

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 7

Total number of printed pages : 4

NOTE : Answer SIX questions including Question Nos.1 and 7 which are compulsory.

1. With reference to the relevant legal enactments, write short notes on *any five* of the following :

- (i) Company Secretary as patent agent
- (ii) Reliefs which a Consumer Disputes Redressal Forum can grant to an aggrieved consumer
- (iii) Environment impact assessment and management plan
- (iv) Competition policy
- (v) 'Regulation of combinations' under the Competition Act, 2002
- (vi) Current account transactions.

(3 marks each)

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

- (i) The Copyright Board has power to limit the user of copyright to any particular territorial area.
- (ii) Every person carrying on industry is required to submit an environment audit report.
- (iii) Foreign contribution can be accepted as an agent of a foreign source.
- (iv) Release of foreign exchange for studies abroad in a prestigious university is without any limit.
- (v) After the National Environment Tribunal makes an award, an application is required to be made to the court to make it executable as a decree of a civil court.
- (vi) The term 'industrial property' is a collective name for rights referring to the commercial or industrial activities of a person.

(3 marks each)

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

- (i) 'Small scale undertaking' and 'ancillary industrial undertaking'.
- (ii) 'Foreign contribution' and 'foreign hospitality'.
- (iii) 'Restrictive trade practice' and 'unfair trade practice'.

(5 marks each)

(b) Re-write the following sentences after filling-up the blank space with the appropriate word(s)/figure(s) so as to convey the correct meaning :

- (i) The term of a patent is _____ year(s).
- (ii) Investment by a person resident in India in foreign securities is a _____ transaction.
- (iii) The employees of government companies are _____ to accept foreign contribution under the Foreign Contribution (Regulation) Act, 1976.
- (iv) Process of money laundering can be classified into placement, layering and _____.
- (v) A trade mark which is not used for a period of _____ year(s) of its registration is liable to be removed.

(1 mark each)

4. (a) State whether the following transactions are valid and permitted under the Foreign Exchange Management (Current Account Transactions) Rules, 2000 :

- (i) Harish, an agent stationed abroad, desires to receive remuneration of \$30,000 for sale of commercial plots in India.
- (ii) Vijeta Ltd., a company incorporated in India, is interested in issuing 'foreign currency convertible bonds' (FCCBs) for \$500 million to a person resident outside India.
- (iii) Shyam, who had purchased \$15,000 for his business trip overseas, has \$550 on his return.
- (iv) A person resident in India, being an individual, seeks to acquire qualification shares in a company outside India.
- (v) Mehta Investments Ltd., a company incorporated in India, wishes to issue shares to its employees who are residents outside India.

(1 mark each)

(b) Mention the provisions of the Foreign Exchange Management Act, 1999 regarding acquisition and transfer of immovable property outside India.

(5 marks)

(c) State the obligations of banking companies, financial institutions and intermediaries under the Prevention of Money Laundering Act, 2002.

(5 marks)

5. Attempt *any three* of the following :

- (i) Sukhwinder, a farmer in Punjab, purchased a tractor to till his lands. During the idle time, he let it on hire for tilling the lands of others.

Explain the meaning of 'consumer' under the Consumer Protection Act, 1986 and state whether Sukhwinder is a 'consumer' under the said Act.

(5 marks)

- (ii) Explain the provisions of the Patents Act, 1970 regarding restoration of lapsed patents.

(5 marks)

- (iii) Destitutes Rehabilitation (India), an NGO devoted to the cause of ameliorating the lot of destitutes and the needy, has been offered a contribution of \$5,000 by an American foundation.

Mention the provisions of the Foreign Contribution (Regulation) Act, 1976 regulating the receipt of foreign contribution by an organisation pursuing a definite social, cultural, economic, educational or religious programme.

(5 marks)

- (iv) What are the requisites for conferring copyright protection to works of international organisations ?

(5 marks)

6. Attempt *any three* of the following :

- (i) What are the important heads under which compensation for damages may be claimed under the National Environment Tribunal Act, 1995 ?

(5 marks)

- (ii) Girish, while taking a loan from a bank, gave FDR of his family friend Neena as a guarantee against the loan received. The bank adjusted the said FDR amount when Girish defaulted the loan repayment. Neena claimed return of money from the bank contending that she is a third party and it was 'deficiency in service' on the bank's part. Will Neena succeed ?

(5 marks)

- (iii) Explain the provisions of the Environment (Protection) Act, 1986 regarding prevention, control and abatement of environmental pollutant in excess of prescribed standards.

(5 marks)

- (iv) Under the 'salary saving scheme' of LIC of India, employees of a company have taken insurance policies and the premium due on each policy is collected by the company from the salaries of the employees and sent to LIC of India. LIC of India neither issued any separate receipts nor used to issue any premium notices to the employees. When the widow of a deceased employee made a claim to the LIC of India on the death of her husband, LIC of India repudiated the claim on the ground that four instalments of the premium have not been paid. The widow approached the Consumer Disputes Redressal Forum for redressal. Will she succeed ?

(5 marks)

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

- (i) Scope of industrial relations
- (ii) Industrial unrest
- (iii) Important matters which are to be provided in standing orders under the Industrial Employment (Standing Orders) Act, 1946
- (iv) Privileges of a registered trade union.

(5 marks each)

(b) Attempt *any five* of the following stating the relevant legal provisions and case law, if any :

- (i) 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 ?
- (ii) A notice of dismissal is given by an employer to Mukesh, an employee who is in receipt of sickness benefit under the Employees' State Insurance Act, 1948. Has the employer the right to dismiss Mukesh during the period he is in receipt of sickness benefit ? Give reasons.
- (iii) While working on a machine, a worker accidentally drops a valuable testing appliance which becomes defective. The employer deducts the value of the appliance from the wages of the worker. Is the deduction justified under the Payment of Wages Act, 1936 ?
- (iv) A Municipal Board entrusted electrification work of a town to State employees. A workman employed by the State received injuries while doing his work. Who is liable to pay compensation to the workman and why ?
- (v) Dare Davil Ltd. has no industrial dispute pending in any labour court. In order to rationalise working conditions, it wants to change hours of work, leave with wages, and holidays. Can the company do so ?
- (vi) Navratna Public Sector Undertakings have factories throughout the country. These undertakings have an impeccable record of best welfare measures and working conditions. Do these undertakings still require to appoint welfare officers in their factories ?
- (vii) Efficiency Ltd. is in the process of reorganisation of 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 ?

(3 marks each)

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