

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) Delayed payments to micro and macro enterprises
- (ii) Star Export Houses
- (iii) Salient features of the Special Economic Zones Act, 2005
- (iv) Legal metrology
- (v) Well-known trade mark
- (vi) Competition policy
- (vii) COB licence.

(3 marks each)

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

- (i) The Competition Act, 2002 prohibits dominance as well as the abuse of dominant position.
- (ii) In all legal proceedings relating to trade marks, registered under the Trade Marks Act, 1999, the original registration and all subsequent assignments and transmissions thereof shall be conclusive proof of its validity.
- (iii) Money laundering is a national phenomenon and stern measures are of critical importance at the national level.
- (iv) The Public Liability Insurance Act, 1991 was enacted for the purpose of providing immediate relief to the workers affected by accidents occurring while handling the hazardous substances.
- (v) Duty Free Replenishment Certificate (DFRC) is issued to a merchant exporter or manufacturer exporter for the imports used in the manufacture of goods without payment of any basic customs duty whatsoever.
- (vi) The erroneous description of manufacturing company in an advertisement amounts to misleading representation and hence an unfair trade practice.

(3 marks each)

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

- (i) 'Relevant geographic market' and 'relevant product market'.
- (ii) 'Small scale industrial undertaking ' and 'ancillary industrial undertaking'.
- (iii) 'Current account transactions' and 'capital account transactions'.

(5 marks each)

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

- (i) Release of foreign exchange facilities for emigration exceeding US\$_____or amount prescribed by the country of emigration requires prior approval of RBI.
- (ii) No permission from the Central Government is required to receive foreign contribution from a relative not exceeding value of Rs._____ per year subject to its intimation to the Central Government.
- (iii) An Indian citizen resident outside India may acquire any immovable property in India other than_____.
- (iv) Remittance of foreign exchange exceeding US\$ _____ per project for any consultancy services procured from abroad requires prior approval of RBI.
- (v) The minimum time for applying for technological upgradation of the existing capital goods imported under the Export Promotion Capital Goods (EPCG) Scheme is_____ from the date of issuance of the authorisation.

(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) Indotech Ltd. desires to make payments of commission on exports made towards equity investment in its joint venture company abroad.
- (ii) Rupa intends to take an insurance policy in her name from an insurance company abroad involving payment of premium amounting to US\$20,000.
- (iii) A non-resident shareholder has applied for the issue of additional shares over and above his entitlement of rights shares in an Indian company.
- (iv) Girish intends to transfer his shareholding in rupee equivalent to US\$20,000 as gift to his son who is a resident outside India.
- (v) Microtech Ltd., a software exporter company, desires to receive 25% of the value of its exports in the form of shares in an overseas software company without entering into joint venture agreement.

(1 mark each)

- (b) Mention the provisions of the Foreign Contribution (Regulation) Act, 1976 in respect of exemptions from accepting foreign contributions.

(5 marks)

- (c) Explain the provisions of the Trade Marks Act, 1999 regarding infringement of registered trade marks.

(5 marks)

5. (a) Mention any five inventions which are not patentable under the Patents Act, 1970.

(5 marks)

- (b) State the provisions of the Environment (Protection) Act, 1986 relating to the offences by companies.

(5 marks)

- (c) Sangeetha filed a complaint against a bank where her ornaments kept in the bank's locker were found missing and sought compensation through the Consumers Disputes Redressal Forum against the deficiency in service by the bank. The bank submitted a certificate recorded by the custodian of the bank on the day Sangeetha had operated the locker which stated that all lockers operated during the day had been checked and found properly locked. Will Sangeetha succeed in her claim?

(5 marks)

PART—B

(Answer ANY TWO questions from this part.)

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

- (i) 'Employment injury' under the Employees' State Insurance Act, 1948.
- (ii) 'Prohibition of employment of contract labour' under the Contract Labour (Regulation and Abolition) Act, 1970.
- (iii) 'Philosophy' behind the enactment of the Minimum Wages Act, 1948.
- (iv) 'Manufacturing process' under the Factories Act, 1948.
- (v) Matters within the jurisdiction of industrial tribunals constituted under the Industrial Disputes Act, 1947.
- (vi) Tests for determination of 'industry' under the Industrial Disputes Act, 1947.

(5 marks each)

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

- (i) 'Principal employer' and 'immediate employer' under the Employees' State Insurance Act, 1948.
- (ii) 'Individual dispute' and 'industrial dispute' under the Industrial Disputes Act, 1947.
- (iii) 'Partial disablement' and 'total disablement' under the Workmen's Compensation Act, 1923.

(5 marks each)

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

- (i) Minimum wages are to be fixed on the basis of standard normal working hours namely _____ hours a week.
- (ii) Every employee shall be entitled to be paid by his employer in an accounting year, bonus, provided he has worked in the establishment for not less than _____ working days in that year.
- (iii) _____ means the temporary closing of a place of employment or suspension of work or the refusal by an employer to continue to employ any number of persons employed by him.
- (iv) _____ means the termination by the employer of the services of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action.
- (v) The Trade Unions Act, 1926 provides for the _____ of an unfair labour practice either by the employer or the trade unions or workmen.

(1 mark each)

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

- (i) To make an employer liable under the Workmen's Compensations Act, 1923, it is necessary that the injury is caused by an accident which must arise —
 - (a) Out of employment
 - (b) In the course of employment
 - (c) Out of employment and in the course of employment
 - (d) By any other reason.

- (ii) An insured person under the Employees' State Insurance Act, 1948 is entitled to receive certain benefits. But the insured person is —
 - (a) Not entitled to receive more than one benefit for the same period
 - (b) Entitled to receive more than one benefit for the same period on compassionate grounds
 - (c) Entitled to receive one benefit partly in cash and receive the other benefit in kind for the same period
 - (d) Entitled to receive more than one benefit on proof of authorities concerned.
- (iii) Under the Payment of Gratuity Act, 1972 where the services of an employee have been terminated for any act which constitutes an offence involving moral turpitude provided that such offence is committed by him in the course of his employment, the gratuity payable to the employee may be —
 - (a) Wholly or partially forfeited
 - (b) Only partially forfeited
 - (c) Wholly forfeited
 - (d) Forfeited in instalments.
- (iv) Under the Contract Labour (Regulation and Abolition) Act, 1970, the principal employer of an establishment can employ contract labour if —
 - (a) The principal employer has not obtained the certificate of registration
 - (b) The work is of urgent nature
 - (c) The work is not of perennial nature
 - (d) The work provides instant employment to a considerable number of unemployed persons.
- (v) A premises including precincts thereof is a 'factory' within the meaning of the Factories Act, 1948 wherein a manufacturing process is being carried on with the aid of power and where the number of workers working is —
 - (a) 10 or more workers
 - (b) 20 or more workers
 - (c) 15 or more workers
 - (d) 50 or more workers.

(1 mark each)

8. Attempt **any five** of the following stating relevant legal provisions and case law, if any :
- (i) A contractor made short payment of wages to a worker employed by him as contract labour. The worker sought the amount due from the principal employer. Will he succeed ?

- (ii) The services of workmen engaged on casual basis for doing a particular urgent work were terminated after the completion of the said work. Workmen sought compensation as the termination amounted to retrenchment. Will they succeed ?
- (iii) Workmen of an electricity generation station claimed that their unit is covered under the definition of 'factory' considering the process of transforming and transmission of electricity generated at the power station as a 'manufacturing process'. Will their claim succeed ?
- (iv) An employee contended that subsistence allowance given during the period of his suspension should be included in his total wages for the purpose of calculation of bonus entitlement. Will he succeed ?
- (v) The company declined to pay gratuity to a deceased employee's wife stating that the employee had worked for two years only whereas eligibility for receiving gratuity accrues only if he served for a period of five completed years of continuous service. Will she succeed ?
- (vi) An establishment discontinued deduction towards contribution to provident fund from its employees' salary and stopped remitting contribution of its share of provident fund when the number of its employees on rolls fell to fifteen. Do the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 cease to be applicable to the establishment under such circumstances ?
- (vii) A workman, who was a carpenter, had to get his left arm amputated from elbow in an injury caused in the course of employment. The company paid compensation towards partial permanent disablement. The workman demanded compensation claiming it to be total disablement. Will the workman succeed ?

(4 marks each)

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