

Roll No. 52501

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) Export Promotion Council
- (ii) Combinations
- (iii) Advance authorisation scheme
- (iv) Calibration
- ✓(v) Environmental audit
- (vi) Trade effluent
- ✓(vii) Commercial purpose.

(3 marks each)

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

- ✓(i) A person can export or import without an importer-exporter code (IEC) number.
- ✓(ii) The manufacture of a non-standard weight or measure is prohibited under the Standards of Weights and Measures Act, 1976.
- ✓(iii) A reasonable opportunity of being heard must be afforded to a person before ordering confiscation of an essential commodity under the Essential Commodities Act, 1955.
- (iv) Trade practice includes a single or isolated action of any person in relation to any trade.
- (v) The Competition Act, 2002 does not prohibit dominance, but the abuse of dominant position.
- (vi) A trade mark may not distinguish the goods of one manufacturer or trader from similar goods of other manufacturers or traders.

(3 marks each)

2/2009/ELL (NS)

P. T. O.

P. L. Manickam

manickam.ell@2006@gmail.com

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

- (i) 'Certification trade marks' and 'collective trade marks'.
- (ii) 'Duty free replenishment certificate' and 'duty entitlement passbook scheme'.
- (iii) 'Provisional specification' and 'complete specification' under the Patents Act, 1970.

(5 marks each)

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

- (i) The Consumer Disputes Redressal Forum shall not admit a complaint unless it is filed within _____ years from the date on which the cause of action has arisen.
- (ii) Indian parties are prohibited from making investment in a foreign entity engaged in _____.
- (iii) The company which has exported goods is required to realise the full value of goods within _____ days.
- (iv) For setting-up an EOU, three copies of the application in the prescribed form may be submitted to the _____.
- (v) The State Commission under the Consumer Protection Act, 1986 can entertain complaints where the value of the goods or services and the compensation, if any, claimed exceeds Rs. _____, but does not exceed Rs. _____.

(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) Naresh, an Indian citizen, is interested in sending Rs.10,000 to his sister residing in USA as birthday gift.
- (ii) A person resident outside India desires to contribute Rs.10 lakh as capital in a firm engaged in software business in India.
- (iii) An Indian company intends to open a foreign currency account in India as well as outside India.
- (iv) A company incorporated in USA desires to establish its manufacturing unit in special economic zone in India.
- (v) Dinesh, an Indian citizen, wants to use his international debit card for withdrawal of cash during his visit abroad.

(1 mark each)

(b) Enumerate the heads under which compensation for damages may be claimed from the National Environment Tribunal constituted under the National Environment Tribunal Act, 1995.

(5 marks)

(c) Do the following acts constitute infringement of copyright under the Copyright Act, 1957 :

- (i) Making or publishing of a painting, drawing, engraving or photograph of a work of architecture.
- (ii) Reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film.
- (iii) Reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed.
- (iv) Making of any sound recording or visual recording for the private use of the person making such recording, or solely for the purposes of *bona fide* teaching or research.
- (v) Making translation of a literary work.

(1 mark each)

5. (a) Raman purchased a car by taking a loan from a bank and gave post-dated cheques to the bank not only in respect of repayment of loan instalments but also towards premium of insurance policy for succeeding 3 years. On the expiry of the policy in the first year, the bank failed to get the policy renewed for the second year. In the meantime, the car met with an accident. Raman brought an action against the bank for 'deficiency in service' under the Consumer Protection Act, 1986. Will he succeed ?

(5 marks)

- (b) What is the objective of 'know your customer' (KYC) guidelines ? When do the KYC guidelines apply ?

(5 marks)

- (c) Mention the provisions of the Essential Commodities Act, 1955 regarding confiscation of essential commodities seized in contravention of section 3 of the Act.

(5 marks)

PART—B

(Answer ANY TWO questions from this part.)

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

- (i) 'Concept of continuous service for the payment of gratuity' under the Payment of Gratuity Act, 1972.
- (ii) 'Manner of fixation and revision of minimum wages' under the Minimum Wages Act, 1948.

- (iii) 'Authorities for the investigation and settlement of industrial disputes' under the Industrial Disputes Act, 1947.
- (iv) 'Hazardous process' under the Factories Act, 1948.
- (v) 'Benefits to which insured persons are entitled' under the Employees' State Insurance Act, 1948.
- (vi) 'Payment of subsistence allowance' under the Industrial Employment (Standing Orders) Act, 1946.

(5 marks each)

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

- (i) 'Partial forfeiture of gratuity' and 'total forfeiture of gratuity' under the Payment of Gratuity Act, 1972.
- (ii) 'Model standing orders' and 'certified standing orders' under the Industrial Employment (Standing Orders) Act, 1946.
- (iii) 'Arising out of employment' and 'arising in the course of employment' under the Workmen's Compensation Act, 1923.

(5 marks each)

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

- (i) Bonus must be paid to employees within a period of _____ months from the close of the accounting year.
- (ii) _____ means termination of the services of a workman by the employer for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action.
- (iii) A minimum of _____ contributory service is required for entitlement to pension under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.
- (iv) The employer is not liable for compensation when injury to the workman does not result in disablement for a period exceeding _____ days.
- (v) The employer is required to send a report to the Commissioner for workmen's compensation within _____ days of the death or serious injury of the workman.

(1 mark each)

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

- (i) The 'occupier' of a factory is required to appoint a Welfare Officer where —
 - (a) 250 workers are employed
 - (b) 100 workers are employed
 - (c) 200 workers are employed
 - (d) 500 or more workers are employed.

- (ii) Out of the following which is not a manufacturing process —
 - (a) Finished goods and packing thereof
 - (b) The making of *bidis*
 - (c) Stitching old gunny bags and making them fit for use
 - (d) Pumping of water from a tubewell.
- (iii) From the date on which the Industrial Employment (Standing Orders) Act, 1946 becomes applicable to an industrial establishment, an employer is required to submit to the Certifying Officer the draft standing orders —
 - (a) Within 3 months
 - (b) Within 6 months
 - (c) Within a month
 - (d) Immediately on receipt.
- (iv) The Contract Labour (Regulation and Abolition) Act, 1970 applies to every establishment wherein workmen employed on any day of the preceding 12 months are —
 - (a) 100 or more
 - (b) 50 or more
 - (c) 20 or more
 - (d) 200 or more.
- (v) The maximum amount of gratuity payable under the Payment of Gratuity Act, 1972 is —
 - (a) Rs.5,00,000
 - (b) Rs.3,50,000
 - (c) Rs.2,50,000
 - (d) Rs.2,00,000.

(1 mark each)

8. Attempt *any five* of the following stating relevant legal provisions and decided case law, if any :
- (i) Mohan was in occupation of a residential quarters allotted to him by his employer. / On his retirement on superannuation, he failed to vacate the quarters. His employer withheld the gratuity payable to him insisting that he should vacate the quarters first. Mohan approached the controlling authority claiming gratuity. Will he succeed ?
 - (ii) Raju has been employed by Fancy Bazar as a part-time sweeper to clean the floors / twice during the day. The provident fund inspector visited the establishment and raised objections for non-inclusion of his name in the muster roll and not paying provident fund contributions. Is the view held by the inspector valid ?

- ✓ (iii) Designers Ltd. is engaged in fabrication work of window grills with the aid of power and has employed 19 workers. Recently, it appointed 2 gardeners for gardening in its factory premises. Is the company liable to extend the benefits to the gardeners as applicable to other factory workers ?
- (iv) The workmen went on sympathetic strike by absenting themselves from work in support of the workmen belonging to some other employer. The management intends to take disciplinary action against these workmen. Is the intention of the management justified and legal ?
- (v) Efficiency Ltd. is in the process of reorganising its business. It is likely to result in some labour being rendered surplus. It has proposed retrenchment of economic dead weight. Can the company do so ?
- ✓ (vi) Jugal, a railways employee was ordered to travel to certain station and repair a pipeline there. After finishing the work, Jugal was hurrying across the platform when he slipped and fell and died as a result of the fall. Is the employer liable to pay compensation under the Workmen's Compensation Act, 1923 ?
- ✓ (vii) An employee was dismissed from service for an act of misconduct. The company did not pay any bonus to the dismissed employee for the accounting year in which the dismissal took place. Is the action of the company justified ?

(4 marks each)

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