

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 6

P A R T – 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 **any five** of the following :
 - (i) Privileges to a star export house
 - (ii) Competition advocacy
 - (iii) Term of patents
 - (iv) The concept of sustainable development
 - (v) *Mens rea* under the Essential Commodities Act, 1955
 - (vi) International copyright.

(3 marks each)

2. State, with reasons in brief, whether the following statements are correct or incorrect. Attempt **any five** :
 - (i) The Consumer Protection Act, 1986 only reinforces the doctrine of *caveat emptor*.
 - (ii) In all legal proceedings relating to trade mark registered under the Trade Marks Act, 1999, the original registration and all subsequent assignments and transmissions thereof shall be *prima facie* evidence of its validity.
 - (iii) Cartel includes an association of producers, sellers or distributors who, by agreement among themselves, limit, control or attempt to control the production, distribution, sale or price of or trade in goods or provision of services.
 - (iv) Trade practice includes a single or isolated action of any person in relation to any trade.
 - (v) While calculating the value of plant and machinery for the purposes of small scale/ancillary industrial undertaking, the following shall be included --
 - (a) the cost of installation of plant and machinery;
 - (b) the cost of research and development equipment and pollution control equipments;
 - (c) the cost of fire fighting equipments; and
 - (d) the charges paid for technical know-how for erection of plant and machinery.
 - (vi) Special Economic Zone (SEZ) is deemed to be a foreign territory for the purposes of trade operations, duties and tariffs.

(3 marks each)

3. (a) Distinguish between **any two** of the following :
- (i) 'Intellectual property' and 'industrial property'.
 - (ii) 'Contract of service' and 'contract for service'.
 - (iii) 'Patent' and 'patent of addition'.
- (5 marks each)*
- (b) Re-write the following sentences after filling-in the blank spaces with appropriate word(s)/figure(s) :
- (i) Foreign contribution means donation, delivery or transfer made by any foreign source of any article, if the market value in India, of such article, on the date of such gift, delivery or transfer, exceeds Rs. _____.
 - (ii) Environmental clearance is not required from the Central Government, if investment is less than _____ for any item reserved for the small scale sector.
 - (iii) The amount representing the full export value of goods or software exported is required to be realised and repatriated to India within _____ month(s) from the date of export.
 - (iv) The term of every patent granted after the commencement of the Patents (Amendment) Act, 2002 shall be _____ year(s) from the date of filing of application for the patent.
 - (v) Literary, dramatic, musical or artistic works enjoy copyright protection for the life time of the author plus _____ year(s) beyond the death of the author.
- (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) An Indian company engaged in financial sector is interested in making investment in banking business abroad.
 - (ii) An Indian resident wants to purchase foreign securities by making remittances from his resident foreign currency (RFC) account.
 - (iii) A Bangladeshi millionaire is interested to invest in India subject to FDI policy of the Government of India.
 - (iv) An Indian public limited company wants to issue bonus shares to an existing non-resident shareholder.
 - (v) An Indian citizen resident outside India is interested in acquiring a house in Chennai and a farm house on the outskirts of Delhi.
- (1 mark each)*
- (b) Critically examine the application of the rule of strict liability while fixing the liability for environmental pollution.

(5 marks)

- (c) Jolly Ltd. maintained a guest house for the use of its managing director and other executives. It entered into an agreement with a firm for the installation of central air-conditioning system. The system installed did not function, developed snags and there was leakage of water from ducting system. The company filed a complaint claiming compensation for deficiency in service under the Consumer Protection Act, 1986. Will it succeed? Give reasons with reference to case law, if any.
(5 marks)
5. (a) Mention five important grounds for opposition to the grant of patents.
(5 marks)
- (b) Critically examine how environmental pollution violates human rights.
(5 marks)
- (c) Evaluate the efficacy of the Essential Commodities Act, 1955 in controlling the production, supply and distribution of essential commodities in the country.
(5 marks)

P A R T – B

(Answer ANY TWO questions from this part.)

6. Write notes on **any four** of the following :
- (i) Principles governing domestic enquiry.
 - (ii) Purposes for which ESI fund may be expended under the Employees' State Insurance Act, 1948.
 - (iii) Procedure to be followed for the certification of standing orders under the Industrial Employment (Standing Orders) Act, 1946.
 - (iv) 'Excluded employee' under the Employees' Provident Fund Scheme, 1952.
 - (v) Prohibition of employment of contract labour under the Contract Labour (Regulation and Abolition) Act, 1970.
 - (vi) Theory of notional extension of employment under the Workmen's Compensation Act, 1923.
- (5 marks each)*
7. (a) Distinguish between **any two** of the following :
- (i) 'Legal strike' and 'justified strike'.
 - (ii) 'Principal employer' and 'immediate employer' under the Employees' State Insurance Act, 1948.
 - (iii) 'Premises' and 'precincts' under the Factories Act, 1948.
- (5 marks each)*

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

- (i) The membership of provident fund scheme is compulsory for employees drawing a pay not exceeding Rs. _____ per month.
- (ii) _____ means termination of the service of an employee otherwise than on superannuation.
- (iii) Wages are to be paid within _____ working days from the date of termination of the employee whatever be the reason of termination.
- (iv) Superannuation in relation to an employee, who is a member of the pension scheme, means the attainment of the age of _____ years.
- (v) Under the Workmen's Compensation Act, 1923, the employer shall not be liable when the injury does not result in disablement for a period exceeding _____ days.

(1 mark each)

(c) Choose the most appropriate answer from the given options in respect of the following :

- (i) An application for the recovery of bonus from an employer shall be made within –
 - (a) Six months from the date on which the money became due
 - (b) One year from the date on which the money became due
 - (c) 60 Days from the date on which the money became due
 - (d) 90 Days from the date on which the money became due.
- (ii) The occupier of a factory is required to send a written notice to the Chief Inspector of Factories at least –
 - (a) 7 Days before he begins to occupy or use the premises as a factory
 - (b) 15 Days before he begins to occupy or use the premises as a factory
 - (c) 21 Days before he begins to occupy or use the premises as a factory
 - (d) 10 Days before he begins to occupy or use the premises as a factory.
- (iii) The State Government may make rules regarding the provisions and maintenance of a canteen for the use of workers wherein more than –
 - (a) 250 Workers are ordinarily employed
 - (b) 500 Workers are ordinarily employed
 - (c) 300 Workers are ordinarily employed
 - (d) 100 Workers are ordinarily employed.

- (iv) The minimum amount of compensation in case of permanent total disablement is –
- (a) Rs.1,00,000
 - (b) Rs.90,000
 - (c) Rs.80,000
 - (d) Rs.70,000.
- (v) The Contract Labour (Regulation and Abolition) Act, 1970 applies to every establishment or contractor wherein workmen employed on any day of the preceding 12 months shall be –
- (a) 100 Workmen or more
 - (b) 20 Workmen or more
 - (c) 50 Workmen or more
 - (d) 10 Workmen or more.

(1 mark each)

8. Attempt **any five** of the following stating relevant legal provisions and decided case law, if any :
- (i) A driver of bus belonging to the employer was involved in an accident which resulted in the impairment of free movement of his left hand disabling him from driving vehicles. He was, however, capable of performing other work. He claimed compensation contending that the said accident had resulted in permanent disablement of driving vehicles. Will he succeed ?
 - (ii) The workers were engaged by beedi manufacturer for rolling beedies at home subject to the rejection of defective beedies by manufacturer. The workers claimed that they should be treated as 'workers' under the provisions of the Factories Act, 1948. Will they succeed ?
 - (iii) An out-worker prepared goods at his residence and later on supplied these goods to the employer. Will he be treated as an employee under the Minimum Wages Act, 1948 ?
 - (iv) Mauji Ram was absent from duty without leave. The employer took the plea that it had resulted in the breach of continuous service for the purposes of gratuity under the Payment of Gratuity Act, 1972. Is the plea of the employer legal and enforceable ?
 - (v) A company was running into losses and was unable to pay the minimum rates of wages to its workers. The workers pleaded that the employer must pay them the minimum rates of wages. The employer (company) intends to go to the court challenging the constitutional validity of the Minimum Wages Act, 1948. Will the company succeed ?

- (vi) An employee was on his way to the factory. He met with an accident one kilometre away from the place of his employment. He pleaded that the injury was caused by accident "arising out of and in the course of employment" and claimed employment injury benefits under the Employees' State Insurance Act, 1948. Will the employee succeed ?
- (vii) Some contract labour was engaged by an organisation. There was subsequently prohibition of employment of contract labour in that category as a consequence of the notification issued by the Central Government. The employer did not absorb the contract labour and employ them on regular basis. The workmen challenged the action of the organisation. Will they succeed ?

(4 marks each)

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