

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 7

PART — A

(Answer Question No.1 which is compulsory
and any three of the rest from this part.)

1. With reference to the relevant legal enactments, write short notes on the following. Attempt **any five** :
 - (i) Off-shore banking unit
 - (ii) Competition policy
 - (iii) Functions of a trade mark
 - (iv) Air pollution control area
 - (v) Cartels
 - (vi) Memorandum of micro, small and medium enterprises
 - (vii) *Mens rea*.

(3 marks each)

2. State, with reasons in brief, whether the following statements are true or false. Attempt **any five** :
 - (i) The jurisdiction of a Consumer Disputes Redressal Forum may be original, appellate or revisional.
 - (ii) The interest paid by any buyer in accordance with the provisions of the Micro, Small and Medium Enterprises Development Act, 2006 shall not be allowed as deduction for computation of income.
 - (iii) Competition is a process of economic rivalry between market players to attract customers.
 - (iv) The National Green Tribunal is bound by the procedure laid down in the Code of Civil Procedure, 1908.

- (v) Any trade practice restricting an area or price is *per se* a restrictive trade practice.
- (vi) Liability for pollution, whether it is caused by an individual or by a corporation, may be civil or criminal.

(3 marks each)

3. (a) Distinguish between the following. Attempt *any two* :

- (i) 'Absolute grounds' and 'relative grounds' for refusal of registration of a trade mark.
- (ii) 'Person' and 'authorised person' under the Foreign Exchange Management Act, 1999.
- (iii) 'Exclusive supply agreement' and 'exclusive distribution agreement' under the Competition Act, 2002.
- (iv) 'Defect' and 'deficiency' under the Consumer Protection Act, 1986.

(5 marks each)

(b) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :

- (i) A trade mark not used within a period of _____ year(s) of its registration becomes liable for removal either completely or in respect of those goods or services for which the mark has not been used.
- (ii) Foreign direct investment (FDI) in trusts other than _____ is not permitted.
- (iii) After the expiry of _____ year(s) from the date of the sealing of a patent, any person interested may make an application to the Controller for the grant of compulsory licence of the patent.
- (iv) _____ has issued anti-money laundering standards.
- (v) The term _____ does not include use by a consumer of goods bought and used by him exclusively for the purpose of earning his livelihood.

(1 mark each)

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4. (a) With reference to the relevant provisions of the Foreign Exchange Management Act, 1999 and the rules and regulations made thereunder, advise on the following :
- (i) Sunil, a resident outside India, intends to send US \$10,000 to his father residing in India by way of gift.
 - (ii) Krishan, an Indian citizen requires specialised medical treatment in a hospital in America for which he has to incur an expenditure of US \$1,40,000.
 - (iii) ABC Ltd., a company incorporated in India, intends to invest in the equity shares of an overseas company.
 - (iv) A company incorporated in India intends to issue rights/bonus shares to existing non-resident shareholders.
 - (v) Rohan, an Indian citizen resident outside India, intends to acquire immovable property in India.

(1 mark each)

- (b) Discuss the provisions of the Trade Marks Act, 1999 regarding assignment and transmission of registered trade marks.

(5 marks)

- (c) "A reasonable opportunity is required to be given to the person concerned before ordering confiscation of an essential commodity seized in contravention of the provisions of the Essential Commodities Act, 1955." Elaborate.

(5 marks)

5. (a) "There has to be a judicious balance between environment and development." Discuss.

(5 marks)

- (b) List out the heads under which compensation or relief for damages may be claimed under the National Green Tribunal Act, 2010.

(5 marks)

- (c) Discuss the nature and scope of proceedings before the consumer disputes redressal forums constituted under the Consumer Protection Act, 1986.

(5 marks)

PART — B

(Answer ANY TWO questions from this part.)

6. Write notes on the following. Attempt *any four* :
- (i) General duties of an 'occupier' under the Factories Act, 1948.
 - (ii) Manner of fixing/revision of minimum wages under the Minimum Wages Act, 1948.
 - (iii) 'Continuous service' under the Payment of Gratuity Act, 1972.
 - (iv) Matters to be provided in standing orders under the Industrial Employment (Standing Orders) Act, 1946.
 - (v) Dismissal of an individual workman shall be deemed to be an industrial dispute under the Industrial Disputes Act, 1947.
- (5 marks each)
7. (a) Distinguish between the following. Attempt *any two* :
- (i) 'Justified strike' and 'unjustified strike' under the Industrial Disputes Act, 1947.
 - (ii) 'Draft standing orders' and 'certified standing orders' under the Industrial Employment (Standing Orders) Act, 1946.
 - (iii) 'Eligibility for bonus' and 'disqualification for bonus' under the Payment of Bonus Act, 1965.
- (5 marks each)
- (b) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) The maximum ceiling limit of gratuity payable to an employee is _____.
 - (ii) Under the Employees' Compensation Act, 1923, an employer must make a deposit with the Commissioner within _____ day(s) of being served with the notice, if he is liable to pay compensation.
 - (iii) The Contract Labour (Regulation and Abolition) Act, 1970 is applicable to every establishment in which _____ workmen are employed or were employed on any day of the preceding 12 months as contract labour.

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- (iv) No person employed in a public utility service shall go on strike without giving to the employer a notice of strike, within _____ day(s) before strike.
- (v) Factory includes any premises including _____ where 10 or more workers are/were working on any day of the preceding 12 months.

(1 mark each)

- (c) Write the most appropriate answer from the given options in respect of the following :
 - (i) Which one of the following injuries does not come under the definition of 'personal injury' —
 - (a) Nervous shock
 - (b) Mental strain
 - (c) Loss of money
 - (d) Nervous breakdown.
 - (ii) Which of the following is not a valid reason for an employer to declare 'lay-off' —
 - (a) Shortage of coal, power or raw material
 - (b) Accumulation of stock
 - (c) Breakdown of machinery
 - (d) Financial stringency.
 - (iii) Which of the following is not a 'manufacturing process' —
 - (a) Pumping oil
 - (b) Generation of power
 - (c) Storage of an article in cold storage
 - (d) Packing of finished goods.
 - (iv) Certified standing orders under the Industrial Employment (Standing Orders) Act, 1946 shall come into operation on the expiry of _____ days from the date on which authenticated copies are sent to employer and workers' representative —
 - (a) 7 Days
 - (b) 30 Days
 - (c) 45 Days
 - (d) 90 Days.

- (v) Which scheme is not in operation under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 —
- (a) The Employees' Provident Fund Scheme, 1952
 - (b) The Employees' Gratuity Scheme, 1992
 - (c) The Employees' Pension Scheme, 1995
 - (d) The Employees' Deposit Linked Insurance Scheme, 1976.

(1 mark each)

8. Answer the following stating relevant legal provisions and decided case law, if any. Attempt *any five* :

- (i) There was a cycle stand and a canteen in the premises of a theatre. The employees in the cycle stand and the canteen were provided by a private contractor. Examine whether the employees working in the cycle stand and the canteen are liable to be covered under the Employees' State Insurance Act, 1948 along with the employees of the theatre.
- (ii) The workmen of an industry were laid-off by the employer. The workmen contended that the employer cannot 'lay-off' since there is no provision to 'lay-off' either in the terms of their appointment or in the standing orders. Is the stand taken by the workmen legal ?
- (iii) A contractor was engaged to repair a defective chimney. The worker engaged by the contractor got injured while carrying out repairs of the chimney. The company contended that it is not liable to pay compensation as the repairing of chimney was not a part of company's trade or business. Is the company justified ?
- (iv) Mayank, a worker was suspended for an alleged act of indiscipline. An inquiry was conducted and the charges of misconduct against him could not be proved. As a result, he was reinstated with full back wages. The worker was, however, not paid bonus for the period of suspension. Can he claim bonus from the employer for the period he was under suspension ?

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- (v) Aman is an employee working in a scheduled employment covered under the Minimum Wages Act, 1948. The employer suffered huge loss in a financial year. He paid less than the minimum rates of wages notified by the appropriate government to employees including Aman pleading his incapacity to pay. Is the action of the employer justified and legal ?
- (vi) An employee increased his share of provident fund contribution. Is the employer also liable to proportionately increase his share of contribution under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ?
- (vii) A seventeen year old person was employed in a factory. The worker was asked by the supervisor to work on a dangerous machine, for a period of seven days and was offered double the amount of wages. The worker consented to work. Is the action of the supervisor legal ?

(4 marks each)

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