



# **HINDUSTAN PETROLEUM CORPORATION LIMITED**

**Regd. Office: 17, Jamshedji Tata Road, Mumbai - 400020.**

**CIN NO: L23201MH1952GOI008858**

## **SYLLABUS FOR COMPUTER BASED TEST** **LAW OFFICER POSITIONS**

#Relevant and important case laws to be included where applicable

### **(1) INDIAN CONTRACT ACT**

- Communication when complete – Section 4
- Revocation of proposals and acceptance – Section 5
- Revocation how made – Section 6
- What agreements are contracts – Section 10
- Who are competent to contract – Section 11
- Definition of
  - Consent – Section 13
  - Free consent – Section 14
  - Coercion – Section 15
  - Undue influence – Section 16 and 19A
  - Fraud – Section 17
  - Misrepresentation – Section 18
- Voidability of agreements without free consent – Section 19
- Contract caused by mistake of one party as to matter of fact – Section 22
- What considerations and objects are lawful and what not – Section 23
- Agreement without consideration void – Section 25
- Agreement in restraint of legal proceedings, void – Section 28
- Agreements by way of wager, void – Section 30
- Contingent contract – Section 31
- Time and place for performance – Sections 46 to 50
- Agreement to do impossible act – Section 56
- Compensation of loss or damage caused by breach of contract – Section 73 & 74
- Contract of Indemnity – Section 124 and related concepts
- Contract of guarantee – Section 126 and related concepts
- Discharge of surety – Sections 131 to 138
- Bailment, bailor and bailee – Section 148 and related concepts
- Pledge, pawnor and pawnee – Section 172 and related concepts
- “Agent” and “Principal” – Section 182 and related concepts

### **(2) INDIAN PARTNERSHIP ACT**

- Definition of "Partnership", "Partner", "Firm" and "firm name". – Section 4
- Partnership at Will – Section 7
- General duties of partners – Section 9
- Rights and duties of partners – Section 17
- Implied authority of partner as agent of the firm – Section 19
- Liability of a partner for acts of the firm – Section 25

- Liability of estate of deceased partner Section 35
- Rights of outgoing partner to carry on competing business – Section 36
- Dissolution of firm – Sections 39 to 47

(3) ARBITRATION & CONCILIATION ACT, 1996

- Extant of judicial intervention – Section 5
- Arbitration agreement – Section 7
- Power to refer parties to arbitration where there is an arbitration agreement – Section 8
- Interim measures – Section 9
- Appointment of arbitrators – Section 11
- Competence of arbitration tribunal to rule on its jurisdiction – Section 16
- Interim measures ordered by arbitral tribunal – Section 17
- Commencement of arbitration proceedings – Section 21
- Determination of rules of procedure – Section 19
- Application for setting aside arbitral award – Section 34
- Appealable orders – Section 37

(4) CONSTITUTION OF INDIA

- Definition (State) – Article 12
- Fundamental Rights – Articles 14 to 35
- Fundamental Duties – Article 51A
- Power of High Courts to issue certain writ – Article 226 and Writs generally
- Power of Supreme Court under Article 32 and 136

(5) TRANSFER OF PROPERTY ACT

- “Transfer of property” defined. – Section 5
- What may be transferred. – Section 6
- Persons competent to transfer – Section 7
- Vested interest – Section 19
- Contingent interest – Section 21 and related concepts
- Conditional transfer – Section 25 and related concepts
- Transfer by co-owners of share in common property – Section 47
- Transfer of property pending suit relating thereto – Section 52
- Sale – Section 54 and related concepts
- Mortgage”, “mortgagor”, “mortgagee”, “mortgage-money” and “mortgage deed” defined – Section 58
- Rights of Mortgagor and Mortgagee
- Lease – Section 105 and related concepts
- Gift – Section 122 and related concepts
- Transfer of actionable claim – Section 130

(6) INDIAN EASEMENTS ACT

- “Easement” defined. Dominant and servient heritages and owners – Section 4
- Easements restrictive of certain rights. (a) Exclusive right to enjoy. (b) Rights to advantages arising from situation. – Section 7
- Easements of necessity and quasi easements. – Section 13
- Extinction of Easements – Sections 37 to 49
- License defined – Section 52

(7) SALE OF GOODS ACT

- Sale and agreement to sell – Section 4
- Stipulations as to time. – Section 11

- Condition and warranty – Section 12 and related concepts
- Delivery – Section 33 and related concepts
- Unpaid Seller – Sections 45 and 46
- Remedies under the Act – Section 53 to 61

#### (8) THE INDIAN PENAL CODE

- Public Servant – Section 21
- Acts done by several persons in furtherance of common intention – Section 34
- Unlawful assembly – Section 141 and related concepts
- Culpable homicide not amounting to murder vis-à-vis murder – Section 299, 300
- Hurt and Grievous Hurt – Section 319 and 320
- Wrongful restraint and wrongful confinement – Sections 339 and 340
- Assault – Section 351
- Theft – Section 378 and related concepts
- Dishonest misappropriation of property – SECTION 403
- Criminal breach of trust – Section 405
- Cheating – Section 420
- Defamation – Section 499

#### (9) CIVIL PROCEDURE CODE

- Stay of Suit - Section 10 and Res Sub Judice
- Res judicata – Section 11
- Suit for immovable property situate within jurisdiction of different courts – Section 17
- Suits for compensation for wrongs to person or movables – Section 19
- Judgment and decree – Section 33
- Execution – Sections 36 to 67
- Suits by or against Government – Section 79
- Appeals – Sections 96, 97
- Second Appeal – Section 100
- Review – Section 114
- Revision – Section 115
- Parties to Suit – Order 1 Rules 1, 3, 6, 9, 10
- Suit to include the whole claim – (Order 2 Rule 2)
- Delivery of summons by court – Order 5 Rule 9
- Pleadings Generally – Order 6
- Complaint – Order 7 Rules 1, 2, 3, 10, 11
- Written Statement, Set-off and Counter-claim – Order 8 Rules 1, 3, 6-A, 6B

#### (10) CRIMINAL PROCEDURE CODE

- Definitions – Section 2 – “bailable offence”; “cognizable offence”; “complaint”; “judicial proceeding”; “non-cognizable offence”; “offence”; “officer in charge of a police station”; “summons-case”; “warrant-case”; and related concepts
- When police may arrest without warrant – Section 41
- Summon and Warrant
- Cognizable and Non-Cognizable Offence
- Difference between Bailable and Non-Bailable Offence
- Proclamation for person absconding – Section 82
- Order of maintenance of wives, children and parents – Section 125
- Unlawful Assemblies – Sections 129 to 132

- Difference between statement of Witness recorded by Police Officer u/s 161 and recording of confession and statement by Magistrate u/s 164.
- Place of inquiry or trial – Section 178
- Cognizance of offences by magistrates – Section 190
- Form of charges – Section 211 to 217
- Complaint case vis-à-vis Police Case
- Discharge (s. 227) vis-à-vis Acquittal (s. 232)
- Sentence of death to be submitted by court of session for confirmation – Section 366

#### (11) INDIAN EVIDENCE ACT, 1872

- May Presume, Shall Presume, Conclusive Proof – Section 4
- Admission – Section 17
- Relevance of confession to police officer – Section 25
- Opinion of Experts – Sections 45 to 51
- Relevance of proving good character in civil and criminal cases – Section 52 & 53
- Admissibility of hearsay evidence – Section 60
- Primary evidence – Section 62
- Secondary evidence – Section 63
- Admissibility of electronic records – Section 65-B
- What are public documents and private documents – Section 74 & 75
- Presumption as to electronic records five years old – Section 90-A
- Presumption as to documents thirty years old – Section 90
- Estoppel – Section 115 and related concepts
- Professional Communication – Section 126

#### (12) THE CONSUMER PROTECTION ACT

- Definitions – Section 2 – “advertisement”; “branch office”; “complaint”; “consumer”; “consumer dispute”; “consumer rights”; “defect”; “deficiency”; “endorsement”; “injury”; “misleading advertisement”; “product”; “product liability”; “restrictive trade practice”; “unfair contract”; “unfair trade practice”; and related concepts
- Powers and functions of Central Authority – Section 18
- Jurisdiction of District Commission – Section 34
- Review by District Commission in certain cases – Section 40
- Jurisdiction of State Commission – Section 47
- Appeal to National Commission – Section 51
- Composition of National Commission – Section 54
- Jurisdiction of National Commission – Section 58
- Appeal against order of National Commission – Section 67
- Limitation period – Section 69

#### (13) THE ESSENTIAL COMMODITIES ACT

- Powers to control production, supply, distribution, etc., of essential commodities – Section 3
- Bar of jurisdiction in certain case – Section 6E
- Cognizance of offences – Section 11
- Special provision regarding fine – Section 12
- Power to try summarily – Section 12A
- Grant of injunction, etc., by civil courts – Section 12B
- Presumption as to orders – Section 13
- Burden of proof in certain cases – Section 14
- Prosecution of public servants – Section 15A

#### (14) THE COMPETITION ACT

- Definitions – Section 2 – “acquisition”; “agreement”; “cartel”; “consumer”; “enterprise”; “relevant market”; “relevant geographical market”; “relevant product market”; “service”; and related concepts
- Anti-competitive agreements. – Section 3
- Abuse of dominant position. – Section 4
- Cartel & Bid ridding
- Procedure for inquiry under section 19 – Section 26
- Power to impose lesser penalty. – Section 46

#### (15) INFORMATION TECHNOLOGY ACT

- Definitions – Section 2 – “digital signature”; “electronic records”; “intermediary”; “secure system”; and related concepts
- Authentication of electronic records – Section 3
- Electronic signature. – Section 3A
- Validity of contracts formed through electronic means. – Section 10A
- Electronic Signature Certificates – Sections 35 to 39
- Sensitive Personal Data and Information – from IT rules and related concepts

#### (16) THE COMPANIES ACT

- Definitions - Section 2 – “control”; “employees’ stock option”; “free reserves”; “government company”; “key managerial personnel”; “manager”; “paid-up share capital”; “prospectus”; “subsidiary company or subsidiary”; and related concepts
- Formation of company. – Section 3
- Memorandum. – Section 4
- Articles. – Section 5
- Act to override memorandum, articles, etc. – Section 6
- Incorporation of company. – Section 7
- Formation of companies with charitable objects, etc. – Section 8
- Kinds of share capital – Section 43
- Prohibition on acceptance of deposits from public – Section 73
- Annual Return – Section 92
- Annual general meeting – Section 96
- Quorum for meetings – Section 103
- Ordinary and special resolutions. – Section 114
- Corporate Social Responsibility. – Section 135 (and related schedule)
- Board of Directors – Meetings; Quorum for meetings; Passing of resolution by circulation; Independent Directors; Committees
- Power of Registrar to remove name of company from register of companies. – Section 248
- Winding up and Liquidation – Sections 270 to 365

#### (17) NEGOTIABLE INSTRUMENTS ACT

- Banker – Section 3
- Of Notes, Bills and Cheques (Chapter – II) – Sections 4 to 25
- Liability of endorser – Section 35
- Maker, drawer and acceptor principals. – Section 37
- Suretyship. – Section 39
- Discharge of endorser’s liability – Section 40
- Negotiable instrument made, etc., without consideration – Section 43
- Delivery. – Section 46
- Special Rules of Evidence (Chapter – XIII) – Sections 118 to 122

- Dishonour of cheque for insufficiency, etc., of funds in the account. – Section 138
- Presumption in favour of holder. – Section 139
- Defence which may not be allowed in any prosecution under section 138. – Section 140

#### (18) INTELLECTUAL PROPERTY LAWS

##### a. TRADE MARKS ACT

- Definitions - Section 2
- Classification of goods and services – Section 7
- Absolute grounds for refusal of registration – Section 9
- Registration in the case of honest concurrent use, etc. – Section 12
- Duration, renewal, removal and restoration of registration – Section 25
- Collective Marks – Chapter 8
- Certification Trade Marks – Chapter 9

##### b. COPYRIGHT ACT

- Interpretation – Section 2
- Meaning of publication – Section 3
- Works in which copyright subsists – Section 13
- Meaning of Copyright – Section 14
- Term of Copyright – Chapter V – Sections 22 to 29
- Compulsory licenses
- Copyright societies
- Registration of Copyright
- Civil remedies

##### c. PATENTS ACT

- Definitions and Interpretation – Section 2
- What are not inventions – Section 3
- Persons entitled to apply for patents – Section 6
- Priority dates of claims of a complete specification – Section 11
- Grant of Patent – Section 43
- Date of Patent – Section 45
- Right of Patentees – Section 48
- Term of Patent – Section 53

#### (19) LEGAL METROLOGY ACT

- Definitions – Section 2 – “dealer”; “label”; “manufacturer”; “pre-packaged commodity”; “premises”; “sale”; “seal”; “stamp”; “transaction”; and related concepts
- Power of inspection, seizure, etc. – Section 15
- Forfeiture – Section 16
- Declarations on pre-packaged commodities – Section 18

#### (20) THE INSOLVENCY AND BANKRUPTCY CODE

- Definitions – Section 3 – “claim”; “corporate debtor”; “creditor”; “security interest”; “transaction”; and related concepts
- Definitions – Section 5 – “corporate applicant”; “corporate guarantor”; “dispute”; “financial creditor”; “financial debt”; “insolvency resolution process costs”; “operation creditor”; “operational debt”; “related party”; and related concepts

- Persons who may initiate corporate insolvency resolution process - Section 6
- Initiation of corporate insolvency resolution process by financial creditor - Section 7
- Insolvency resolution by operational creditor - Section 8
- Application for initiation of corporate insolvency resolution process by operational creditor - Section 9
- Initiation of corporate insolvency resolution process by corporate applicant - Section 10
- Suspension of initiation of corporate insolvency resolution process - Section 10A
- Persons not entitled to make application - Section 11
- Time-limit for completion of insolvency resolution process - Section 12
- Declaration of moratorium and public announcement - Section 13
- Moratorium – Section 14
- Public announcement of corporate insolvency resolution process – Section 15
- Committee of Creditors – Section 21
- Distribution of assets – Section 53

(21) THE PETROLEUM ACT

- Licenses (Chapter VII) grant, renewal and cancellation

(22) ENVIRONMENTAL LAWS (incl. THE ENVIRONMENT (PROTECTION) ACT WATER (PREVENTION AND CONTROL OF POLLUTION) ACT AIR (PREVENTION AND CONTROL OF POLLUTION) ACT)

- General definitions, jurisdiction of courts, powers of SPCB and CPCB and case laws.

**NOTE: The syllabus/topics mentioned are indicative in nature. Candidates are expected to possess significant knowledge/proficiency pertaining to the relevant subjects and their qualifying degree.**