

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 8

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) Licensing of industrial undertakings
 - (ii) Declarations on pre-packaged commodities
 - (iii) Anti-competitive agreements
 - (iv) Noise pollution in environment
 - (v) Term of copyright
 - (vi) Deceptive similarity of a trade mark
 - (vii) Patentable invention.

(3 marks each)
2. State, with reasons in brief, whether the following statements are true or false. Attempt *any five* :
 - (i) Substantial increase in productive capacity of an industrial undertaking would amount to substantial expansion and would require an industrial licence for effecting substantial expansion under the Industries (Development and Regulation) Act, 1951.
 - (ii) Tea is a 'foodstuff' under the Essential Commodities Act, 1955 and the Central Government has the powers to fix its prices by an order under the Act.
 - (iii) A liaison office established in India under the Foreign Exchange Management Act, 1999 can undertake only liaison activities.
 - (iv) An application for compensation in a pollution case is maintainable under Article 32 of the Constitution of India.

- (v) The term 'consumer' has the same meaning in the Consumer Protection Act, 1986 and Competition Act, 2002.
- (vi) The provisions relating to standard weights and measures are not applicable for manufacture done exclusively for export.

(3 marks each)

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

- (i) 'Day of acceptance' and 'day of deemed acceptance' under the Micro, Small and Medium Enterprises Development Act, 2006.
- (ii) 'Collective marks', and 'certification trade marks'.
- (iii) 'Exclusive licence' and 'compulsory licence' for patents.
- (iv) 'Attempt' and 'abetment' to commit an offence under the Essential Commodities Act, 1955.

(5 marks each)

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

- (i) Duty free import entitlement of commercial gems and jewellery samples has been fixed at _____.
- (ii) The limitation period for filing a complaint under the Consumer Protection Act, 1986 is _____.
- (iii) The principles of natural justice consist of two basic elements namely, an opportunity of being heard and nobody should be a _____.
- (iv) Special Economic Zone (SEZ) is a specifically delineated duty free enclave and is deemed to be a _____ territory for the purposes of trade operations and duties and tariffs.
- (v) When a registered trade mark is used by a person who is not entitled to use such a trade mark under the law, it constitutes _____.

(1 mark each)

: 3 :

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) Ganesh has secured a seat in a university in USA and he requires US \$1,50,000 per academic year for his studies.
 - (ii) XYZ Ltd., a company incorporated in India, intends to repatriate dividend to its NRI shareholders.
 - (iii) Raman wants to receive US \$2,00,000 from his brother staying in USA for making payment towards capitation fees for a medical seat to pursue post graduation in a college in India.
 - (iv) Vishakha Ltd., incorporated in India, intends to acquire a building in USA for residential purpose of its staff posted there.
 - (v) Mohan wants to visit United Kingdom and requires US \$15,000 in a calendar year.

(1 mark each)

- (b) Rashtra Bhakta Youth Society, an organisation formed for the purpose of imbibing spirit of nation building, patriotism and character-building among students and youth, receives a grant of US \$5,000 from one John Mathew, a US philanthropist.

Does the organisation attract the provisions of the Foreign Contribution (Regulation) Act, 2010 ? Refer to relevant provisions of law in support of your answer.

(5 marks)

- (c) Write a note on the restoration of lapsed patents under the Patents Act, 1970.

(5 marks)

5. (a) What is meant by 'substantial question relating to environment' ? What is the jurisdiction of National Green Tribunal involving substantial question relating to environment ?

(5 marks)

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- (b) Mention the provisions of the Environment (Protection) Act, 1986 read with Environment Protection Rules, 1986 relating to prohibition or restriction of location of industries and carrying on of processes and operations in different areas.

(5 marks)

- (c) Write a note on the salient features of the Public Liability Insurance Act, 1991 relating to provision of immediate relief to the persons affected by accidents occurring while handling any hazardous substance.

(5 marks)

PART — B

(Answer ANY TWO questions from this part.)

6. Write notes on the following. Attempt *any four* :

- (i) Prohibition of contract labour under the Contract Labour (Regulation and Abolition) Act, 1970.
- (ii) Payment of subsistence allowance under the Industrial Employment (Standing Orders) Act, 1946.
- (iii) Protected workmen and their rights under the Industrial Disputes Act, 1947.
- (iv) Annual leave with wages under the Factories Act, 1948.
- (v) Forfeiture of gratuity under the Payment of Gratuity Act, 1972.

(5 marks each)

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

- (i) 'Lay-off' and 'lock-out' under the Industrial Disputes Act, 1947.
- (ii) 'Principal employer' and 'immediate employer' under the Employees' State Insurance Act, 1948.
- (iii) 'Payment of wages for normal working days' and 'wages of a worker who works less than normal working days' under the Minimum Wages Act, 1948.

(5 marks each)

: 5 :

- (b) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) Under the Minimum Wages Act, 1948, Part-II of Scheduled Employment relates to employments in _____.
 - (ii) The employer is under an obligation to pay gratuity amount within 30 days from the date it becomes payable. Simple interest at the rate of _____ per annum is payable on the expiry of the said period.
 - (iii) Pension under the Employees' Pension Scheme, 1995 on a discounted rate is also payable on attaining the age of _____ years.
 - (iv) An employer shall not be liable to pay compensation under the Employees' Compensation Act, 1923 if the injury does not result in disablement for a period exceeding _____ days.
 - (v) The present rate of ESI contributions are 4.75% and _____ of workers' wages by the employer and employees respectively.

(1 mark each)

- (c) Write the most appropriate answer from the given options in respect of the following :
- (i) The following relative of a deceased insured person is not dependent under the Employees' State Insurance Act, 1948 —
 - (a) Widowed mother
 - (b) Adopted son, who is a minor
 - (c) Married daughter
 - (d) Spouse.
 - (ii) What is the maximum number of hours in a week that an adult worker is allowed to work in a factory under the Factories Act, 1948 —
 - (a) 35 Hours
 - (b) 40 Hours
 - (c) 45 Hours
 - (d) 48 Hours.

- (iii) The limitation period for preferring a claim for workmen's compensation under the Employees' Compensation Act, 1923 is —
 - (a) One month from the date of accident
 - (b) Three months from the date of accident
 - (c) Two years from the date of accident
 - (d) One week from the date of accident.
- (iv) The Industrial Employment (Standing Orders) Act, 1946 applies to every industrial establishment where —
 - (a) 10 or more workmen are employed
 - (b) 20 or more workmen are employed
 - (c) 100 or more workmen are employed
 - (d) 500 or more workmen are employed.
- (v) What percentage of the basic wage, dearness allowance and retaining allowance of an employee is paid as contribution by the employer under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 —
 - (a) 8%
 - (b) 10%
 - (c) 12%
 - (d) 13%.

(1 mark each)

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

- (i) Sundar, a mechanic in a factory, continued to work disregarding the call given by the union for strike. While returning from work, Sundar was assaulted by his colleagues causing him serious injuries. Sundar suffered disability and on his claim for compensation under the Employees' State Insurance Act, 1948, the employer took the plea that Sundar did not suffer disability due to accident arising out of employment and in the course of employment.

Discuss the validity of the claim of Sundar.

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- (ii) A workman committed a grave misconduct and was dismissed from service based on a term and condition contained in the certified standing orders. The workman raised an industrial dispute before the Conciliation Officer and the conciliation proceedings ended in failure. The Government declined to refer the dispute for adjudication stating that it was found that the services of the workman had been terminated for a proved misconduct.

Is the Government justified in its action ?

- (iii) During his visit, the ESI Inspector found that the industrial establishment is employing 20 persons. On enquiry, the employer explained that out of the 20 persons, 4 persons were managerial personnel drawing salary above ₹10,000 per month. The ESI Inspector, however, insisted that the establishment is liable to be covered under the ESI Scheme. Discuss.

- (iv) A factory, employing more than 1,000 persons has been running a canteen for its workers. The canteen is managed by a committee formed by the employer. The Managing Committee is entrusted with employing workers in the said canteen. The occupier of the factory has taken a plea that the workers employed in the canteen are not the employees of the factory and are thus not governed by the provisions of Factories Act, 1948.

Is the plea of the occupier tenable in law ?

- (v) Ravi, a worker in a factory, was charged for theft of property belonging to the factory. An enquiry was held into the charge. The charge was held as proved and Ravi was dismissed from service. Ravi raised an industrial dispute before the Labour Court which held that the enquiry was fair and proper. Thereafter, the Labour Court passed an award ordering reinstatement of Ravi holding that dismissal from service was not an appropriate penalty.

Is there any scope to challenge the award of the Labour Court ?

- (vi) Disciplinary proceedings were initiated against Kapil in 2005 for a serious misconduct. He was not paid bonus on the ground that disciplinary proceedings were pending against him. The Enquiry Officer submitted his report in 2008 holding Kapil guilty of the charge. Based on the findings of the Enquiry Officer, Kapil was dismissed from service in 2009.

Kapil contends that he is entitled for bonus for the years 2005 to 2008. Will he succeed ?

- (vii) Raja, a contract labour, engaged for keeping industrial premises clean, has been engaged for 270 days in a year. He approaches his employer to absorb him in the establishment. Is the employer under an obligation to absorb the contract labour under the Contract Labour (Regulation and Abolition) Act, 1970 ?

(4 marks each)

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