CSS COURSE SYLLABUS

Mercantile Law

100 marks · one paper · Group VI - Law & Philosophy

Complete Mercantile Law syllabus. The full official FPSC syllabus this course covers, section by section.

1 Law of Contract, 1872

- Definitions
- Essentials of a valid contract (Proposal, Acceptance, Consideration, Free consent, Capacity of Parties, Not hereby declared to be Void)
- Kinds of Contracts (Valid, Void, Voidable, Not Voidable)
- Variety of Contracts (Contingent, Quasi, Bailment, Pledge, Indemnity, Agency)
- Performance of Contract, contracts that need not to be performed.
- Breach of contract, consequences of breach, damages for breach of contract.

2 Sales of Goods Act, 1930

- Definitions
- Differences: Sale & agreement to sell, conditions and warranties, express & implied conditions.
- Doctrines: Caveat emptor, Nemo dat
- Right and duties of seller & buyer, rights of unpaid seller.

3 Partnership Act, 1932

- Definitions
- Essentials of partnership
- Kinds of partnership (partnership at will, particular partnership, limited partnership)
- Rights and duties of Partners
- Relation of partners to third persons (implied authority of partner, doctrine of holding out)
- Incoming and outgoing partners (minor)
- Dissolution of firms (compulsory, by agreement, by court, by notice on happening of contingencies)

4 Negotiable Instrument Act, 1881

- Definitions
- Types of negotiable instruments (Cheque, bill of exchange, promissory note)
- Parties to instruments, holder & holder in due course
- Rules (as to negotiation, presentment, payment & interest, discharge, noting and protest, compensation, acceptance, payment for honour)
- Special rules of evidence
- Special provisions relating to cheques & bills of exchange (dishonor, duties of banker)
- Provisions as to foreign instruments

5 Competition Act, 2010

- Definitions
- Prohibition and abuse of (dominant position, certain agreements, discipline, marketing practices)

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- Approval of mergers
- Competition commission of Pakistan (established, composition, term)
- Functions and powers of commission
- Provisions as to penalty and appeals.

6 Electronic Transaction Ordinance, 2002

- Definitions
- Recognition and presumption of electronic transactions (writing, signature, stamp duty, attestation etc.)
- Electronic documents (attribution, acknowledgement, time and place of dispatch)
- Certification of service providers
- Application to acts done outside Pakistan
- Offences & Nature (false information, false certificates, damage to information system etc)

7 The Arbitration Law in Pakistan

- Definitions
- Appointment, number and removal of arbitrator
- Award by arbitrator
- Powers of court upon award (remittance, modification and setting aside of award)
- Types of arbitration (with or without intervention of court)
- Stay of legal proceedings in presence of arbitration agreement

8 Consumer's Protection Act, 2006

- Definitions
- Consumer Commission (establishment, powers and functions, complaints before commission and disposal)
- Provisions as to compulsory recall of goods
- Duties and liabilities of provider of goods (return and refund of goods)
- Offences and penalties
- Contract between consumer and provider

9 Companies Ordinance, 1984

- Definitions
- Types of Companies
- Fundamental papers of company (Memorandum of association, articles of association, prospectus)
- Transfer of shares and debentures
- Management and administration (promoters, share holders, directors, chief executive, auditors)
- Meeting's and proceedings (statutory, general, annual general meeting)
- Winding up (voluntary, by court)

10 Electronic Fund Transfer Act, 2007

- Definitions
- Payment system and their operation (designation of payment system & revocation, real time gross settlement system, governance & operation arrangement)

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- Payment instruments (designation, issuing and prohibition of instruments)
- Clearing and other obligations
- Supervisory Control of state bank
- Documentation of transfers
- Notification of error and liabilities of parties
- Law relating to action before court.

Source: Revised Syllabi for CSS Competitive Examination, CE-2016 (updated 7 July 2015), Federal Public Service Commission.

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