

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 7      Total number of printed pages : 7

**NOTE :** Answer SIX questions including Question Nos. 1 and 7 which are compulsory.

1. With reference to the relevant legal enactments, write short notes on *any five* of the following :

- (i) Anti-competitive agreement
- (ii) Industrial undertaking
- (iii) Surrender of patents
- (iv) Environmental laboratories
- (v) Money laundering
- (vi) Deemed exports.

(3 marks each)

2. (a) Define the terms 'acquisition', 'competition' and 'cartels'.

(6 marks)

(b) Mention any six functions of Development Councils set-up under the Industries (Development and Regulation) Act, 1951.

(3 marks)

(c) What is 'free trade and warehousing zone' (FTWZ) ?

(2 marks)

- (d) State, citing decided cases, whether any restrictive or unfair trade practice has been committed in the following instances :
- (i) A company engaged in the business of manufacture of cold drinks, stipulates in the franchise agreement with its bottlers that the latter should not bottle the products of other cold drink manufacturers in the same premises as it may cause mixing-up with the company's products.
  - (ii) A company engaged in the business of manufacture of leather items, enters into agreements with small-scale manufacturers for purchase of leather items to be sold by it under its own brand name. The agreement prohibits the small-scale manufacturers from purchasing raw materials and components from parties other than those approved by the company on the ground of quality control.

*(2 marks each)*

3. (a) Discuss the exemptions from the provisions relating to holding, realisation and repatriation of foreign currency under the Foreign Exchange Management Act, 1999.

*(4 marks)*

- (b) With reference to the relevant provisions of the Foreign Exchange Management Act, 1999, advise on the following :
- (i) Adarsh Ltd. had export earnings of Rs.15 lakh, Rs.20 lakh and Rs.22 lakh during the years 2003,

2004 and 2005 respectively. It desires to issue advertisements through a foreign TV channel.

- (ii) Paritosh Ltd., an Indian company, wishes to donate \$10,000 to a charitable institution in Mauritius.
- (iii) Abhay Ltd., an Indian company, which won the bid, has approached the authorised dealer for further remittance towards acquisition of a company in Romania.
- (iv) Sumesh, a person resident in India, has acquired foreign securities as qualification shares in a company incorporated in Luxemburg for holding the post of a director in that company.

*(2 marks each)*

- (c) Briefly mention the policy initiatives taken by the government to pave way for consumer protection in the country.

*(3 marks)*

- 4. (a) State the grounds under which registration of a trade mark can be refused.
- (b) Mention the inventions which are not patentable under the Patents Act, 1970.
- (c) What amounts to infringement of a copyright under the Copyright Act, 1957 ?

*(5 marks each)*

- 5. (a) A CT scan machine is installed in Daya Ram Charitable Trust and Diagnostic Centre. 80% of the patients are required to pay charges for the services

rendered by the trust whereas 20% patients are provided free services. On a complaint against the trust for deficiency in service, it contended that the trust did not engage in profit-making activity on a large scale. Will it succeed ?

- (b) Aditya, a director of Amex Ltd., visited Germany thrice in 2005 on invitations and free air-tickets, board and lodging extended to Amex Ltd. by the Chamber of Commerce and Industry, Germany. Has Aditya or the company contravened the provisions of the Foreign Contribution (Regulation) Act, 1976 ? Mention relevant provisions.
- (c) Kajol purchased 2,000 units from a leading mutual fund in 1999 on monthly income scheme. On maturity, the mutual fund sent account payee cheque dated 1<sup>st</sup> September, 2005 in favour of Kajol at her address lodged with the mutual fund through registered post. The registered post letter was not returned undelivered and the mutual fund believed that the letter containing the cheque was duly delivered to Kajol. On 19<sup>th</sup> November, 2005, Kajol asked for payment of the maturity amount and was informed that the cheque was delivered and encashed through a co-operative bank. Kajol files a complaint against the mutual fund for deficiency in service and seeks relief. Will she succeed ?

*(5 marks each)*

6. (a) Mention the conditions under which the report in respect of samples of air or emission from any chimney, flue or duct or any other outlet will be admissible in evidence under the Air (Prevention and Control of Pollution) Act, 1981.

- (b) Describe the powers of the National Environment Appellate Authority.
- (c) State briefly the principles of sustainable development.

(5 marks each)

7. (a) Discuss *any two* of the following :

- (i) Principles governing domestic inquiry.
- (ii) Payment of subsistence allowance to a suspended workman under the Industrial Employment (Standing Orders) Act, 1946.
- (iii) Social security.

(5 marks each)

(b) Attempt *any five* of the following stating the relevant legal provisions and case law, if any :

- (i) A development officer of an insurance company used to remain absent from duty without leave. He was asked to show cause why he should not be removed from the service. He sent his reply. Thereupon, he was removed from the service without holding any inquiry. Is the removal justified ?
- (ii) There was a dispute between the management of Daisy Mills Ltd. and its workers' union on the issue of wage revision. During the arbitration proceedings, the workers' union decided to go on strike. Is the decision of the workers' union lawful ?
- (iii) The workers of a factory gheraoed the factory manager at the factory premises and restrained him for 2 hours. During this period, there was

no assault on the manager or any kind of criminal trespass. Will the workers be liable for having committed an offence under the Trade Unions Act, 1926 ?

- (iv) The Board of directors of a company appointed its deputy general manager, who controlled the operational activities of the factory, as its 'occupier'. The Chief Inspector of Factories (CIOF) did not approve the appointment. Can the company succeed against the CIOF for having refused to accept its senior functionary's appointment as the 'occupier' ?
- (v) While fixing total remuneration, the employer included travelling allowance as part of the remuneration of an employee. The employee claimed that the employer has to include travelling allowance also for the purpose of payment of contribution towards ESI fund. Will he succeed ?
- (vi) Ramesh was occupying service quarters of a company at the time of retirement. He did not vacate the house after retirement. The company withheld the payment of gratuity to the retired employee on this ground. Can Ramesh claim the payment of gratuity and succeed against the employer ?
- (vii) Due to accumulation of stocks, the company declared lay-off for 5 days. The workers' union protested that it was not the legal right of the employer to lay-off the workers and that they should be paid full wages for the period of lay-off. Will they succeed in a court of law, if the employer refuses to concede to their demand ?

: 7 :

- (viii) Manmauji, an employee, was suspended for an alleged misconduct. An inquiry was conducted and the charges against him could not be proved. As a result, he was reinstated with full back wages. The employee was, however, not paid bonus for the period of suspension. Can he challenge the employer's action ?

*(3 marks each)*

—○—