

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 6

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) Predatory pricing
 - (ii) Declarations for export of goods and services
 - (iii) Standards for emission of environmental pollutants
 - (iv) Restoration of lapsed patents
 - (v) Term of copyright
 - (vi) Process of money laundering
 - (vii) 'Complainant' under the Consumer Protection Act, 1986.

(3 marks each)

2. State, with reasons in brief, whether the following statements are true or false. Attempt **any five** :
 - (i) Small scale units are free from locational restrictions.
 - (ii) A SEZ unit may opt out of the SEZ scheme at any time.
 - (iii) The manufacture of items reserved for the small scale sector can also be taken up by non-small scale units.
 - (iv) Patents are granted merely to enable the patentees to enjoy a monopoly for the importation of the patented article.
 - (v) The jurisdiction of the State Consumer Disputes Redressal Commission is only appellate or revisional.
 - (vi) Retail package includes a package for retail sales to ultimate consumers who may be institutional or industrial consumers.

(3 marks each)

3. (a) Distinguish between **any two** of the following :
 - (i) 'Foreign exchange' and 'foreign security'.
 - (ii) 'Trade mark' and 'certification trade mark'.
 - (iii) 'Automatic route' and 'approval route' under the FDI policy.

(5 marks each)

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

- (i) The foreign trade policy allows export proceeds to be realised within _____ months.
- (ii) The prior approval of RBI is necessary to make overseas donation exceeding US \$ _____ per remitter per annum.
- (iii) Essential commodity is a commodity specified in _____ to the Essential Commodities Act, 1955.
- (iv) The Consumer Disputes Redressal Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed, within _____ year(s) from the date on which the cause of action has arisen.
- (v) Authorised person under the Foreign Exchange Management Act, 1999 includes an authorised dealer, _____, off-shore banking unit or any other person for the time being authorised to deal with foreign exchange or foreign security.

(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) Shyam, an Indian businessman, is interested in remitting US \$8,000 for purchase of trade mark/franchise in India.
- (ii) Suresh, a person resident in India, desires to take a life insurance policy from a foreign insurance company, the yearly premium of which is US \$25,000.
- (iii) Desire Ltd., a company incorporated outside India, wants to buy shares up to 10% of paid-up capital of an Indian company engaged in infrastructure development.
- (iv) Aadarsh Ltd., an Indian company, wants to issue FCCBs for the purpose of investing in the stock market.
- (v) An Indian company engaged in software business intends to adjust the value of its exports towards the value of imported items.

(1 mark each)

(b) Explain the provisions for confiscation of an essential commodity seized in contravention of the Essential Commodities Act, 1955.

(5 marks)

(c) Prakash, aged 37 years, was travelling from Mumbai to Delhi by air. When he occupied his seat in the aircraft, an announcement was made that his luggage was lying on the ground unidentified and that he should disembark to identify his luggage. When Prakash was stepping down from the aircraft, the ladder was suddenly removed as a result of which he fell down sustaining bodily injuries

causing 10% disablement. As against the claim of Rs.10 lakh filed by Prakash towards compensation, the airlines was willing to pay Rs.40,000 which according to it was the maximum statutory liability of the airlines under the Carriage by Air Act, 1972. However, the State Commission awarded Rs.4 lakh towards compensation and an additional Rs.1 lakh for mental agony and distress plus costs. Is the order passed by the State Commission justified ? If so, give reasons and refer to the decided case law.

(5 marks)

5. (a) How is the property involved in money laundering dealt with under the Prevention of Money Laundering Act, 2002 ?
(5 marks)
- (b) What are the exemptions to the prohibition of acceptance of foreign contribution under the Foreign Contribution (Regulation) Act, 1976 ?
(5 marks)
- (c) Write a note on recent government initiatives to contain environmental pollution in the country.
(5 marks)

PART—B

(Answer ANY TWO questions from this part.)

6. Write notes on **any four** of the following :
- (i) Provisions relating to 'hazardous processes' under the Factories Act, 1948.
 - (ii) The concept of 'compensation' under the Workmen's Compensation Act, 1923.
 - (iii) Concept of 'continuous service' under the Payment of Gratuity Act, 1972.
 - (iv) Employees' Insurance Court constituted under the Employees' State Insurance Act, 1948.
 - (v) Procedure for fixing and revising minimum wages under the Minimum Wages Act, 1948.
 - (vi) Unfair labour practices on the part of workmen and trade unions of workmen under the Industrial Disputes Act, 1947.
- (5 marks each)
7. (a) Distinguish between **any two** of the following :
- (i) 'Award' and 'settlement' under the Industrial Disputes Act, 1947.
 - (ii) 'Partial disablement' and 'total disablement' under the Workmen's Compensation Act, 1923.
 - (iii) 'Draft standing orders' and 'certified standing orders' under the Industrial Employment (Standing Orders) Act, 1946.
- (5 marks each)

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

- (i) The ESI corporation to function efficiently has been provided with two wings namely _____ and Medical Benefit Council.
- (ii) A workman is not entitled to apply under the Workmen's Compensation Act, 1923, if he seeks remedy for grant of compensation in a _____.
- (iii) The Contract Labour (Regulation and Abolition) Act, 1970 shall not apply to establishments in which work is of _____.
- (iv) An 'arbitrator' under the Industrial Disputes Act, 1947 includes an _____.
- (v) The rate of contribution towards the Employees' State Insurance Fund is _____% and _____% of employees' wages by the employers and employees respectively.

(1 mark each)

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

- (i) The employer of an establishment to which the Industrial Employment (Standing Orders) Act, 1946 applies shall submit to the certifying officer draft standing orders proposed by him for adoption in that establishment within —
 - (a) 6 Months
 - (b) 4 Months
 - (c) 30 Days
 - (d) 2 Months.from the date on which the Act becomes applicable to the establishment.
- (ii) When a new manager is appointed for a factory, the occupier shall send to the Inspector of Factories a notice in writing within —
 - (a) 7 Days
 - (b) 15 Days
 - (c) 30 Days
 - (d) 45 Days.
- (iii) 'Basic wages' under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 does not include —
 - (a) Emoluments earned by an employee while on leave
 - (b) Emoluments earned by an employee while on holiday with wages
 - (c) The cash value of any food concession
 - (d) Emoluments earned by an employee which are payable in cash.

- (iv) 'Dependent' under the Employees' State Insurance Act, 1948 does not mean any of the following relatives of a deceased insured person —
- (a) A widowed mother
 - (b) A widowed grand-mother
 - (c) A widowed daughter-in-law
 - (d) A widow.
- (v) An employee is entitled to receive bonus provided he has worked in an accounting year in the establishment for not less than —
- (a) 30 Working days
 - (b) One year
 - (c) 6 Months
 - (d) 8 Months.

(1 mark each)

8. Attempt **any five** of the following stating relevant legal provisions and decided case law, if any :
- (i) Suresh retired on attaining the age of superannuation. After retirement, it was noticed that he had misappropriated travelling allowance drawn by him. The employer decided to deduct the misappropriated amount from the gratuity payable to him. Is the action of the employer legally tenable ?
 - (ii) Growell Ltd. declared minimum bonus in an accounting year as there was no allocable surplus. However, the workmen claimed that the management was liable to pay higher amount of bonus in view of the terms of settlement entered into between the workmen and the management. Is the plea of the workmen tenable in law ?
 - (iii) Mohan has been working in a foundry for the last 20 years. Recently, it was found that he was suffering from diabetes. Based on that, the management terminated his services. Does the action of the management tantamount to retrenchment ?
 - (iv) Naresh, a workman, abused his supervisor in a public place outside the factory premises, for having refused to sanction leave on compassionate grounds. On a complaint lodged by the supervisor, the management initiated disciplinary proceedings against Naresh for the act of misconduct. Naresh contended that his action did not amount to misconduct. Is his contention tenable ?

- (v) Galaxy Hotels Ltd., located in Aurangabad (Maharashtra), is covered under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Recently, it started a new restaurant in Belgaum (Karnataka) where 15 employees were employed. The provident fund authorities demanded contribution in respect of 15 employees in the new establishment contending that it is a part of Galaxy Hotels Ltd. Is the demand of provident fund authorities justified ?
- (vi) Sajid lost his mental balance as a result of an injury by accident and committed suicide. Is the employer liable to pay compensation under the Workmen's Compensation Act, 1923 ?
- (vii) A copy of the memorandum of settlement was not despatched by the conciliation officer to the appropriate government. Will the settlement be treated as invalid ? Give reasons.

(4 marks each)

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