

POINTS TO REMEMBER

COMPANY LAW

- Company is a separate legal entity having perpetual succession, limited liability and common seal.
- If company do not follow the separate legal entity then **Lifting of corporate veil** can be done.
- There are six clauses in the Memorandum of Association of the Company namely Name Clause, Registered Clause, Objects Clause, Capital Clause, Liability Clause and Subscription Clause.
- Memorandum of Association is the charter of the company and Articles of Association is the procedure for internal management of the company.
- The person promoting the company is called Promoters.
- Only individuals can be appointed as a director of the company
- Every public company shall have at least three directors.
- Minimum no. of members in a public company is **seven**.
- Every private company shall have at least two directors.
- Minimum no. of members in a private company is two.
- Maximum number of members in a private company is two hundred (200)
- One Person Company (OPC) shall have at least one director.
- **First directors** are usually name in Articles of company of company.
- **Subsequent directors** are appointed at AGM.
- **First annual general meeting** of the company should be held **within 9 months** from the closing of the **first financial year**.
- **Subsequent annual general meeting** of the company should be held **within 6 months** from the **closing of the financial year**.
- The gap between two annual general meetings should **not exceed 15 months**.

LIMITED LIABILITY PARTNERSHIP

Number of partners

Every limited liability partnership shall have at least two partners.

Liability of Partners

There shall be personal liability of a partner for his own wrongful act or omission. A partner shall not be personally liable for the wrongful act or omission of any other partner of the limited liability partnership.

Partner as agent

Every partner of a limited liability partnership is agent of the limited liability partnership for the purpose of the business of the limited liability partnership. A partner is not agent of other partners of LLP.

Designated Partner

Every LLP shall have at least two Designated Partners. Designated Partners manages day to day affairs of LLP. Designated partners shall be individual. At least one of these designated partners shall be resident of India.

Designated partners shall be appointed by partners in accordance with LLP agreement. A Designated partner shall be an individual partner or nominee of partner which is a body corporate. In case of any body corporate is partner of an LLP, their nominee who is an individual may become designated partner.

Every designated partners shall have Designated Partner Identification Number (DPIN) or Director Identification Number (DIN). A prior consent of person to be appointed as designated is required. LLP shall also file particulars of designated partner and his consent with the Registrar of LLPs.

Name of LLP

Every limited liability partnership shall have either the words “limited liability partnership” or the acronym “LLP” as the last words of its name.

Before incorporation of an LLP, a promoter of LLP shall apply for reservation of name for proposed LLP. The Registrar may reserve an applied rule if it is not undesirable and not identical or too nearly resemble with name of any existing partnership firm, LLP, company, body corporate or trademark.

Foreign limited liability partnership

“Foreign limited liability partnership” means a limited liability partnership formed, incorporated or registered outside India which establishes a place of business within India.

Limited Liability Partnership has been introduced in India by way of Limited Liability Partnership act, 2008.

A Limited Liability Partnership, popularly known as LLP combines the advantages of both the Company and Partnership into a single form of organization. In an LLP one partner is not responsible or liable for another partner’s misconduct or negligence; this is an important difference from that of an unlimited partnership.

In an LLP, all partners have a form of limited liability for each individual’s protection within the partnership, similar to that of the shareholders of a corporation. However, unlike corporate shareholders, the partners have the right to manage the business directly.

An LLP also limits the personal liability of a partner for the errors, omissions, incompetence, or negligence of the LLP's employees or other agents.

Limited Liability Partnership Agreement (LLP Agreement) is a written agreement between the partners of the limited liability partnership or between limited liability partnerships and its partners which determines the mutual rights and duties in relation to that limited liability partnership.

Any individual or body corporate may be a partner in a limited liability partnership. Any person may be admitted as partner in the LLP in accordance with LLP agreement of that LLP. Usually name of partners are mentioned in LLP agreement or any of its supplementary agreement. However LLP agreement is not a mandatory requirement.

LEGAL TERMINOLOGY

1. **ab initio** From the beginning.
2. **ad idem** To the same thing.
3. **ad valorem** According to value.
4. **audi alteram partem** Hear the other side.
5. **bona fide** In good faith.
6. **de facto** In fact.
7. **de jure** In law.
8. **de novo** A new.
9. **ex officio** By virtue of an office.
10. **in personam** Against the person.
11. **in rem** An act/proceeding done or directed with reference to no specific person or with reference to all whom it might concern.
12. **inter alia** Amongst other things.
13. **intra vires** Within the powers.
14. **mens rea** A guilty mind.
15. **modus operandi** Mode of operating; the way in which a thing, cause etc. operates.
16. **obiter dictum** An opinion of law not necessary to the decision.
17. **quid pro quo** The giving of one thing of value for another thing of value; one for the other; thing given as compensation.
18. **ratio decidendi** Reasons for deciding, the grounds of decision.
19. **res judicata** A case or suit already decided.
20. **sine die** Without day.
21. **stare decisis** To stand by things decided; to abide by precedents where the same points come again in litigation.
22. **status quo** Existing condition.
23. **sub judice** Before a judge or court, pending decision of a competent court.
24. **ultra vires** Beyond one's powers.

CENSUS- 2011

POPULATION

The population of India on 1 March 2011 was 121,01,93,422 (or 1,210,193,422). India added 181 million to its population since 2001, slightly lower than the population of Brazil. India with 2.4% of the world's surface area accounts for 17.5% of its population. Uttar Pradesh is the most populous state with roughly 200 million people. A little over 5 out of 10 Indians live in the six states of Uttar Pradesh, Maharashtra, Bihar, West Bengal, Andhra Pradesh and Madhya Pradesh.

SEX RATIO IN INDIA

As of census 2011 absolute 62,37,24,248 males and 58,64,69,174 females live in India. Overall sex ratio in India is 940 females per 1000 males. This grown about 0.75% in last 10 years. In 2001 sex ratio in India was 933.

LITERACY RATIO IN INDIA

As per the data published by the 2011 census India has managed to achieve an effective literacy rate of 74.04 per cent in 2011. In the 2001 census the country's literacy rate stood at 64.8 percent. The most notable thing that came across in the 2011 census is the sharp rise in the literacy of females over males.

DENSITY OF POPULATION

Population density in India is 382 persons per square kilometer.

OBJECTIVE TYPE QUESTIONS

1. Number of total number States/Union territories recorded in Census 2011 was?
(a) 35
(b) 27
(c) 34
(d) 31

The Correct option is – (a) 35

2. Number of districts recorded in Census was?
(a) 640
(b) 740
(c) 840
(d) 550

The Correct option is – (a) 640

3. Which state according to the Census 2011 is most populous ?
(a) Uttar Pradesh
(b) Maharashtra
(c) Bihar
(d) West Bengal

The Correct option – (a) Uttar Pradesh

4. Which state/UT according to the Census 2011 is least populous?
(a) Daman and Diu
(b) Sikkim
(c) Lakshadweep
(d) A & N Islands

The Correct option is – (a) Daman and Diu

5. Which state has recorded the highest sex ratio in state?
(a) Kerala
(b) Mizoram
(c) Haryana
(d) Punjab

The Correct option is – (a) Kerala

IMPORTANT ABBREVIATIONS

1. BOP- Balance of Payment
2. BPO – Business Process Outsourcing
3. CENVAT – Central Value Added Tax
4. CRR – Cash Reserve Ratio
5. CSO – Central Statistical Organisation
6. EXIM – Export Import Bank of India
7. FDI – Foreign Direct Investment
8. FEMA – Foreign Exchange Management Act
9. FERA – Foreign Exchange Regulation Act
10. GATT – General Agreement on Trade and Tariff
11. IFC – International Finance Corporation
12. IIM – Indian Institute of Management
13. IIT – Indian Institute of Technology
14. IMF – International Monetary Fund
15. MRTP Act – Monopolies & Restrictive Trade Practices Act
16. MTNL – Mahanagar Telephone Nigam Limited
17. NABARD – National Bank for Agriculture and Rural Development
18. NSSO – National Sample Survey Organisation
19. NTPC – National Thermal Power Corporation
20. PSU – Public Sector Undertaking
21. RRB – Regional Rural Banks
22. SEZ – Special Economic Zones
23. SLR – Statutory Liquidity Ratio
24. SME – Small & Medium Enterprises
25. TRAI – Telecom Regulatory Authority of India
26. VAT – Value Added Tax
27. WTO – World Trade Organisation