

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) Know your customer guidelines
- (ii) Investigation into the affairs of a company under liquidation
- (iii) Term of patent
- (iv) 'Complaint' under the Consumer Protection Act, 1986
- (v) Bid rigging
- (vi) Legal metrology
- (vii) Water pollution.

(3 marks each)

2. State, with reasons in brief, whether the following statements are true or false.
Attempt **any five** :

- (i) Money laundering is processing of criminal proceeds to disguise its illegal origin.
- (ii) The Copyright Act, 1957 provides for civil remedies for infringement of copyright.
- (iii) The Competition Act, 2002 prohibits dominance as well as the abuse of dominant position.
- (iv) The provisions of the Foreign Exchange Management Act, 1999 read with FEMA Regulations, 2000 allow Indian companies to freely issue rights/bonus shares to existing non-resident shareholders.
- (v) The Foreign Contribution (Regulation) Act, 2010 was enacted to regulate and not prohibit the acceptance and utilisation of foreign contribution or hospitality.
- (vi) The award of confiscation of an essential commodity under the Essential Commodities Act, 1955 prevents infliction of any punishment to which the person affected thereby is liable under the Act.

(3 marks each)

3. (a) Distinguish between the following. Attempt *any two* :
- (i) 'Micro enterprise', 'small enterprise' and 'medium enterprise' under the Micro, Small and Medium Enterprises Development Act, 2006.
 - (ii) 'Person' and 'person resident in India' under the Foreign Exchange Management Act, 1999.
 - (iii) 'Environment pollutant' and 'air pollutant'.
 - (iv) 'Proprietor of a registered trade mark' and 'registered user of a trade mark'.
- (5 marks each)*
- (b) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) The amount representing the full export value of goods or software is required to be realised and repatriated to India within _____.
 - (ii) A registered trade mark is required to be renewed on the expiry of the period of _____.
 - (iii) Every unit of weight or measure has to be in accordance with the _____ based on the international system of units.
 - (iv) The Consumer Disputes Redressal Forum has pecuniary jurisdiction to entertain complaints where the value of goods/services complained against and the compensation, if any, claimed, is upto ₹_____.
 - (v) Under the National Green Tribunal Act, 2010, the Supreme Court, may entertain any appeal after the expiry of _____ days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.
- (1 mark each)*
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) Rahul, a person resident in India, intends to borrow £10,000 (UK pound sterling) from his friend resident in the United Kingdom.
 - (ii) Rajan, a foreign investor, is interested to invest in a company incorporated in India which is a small scale industrial unit.

: 3 :

- (iii) Canbury Consultants Ltd. desires to make payments of commission on exports made towards equity investment in its joint venture company abroad.
- (iv) Jitesh, a non-resident shareholder wants to apply for the allotment of additional shares over and above his entitlement of rights shares in an Indian company.
- (v) Operative Media, a software export company desires to receive 25% of the value of its exports in the form of shares in an overseas software company without entering into joint venture agreement.

(1 mark each)

- (b) Mention the powers of the Central Government to control production, supply and distribution of essential commodities under the Essential Commodities Act, 1955.

(5 marks)

- (c) What are the general principles on the working of patented inventions ?

(5 marks)

5. (a) Briefly mention as to how the Public Liability Insurance Act, 1991 seeks to achieve the objective of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance.

(5 marks)

- (b) Enumerate the powers of the National Green Tribunal for the purpose of discharging its functions under the National Green Tribunal Act, 2010.

(5 marks)

- (c) What are the main features of regulatory framework for environmental protection in India ?

(5 marks)

PART – B

(Answer ANY TWO questions from this part.)

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

- (i) Prohibition of strikes and lock-outs in public utility services under the Industrial Disputes Act, 1947.
- (ii) Special provisions relating to hazardous processes under the Factories Act, 1948.

- (iii) 'Dependent' under the Employees' State Insurance Act, 1948.
- (iv) 'Excluded employee' under the Employees' Provident Fund Scheme, 1952.
- (v) Provisions relating to health and welfare of contract labour under the Contract Labour (Regulation and Abolition) Act, 1970.

(5 marks each)

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

- (i) 'Principal employer' and 'contractor' under the Contract Labour (Regulation and Abolition) Act, 1970.
- (ii) 'Conciliation Officer' and 'Board of Conciliation' under the Industrial Disputes Act, 1947.
- (iii) 'Customary or interim bonus' and 'bonus linked with production or productivity' 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) Superannuation in relation to an employee who is a member of pension scheme, means attainment of the age of _____ years.
- (ii) Leave with wages is allowed to the employees if they work for _____ days in a month.
- (iii) Bonus should be paid to an employee within a period of _____ from the close of the accounting year.
- (iv) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is applicable to factories employing _____ or more persons.
- (v) An employer or a workman can challenge an order given by the Certifying Officer and file an appeal before the Appellate Authority within _____ days from the date on which copies are sent to the employer and workers' representatives.

(1 mark each)

: 5 :

- (c) Write the most appropriate answer from the given options in respect of the following :
- (i) Who amongst the following is entitled for bonus under the Payment of Bonus Act, 1965 —
- (a) Office assistant working in LIC of India
 - (b) Health worker working for Red Cross Society
 - (c) Printing worker in a newspaper press
 - (d) Computer operator working in a university.
- (ii) Under the Employees' State Insurance Act, 1948, disputes relating to the benefits are required to be filed in the —
- (a) Labour Court
 - (b) Civil Court
 - (c) Industrial Tribunal
 - (d) Employees' State Insurance Court.
- (iii) Which of the following is not a 'manufacturing process' under the Factories Act, 1948 —
- (a) Stitching bags and making them usable
 - (b) Industrial training school imparting training for leather products not for sale
 - (c) Conversion of latex into sheet rubber
 - (d) Conversion of sea water into salt.
- (iv) What is the period within which an employer must make a deposit with the Commissioner for employees' compensation if he is liable to pay compensation under the Employees' Compensation Act, 1923 —
- (a) Within 10 days of being served the notice
 - (b) Within 20 days of being served the notice
 - (c) Within 30 days of being served the notice
 - (d) Within 40 days of being served the notice.

- (v) A premises including precincts thereof is a 'factory' within the meaning of the Factories Act, 1948 wherein a manufacturing process is being carried on with the aid of power and where the number of workers working is —
- (a) 10 or more workers
 - (b) 20 or more workers
 - (c) 15 or more workers
 - (d) 50 or more workers.

(1 mark each)

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

- (i) XYZ Ltd. has a factory at town A. It lays-off five of its workmen expressing its inability to give employment to them due to accumulation of stocks. The company, however, offers these workmen an alternative employment in its another factory located at town B which is at a distance of 7 kms. from town A. The workmen refuse the alternative employment. Is the action of the workmen tenable in law ? Are they entitled to lay-off compensation ?
- (ii) Ankit was placed under suspension for an act of alleged misconduct and disciplinary proceedings were initiated against him. The inquiry officer could not complete the proceedings within the stipulated period of 90 days.
- The suspended employee demanded an increase in subsistence allowance. Is he entitled to an increase in the subsistence allowance under the Industrial Employment (Standing Orders) Act, 1946 ? If so, how much ? Will the position be different if the delay in the completion of disciplinary proceedings is attributable to the conduct of Ankit ?
- (iii) The Board of directors of a company appointed Chander, its production manager, who controlled the operations of the factory as the 'occupier'. The Chief Inspector of Factories refused to approve the appointment of Chander as the 'occupier'. The company intends to challenge the orders of the Chief Inspector of Factories. Will the company succeed ?
- (iv) Shobit, an employee, was placed under suspension for an alleged act of misconduct. An inquiry was instituted against him. The charges were, however, not proved against him. He was later on reinstated with full wages of the suspension period. The employer, however, did not pay bonus for the suspension period. Shobit intends to challenge the decision of the employer. Will he succeed ?

: 7 :

- (v) Prem and Suresh established a legal consultancy firm. They employed three law graduates, a stenographer and a typist to assist the firm. After five years, the services of the stenographer were terminated without assigning any reason. He raised a 'dispute' before the Labour Court asking for re-instatement or retrenchment compensation as contemplated by the Industrial Disputes Act, 1947. Will he succeed ?
- (vi) Ten workers working as contract labour in the marketing division of an oil refinery were engaged in liquified petroleum gas haulage work (loading and unloading of LPG cylinders). The company did not automatically absorb these contract workers even after the Central Government had issued a notification prohibiting the employment of contract labour in the said category of work. The aggrieved workers intend to take recourse to legal proceedings. Will they succeed ?
- (vii) Mohan was dismissed from service for misappropriation of the property of the establishment. He was also disqualified from receiving any bonus including the bonus for the accounting year in which the dismissal took place. Is the action of the employer justified ?

(4 marks each)