

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 *any five* of the following :
 - (i) Functions of the National Board for micro, small and medium enterprises under the Micro, Small and Medium Enterprises Development Act, 2006
 - (ii) Functions of Export Promotion Council
 - (iii) Anti-competitive agreements
 - (iv) Applicability of the concept of *mens rea* under the Essential Commodities Act, 1955
 - (v) Patent agent
 - (vi) 'Defect' in goods under the Consumer Protection Act, 1986
 - (vii) Sustainable development.

(3 marks each)

2. State, with reasons in brief, whether the following statements are true or false. Attempt *any five* :
 - (i) The consumer forums can entertain a complaint arising out of the contract which provides for arbitration of disputes.
 - (ii) No action for the infringement of copyright can be brought unless the copyright is registered.
 - (iii) Indian companies are free to issue rights/bonus shares to non-resident shareholders.
 - (iv) There is no difference between 'person resident in India' and 'person resident of India'.
 - (v) A person can accept foreign contribution by way of a gift irrespective of its value.
 - (vi) The Standards of Weights and Measures Act, 1976 provides for the compounding of offences.

(3 marks each)

3. (a) Distinguish between *any two* of the following :
 - (i) 'Competition' and 'cartel'.
 - (ii) 'Registered proprietor of a trade mark' and 'registered user of a trade mark'.
 - (iii) 'Competition Commission' and 'Competition Appellate Tribunal'.
 - (iv) '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) The transfer or issue of foreign security is a _____ transaction.
- (ii) A person who has acquired or purchased foreign exchange for a specified purpose is unable to use the same and is required to surrender it within _____ days from the date of its acquisition or purchase.
- (iii) The term of every patent granted under the Patents Act, 1970 shall be _____ years from the date of filing of application for the patent.
- (iv) The literary, dramatic, musical or artistic works enjoy copyright protection for the life time of the author plus _____ years beyond.
- (v) The National Consumer Disputes Redressal Commission shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed exceeds ₹ _____ .

(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) Karan, a person resident in India, borrows US \$20,000 from his friend resident outside India.
- (ii) Rakesh, a person resident in India, is interested in extending an invitation to George, a person resident outside India, to stay as his guest while on a visit to India.
- (iii) A person, resident outside India, is interested to repatriate outside India the sale proceeds of an immovable property held in India.
- (iv) A person, resident in India, wants to acquire immovable property outside India by way of gift from a person who is resident outside India.
- (v) A foreign investor is interested to invest in an Indian company which is a small scale industrial unit.

(1 mark each)

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- (b) Mohan made a deposit of ₹1.50 lakh with the Housing Board for a house proposed to be built by it. There was a stipulation that the house would be completed within 2 years. The house could not be completed and possession was not handed over as promised. The Housing Board pleaded that construction was not upto the mark and expected level because of the use of low cost technology. Expressing regret, the Housing Board suggested that it was prepared to refund the deposit amount adding that there was no provision to pay any interest charges.

Mohan is not satisfied with the explanation and intends to approach the Consumer Disputes Redressal Forum for claim of refund amount, interest and compensation, if any. Will Mohan succeed ? Refer to decided case law, if any.

(5 marks)

- (c) Mention the provisions of the Trade Marks Act, 1999 relating to assignment and transmission of registered trade marks.

(5 marks)

5. (a) "Environmental pollution is the price a country has to pay for economic development." Comment.

(5 marks)

- (b) Write a note on the efficacy of existing regulatory framework providing for environmental protection in the country.

(5 marks)

- (c) "Despite the deleterious impact of money laundering on development, it has, of late, assumed alarming proportions and its growth has been cancerous." Discuss.

(5 marks)

PART – B

(Answer ANY TWO questions from this part.)

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

- (i) Matters to be provided in standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (ii) General duties of an 'occupier' under the Factories Act, 1948.
- (iii) Classes of employees not covered under the Payment of Bonus Act, 1965.
- (iv) Object and scope of the Minimum Wages Act, 1948.
- (v) Legality of strike under the Industrial Disputes Act, 1947.
- (vi) Rights and obligations of the employer under the Payment of Gratuity Act, 1972.

(5 marks each)

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

- (i) 'Sickness benefit' and 'medical benefit' under the Employees' State Insurance Act, 1948.
- (ii) 'Courts of inquiry' and 'labour courts' under the Industrial Disputes Act, 1947.
- (iii) 'Model standing orders' and 'certified standing orders' under the Industrial Employment (Standing Orders) Act, 1946.
- (iv) '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) Any contract whereby a workman relinquishes any right of compensation from the employer shall be _____ .
- (ii) It shall be the duty of the _____ to pay wages to the contract labour.
- (iii) The function of a certifying officer or the appellate authority is to adjudicate upon the _____ of the standing orders.
- (iv) An adolescent worker shall be allowed to work only for _____ hours in a week.
- (v) The Contract Labour (Regulation and Abolition) Act, 1970 applies to every establishment or contractor wherein _____ or more workmen are or were employed on any day of the preceding 12 months as contract labour.

(1 mark each)

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

- (i) The government may review the minimum rates of wages so fixed and revise the same if necessary at such intervals, not exceeding —
 - (a) 3 Years
 - (b) 5 Years
 - (c) 2 Years
 - (d) 1 Year.

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- (ii) Every factory or establishment to which the Employees' State Insurance Act, 1948 applies has to be registered within —
- (a) 15 Days
 - (b) 30 Days
 - (c) 45 Days
 - (d) 60 Days.
- (iii) As per the Contract Labour (Regulation and Abolition) Act, 1970 and the central rules, in case the work is completed before the expiry of the wage period, final payment shall be made within —
- (a) 24 Hours of the last working day
 - (b) 48 Hours of the last working day
 - (c) 7 Days of the last working day
 - (d) 3 Days of the last working day.
- (iv) The term 'wages' under the Employees' State Insurance Act, 1948 does not include —
- (a) Incentives
 - (b) Over-time wages
 - (c) Travelling allowance
 - (d) Any other additional remuneration.
- (v) Under the Workmen's Compensation Act, 1923, the Commissioner for Workmen's Compensation shall not entertain any claim unless it is preferred before him on the occurrence of the accident, within —
- (a) 1 Week
 - (b) 6 Months
 - (c) 1 Year
 - (d) 2 Years.

(1 mark each)

8. Attempt *any five* of the following stating relevant legal provisions and decided case law, if any :
- (i) Roler Coaster Ltd. is engaged in the manufacture of electronic goods. The company has been paying *puja* bonus to its workers during Diwali festival since the beginning of its operations. Subsequently, the Payment of Bonus Act, 1965 became applicable to the company. The management wants to discontinue *puja* bonus on the ground that the company is paying bonus as per the Payment of Bonus Act, 1965. Is the management justified ?
 - (ii) Dinesh absented himself from duty without applying for leave and left the job. When he claimed gratuity, the company refused to pay gratuity quoting his absence from duty without proper leave resulted in break in service. Will he get gratuity ?
 - (iii) Hotel Amravati is managed by a firm employing more than 100 employees and covered under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Some of its partners started a new restaurant in the premises registering the restaurant as a new unit as per the applicable State enactment. The restaurant employed 15 employees and the management of restaurant took a stand that the restaurant is a different establishment and is not covered under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Will it succeed ?
 - (iv) Promod Electronics is a small scale industry (SSI) employing 15 workmen. Due to a fall in demand for its products, the management decided to lay-off its workmen. The workmen contended that they cannot be laid-off as there is no provision to lay-off in the terms and conditions of appointment. Examine the legality of the action of the management.
 - (v) A government enterprise issues raw materials to the weavers registered under it to manufacture handloom cloth as per the specifications given. The weavers take raw material and manufacture cloth in the looms installed by them. The government enterprise procures the finished goods from the weavers. State whether weavers are the workers of the government enterprise under the provisions of the Factories Act, 1948.

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- (vi) Gemini Ltd. has an industrial unit employing 500 workmen but has not got the standing orders certified under the Industrial Employment (Standing Orders) Act, 1946. The management initiated proceedings against one of its workmen for misconduct. The management is of the view that as there are no certified standing orders applicable to the factory establishment, it is under no obligation to follow any procedure except the principles of natural justice. State whether the view held by the management is legally valid.
- (vii) The members of a trade union who are not workmen of the employer raised a dispute and sought redressal from the authorities. Will they succeed in their dispute ?

(4 marks each)

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