, Political and Economic Justice.

Welfare Government.

Securing just and humane work and maternity relief.

Workers' participation in management.

Infant and Child Care.

Environment & Wildlife Protection.

Promotion of International Peace & Security.

Organization of Panchayat, Etc. (Any other points)



Topic – 8

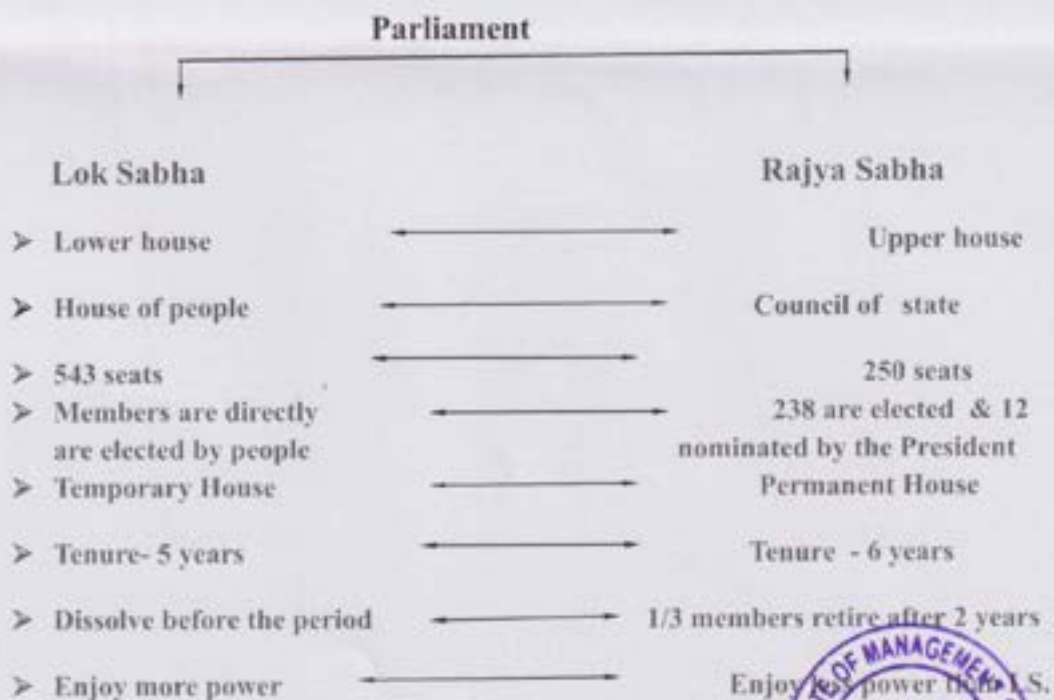
Parliamentary System, Federal System, Centre-State Relations

i) Parliamentary System:-

Parliamentary system is a democratic form of government in which the party or a coalition (union/ organization of parties) with the greatest representation in the parliament (legislature) forms the government.

Its leader becomes the prime minister or chancellor.

It has two houses:-

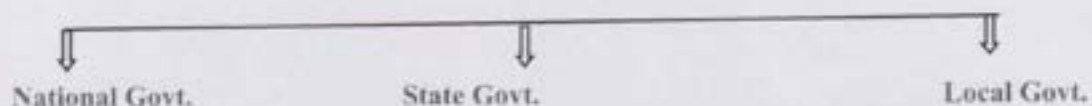


Features of Parliamentary System:-

- i) Close Relationship between the Legislature and the Executive
- ii) Nominal and Real Executive
- iii) Prime Minister as the real executive
- iv) Direct election by popular vote
- v) Responsibility of the Executive to the Legislature
- vi) Collective Responsibility

ii) Federal System

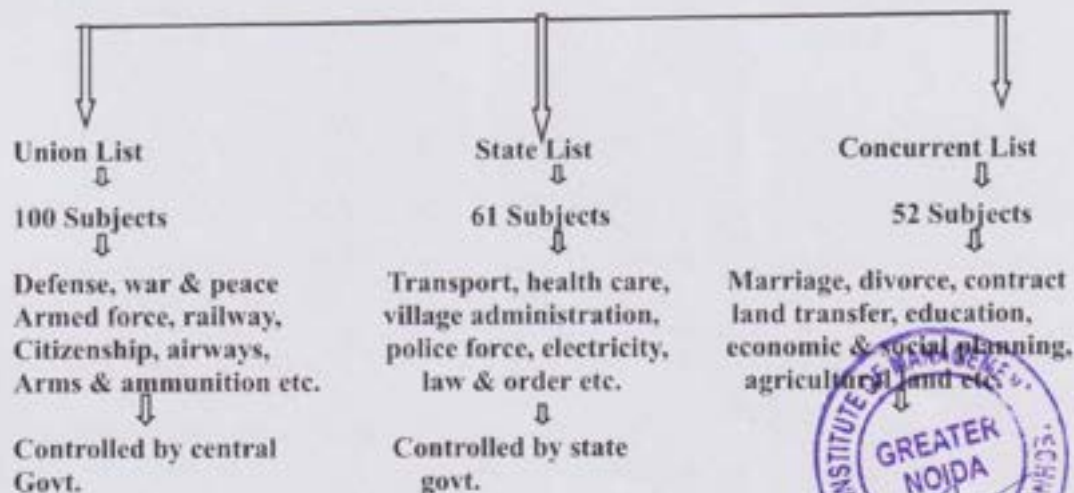
A federal system of government is one that divides the powers of government between the national government and state and local governments



Features:-

- Powers and functions of each tier of government are specified and guaranteed by the Constitution.
- The Supreme Court has been given power to settle disputes between state governments.

The division of powers are defined by the constitution and the legislative powers are divided into three lists:-



iii) Centre State Relations

Articles 245 to 255 in Part XI of the Constitution deal with the legislative relations between the Centre and the State.

- Extent of laws made by Parliament and by the Legislatures of States.
- Parliament can make laws for the whole or any part of the territory of India.

The center-state relations are divided into three parts, which are mentioned below:

i) Legislative Relations (Article 245-255)

- Distribution of legislative subjects
- Power of parliament to legislate with respect to a matter in the State List.
- Centre's control state legislation

ii) Administrative Relations (Article 256-263)

- During the Emergency all the executive functions of the state came under the control of the union government.
- The parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.

iii) Financial Relations (Article 268-293)

- Allocation of taxing powers.
- The state legislatures have exclusive power to levy taxes on the subjects mentioned in the State List.



Topic-9

Amendment of the Constitutional Powers and Procedure

i) Amendment of the Constitutional Powers

A constitutional amendment is a modification of the constitution of a polity, organization or other type of entity. Amendments are often interwoven into the relevant sections of an existing constitution, directly altering the text.

The simple meaning of amendment is a simple extension of the terms of a contract.

ii) Procedure for Amendment

The procedure of amendment in the constitution is laid down in Part XX (Article 368) of the Constitution of India. This procedure ensures the sanctity (purity) of the Constitution of India and keeps a check on arbitrary power of the Parliament of India.

- A constitution amendment bill can be introduced in any house of the parliament.
- A bill for the purpose of amendment of constitution cannot be introduced in any state legislature.
- The Ordinance making power of the President cannot be used to amend the Constitution.



Topic-10

The historical perspectives of the constitutional amendments in India

- Voting age reduced from 21 to 18 (1989)
 - Right to Property deleted from the list of fundamental rights (1978)
 - The mini-constitution (42nd amendment) introduced Socialism and Secularism in the preamble, a provision on fundamental (1976)
 - Introduction of Nagarpalikas and Municipalities (1993)
 - Free and compulsory education to children between 6 to 14 years (2002)
 - Introduction of the Goods and Services Tax (GST), to present the idea of One Nation, One Tax (2016)
-



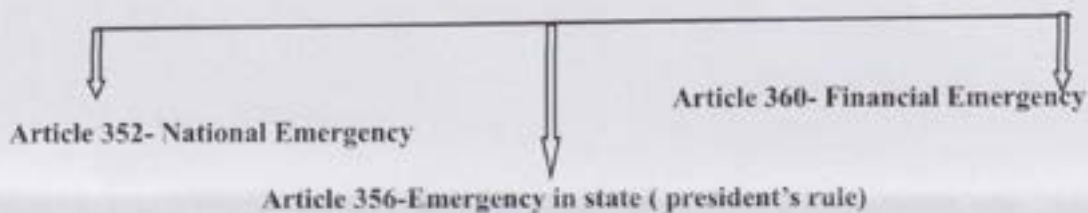
Topic-11

Emergency Provisions: National Emergency, President Rule & Financial Emergency

Emergency-

An emergency is a situation which arises due to the failure of the government machinery which causes or demands immediate action from the authority.

The Indian Constitution gives President the authority to declare three types of emergencies:-



i) National Emergency-(Article 352) –

National Emergency is declared in following situation-

- **War-** When a country declares a formal war against India and there is a violent struggle using armed forces, the President of India may impose National emergency.
- **External Aggression-** When a country attacks another country without any formal declaration of war. It is a unilateral attack by any country towards India.
- **Armed Rebellion-** The President of India may impose a National emergency. When a group of people rebel against the present government which will lead to the destruction of lives and property.
- National emergency was declared in India in
 - a) 1962 war (China war),



- b) 1971 war (Pakistan war), and
- c) 1975 internal disturbance (declared by Indira Gandhi).

ii) Emergency in State / President Rule (Article 356) -

Governor of the state is satisfied that the State is not functioning in accordance with the Constitutional provisions then he may write his report to the President of India.

The President, if satisfied by the report, may impose the President's rule. After that, the President becomes the executive head of the state.

Emergency in State/ President Rule declared in India

a) Arunachal Pradesh- The north-eastern state witnessed 26 days of President's Rule in 2016.

b) Maharashtra: The state's tryst with the Central Rule in 2014 lasted 33 days.

iii) Financial Emergency- (Article- 360)-

If the country leads to a financial crisis in India in this situation, a, the President of India may impose emergency to tackle the situation.

The Central Authority may reduce the budget or cut the budget given to the State, salaries of the Government officials may be deducted.

Financial Emergency in India-

The economic situation was much worse in 1991, but a financial emergency was not imposed.



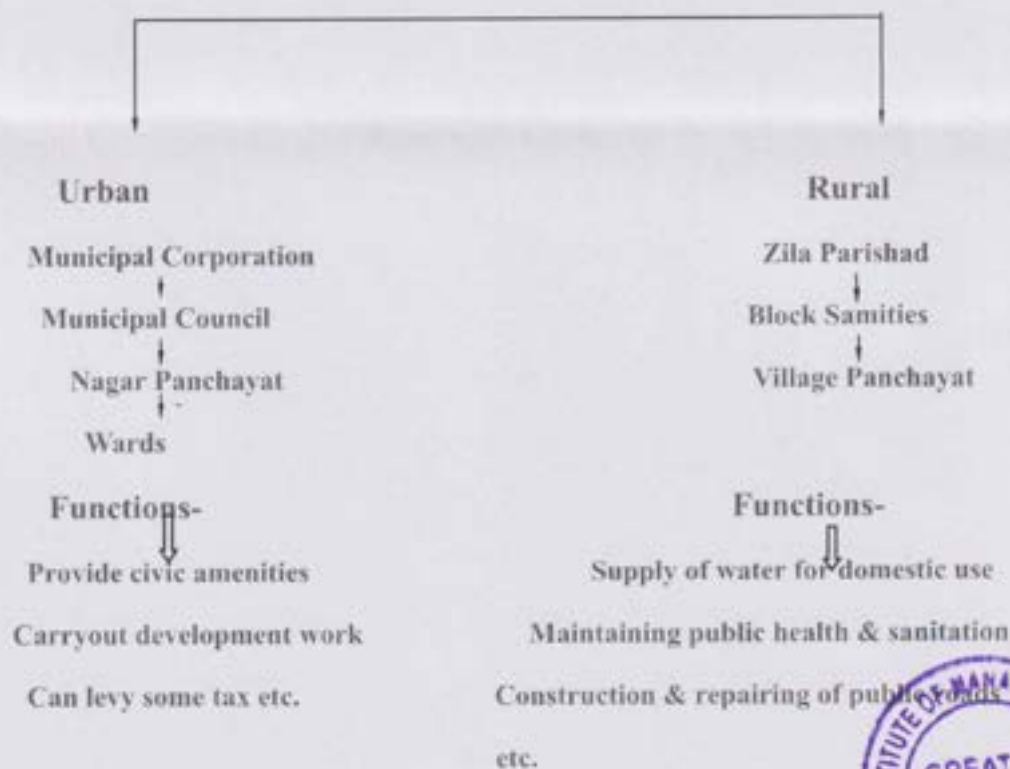
Topic- 12

Local Self Government –Constitutional Scheme in India.

Local Self Governments are those bodies that look after the administration of an area or a small community such as a village, a town or a city. Local Self-Government operates at the lowest level of society.

The organization and position of local self-government in the public administration of a country largely depends on the scope and extent of the rights local governments have in order to manage local affairs.

Local Self Government



Constitutional Scheme in India The Constitution of India visualizes Panchayat as institutions of self-governance. However, giving due consideration to the federal structure of India's polity, most of the financial powers and authorities to be endowed on Panchayat have been left at the discretion of concerned state legislatures.



Constitution of India, Law & Engineering (KNC-501)

Module - 2

Union Executive and State Executive:-

- i) Powers of Indian Parliament Functions of Rajya Sabha, Functions of Lok Sabha.**
 - ii) Powers and Functions of the President, Comparison of powers of Indian President with the United States.**
 - iii) Powers and Functions of the Prime Minister.**
 - iv) Judiciary – The Independence of the Supreme Court, Appointment of Judges, Judicial Review, Public Interest Litigation, Judicial Activism.**
 - v) LokPal, Lok Ayukta, The Lokpal and Lokayuktas Act 2013**
 - vi) State Executives – Powers and Functions of the Governor, Powers and Functions of the Chief Minister, Functions of State**
 - vii) Cabinet, Functions of State Legislature,**
 - viii) Functions of High Court and Subordinate Courts.**
-



Topic- 1

Powers of Indian Parliament Functions of Rajya Sabha

Functions of Lok Sabha :-

There are two types of Bills- i) Ordinary Bill ii) Money Bill

i) Rajya Sabha :- Powers & Function-

a) Legislative Powers-

- In ordinary law-making (ordinary bill) the Rajya Sabha enjoys equal powers with the Lok Sabha.
- An ordinary bill can be introduced in the Rajya Sabha and it cannot become a law unless passed by it.

b) Financial Powers-

- In this field the Rajya Sabha is a weak House. A money bill cannot be introduced in the Rajya Sabha.
- A money bill passed by the Lok Sabha comes before the Rajya Sabha for its consideration.
- If within a period of 14 days, the Rajya Sabha fails to pass the bill, the bill is taken to have been passed by the Parliament.
- If the Rajya Sabha proposes some amendments and the bill is returned to the Lok Sabha, it depends upon the Lok Sabha to accept or reject the proposed amendments.

c) Executive Powers-

- The Union Council of Ministers is collectively responsible before the Lok Sabha and not the Rajya Sabha
- Lok Sabha alone can cause the fall of the Council of Ministers by passing a vote of no-confidence.

d) Amendment Powers-

- Rajya Sabha & Lok Sabha can together amend the constitution by passing the bill by 2/3 majority in each house.



ii) Lok Sabha

a) Legislative Function-

- The primary function of Parliament is a law making function.
- It can pass bills concerning all those subjects which have been included in the Union and Concurrent list.
- No bill can become law unless it has been passed by the Lok Sabha.
- In case of any disagreement between the two Houses, the will of Lok Sabha will prevail in joint sitting with the Rajya Sabha because Lok Sabha has more members than Rajya Sabha.

Financial Power-

- The power of control over the finances by the Lok Sabha is powerful.
- The money bill has to be introduced in the Lok Sabha first.
- When passed by the Lok Sabha it is to be transmitted to Rajya Sabha for the recommendation.
- It is upon the Lok Sabha to accept or not to accept the recommendations.
- The Lok Sabha alone has the exclusive power of sanctioning all government expenditures.

b) Executive Control-

- Article 75(3) of the Constitution provides that ' Council of Ministers is collectively responsible to the Lok Sabha.
- Thus, the Government is accountable to the Lok Sabha for its acts.
- It is only the Lok Sabha which can pass a no-confidence vote against the Council of Ministers and force them to resign.

c) Electoral Function-

- The Lok Sabha members are part of the Electoral College for the election of President
- The members of Lok Sabha also elect the Vice-President.
- It elects the Speaker and Deputy Speaker.



Topic-2

Powers and Functions of the President,

Comparison of powers of Indian President with the United States

i) Powers and Functions of the President :-

The primary duty of the president is to preserve, protect and defend the constitution and the law of India per Article 60.

I) LEGISLATIVE POWERS-

- The President addresses the Sessions of the Parliament.
- The President has the power to address either House of Parliament at any time.
- He can send messages to either House of the Parliament.
- He summons and prorogues the Houses.
- He can dissolve the Lok Sabha and order fresh elections.
- He nominated 12 members to the Rajya Sabha.
- No Bill can become a law without the assent and the signature of the President.
- Under Article 123, the President can promulgate an Ordinance

II) EXECUTIVE POWERS-

- Head of the Union Administration:- All executive orders are issued in the name of the President.
- Appointments of officials of the State:-
 - a) The President makes appointments to the key posts to run the government's administration.
 - b) He appoints the Prime Minister and the Council of Ministers
 - c) The Chief Justice and the Judges of Supreme Court and the High Courts, the Governors of the States, Attorney General of India, Comptroller and Auditor General Chairman and members of the UPSC, Chairman and members of the Planning Commission.

III) FINANCIAL POWERS-

- No money bill can be introduced in the Parliament without the assent of the President.
- The "Annual" Budget of the Central Government is presented before the Lok Sabha by the Union Finance Minister only with the permission of the President.
- The Contingency Fund of India is at the disposal of the President.
- He can make advances out of it to meet unforeseen expenditure before the same is approved by the Parliament.



IV) JUDICIAL POWERS-

- The President is not answerable to any court of law for the exercise of his powers.
- He can pardon or remit or suspend a sentence of punishment given by the court martial or a sentence of death passed by a court.

V) DIPLOMATIC POWERS-

- India is represented on the International forum by the President of India.
- He sends and receives ambassadors.
- All international treaties and agreements are concluded on behalf of the President subject to ratification by the parliament.

vi) Emergency Powers-

a) The President of India may issue a Proclamation of National Emergency when the security of India or any part thereof is threatened by war, armed rebellion or external aggression.

b) Failure of State Constitutional Machinery.

c) The President may also issue a Proclamation of Financial if he is satisfied that the financial stability of India is threatened. This type of emergency may continue to remain in force for an indefinite period.



Comparison of powers of Indian President with the United States

a) Election :-

- The US president is more or less directly elected.
- The Indian president is indirectly elected.
-

b) Position :-

- The US President is both the Head of the State and Head of the Government. He is the real head of the nation.
- The Indian president is only the head of the State. The Indian President is the ornamental head of the nation.

c) Terms :-

- American President holds the office for 4 years and he can seek re-election only once.
- The Indian president holds the office for 5 years and is eligible for re-election any number of times.

d) Legislative Powers :-

- The US president is not part of any legislature and is not responsible to the legislatures.
- In India, the Parliament includes the President and the two houses- Lok Sabha and Rajya Sabha.

e) Impeachment for Removal :-

- The American and Indian Presidents can only be removed from the office through impeachment.
- In India either house can initiate impeachment proceedings against the president and with the concurrence of the other house can impeach the President.

f) Emergency Powers :-

- Indian President enjoys more power than the American President



Topic -3

Powers and Functions of the Prime Minister

The President appoints the Prime Minister. But the President cannot appoint anyone he likes. He appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha, as Prime Minister.

Powers & Functions :-

- He chairs Cabinet meetings and coordinates the work of different Departments.
- He is the leader of Country:
- The Prime Minister of India is the Chief Head of the Government of India.
- The Prime Minister has the authority to assign respective portfolios to the Ministers.
- The Prime Minister acts as the link and bond between the President and cabinet.
- His decisions are final in case disagreements arise between Departments.
- He exercises general supervision of different ministries.
- All ministers work under his leadership.
- The Prime Minister distributes and redistributes work to the ministers.
- He also has the power to dismiss ministers.
- When the Prime Minister quits, the entire ministry quits.
- The Prime Minister is the head of many organizations and programs like the Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet, Department.
- Thus, the Prime Minister is the most powerful person within the Cabinet.



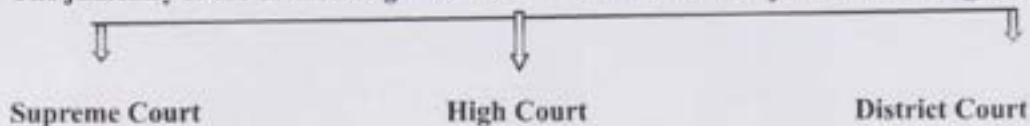
Topic-4

Judiciary

The Independence of the Supreme Court, Appointment of Judges, Judicial Review, Public Interest Litigation, Judicial Activism.

Judiciary

The judiciary is the branch of government which administers justice according to law.



i) The Independence of the Supreme Court

- The Supreme Court is a Federal court, the highest court of appeal.
 - SC is the guarantor of the fundamental rights of the citizens and guardian of the Constitution.
 - Its independence becomes very essential for the effective discharge of the duties.
 - The Constitution seeks to ensure the independence of Supreme Court judges in various ways.
 - The state shall take steps to separate the judiciary from the executive.
- Independence of the judiciary.**
- The judiciary can safeguard people's rights and freedoms which ensure equal protection for all.

ii) Appointment of Judges

Judges of the Supreme Court

The Chief Justice of India and the Judges of the Supreme Court are appointed by the President.

- Appointment to the office of the Chief Justice of India should be of the senior most Judge of the Supreme Court considered fit to hold the office.

Judges of the High Court

- The Chief Justice of a High Court is appointed by the President with the consultation of the Chief Justice of the Supreme Court and the Governor of the State.



- The other judges are appointed by the will of President, Governor and the Chief Justice of High Court.

Judges of the District Court

- Appointments of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

iii) Judicial Review, Public Interest Litigation, Judicial Activism.

a) Judicial Review :-

Judicial review is a process under which executive or legislative actions are subject to review by the judiciary.

- The judiciary in India has come to control by judicial review every aspect of governmental and public functions.

b) Public Interest Litigation (जनहित याचिका) :-

- Public interest litigation refers to litigation undertaken to secure public interest and demonstrates the availability of justice to socially-disadvantaged parties and was introduced by Justice P. N. Bhagwati.
- It is a relaxation of the traditional rule of locus standi.

Rule of locus standi- (Right to interfere) a person could seek direction of India only in case infringement of their legal right by either the Government or any other public body charged with statutory duties and any public. Such legal rights must either be personal or individual.

c) Judicial Activism:-

- The Supreme Court of India is the highest judicial forum and the final court of appeal of India.
- It was established under the Constitution of India, according to which the Supreme Court is the highest constitutional court and acts as the guardian of the Constitution.
- India has an integrated and yet independent judiciary.
- Founded: 28 January 1950
- Authorized by: Constitution of India
- Motto: यतो धर्मस्ततो जयः || whence law (dharma), thence victory.
- Judge term length: 65 years of age
- The active role of the Indian judiciary, particularly that of the Supreme Court, has been appreciated both within and outside India.



Topic-5

LokPal, Lok Ayukta, the Lokpal and LokAyuktas Act 2013

i) LokPal :-

- A Lokpal is an anti-corruption authority or body of ombudsman who represents the public interest in the Republic of India.
- The current Chairperson of Lokpal is Pinaki Chandra Ghose.
- Term - five years
- It includes the Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of the Central Government.
- Maharashtra was the first state to introduce the institution of Lokayukta.

ii) Lok Ayukta:-

- The Lokayukta (civil commissioner) is an anti-corruption ombudsman organization in the Indian states.
- Lokayukta can not be dismissed nor transferred by the government and can only be removed by passing an impeachment motion by the state assembly.
- Virendra Singh (Lokayukta) (UP) was the first Lokayukta of India appointed by the Supreme Court of India on 16 December 2015.

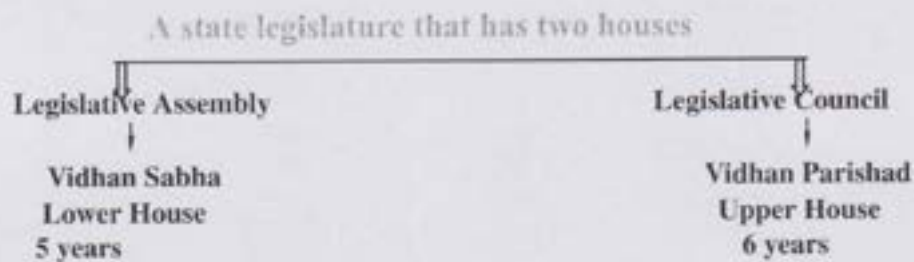
iii) Lok ayuktas Act 2013

- The Lokpal and Lokayukta Act, 2013, commonly known as The Lokpal Act.
- It is an anti-corruption Act of Indian Parliament in India.
- It seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain important public functionaries including the Prime Minister.
- 1 January 2014
- Signed by: Pranab Mukherjee
- Commenced: 16 January 2014



Topic- 6

State Executives – Powers and Functions of the Governor, Powers and Functions of the Chief Minister, Functions of State



- State Executive consists of Governor and Council of Ministers with Chief Minister as its head.
- The Governor of a State is appointed by the President for a term of five year.
- He holds office during his pleasure.
- Governor is only nominal head and council of ministers is the real executive
- No person shall be eligible to be appointed as Governor unless he is citizen of India.
- He should have completed the age of 35 years.

i) Power & Functions of the Governor:-

- It refers to those powers which are exercised by the council of ministers in the name of Governor.
- The following posts are appointed by the Governor and hold office during his term: Chief Minister of the state, other ministers of the state on the advice of Chief Minister, Advocate General.
- He can recommend the imposition of constitutional emergency in a state to the President.
- Governor is the nominal head and the council of ministers is the real executive.
- The Governor also cannot send money bills back for reconsideration.
- He has the power to summon, prorogue the state legislature and can also dissolve the legislative assembly when it loses the confidence.
- He can address either or both the houses.
- The bill passed by the state legislature requires his assent.



- No money bill can be introduced in the Legislative Assembly of the state except on the Governor's recommendation.
- No demand for a grant can be made except on the recommendation of the Governor.
- Governor is to see the annual financial statement.

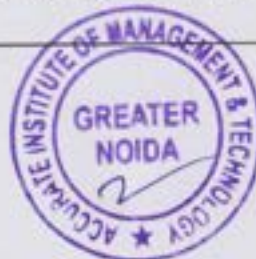
ii) Powers and Functions of the Chief Minister, Functions of State

Powers and Functions of the Chief Minister :-

The party with the majority in the Legislative Assembly (Vidhan Sabha) is entitled to form the government.

The Chief Minister is appointed by the governor.

- The Chief Minister is the link between the Cabinet and the Governor.
- He communicates to the Governor all decisions of the Council of Ministers.
- The Ministers are appointed by the Governor on the advice of the Chief Minister.
- The Chief Minister has a position which enables him to impose his decision.
- It is he who controls the agenda for the Cabinet meetings.
- The Chief Minister is the leader of the State Legislative Assembly.
- The Chief Minister is the leader of the State Legislative Assembly.
- All principal announcements of policy are made by him.
- The Chief Minister intervenes in debates of general importance.



Topic-7

Cabinet, Functions of State Legislature

i) Cabinet :-

- Supports collective government, helping to ensure the effective development, coordination and implementation of policy.
- Provides support for elections, the formation of Government, and transitions between administrations to the Governor-General and the Prime Minister.

ii) Functions of State Legislature :-

- The State Legislature keeps checks on the government by asking questions and supplementary questions, moving adjournment motions and calling attention notices.
- The elected members of the Legislative Assembly are members of the Electoral College for the election of the President of India.
- They perform a lawmaking function by researching, writing, and passing legislation.
- Members represent their districts and work to meet requests for help from citizens within it.
- The State Legislature can make laws on the subjects of the State List and the Concurrent List.
- It can enact any bill on any subject of the State List, which becomes an Act with the signatures of the Governor.



Topic-8

Functions of High Court and Subordinate Courts

i) Functions of High Court :-

High Courts are the highest courts in a state.

The high courts of India are the principal civil courts of original jurisdiction in each state and union territory.

Judges in a high court are appointed by the President of India in consultation with the Chief Justice of India and the governor of the state.

High courts are headed by a chief justice.

Functions-:

- The high courts of India are the principal civil courts of original jurisdiction in each state and union territory
- A high court exercises its original civil and criminal jurisdiction only if the subordinate courts are not authorized by law to try such matters for lack of pecuniary, territorial jurisdiction.
- They are empowered to issue writs in order to enforce fundamental rights.
- In civil cases an appeal can be made to the High Court against a district court's decision.
- Election petitions can be heard by the High Courts.
- In criminal cases it extends to cases decided by Sessions and Additional Sessions Judges.
- High Courts are also Courts of Record.
- High Courts have the power of judicial review.



ii) Functions of Subordinate Courts :-

The District Court administers justice in India at a district level.

These courts are under administrative control of the High Court of the State to which the district concerned.

The subordinate judiciary is headed by a District and Sessions Judge, in every district..

The Judge of the District Court should have been an advocate or pleader for 7 years.

He should be recommended by the high court.

Functions:-

- **The decisions of the District court are subject to the appellate jurisdiction of the High court.**
- **They deal with civil and criminal cases in accordance with their respective jurisdictions.**
- **The District Judge is the representative of the High Court in the District.**
- **He administers work distribution in the Subordinate Courts in the District.**
- **It empowers the appropriate Legislature to regulate the recruitment and conditions of service of persons appointed to public services and post in connection with the affairs of the Union or of any State.**

a) Criminal Court - the government files a case against someone for committing a crime. Ex- murder, assault, theft and drunken driving.

b) Civil Court- One person files a case against another person because of a dispute or problem between them. Ex- money, debt, property, housing, an injury etc.



Module 3- Constitution of India, Law & Engineering (KNC-501)

Introduction and Basic Information about Legal System

- The Legal System- Sources of Law and the Court Structure
 - Enacted law -Acts of Parliament are of primary legislation, Common Law or Case law, Principles taken from decisions of judges constitute binding legal rules.
 - The Court System in India and Foreign Courtiers- (District Court, District Consumer Forum, Tribunals, High Courts, Supreme Court).
 - Arbitration -As an alternative to resolving disputes in the normal courts, parties who are in dispute can agree that this will instead be referred to arbitration.
 - Contract law, Tort, Law at workplace.
-



Topic – 1

i) The Legal System- Sources of Law and the Court Structure :-

India has a common law legal system whose infrastructure bears the influence of British colonial rule.

The constitution is based on the Government of India Act 1935 passed by British Parliament.

The Indian constitution is a federal Union of 28 States, 6 union territories and 1 national capital territory.



b) Sources of Law

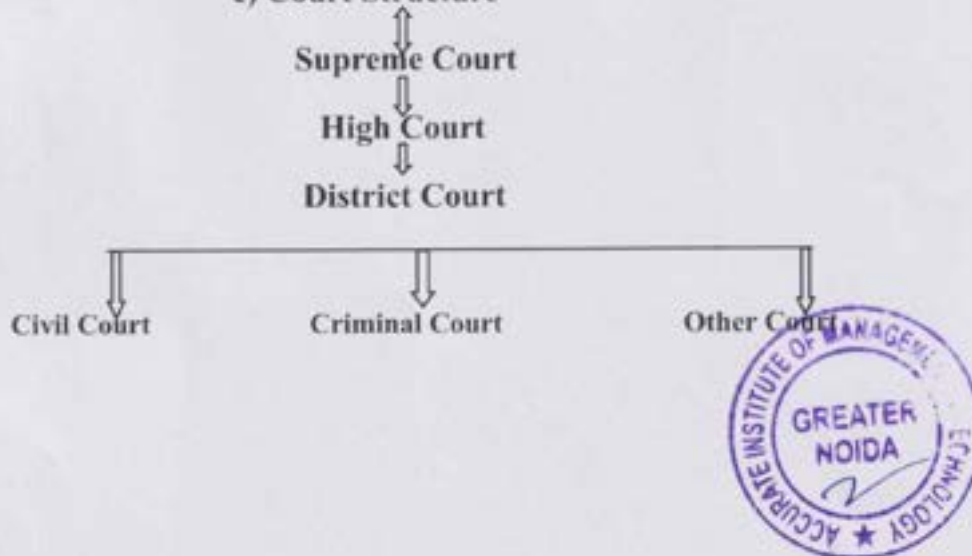
Primary Source

- Constitution
- Statutes- Legislation by Parliament, State & Union Territory Legislature
- Case Law or Court Decision
- Customary Law- Private International Law, Domestic Customary Law.

◆ Secondary Source

- Books, Treaties & Commentaries
- Journals, Year Book & Law Review
- Dictionaries, Lexicon & Encyclopedias
- Parliamentary Debates
- Court Submission
- Database
- Organization, People & Social Group Legislative Digest
- Cases Law Digest & Indexes
- Case Citators
- Equivalence Tables
- Web Based Tools

c) Court Structure



Topic- 2

- i) Enacted law -Acts of Parliament are of primary legislation.
- ii) Common Law or Case law.
- iii) Principles taken from decisions of judges constitute binding legal rules.

a) Enacted law

When a government or authority enacts a proposal, they make it into a law.

b) Acts of Parliament are of primary legislation

Acts of parliament, sometimes referred to as primary legislation, are texts of law passed by the legislative body of a jurisdiction.

In parliamentary systems and presidential systems of government, primary legislation and secondary legislation, the latter also called delegated legislation or subordinate legislation.

List of Acts of Parliament

- THE LOKPAL AND LOKAYUKTAS ACT- 2013
- THE STREET VENDORS (PROTECTION OF LIVELIHOOD AND REGULATION OF STREET VENDING) ACT, 2014
- THE INSTITUTES OF TECHNOLOGY (AMENDMENT) ACT-2017
- THE UNION TERRITORY GOODS AND SERVICES TAX ACT, (AMENDMENT) 2018
- THE TAXATION LAWS (AMENDMENT) ACT, 2019
- THE DIRECT TAX VIVAD SE VISHWAS ACT, 2020. Etc



c) Common Law or Case Law

- Common law, also known as case law, is a body of unwritten laws based on legal precedents established by the courts.
- Common law draws from institutionalized opinions and interpretations from judicial authorities and public juries.
- Common laws sometimes prove the inspiration for new legislation to be enacted.
- Common law is the body of law derived from judicial decisions of courts and similar tribunals.

d) Principles taken from decisions of judges constitute binding legal rules

- The decisions or orders of higher authorities are binding on the lower authorities.
- For example, the judgment of Supreme Court is binding on all High Courts, lower courts.
- The judgment of High Court is binding all lower courts.
- A decision of one High Court is not a binding precedence upon another High Court.
- The Supreme Court shall be binding on all Courts within the territory of India.



Topic-3

The Court System in India and Foreign Courtiers

- i) District Court, District Consumer Forum, Tribunals
- ii) High Courts Supreme Court

i) The Court System in India and Foreign Courtiers

If parliament has made any legislation which is in conflict with the international law, then Indian courts are bound to give effect to the Indian law, rather than international law. The fundamental rights of citizens of India under the Constitution of India are based entirely on the U.S. Bill of Rights.

a) District Court

The District Courts of India are the local district courts of the State governments in India for every district or for one or more districts together taking into account the number of cases, population distribution in the district.

These Courts administer justice in India at a district level.

The highest court in each district is that of the District and Sessions Judge.

Functions-

- A particular District Court shall be controlled by the High Court of the State of which the district is a part.
- Such courts conduct Appellate and Original jurisdiction in all matters related to criminal and civil cases.
- District Courts render justice at the district level.
- These courts are under administrative control of the High Court of the State to which the district concerned belongs.
- The decisions of the District court are subject to the appellate jurisdiction of the High court.
- The district court is also a court of Sessions when it exercises its jurisdiction on criminal matters under the Code of Criminal procedure.
- The district court is presided over by one District Judge appointed by the state Governor with on the advice of state chief justice.

d) District Consumer Forum

The Consumer Protection Act, 1986 is one of the benevolent social legislation intended to protect the large body of consumers from exploitation.

A Consumer Disputes Redressal Forum to be known as the "District Forum" established by the State Government in each district.

This consumer court deals with complaints where the value of the goods or services and compensation, if any, claimed is less than twenty lakhs.



e) Tribunals

A tribunal, generally, is any person or institution with authority to judge, adjudicate on, or determine claims or disputes whether or not it is called a tribunal in its title.

For example, an advocate who appears before a court with a single judge could describe that judge as their tribunal.

f) High Courts Supreme Court

Notes already given in Module - 1.



Topic- 4

Arbitration:-

- i) As an alternative to resolving disputes in the normal courts
- ii) Parties who are in dispute can agree that this will instead be referred to arbitration

Arbitration is a form of alternative dispute resolution, is a way to resolve disputes outside the courts.

The dispute will be decided by one or more persons, which renders the 'arbitration award'. An arbitration award is legally binding on both sides and enforceable in the courts.

- i) As an alternative to resolving disputes in the normal courts (ADR)

(ADR) Alternative Dispute Resolution refers to any means of settling disputes outside of the courtroom.

ADR typically includes early neutral evaluation, negotiation, conciliation, mediation, and arbitration.

Mediation is also an informal alternative to litigation.

❖ Forms of ADR

- Negotiation: - Negotiation is a method by which people settle differences.
- ADR, negotiation is a process whereby the parties and their legal advisors seek to resolve the dispute by reaching an agreement either through written correspondence or a meeting between all concerned.
- Mediation: - Mediation is a procedure in which the parties discuss their disputes with the assistance of a trained impartial third person(s) who assists them in dispute.
- ADR, mediation is now recognized as one of the quickest and most cost-effective ways of resolving a dispute.
- Arbitration: - Arbitration, a form of alternative dispute resolution, is a way to resolve disputes outside the courts.
- ADR, arbitration is a mechanism because it allows the parties to resolve their dispute outside of State courts, i.e., without litigation.

❖ Benefits

- It is generally faster and less expensive than going to court.
- When used appropriately, ADR can: save a lot of time by allowing resolution in weeks or months, compared to court, which can take years.
- It saves a lot of money, including fees for lawyers and work time lost.



ii) Parties who are in dispute can agree that this will instead be referred to Arbitration :-

If a dispute arises, parties agree that instead of approaching court, they will refer the dispute to arbitration.

Arbitration in India is governed by the provisions of the Arbitration & Conciliation Act, 1996.

- If there is no express arbitration agreement between the parties as regards to reference of disputes for arbitration, the court cannot refer the parties to arbitration unless there's a written consent by parties by way of joint application or a joint memo or a joint affidavit.
- In the absence of an arbitration agreement between the parties, a written consent of parties by way of joint memo or joint application is necessary for the court to refer the parties to arbitration.
- Oral consent given by the counsel of the parties is not sufficient for the reference of the parties to arbitration.



Topic 5

- i) Contract law
 - ii) Tort
 - iii) Law at workplace
- Contract Law**

Contract

An agreement between two private parties that creates mutual legal obligations.

A contract can be either oral or written.

Oral contracts are more challenging to enforce and should be avoided, if possible.

Contract Law-

Contract law is fascinating as most people will have unknowingly formed a legally binding contract at some point in their life.

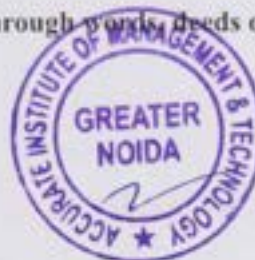
Contract law is a form of civil law.

Contract law aims to provide an effective legal framework for contracting parties to resolve their disputes and regulate their contractual obligations.

- ❖ A contract is an agreement that is enforceable by law.
- ❖ A promise or a number of promises that are not contradicting and are accepted by the parties involved is an agreement.
- ❖ A contract is only legally enforceable.
- ❖ It may or may not be enforceable by the law.
- ❖ A contract has to create some legal obligation.

Elements: -

- **Offer** - One of the parties made a promise to do or refrain from doing some specified action in the future.
- **Mutuality**- This means the parties understood and agreed to the basic substance and terms of the contract.
- **Consideration**- Something of value was promised in exchange for the specified action or no action.
- **Lawful Object**- It is a valid contract. The basic rule is that courts will not enforce an illegal bargain.
- **Acceptance** - It may be expressed through words, deeds or performance as called for in the contract.



- **Competence-** A natural person who enters a contract possesses complete legal capacity to be held liable for the duties he or she agrees to undertake, unless the person is a minor, mentally incapacitated, or intoxicated.
- **Meeting of Mind-** The meeting of the minds in contract law refers to the moment when both parties have recognized the contract and both agreed to enter into its obligations.

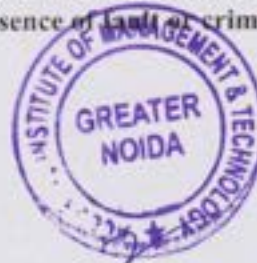
ii) Tort (To walk fast or run) Tort- (To harm)

- ❖ A tort is simply a civil wrong.
- ❖ There are three general types of torts that may cause injury to another person.
- ❖ In civil law, torts are grounds for lawsuits to compensate a grieving party for any damages or injuries suffered.

Ex. A car accident where one driver hurts another driver because he or she was not paying attention might be a tort. If a person is hurt by someone else, he or she can sue in court.

Types: -

- ❖ **Intentional Tort** - An intentional tort is a deliberate action against a person or property that causes damage.
- ❖ **Negligence Tort** - A negligence tort is when the same action was the result of an accident. In a nutshell, the law can hold someone liable for injuries whether the person responsible intended to cause harm or not.
- ❖ **Strict liability Tort-** In criminal and civil law, strict liability is a standard of liability under which a person is legally responsible for the consequences flowing from an activity even in the absence of ~~fault~~ criminal intent on the part of the defendant.



Legal Remedies for Torts: -

- ❖ These are monetary payments made by the defendant for the purpose of compensating the victim for their injuries, losses, and pain/suffering.
- ❖ These are calculated according to the victim's losses rather than the tortfeasor's gains.

iii) Law at workplace

Conflicts arise when people work more in numbers.

Any work place is divided into two compartments.

- ❖ Employer
- ❖ Employee

Conflict or dispute starts due to differences in objectives & thoughts.

Objective-

A primary objective of anti-discrimination law is the elimination of discrimination against persons in the workplace. Such discrimination may occur on the basis of race, sex, disability, age, or sexuality.

- ❖ Even after the full-fledged laws designed against discrimination, employers continue discriminating their employees on the basis of their race, religion, gender, age, nationality, disability, etc.
- ❖ Some employers openly fail to pay employees for the time they worked.
- ❖ Many times employees are deprived of the insurance of health and social security, etc.
- ❖ Sexual harassment is a serious issue in every country and against the equality of women in the workplace.
- ❖ Making an employee sit idle without any work, this becomes a reason of mental pressure and tension on a worker.



Law at work place

- ❖ Law at workplace are employee's expert partners in Employment Law, HR and Health and Safety.
- ❖ Employment laws were put in place to protect workers from wrongdoing by their employers.
- ❖ Without those statutes, workers would be vulnerable to a number of threats.

Laws to Protect Employees

- The Minimum Wage.
- Workplace Safety.
- Health Coverage.
- Social Security.
- Unemployment Benefits.
- Whistleblower Protections.
- Family Leave.
- Employment-Based Discrimination.
- Social Security & Social Insurance.



Module 4- Constitution of India, Law & Engineering (KNC-501)

Intellectual Property Laws and Regulation to Information

i) Intellectual Property Laws: -

- ❖ Introduction
- ❖ Legal Aspects of Patents
- ❖ Filing of Patent Applications
- ❖ Rights from Patents
- ❖ Infringement of Patents
- ❖ Copyright and its Ownership
- ❖ Infringement of Copyright

ii) Civil Remedies for Infringement, Regulation to Information

- ❖ Introduction
- ❖ Right to Information Act, 2005
- ❖ Information Technology Act, 2000
- ❖ Electronic Governance
- ❖ Secure Electronic Records and Digital Signatures
- ❖ Digital Signature Certificates
- ❖ Cyber Regulations Appellate Tribunal, Offences
- ❖ Limitations of the Information Technology Act.

i) Intellectual Property Laws

a) Introduction

Intellectual Property means something produced by mind, of which the ownership or right to use may be legally protected by a copyright patent made work etc. ex.- music & film owned by named individuals or groups.

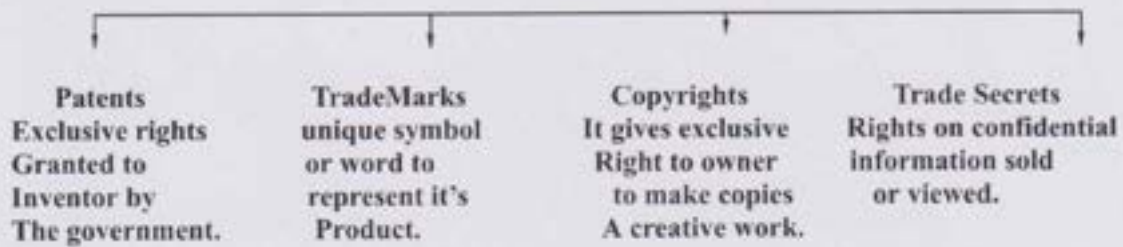
Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

Intellectual property is the intangible product of the mind's work.

Intellectual property law deals with the rules for securing and enforcing legal rights to inventions, designs, and artistic works.



Types of Intellectual Property Right



- ❖ Intellectual Property Right was recognized in the Paris Convention for protection of Industrial Property in 1983.
- ❖ Protection of Literary & Artistic Work was recognized in 1986.

b) Legal Aspects of Patents

Patents give inventors the right to use their product in the marketplace, or to profit by transferring that right to someone else.

A patent is a form of intellectual property that gives its owner the legal right to exclude others from making, using, or selling an invention for a limited period.

Like a deed to real property, most governments require a patent to specify the metes and bounds of the property claimed to constitute the invention. This legal description of the invention is found in the patent's claims.

c) Filing of Patent Applications

The history of Patent law in India starts from 1911 when the Indian Patents and Designs Act, 1911 was enacted.

Steps to file a patent

- ❖ Step 1 – Check if your invention is patentable.
- ❖ Step 2 – Draft the patent application.
- ❖ Step 3 – Filing the patent application.
- ❖ Step 4 – Publishing the patent application.
- ❖ Step 5 – Examining the patent application.
- ❖ Step 6 – Decision to grant patent.
- ❖ Step 7 – Renewing the Patent.

d) Rights from Patents

- ❖ A patent is the granting of a property right by a sovereign authority to an inventor.
- ❖ This grant provides the inventor exclusive rights to the patented process, design, or invention for a designated period in exchange for a comprehensive disclosure of the invention.



- ❖ Patent right locks the functionality aspect and restricts the rights to the patent owner.
- ❖ Patent is a time limited monopoly which is granted from the date of the first filing for twenty years.
- ❖ Periodic fees are required to maintain the enforceability of the patent.
- ❖ A design patent is generally granted protection for 14 years measured from the date the design patent is granted
- ❖ The patent application could be either provisional or complete.

e) Infringement (violation) of Patents

Infringement of a patent consists of the unauthorized making, importing, using, offering for sale or selling any patented invention within the India. Under the (Indian) Patents Act, 1970 only a civil action can be initiated in a Court of Law.

- ❖ In India it is administered by the office of the Controller General of Patent Design & Trade Marks. (CGPDTM) a subordinate office of Govt. of India.

c) Copyright and its Ownership

Introduction-

Copyright is a type of intellectual property that gives its owner the exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form

Difference between Copyright & Patent

- Copyright laws apply to the intellectual property for the duration of the artist's life plus 70 years.
- Patents are limited duration intellectual property rights which last a maximum of 20 years.

g) Copyright and its Ownership

- The author or creator of the work is the owner of the copyright, unless the person is in employment.
- The work is created in the course and scope of the employment, in which case the employer holds the copyright.
- Material can have multiple copyright owners.
- They will all have equal rights in the material, unless there is an agreement in place.
- Material can have multiple copyright owners.
- If the creator or copyright owner dies, copyright passes to the estate or nominee.



h) Infringement of Copyright

Copyright infringement is the use or production of copyright-protected material without the permission of the copyright holder.

If someone duplicates or reproduces the work of the copyright holder without the latter's permission, then this can lead to copyright infringement, in which the owner can take legal action against the infringer.

i) Trade Mark

A trademark is a unique symbol or word(s) used to represent a business or its products. Trademarks become synonymous with a company name, so that you don't even need to see the name to recognize a particular business.

- ❖ **Trademark infringement is the unauthorized usage of a mark that is identical or deceptively similar to a registered trademark.**

j) Trade Secrets

A trade secret is any practice or process of a company that is generally not known outside of the company. Information considered a trade secret gives the company an economic advantage over its competitors and is often a product of internal research and development.

- ❖ **Infringement by or competitive advantage gained by the person/company which has misappropriated the trade secret.**
- ❖ **The owner had taken all reasonable steps to maintain it as a secret.**
- ❖ **There is misuse as the information obtained has been used or disclosed in violation of the honest commercial practices.**

ii) Civil Remedies for Infringement, Regulation to Information

a) Introduction

According to Section 55 of The Copyright Act, 1957, where copyright in any work has been infringed upon, the owner of the copyright shall be entitled to all such remedies by way of injunction, damages, & accounts.



b) Right to Information Act, 2005

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

It replaced the former Freedom of Information Act, 2002.

Features

It strengthened democracy

It leads to transparency

It leads to accountability

The right to information has been recognized as a fundamental right under Part III of the Constitution by the Supreme Court in several cases.

c) Information Technology Act, 2000

The Information Technology Act, 2000 is an Act of the Indian Parliament notified on 17 October 2000. It is the primary law in India dealing with cybercrime and electronic commerce.

- Published- 9 May 2000
- Enacted by -Parliament of India
- Enacted- 9 June 2000
- Introduced by- Pramod Mahajan; Minister of Communications and Information Technology
- Commenced- 17 October 2000

d) Electronic Governance

Electronic governance involves the use of ICTs by government organizations for Exchange of information with citizens, businesses or other government departments, Faster and more efficient delivery of public services, improving internal efficiency, reducing costs / increasing revenue, restructuring of administrative processes etc.

Advantages-

- Makes communication swifter.
- The internet can save crores of money in expenses every year.
- The use of e-governance helps make all functions of the business transparent.

Disadvantages-

- The main disadvantage of e-governance is the loss of interpersonal communication.
- Computers and internet can also break down and put a dent in governmental work and services.
- Cybercrime is a serious issue; a breach of data can make the public lose confidence in the Government's ability to govern the people.



e) Secure Electronic Records and Digital Signatures

Electronic Records-

Where any security procedure has been applied to an electronic record at a specific point of time, then such record shall be deemed to be a secure electronic record from such point of time to the time of verification.

Digital signatures

They are like electronic "fingerprints." In the form of a coded message, the digital signature securely associates a signer with a document in a recorded transaction. They are a specific signature technology implementation of electronic signature. (e signature)

f) Digital Signature Certificates

A Digital Signature Certificate is a secure digital key that is issued by the certifying authorities for the purpose of validating and verifying the identity of the person holding this certificate. Digital Signatures make use of the public key encryptions to create the signatures.

Digital Signature Certificates (DSC) are the digital equivalent (that is electronic format) of physical or paper certificates. A digital certificate can be presented electronically to prove one's identity, to access information or services on the Internet or to sign certain documents digitally. Electronically to prove one's identity, to access information or services on the Internet or to sign certain documents digitally.

Types-

- ◆ Encrypt Digital Signature Certificate- It only used for document encryption.
- ◆ Sign & Encrypt Digital Signature Certificate -It is used for signing and encrypting both.

g) Cyber Regulations Appellate Tribunal

The Act has provided legal protection to the owner of computer resources against cyber-crimes. Any illegal act or unauthorized use of the computer system constitutes cyber-crime. The Information Technology Act, 2000 also provides for the establishment of the Cyber Appellate Tribunal. In this article, we will look at the establishment, composition, jurisdiction, powers, and procedures of a Cyber Appellate Tribunal.

The Information Act 2000 has established the Cyber Appellate Tribunal. As the name suggests the tribunal has appellate jurisdiction only.



Establishment of Cyber Appellate Tribunal (Section 48)

The Central Government notifies and establishes appellate tribunals called Cyber Regulations Appellate Tribunal.

The Central Government also specifies in the notification all the matters and places which fall under the jurisdiction of the Tribunal.

A person shall not be qualified for appointment as a chairperson of a cyber- appellate tribunal unless he is, or has been, or is qualified to be, judge of the high court.

It is situated in Bangalore.

The government appointed Justice SK Krishnan of Madras High Court.

Conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life

➤ Qualifications for appointment as Presiding Officer of the Cyber Appellate Tribunal (Section 50)

❖ A person is considered qualified for the appointment as the Presiding Officer of a Tribunal if He has the qualification of the Judge of a High Court

❖ He is or was the member of the Indian Legal Service and holds or has held a post in Grade I of that service for at least three years.

h) The Information Technology Act, 2000

In 1996, the United Nations Commission on International Trade Law (UNCITRAL) adopted the model law on electronic commerce (e-commerce) to bring uniformity in the law in different countries.

The General Assembly of the United Nations recommended that all countries must consider this model law before making changes to their own laws. India became the 12th country to enable cyber law after it passed the Information Technology Act, 2000. The first draft was created by the Ministry of Commerce, Government of India as the E-commerce Act, 1998.

It was redrafted as the 'Information Technology Bill, 1999', and passed in May 2000.

The bill was passed in the budget session of 2000 and signed by President K. R. Narayanan on 9 May 2000. The bill was finalized by a group of officials headed by then Minister of Information Technology Pramod Mahajan

It provides legal recognition to the transaction done via electronic exchange of data and other electronic means of communication or electronic commerce transactions.

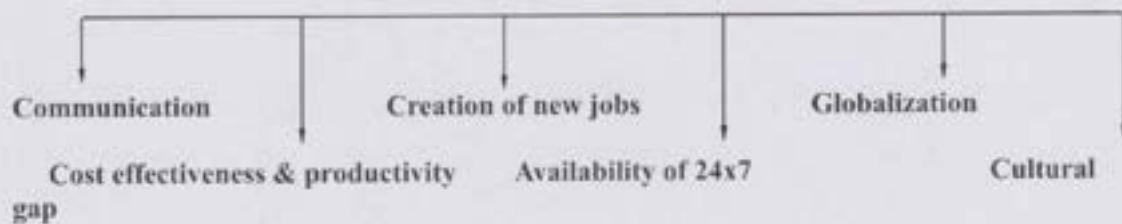
This also involves the use of alternatives to a paper-based method of communication and information storage to facilitate the electronic filing of documents with the Government agencies.

The original Act contained 94 sections, divided into 13 chapters and 10 schedules.

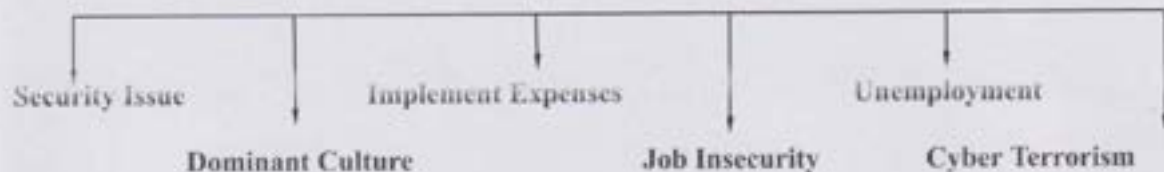
The laws apply to the whole of India.



Advantages of the Act



❖ Disadvantages of the Act



i) Information Technology Act- 2008

There are insertions of new express provisions to bring more cyber offenses within the purview of the Information Technology Act, 2000.

- ❖ A major amendment was made in 2008.
- ❖ The amendment was passed on 22 December 2008 without any debate in Lok Sabha
- ❖ The next day it was passed by the Rajya Sabha.
- ❖ It was signed into law by President Pratibha Patil, on 5 February 2008.
- ❖ An Act to provide legal recognition for the transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "Electronic Commerce", which involve the use of alternatives to paper based methods of communication and storage of information
- ❖ The original Act I.e. Information Technology (IT) Act, 2000 is the legislation to provide legal recognition for e-commerce and e-transactions, to facilitate e-governance, to prevent computer based crimes and ensure security practices and procedures in the context of widest possible use of information technology worldwide.
- ❖ The amendment has defined "intermediary" so as to bring clarity in the legislation when it comes to deciding the onus of offense.
- ❖ Now, Intermediaries are required to remove unlawful data or content on receiving information about it.
- ❖ Definition of Communication Device and Cyber Cafe has also been incorporated in the amendment act.



The Act provides a legal framework for electronic governance by giving recognition to electronic records and digital signatures. It also defines cyber-crimes and prescribes penalties for them.

Objective-

- ❖ Providing legal recognition to digital signatures for the authentication of any information or matters requiring authentication.
- ❖ Facilitating the electronic filing of documents with different Government departments and also agencies.
- ❖ Facilitating the electronic storage of data
- ❖ Providing legal sanction and also facilitating the electronic transfer of funds between banks and financial institutions.

Features-

- ❖ All electronic contracts made through secure electronic channels are legally valid.
- ❖ Legal recognition for digital signatures.
- ❖ Security measures for electronic records and also digital signatures are in place
- ❖ A procedure for the appointment of adjudicating officers for holding inquiries under the Act is finalized etc.
- ❖ Senior police officers and other officers can enter any public place and search and arrest without warrant.
- ❖ The Act applies to offenses or contraventions committed outside India.



Information Technology Act 2017

The Indian Institutes of Information Technology (Public-private Partnership) Act, 2017 was enacted to declare certain Indian Institutes of Information Technology established under Public-private Partnership mode as institutions of national importance, with a view to develop new knowledge in information.

Information Technology Act - 2018

This Act may be called the Information Technology (Amendment) Act, 2018.
It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. In the Information Technology Act, 2000, section 66A shall be omitted.

Information Technology Act 2019

This Act may be called the Right to Information (Amendment) Act, 2019.
It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

j) Offences

i)

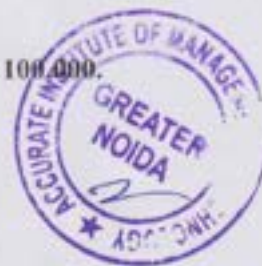
- ❖ Offense--Tampering with computer source documents.
- ❖ Penalty-- Imprisonment up to three years, or/and with fine up to 200,000

ii)

- ❖ Offense--Hacking with Computer System
- ❖ Penalty-- Imprisonment up to three years, or/and with fine up to 500,000

iii)

- ❖ Offense--Using Password of another Person
- ❖ Penalty-- Imprisonment up to three years, or/and with fine up to 100,000.



iv)

- ❖ Offense-- Publishing private images of others.
- ❖ Penalty-- Imprisonment up to three years, or/and with fine up to 200,000.

v)

- ❖ Offence-- Publishing images containing sexual acts.
- ❖ Imprisonment up to seven years, or/and with fine up to 1,000,000.

vi)

- ❖ Offense-- Acts of cyber terrorism.
- ❖ Penalty-- Imprisonment up to life.

vii)

- ❖ Offense-- Failure to maintain records.
- ❖ Imprisonment up to three years, or/and with fine.

viii)

- ❖ Offense-- Misrepresentation
- ❖ Penalty-- Imprisonment up to 2 years, or/and with fine up to 100,000.

k) Limitation

- ❖ Lack of international support.



Constitution of India, Law and Engineering (KNC-501)

Module 5 -Business Organizations and E-Governance

- i) Introduction- Business Market, E- Governance**
- ii) Sole Traders, Partnerships: Companies**
- iii) The Company's Act: Introduction, Formation of a Company**
- iv) Memorandum of Association, Articles of Association, Prospectus, Shares**
- v) Director, General Meetings and Proceedings, Auditor, Winding up.**
- vi) E-Governance and role of engineers in E-Governance**
- vii) Need for reformed engineering serving at the Union and State level**
- viii) Role of I.T. professionals in Judiciary**
- ix) Problem of Alienation and Secessionism in few states creating hurdles in Industrial development.**



i) Introduction-

a) **Business market** – The business market is the process of selling your product and services to other businesses, where those products and services will either be used as a raw material for the manufacturing of other products. Or those businesses buy the products or services and resell them.

It is a marketing practice of individuals or organizations.

It includes commercial businesses, governments and institutions.

It allows them to sell products or services to other companies or organizations that resell them, use them in their products or services or use them to support their works.

Features-

- ❖ Business markets contain fewer but larger buyers.
- ❖ Business buyer's demand is derived from final consumer demand.
- ❖ Demand in business markets fluctuates more quickly.
- ❖ Demand in many business markets is more inelastic – not affected as much in the short run by price changes.

b) **E- Governance**- It refers to electronic governance, is the integration of Information and Communication Technology (ICT) in all the processes, with the aim of enhancing government ability to address the needs of the general public.

In other words, it is the use of electronic means, to promote good governance.

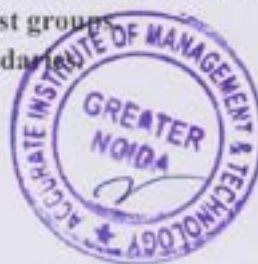
It connotes the implementation of information technology in the government processes and functions so as to cause simple, moral, accountable and transparent governance.

It entails the access and delivery of government services, dissemination of information, and communication in a quick and efficient manner.

E-governance, government services are made available to citizens in a convenient, efficient, and transparent manner.

The three main target groups that can be distinguished in governance concepts are government, citizens, and businesses/interest groups.

In e-governance, there are no distinct boundaries.



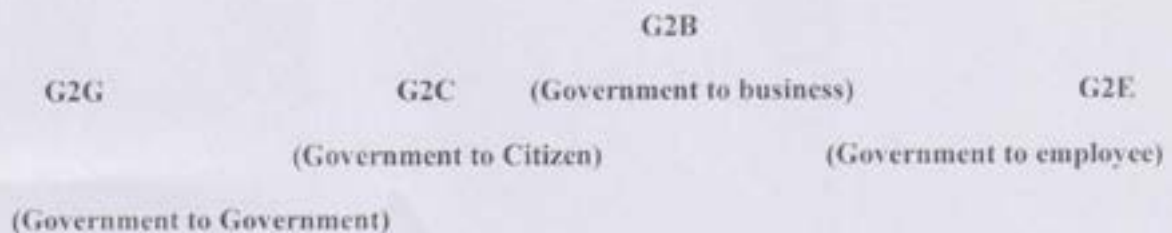
Advantages/ Benefits: -

- ❖ Reduced corruption
- ❖ High transparency
- ❖ Increased convenience
- ❖ Growth in GDP
- ❖ Direct participation of constituents
- ❖ Reduction in overall cost.
- ❖ Expanded reach of government

Disadvantages-

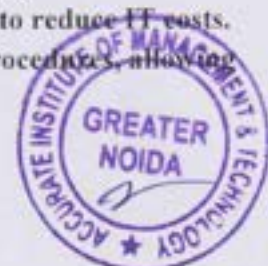
- ❖ Loss of Interpersonal Communication
- ❖ High Setup Cost and Technical Difficulties
- ❖ Illiteracy
- ❖ Cybercrime/Leakage of Personal Information

Types-



i) G2G- The exchange of information and services within the periphery of the government is termed as G2G interaction.

- ❖ This can be both horizontal, i.e. among various government entities and vertical, i.e. between national, state and local government entities and within different levels of the entity.
- ❖ Government to government (G2G) is the electronic sharing of data and/or information systems between government agencies, departments or organizations.
- ❖ The goal of G2G is to support e-government initiatives by improving communication, data access and data sharing.
- ❖ G2G initiatives are also being driven by budgets and funding.
- ❖ By sharing information and systems, governments are able to reduce IT costs. Government offices can be more efficient and streamline procedures, allowing citizens to access information over the Internet.



ii) G2C- The interaction amidst the government and general public is G2C interaction. The citizens have the freedom to share their views and grievances on government policies anytime, anywhere.

- ❖ G2C e-governance is unbalanced across the globe as not everyone has Internet access and computing skills, but the United States, European Union, and Asia are ranked the top three in development.
- ❖ Government-to-Citizen is the communication link between a government and private individuals or residents.
- ❖ Such G2C communication most often refers to that which takes place through Information and Communication Technologies (ICTs), but can also include direct mail and media campaigns.
- ❖ G2C can take place at the federal, state, and local levels.
- ❖ G2C stands in contrast to G2B, Government-to-Business networks.

iii) G2B- The e-governance helps the business class to interact with the government seamlessly. It aims at eliminating red-tapism, saving time, cost and establishing transparency in the business environment, while interacting with the government.

- ❖ The objective of G2B is to reduce difficulties for business, provide immediate information and enable digital communication by e-business.
- ❖ The government should re-use the data in the report properly, and take advantage of commercial electronic transaction protocol.
- ❖ Government services are concentrated on the following groups: human services; community services; judicial services; transport services; land resources; business services; financial services and other.
- ❖ Each of the components listed above for each cluster of related services to the enterprise.
- ❖ E-government reduces costs and lowers the barrier of allowing companies to interact with the government.
- ❖ The interaction between the government and businesses reduces the time required for businesses to conduct a transaction.
- ❖ The government should be concerned that not all people are able to access the internet to gain online government services.
- ❖ The large and sophisticated high network may result in a lack of privacy for businesses as their government gets their more and more information.

iv) G2E- The government of any country is the biggest employer and so it also deals with employees on a regular basis, as other employers do.



- ❖ It is the relationship between online tools, sources, and articles that help employees to maintain the communication with the government and their own companies.
- ❖ E-governance relationship with Employees allows new learning technology in one simple place as the computer.
- ❖ Documents can now be stored and shared with other colleagues online.
- ❖ E-governance makes it possible for employees to become paperless and makes it easy for employees to send important documents back and forth to colleagues all over the world instead of having to print out these records or fax
- ❖ G2E services also include software for maintaining personal information and records of employees.

c) National e- Governance Plan

The **National e-Governance Plan** is an initiative of the Government of India to make all government services available to the citizens of India via electronic media.

Ne-GP was formulated by the Department of Electronics and Information Technology and Department of Administrative Reforms and Public Grievances

Project under Ne-Governance Plan (Ne-GP) (MMP's- Mission Mode Projects)

Central MMP's- —Banking, Excise, Income Tax, Insurance.

National Citizen Database, Immigration, Visa and Foreigners Registration & Tracking
Pensions, e-Office, Passport.



MCA21- MCA21 Mission Mode Project is the e-governance initiative from the Ministry of Corporate Affairs, Government of India. It is one of the 31 Mission Mode Projects of the National e-Governance Plan.

State MMP's- Agriculture, Commercial Taxes, district, Employment Exchange, Land Records, e-Municipalities, Health, Education, Public Distribution, Road Transport, Treasuries, Crime and Criminal Tracking Networks, e-Panchayat

Integrated MMP's- Common Services Centers, e-Biz, e-Courts, e-Procurement, e-Trade, National Service Delivery Gateway, India Portal.

ii) Sole Traders, Partnerships: Companies

a) Sole Traders: -

- ☐ A Sole Trader is someone who is self-employed and runs their own business as an individual.
- ☐ It cannot be without employing staff members).
- ☐ A Sole Trader means one is solely responsible for the business and its debts.
- ☐ The business and the owner are effectively one and the same.
- ☐ This means any losses made by the business must be paid for out of one's pocket.
- ☐ This is called Unlimited Liability.



Advantages

- ❖ After tax payment, one can keep all business profits.
- ❖ Full control over business to run and all decisions can be made by one alone.
- ❖ Business's data is kept private as compared to other business types where data is visible at Companies House.

Disadvantages

- ❖ One is responsible for any business losses.
- ❖ It can be difficult for a Sole Trader to financially fund their business ventures.
- ❖ The pressure for a business to succeed is placed on an individual's shoulders.

b) Partnership

- ☐ A Partnership is where two or more people form a business together.
- ☐ All business partners share responsibility for the business.
- ☐ The profits made are split between each partner.
- ☐ They are individually responsible to pay their share of tax.

Advantages

- ❖ The more partners the higher profits possibility and the easier to financially fund the business.
- ❖ A partnership allows a business's tasks/responsibilities to be assigned to each partner depending on their skills, which takes the stress off just one person.
- ❖ Solving business problems and making decisions can be made easier as you get a selection of opinions/ideas.

Disadvantages



- ❖ The possibility of disagreements/not being able to come to an agreement on how the business is run.
- ❖ Taxation laws say that all partners must pay their own tax, just like a Sole Trader would.
- ❖ If a partnership obtains a certain level of profits, the partners may be faced to pay more than they would in a limited company.

c) Companies: -

A company is a legal entity formed by a group of individuals to engage in and operate a business—commercial or industrial—enterprise. A company may be organized in various ways for tax and financial liability purposes depending on the corporate law of its jurisdiction.

Types: -

On the basis of members

On the basis of liability

Special Companies

i) On the basis of members-

✓ One-person Company-

- ❖ OPC or one Person Company is a new category of company introduced to encourage startups and young entrepreneurs wherein a single person can incorporate the entity.



- ❖ It also promotes the concept of corporatization of the business.

✓ **Public Company (or Public Limited Company)-**

- ❖ A public company requires at least seven members to come into existence. There is no cap on how many members a public company could have.
- ❖ In fact, a prospectus is issued by the public companies in order to invite people to buy its shares.
- ❖ The liability of members of a public company is limited to their shareholding.

✓ **Private Company (or Private Limited Company) –**

- ❖ A private company allows its shareholders to transfer its shares.
- ❖ The private companies are of limited liability and have some restriction on the ownership of its shareholder

ii) **On the basis of liability**

✓ **Companies Limited by Shares-**

- ❖ The shareholders pay a nominal amount as his contribution towards the share capital and this payment can be done either at single instance or in installments.
- ❖ The members do not pay anything more than a fixed value towards the shares and companies limited by its shares are most popular among the registered companies.

✓ **Company Limited by Guarantee-**

- ❖ In such companies, every member has promised a fixed amount towards commencement of the company, in case it needs to be liquidated.
- ❖ This amount is known as a guarantee.
- ❖ There is no liability of any sort other than the values of share and guarantee towards the members of such a company.

✓ **Unlimited Companies-**

- ❖ An unlimited company is such which has unlimited liability of its shareholders like the case of a partnership firm.
- ❖ Such companies are only in books and are not known to exist in physical form.



iii) Special companies

✓ Government Company

- ❖ The company whose at least 51% paid up share capital is owned by Central Government/State Government, or partly by central and partly by the state government.
- ❖ It also covers a company whose holding company is a government company.

✓ Foreign Company

- ❖ Any company registered outside the country that has a business place in India.
- ❖ An agent traditionally or electronically and undertakes business operations in the country in any manner.

✓ Royal Chartered Companies.

A chartered company is an association with investors or shareholders that is incorporated and granted rights (often exclusive rights) by royal charter (or similar instrument of government) for the purpose of trade, exploration, and/or colonization.

✓ Statutory Companies

- ❖ Statutory corporations are public enterprises brought into existence by a Special Act of the Parliament.
- ❖ The Act defines its powers and functions, rules and regulations governing its employees and its relationship with government departments.
- ❖ It is a corporate person and has the capacity of acting in its own name.



✓ Registered or Incorporated Companies

- ❖ Incorporation is the legal process used to form a corporate entity or company.
- ❖ A corporation is the resulting legal entity that separates the firm's assets and income from its owners and investors.
- ❖ It is the process of legally declaring a corporate entity as separate from its owners.

iii) The Company's Act

a) Introduction

After this the Joint Stock Companies Act was passed in India in the year 1857. Under this Act the concept of limited liability was introduced for the first time in India. Thereafter the Companies Act was passed in the year 1866.

Joint Stock Company

A joint stock company is a voluntary association formed for the purpose of carrying on some business.

Important features of a joint stock company-

An artificial person created by law with a distinctive name

- ❖ A common seal
- ❖ A common capital with limited liability
- ❖ A perpetual succession.

Advantages-

- ✓ Joint Stock Companies have large financial resources
- ❖ They are able to undertake large scale production.
- ❖ Satisfy the needs of more consumers.
- ❖ Create large scale employment opportunities
- ❖ Promote balanced regional development and contribute substantially to the government by way of taxes.

Disadvantages-

- ❖ Costly and difficult to form- Number of legal formalities must be observed by the promoters of the company.
- ❖ Scope for dishonest
- ❖ An unscrupulous management
- ❖ Management oligarchy.



b) Indian Companies Act 1956

- ❖ Indian Companies Act 1956 was an Act of the Parliament of India
- ❖ Enacted in 1956, which enabled companies to be formed by registration
- ❖ It sets out the responsibilities of companies, their executive director and secretaries
- ❖ It provides for the procedures for its winding.
- ❖ 1956 and has 7 schedules.

c) Indian Company Act - 2013

The Companies Act 2013 is an Act of the Parliament of India on Indian company law which regulates incorporation of a company, responsibilities of a company, directors, dissolution of a company.

- ✓ The 2013 Act is divided into
- ✓ 29 chapters
- ✓ 470 sections against 658 Sections
- ❖ The Act has replaced The Companies Act, 1956
- ❖ A total of another 184 sections came into force from 1 April 2013.



iv) Formation of a Company

a) Introduction-

Company formation is the term for the process of incorporation of a business in the UK. It is also sometimes referred to as company registration.

b) Stages of Company Formation

✓ Promotion Stage

Promotion is the first stage in the formation of a company.

The term 'Promotion' refers to the aggregate of activities designed to bring into being an enterprise to operate a business.

✓ Incorporation or Registration Stage:

Incorporation or registration is the second stage in the formation of a company.

It is the registration that brings a company into existence.

✓ Capital Subscription Stage

In this stage, the promoters of the company will decide the capital structure of their company because managing any company for their capital is an important task.

The private company can deposit its capital from limited members by the company but the public company has to comply with the varied legal rules for the collection of capital.

✓ Commencement of Business Stage

After getting the certificate of incorporation, a private company can start its business.

A public company can start its business only after getting a 'certificate of commencement of business'.

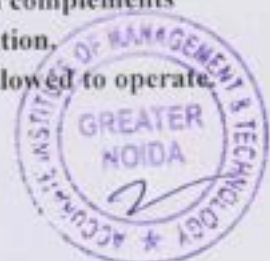
v) Memorandum of Association, Articles of Association, Prospectus, Shares

a) Memorandum of Association

The memorandum of association of a company is an important corporate document in certain jurisdictions.

It is the document that regulates the company's external affairs and complements the articles of association which cover the company's internal constitution.

It contains the fundamental conditions under which the company is allowed to operate.



b) Articles of Association

The Articles of Association or AOA are the legal document that along with the memorandum of association serves as the constitution of the company. It consists of rules and regulations that govern the company's internal affairs.

The articles of association are the contracts between the shareholders and the organization and among the shareholders themselves.

The articles of association can be considered as the user manual for the organization that comprises the methodology that can be used to accomplish the company's day to day operations.

c) Prospectus

A prospectus is a legal disclosure document that provides information about an investment offering to the public, and that is required to be filed with the Securities and Exchange Commission (SEC) or local regulator.

The prospectus contains information about the company, its management team, recent financial performance, and other related information that investors would like to know.

d) Shares

Shares are units of equity ownership interest in a corporation that exist as a financial asset providing for an equal distribution in any residual profits, if any are declared, in the form of dividends.

Shareholders may also enjoy capital gains if the value of the company rises.

vi) Director, General Meetings and Proceedings, Auditor, Winding up.

a) Director

A company acts through two bodies of people –

- ✓ Shareholders
- ✓ Board of directors.

The boards of directors are in charge of the management of the company's business; they make the strategic and operational decisions of the company and are responsible for ensuring that the company meets its statutory obligations.

- ❖ A director is appointed to manage a company on behalf of its shareholders



- ❖ The term director is a title given to the senior management staff of businesses and other large organizations.
- ❖ He can also be a shareholder.
- ❖

b) Difference between Director & Shareholder

- ❖ --A shareholder owns and controls a limited company through the purchase of one or more shares.
 - ❖ A director is appointed to manage a company on behalf of its shareholder.
 - ❖ A shareholder owns and controls a limited company through the purchase of one or more shares.
 - ❖ A director is appointed to manage a company on behalf of its shareholders.
- Whilst the roles of directors and shareholders are completely separate and very different, it is normal for one person to hold both positions.

c) CEO- Chief Executive Officer-

- ❖ Responsible for day to day affairs of the company.
- ❖ He communicates, on behalf of the company, with shareholders, government entities, and the public.
- ❖ He creates and implements the company or organization's vision and mission.
- ❖ He evaluates the work of other executive leaders within the company, including directors, vice presidents, and presidents.
- ❖ He maintains awareness of the competitive market landscape, expansion opportunities, industry developments, etc.
- ❖ He assesses risks to the company and ensures they are monitored and minimized.

d) Manager

- ❖ A manager is a person, who is responsible for a part of a company.
- ❖ They 'manage' the company. Managers may be in charge of a department and the people who work in it.



- ❖ The Manager's duties also include managing employees or a section of the company on a day-to-day basis.
- ❖ He works for hiring and staffing.
- ❖ He trains new employee's coaches and develops existing employees.
- ❖ He deals with performance problems and terminations.
- ❖ He is a supporter of problem resolution & decision making.
- ❖ He monitors and controls expenses and budgets

e) Business Manager

- ❖ Business managers are responsible for overseeing and supervising a company's activities and employees.
- ❖ Small businesses rely on the business manager to keep workers aligned with the goals of the company.
- ❖ Business managers report to top executives in a larger organization, but in a small company.
- ❖ The manager might either own the company or report directly to the owner.
- ❖ Business managers oversee the activities of workers; hire, train and evaluate new employees.
- ❖ He ensures that a company or department is on track to meet its financial goals.
- ❖ Business managers might also develop and implement budgets, prepare reports for senior management and ensure the department complies with company policies.
- ❖ Managers also ensure workers have the resources to complete their work.

f) Board of directors

- ❖ The Board of Directors is an elected group of individuals that represent shareholders.
- ❖ The board is a governing body that typically meets at regular intervals to set policies for corporate management and oversight.
- ❖ Every public company must have a board of directors.
- ❖ It hires and fires of senior of executives (especially the CEO)
- ❖ The board supports executives and their teams.
- ❖ It maintains company resources.
- ❖ The board makes sure that the company is equipped with the tools it needs to be managed well.

g) General Meetings

✓ General Meetings

- ❖ A meeting of the members of a company.
- ❖ A company exercises control and does such acts as are reserved to it by the votes of the majority at general meetings.

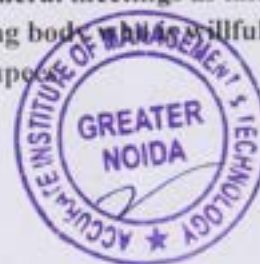


✓ Annual General Meetings

- ❖ An annual general meeting (AGM) is a mandatory yearly gathering of a company's interested shareholders.
- ❖ At an AGM, the directors of the company present an annual report containing information for shareholders about the company's performance and strategy.

h) Proceedings

- ❖ It shall be the duty of the governing body of a society to convene the first general meeting of the society within 18 months from the date of its registration and thereafter once at least in every calendar year and not more than 15 months after the holding of the last proceeding meeting.
- ❖ At the annual general meeting held, election of members to the governing body shall be made as provided for in the rules and regulation of the society, provided the minimum number of persons in the governing body shall be three.
- ❖ A list of the members of the first governing body of a society shall be filed with the Registrar within fourteen days from the date of registration of the society and thereafter the list of the governing body shall be filed with the Registrar within fourteen days after the date of the annual general meeting.
- ❖ Every society shall cause minutes of all proceedings of general meetings to be entered in books kept for the purpose such minutes shall be signed by the chairman of the meeting at which the proceedings were held.
- ❖ If default is made in holding the annual general meeting, filing the list of governing bodies or recording the minutes of proceedings of general meetings as laid down in this section, the society and every member of its governing body shall be willfully in default, shall be liable to a fine not exceeding one hundred rupees.



i) Auditor

Audit - Audit is the examination or inspection of various books of accounts by an auditor followed by physical checking of inventory to make sure that all departments are following documented system of recording transactions. It is done to ascertain the accuracy of financial statements provided by the organization

The prime purpose of the audit is-

- ❖ To form an opinion on the information in the financial report taken as a whole, and not to identify all possible irregularities.
- ❖ Although auditors are on the look-out for signs of potential material fraud, it is not possible to be certain that frauds will be identified.

Types of Audits



External audits

Internal audits

Internal Revenue Service (IRS) audits.

i) **External Audit-** An external audit is an examination that is conducted by an independent accountant.

- ❖ It is most commonly intended to result in a certification of the financial statements of an entity.
- ❖ This certification is required by certain investors and lenders, and for all publicly-held businesses

ii) **Internal Audit-** Internal Audit is a department or an organization of people within a company that is tasked with providing unbiased, independent reviews of systems, business organizations, and processes.

iii) **Internal Revenue Service (IRS) audits-** The IRS selects a certain number of income tax returns to be audited each year through random selection.

- ❖ No errors need to be found for the Enforcement branch to examine a tax return.
- ❖ Random selection exams tend to be more extensive and time-consuming than other forms of review.

An auditor is a person authorized to review and verify the accuracy of financial records and ensure that companies comply with tax laws

- ❖ A financial auditor reviews a company's financial statements, documents, and data and accounting entries.
- ❖ Financial auditors gather information from a company's financial reporting systems, account balances, cash flow statements, income statements, balance sheets, tax returns and internal control systems.



j) Winding Up

Winding up is the process of dissolving a company.

While winding up, a company ceases to do business as usual.

Its sole purpose is to sell off stock, pay off creditors, and distribute any remaining assets to partners or shareholders.

4 modes of winding up under Nepalese law

- ❖ Voluntary winding up.
- ❖ Compulsory winding up.
- ❖ Liquidation by the order of the court.
- ❖ Cancellation of Registration or deregistration, striking off registration.
- ❖ Voluntary winding up.

vii) E-Governance and role of engineers in E-Governance

a) E- Governance

Done

b) Role of Engineers in E- Governance



Engineering is the professional art of applying science to the optimum conversion of the resources of nature to benefit man.

Emerging nations worldwide face many challenges on their way of development.

The technology of good Governance comes with a reliable, transparent and speedy electronic Government system which can foster the growth of such developing economies.

Government system requires multi-disciplinary engineering.

It is not only about using technologies but also about various aspects of citizen's service domains like social art and science, management, policy and economy to deliver services in the best practice unlike traditional approach.

- ❖ Engineering plays a key role in ensuring the growth and development of a country's economy as well as in improving the quality of life for citizens within the country.
- ❖ There is an important link between a country's engineering capacity and its economic development.
- ❖ Engineering is one of the key influences that shape our society.
- ❖ Engineers don't just work with machines, designs and electronics, they use math and science to provide innovation and inventions that shape our society and improve the way we live and work.
- ❖ The research engineer seeks new principles and processes by employing mathematical and scientific concepts, experimental techniques, and inductive reasoning.
- ❖ The development engineer applies the results of research to useful purposes. Ingenious and creative application of new knowledge may result in a working model of a new electronics circuit, a chemical process, an industrial machine, or a gadget of optronics.
- ❖ Cloud computing is the future generation of computing characterized by optimal computing entities while gaining the maximum benefit of scalability over desired software, hardware and network characteristics.
- ❖ With the aim of e-Governance, citizens (the users and the stakeholders) should be able to get all if not most of the government services in a much faster, flexible, and efficient approach.



j) Need for reformed serving engineering Union at the and State level

- ❖ Economic reforms adopted in the 1990s deeply modified India's macroeconomic environment, as well as the trade and investment regimes.
- ❖ By rewriting the rules of economic governance in India's federal democracy, reforms have had far-reaching consequences on the relations between the Union and the States.
- ❖ The dismantling of centralized management of the national economy created greater latitude for state governments in shaping economic development policies.
- ❖ The reforms themselves require the cooperation of states and therefore the policies pursued by regional governments are contributing more than ever to India's overall development trajectory.
- ❖ All databases and information should be in electronic form and not manual.
- ❖ The workflow inside government departments and agencies should be automated to enable efficient government processes and also to allow visibility of these processes to citizens.
- ❖ IT should be used to automate, respond and analyze data to identify and resolve persistent problems. These would be largely process improvements.
- ❖ State governments in India have partnered with the existing ecosystem of technology companies, particularly start-ups, to implement a wide array of solutions.
- ❖ Technology solutions are more generic and cover different types of Government services.
- ❖ Local Governments have also been quick to adopt and leveraged these solutions to provide livelihoods in their locations.



viii) Role of I.T. professionals in Judiciary

a) Introduction

- ❖ The birth of the information age is as earth shaking as the Industrial Revolution in terms of how we work, transmit, store and retrieve information.
- ❖ The information age is revolving around the advances so far made in Telecommunications and Information technology.
- ❖ These consist of hardware, software, and media for collection, storage, processing, transmission, and presentation of information.

It is the duty of any judicial system to prepare and meet day today challenges. The problems faced by courts, judiciary, and the public seeking justice in terms of backlogs, delays and expense are well known.

b) Role of I.T. professionals in Judiciary

The technological development has brought about a sea change in all fields of human activity. It has resulted in enhanced efficiency, productivity, and quality of output in every walk of life.

The problems faced by courts, judiciary, and the public seeking justice in terms of backlogs, delays and expense are well known.

There are many dimensions to these problems, improvements in operational efficiency, coordination, accessibility and speed which IT could bring about can contribute significantly towards improvement and alleviation of difficulties.

At the same time, it is the duty of the Judiciary to take advantage of the new opportunities offered by information technology to offer a professionally excellent service to the community.

- ❖ The main business of the judiciary is to hear and determine cases in a fair and timely manner at reasonable cost.



- ❖ The modern approach calls for balancing various objectives of the justice systems, given the scarcity of resources, and the competing demands for the limited resource envelope available, particularly in the resource strapped societies, as in our region's processes must be efficient, effective, and equitable.
- ❖ Video Conferencing permits virtual interfacing of a Judge with witnesses, holding of conferences, meetings, production of under-trial prisoners, etc. The facility would be installed in the prison.
- ❖ Similar facilities would also be made available within the court premise or in the Judge's office.
- ❖ The Judge would be able to interact with the prisoner without the prisoner being physically brought before him.
- ❖ This would save a lot of time and resources, which would have been involved in the physical transportation of the prisoner from the jail to the court.
- ❖ The policemen and other concerned authorities would also be spared so that they can utilize their time in other official tasks.
- ❖ Publishing tools would be utilized for various documentation of the judicial system.
- ❖ An enormous amount of documentation/paperwork is involved in the judicial process.
- ❖ Publishing tools would enable preparation of soft copies of documentation, printing, copying etc. Would also be done through the publishing tools. This would be done through printers, scanners, copier machines.
- ❖ The enormous data created in the Judicial System needs to be systematically stored in soft form with proper indexing, filing of the data/records.
- ❖ The intercommunication tools such as e-mail, chat etc. Would be useful for the internal communication within the judicial system.
- ❖ Fingerprint Recognition System would involve fingerprinting of the witnesses, accused, prisoners, etc. and storage in soft form.

IT can be a useful tool in the following areas:

- ❖ Text creation, storage and retrieval
- ❖ Improved Access to the Law
- ❖ Recording of Court Proceedings
- ❖ Case Management and producing data for administrative purposes
- ❖ Continuing Education
- ❖ Communication



ix) Problem of Alienation and Secessionism in few states creating

Hurdles in Industrial development

a) Introduction

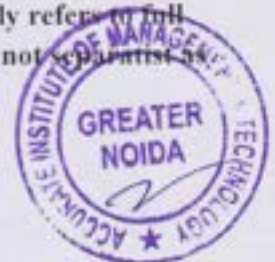
In general separation or estrangement of human beings from some essential aspect of their nature or from society often is resulting in feelings of powerlessness or helplessness.

- ✓ Alienation is a theoretical concept developed by Karl Marx that describes the isolating, dehumanizing, and disenchanting effects of working within a capitalist system of production.

The four dimensions of alienation identified by Marx

The product of labor	process of labor	others	self
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- ✓ Secessionism is the withdrawal of a group from a larger entity, especially a political entity, but also from any organization, union or military alliance.
- ✓ Insurgency terms historically restricted to rebellious acts that did not reach the proportions of an organized revolution. It has subsequently been applied to any such armed uprising, typically guerrilla in character, against the recognized government of a state or country.
- ✓ Separatist Movements is a common definition of separatism is the advocacy of a state of cultural, ethnic, tribal, religious, racial, governmental or gender separation from the larger group. As with secession, separatism conventionally refers to full political separation. Groups simply seeking greater autonomy are not separatist, such



b) Problems of Alienation and Secessionism in India

Causes-

- ❖ **Cultural estrangement-** History, culture, religion and identity are often used to legitimize conflicts. But there are economic reasons to start conflict.
- ❖ **Isolation-** It is ethnically, linguistically and culturally very distinct from one state to another state of India.
- ❖ **Meaninglessness-** Being unable to meaning in action, relationship or world affairs or having a sense of life has no purpose.
- ❖ **Normlessness-** Feeling disconnected from social convention or engaging in different behavior.
- ❖ **Powerlessness-** Believing in actions and behavior has no outcomes or no control over life.

c) Impact

- ❖ The conflicts are of wide nature ranging from separatist movements, to inter-community, communal and inter-ethnic conflicts.
- ❖ Conflict leads to human displacement and loss of life, destruction of assets and low investment.

Conflicts have negative impacts on socio-economic state in many ways: internal or external displacement, destruction or damage of physical and social infrastructure, low economic growth, institutional degradation, and others.

d) Alienation and Secessionism as Hurdles in Industrial development

Industrialization has always been recognized as a major tool for economic development of a region. It is the principal component of the secondary sector and its main function is to provide work for the growing population to satisfy the demand for manufactured goods and to raise the standard of living by the per capita income of the region.

The British colonial rule inaugurated a process of de-industrialization in India, a process in which the traditional Indian industries suffered so badly that most of these either decayed beyond recovery or were on the road to ultimate ruin.

Its examples are in the eighties, military erupted in Punjab, problems persisted in the North-East, students agitated in Assam and Kashmir valley was on the boil.

The government of India settled down some negotiations with these regional aspirations to reduce tensions in many regions.

Mizoram is an example of political settlement to resolve the problem of separation of

Examples-



Northeast India is the most volatile and insurgency affected place in the country. It is the easternmost part of India. The region is composed of eight states.

- ❖ Politically, the North-East region of the country had inter- and intra-regional linkages since the ancient days.
- ❖ It is true that the North-East region, like the rest of the country, has immense linguistic, cultural, social and religious diversity.
- ❖ There are also strong threads of unity, which the colonial scholarship and its continuing tradition highly ignore.
- ❖ Ignoring the fact of unity and cohesiveness weakens the sense of belonging and thereby strengthens alienation in a region suffering from bottleneck psychology.
- ❖ The major problem areas is that the Northeast is territorially organized in such a manner that ethnic and cultural specificities were ignored during the process of delineation of state boundaries in the 1950s, giving rise to discontentment and assertion of one's identity.



Conflict in the region has been an all pervasive phenomena, and in its violent form, it has not only affected the territorial and political sovereignty of the Indian state, but also the life of the various people living in the region in incomprehensible and inexplicable terms.

In a drastic and dreaded sense, there is a "culture" of conflict and unfortunately, people have submitted to such an existence.

The Indian government's past and ongoing processes of national integration, state-building and democratic consolidation have further aggravated the conflict scenario in the region.

The politico-administrative arrangements made by the Centre have also been lacking

Aadhaar enrolment.

- ❖ Scanning and digitization.
- ❖ Document management systems.
- ❖ Financial inclusion.
- ❖ System integration.
- ❖ Online and offline examinations.
- ❖ Manpower service provider.
- ❖ Digital India platform.

