



# **CSS SYLLABUS**

## **THE COMMONS INSTITUTE**

### **CSS|PMS|FPSC|PPSC**

**0325 0179777**

2-A Shahrah Aiwan-e-Sanat-o-Tijarat, G.O.R. - I,  
Lahore

## **Subject: Mercantile Law**

For CSS Solved Past Papers, Date Sheet, Online Preparation, Toppers Notes and FPSC recommended Books visit our website or Call us:



[thecommonsinstitute.com](http://thecommonsinstitute.com)



[0325 0179777](tel:03250179777)

# Paper: Mercantile Law (100 Marks)

## I. *Law of Contract, 1872*

- Definitions
- Essentials of a valid contract (Proposal, Acceptance, Consideration, Freeconsent, 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.

## II. *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.

## III. *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)

## IV. *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

#### V. *Competition Act, 2010*

- Definitions
- Prohibition and abuse of (dominant position, certain agreements, discipline, marketing practices)
- Approval of mergers
- Competition commission of Pakistan (established, composition, term)
- Functions and powers of commission
- Provisions as to penalty and appeals.

#### VI. *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)

#### VII. *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

#### VIII. *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

#### IX. *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)

#### X. *Electronic Fund Transfer Act, 2007*

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

### SUGGESTED READINGS

| S. No. | Title                           | Author                 |
|--------|---------------------------------|------------------------|
| 1.     | <b>Law of Contract</b>          | Agarwala, M. Mehmood   |
| 2.     | <b>Sales of Goods Act</b>       | Pollock & Mulla        |
| 3.     | <b>Bare Acts:</b>               | Government of Pakistan |
| i)     | Contract Act, 1872              |                        |
| ii)    | Negotiable Instrument Act, 1881 |                        |
| iii)   | Sale of Goods Act, 1930         |                        |
| iv)    | Companies Ordinance, 1984       |                        |
| v)     | Arbitration Act, 1940           |                        |
| vi)    | Competition Act, 2010           |                        |

|        |                                                                                      |
|--------|--------------------------------------------------------------------------------------|
| vii)   | Electronic Transactions Ordinance, 2002                                              |
| viii)  | Consumers' Protection Act, 2006                                                      |
| ix)    | Electronic Fund Transfer Act, 2007                                                   |
| 4.     | <b>Case Law Reading</b>                                                              |
| i)     | Carlil vs. Carbolic Smoke Ball Co. (1893) 1 QB 256                                   |
| ii)    | Pharmaceutical Society of Great Britain vs. Boots Cash Chemicals Ltd.(1952) 2 QB 795 |
| iii)   | Curie vs. Misa (1875) LR 10 Ex 153                                                   |
| iv)    | Byrne & Co. vs. Van Tienhaven & Co. (1880) 5 CPD 344                                 |
| v)     | Mohri Bibi vs. Dharmodas Ghose (1903) 30 IA 114                                      |
| vi)    | Derry vs. Peeks (1889) 14 App. Cas 337                                               |
| vii)   | Mannu Singh vs. Umadat Panday (1890) 12 ALL 523                                      |
| viii)  | Coggs vs. Bernard (1703) 2Ld Raym 909                                                |
| ix)    | Lumley vs. Wanger (1852) EW HC (Ch)J 96                                              |
| x)     | Manni Devi vs. Ramayan Singh AIR 1985 Pat. 35                                        |
| xi)    | Lachhman Joharimal vs. Bapu Khandu (1869) 6 Bombay High Court Reports241             |
| xii)   | Mischeff vs. Springett (1942) 2 KB 331                                               |
| xiii)  | Watson vs. Coupland (1945) 1 All ER 217                                              |
| xiv)   | Ashbury Railway Carriage & Iron Co. Ltd. Vs. Riche (1875) LR 7HL 653                 |
| xv)    | Lee vs. Lee's Air Farming (1960) 3 All ER420                                         |
| xvi)   | Salomon vs. A. Salomon & Co. Ltd. (1897) AC 22                                       |
| xvii)  | Royal British Bank vs. Turqnand (1856) 6 E&B 327                                     |
| xviii) | Ram Raja Ram vs. Dhirba Charan Jen AIR 1982 Ori 264                                  |
| xix)   | Badridas Kothari vs. Megraj Kothari AIR 1967 Cal 25                                  |
| xx)    | Hitachi Ltd. & others vs. Rupali Polyester & others (1998 SCMR 1618)                 |
| xxi)   | Marflower Theatre Trust Ltd. Vs. HMRC (2007) STC 880                                 |
| xxii)  | Pickering vs. Bux (1812) 15 East 38                                                  |
| xxiii) | Liaqat Islam vs. State (2011 YLR 2280)                                               |
| xiv)   | Alamgir Khalid Chughtai vs. State (PLD 2009 Lahore 259)                              |
| xv)    | United States vs. Forty Barrels and Twenty Kegs of Coca Cola, 241 U.S. 265(1916)     |

