

# Economic and Labour Laws

# 265

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 7

## 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) Deficiency in service
- (ii) Exempted categories under the importer-exporter code (IEC) number
- (iii) Know your customer (KYC) guidelines
- (iv) Anti-competitive agreements
- (v) Minimum resale price maintenance
- (vi) Contents of complete specification
- (vii) Principal display panel.

(3 marks each)

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

- (i) In case an EOU fails to achieve its export obligations, it shall be liable to pay penalty at the time of exit.
- (ii) A person resident outside India can sell the shares and convertible debentures of an Indian company to whomsoever he wants.
- (iii) 'Goods' means every kind of movable property other than actionable claims and includes stock and shares even before allotment.
- (iv) Tea is a 'food stuff' and hence constitutes an essential commodity under the Essential Commodities Act, 1955.
- (v) An association pursuing a definite cultural, economic, educational, religious or social programme can receive foreign contribution without any limits.
- (vi) The provisions contained in the Special Economic Zones Act, 2005 shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

(3 marks each)

3. (a) Distinguish between **any two** of the following :
- (i) 'Seizure' and 'confiscation' under the Essential Commodities Act, 1955.
  - (ii) 'COB licence' and 'industrial licence'.
  - (iii) 'Invention' and 'patentable invention' under the Patents Act, 1970.
- (5 marks each)*
- (b) Choose the most appropriate answer from the given options in respect of the following :
- (i) Under the Consumer Protection Act, 1986, the limitation period for filing a complaint from the date of cause of action is –
    - (a) 60 days
    - (b) 6 months
    - (c) 1 year
    - (d) 2 years.
  - (ii) The amount representing the full export value of goods is required to be realised and repatriated in India within –
    - (a) 6 months
    - (b) 3 months
    - (c) 1 year
    - (d) 2 years.
  - (iii) The issue of Foreign Currency Convertible Bonds (FCCBs) in any financial year is subject to a ceiling of –
    - (a) Rs.50 crore
    - (b) US \$500 million
    - (c) Rs.100 crore
    - (d) US \$1 million.
  - (iv) A registered trade mark requires to be renewed on expiry of the period of –
    - (a) 7 years
    - (b) 10 years
    - (c) 14 years
    - (d) 5 years.
  - (v) Foreign direct investment (FDI) is prohibited in –
    - (a) Infrastructure sector
    - (b) Hospitals
    - (c) Retail trade
    - (d) IT sector.

*(1 mark each)*

4. (a) What are the circumstances under which a registered trade mark is deemed to be infringed under the Trade Marks Act, 1999.  
(5 marks)
- (b) Write a note on global initiatives in the prevention of money laundering.  
(5 marks)
- (c) The insured (since deceased) had taken out four life policies with double accident benefits, premium payable half-yearly. When the third premium fell due, an agent of the insurer met the insured and took a bearer cheque towards the premium payable by him in respect of the policies. Although, the cheque was encashed immediately, it was not deposited with the insurer for 3 months. In the meantime, the insured met with a fatal accident and died. The widow filed a claim for payment of the sum assured. The insurer pleaded that the insurance agent had no implied authority to collect the premium. Will the widow succeed in her claim ?  
(5 marks)
5. (a) What are the restrictions on the acceptance of foreign contribution by organisations of political nature under the Foreign Contributions (Regulation) Act, 1976 ?  
(5 marks)
- (b) Write a note on regulatory framework for environmental protection in India.  
(5 marks)
- (c) 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) ABC Ltd., a company listed on the National Stock Exchange Ltd., is interested in investing in a company in the USA.
  - (ii) Ram, an NRI resident in Nepal, is interested to invest in shares and convertible debentures of an Indian company.
  - (iii) A foreign investor wants to invest in an Indian company which is a small scale industrial unit.
  - (iv) Brown, a UK citizen, is interested to make investment in the form of foreign direct investment (FDI) in retail trading business.
  - (v) XYZ Ltd., a company listed on the Bombay Stock Exchange Ltd., wants to issue shares under the Employees Stock Option Scheme (ESOP) to the employees of its joint venture abroad.
- (1 mark each)

## PART – B

(Answer ANY TWO questions from this part.)

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

- (i) 'Dependent' under the Employees' State Insurance Act, 1948.
- (ii) 'Methods of fixing and revising minimum rates of wages' under the Minimum Wages Act, 1948.
- (iii) Object and scope of the Payment of Bonus Act, 1965.
- (iv) 'Obligations of the principal employer' under the Contract Labour (Regulation and Abolition) Act, 1970.
- (v) Principles laid down by the Supreme Court with regard to retrenchment under the Industrial Disputes Act, 1947.
- (vi) 'Occupier' under the Factories Act, 1948.

(5 marks each)

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

- (i) 'Lay-off' and 'lock-out' under the Industrial Disputes Act, 1947.
- (ii) 'Arbitration' and 'adjudication' of disputes under the Industrial Disputes Act, 1947.
- (iii) 'Young person' and 'adult' 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) Minimum \_\_\_\_\_ years of contributory service is required for entitlement of pension under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.
- (ii) It is mandatory to register an establishment under the Contract Labour (Regulation and Abolition) Act, 1970 in case it employs \_\_\_\_\_ labour through a contractor.
- (iii) A factory is required to appoint a welfare officer where \_\_\_\_\_ workers are ordinarily employed.
- (iv) The employer of an industrial establishment having 100 or more employees is required to submit draft standing orders within \_\_\_\_\_ months from the date on which the Industrial Employment (Standing Orders) Act, 1946 becomes applicable.
- (v) Contracting out of compensation by a workman under an agreement shall be \_\_\_\_\_.

(1 mark each)

- (c) Choose the most appropriate answer from the given options in respect of the following.
- (i) The appropriate government shall revise the minimum rates of wages under the Minimum Wages Act, 1948 at least once in every –
- (a) 2 years
  - (b) 3 years
  - (c) 4 years
  - (d) 5 years.
- (ii) The disputes relating to benefits under the Employees' State Insurance Act, 1948 are required to be filed in –
- (a) Civil Court
  - (b) Employees' Insurance Court
  - (c) Labour Court
  - (d) Industrial Tribunal.
- (iii) 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) 1 year
  - (c) 8 months
  - (d) 4 months.
- (iv) An employer is not liable to pay compensation under the Workmen's Compensation Act, 1923, if the injury does not result in disablement for a period exceeding –
- (a) 1 week
  - (b) 3 days
  - (c) 1 month
  - (d) 6 months.

(v) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is applicable to commercial establishments employing –

- (a) 10 or more employees
- (b) 20 or more employees
- (c) 50 or more employees
- (d) 100 or more employees.

(1 mark each)

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

- (i) Muskan Theatre is maintaining a canteen and a cycle stand through private contractors. Regional Director, ESI Corporation sent notices to the management of the theatre for contribution of the employees engaged in the canteen and cycle stand. The management contends that they are not employees but are the workmen of the contractor. Hence, the management is not liable. Will the management succeed in its contention ?
- (ii) Rajat, a workman in a factory, had no vision in his left eye but the defect was not visible. Later, during welding operations, accidentally, a spark hit his blind eye. He lost his eye-ball and the blindness became visible. Though, there was no physical disability, he lost his employment because the defect became visible. Has the accident caused any disablement ? Is the employer liable to pay any compensation ?
- (iii) The workman of Bharat Chemicals went on go-slow strike to compel the management to concede to their demands. The management contended that go-slow is a serious misconduct and initiated disciplinary action against the erring workmen. Is the action of the management justified ?
- (iv) An employer failed to pay his contribution under the Employees' State Insurance Act, 1948. After 6 years, the ESI Corporation issued a demand notice for payment of arrears of contribution. The employer contended that the arrears of contribution beyond 5 years are not recoverable. Will the employer succeed ?
- (v) Anil, a workman raised an industrial dispute contending that he was employed with effect from 1<sup>st</sup> April, 1986 on regular basis and his services were illegally

terminated on 12<sup>th</sup> February, 1994. The employer took the stand that the workman was engaged on casual basis on daily wages for a specific period and for the specific work and that his services were not terminated on 12<sup>th</sup> February, 1994 but he had abandoned his job. The employer did not produce attendance record before the Labour Court and also failed to prove that the workman had worked for less than 240 days. The workman alleged violation of the provisions of the Industrial Disputes Act, 1947 relating to retrenchment. Will he succeed ?

- (vi) Ghee brought from various customers is sampled chemically, analysed and packed in tins for transportation to the head office of the company for sale in the market. Does it amount to manufacturing process under the Factories Act, 1948 ?
- (vii) Rohit 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 ?

(4 marks each)

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