

**Paper 6- Laws & Ethics**

Full Marks: 100

Time allowed: 3 hours

### Section - A

#### 1. Objective Questions:

**(a) Multiple choice questions:**

**[1x10=10]**

- (i)** The following cannot be nominated for the purposes of EPF Act -
- (a) Wife
  - (b) Sons of a deceased sons who have attained majority;
  - (c) Father in law
  - (d) Unmarried daughter
- (ii)** For filing nomination for receiving the Gratuity after the death of the employee, Nomination is to be submitted in \_\_\_\_\_
- (a) Single form
  - (b) Duplicate
  - (c) Triplicate
  - (d) Quadruplicate
- (iii)** Under Factories Act, 1948, Certificate of fitness to be young worker is to be granted by -
- (a) Occupier of the factory
  - (b) Inspector of the factory;
  - (c) Certifying surgeon
  - (d) None of the above
- (iv)** Under Limited Liability Partnership Act, 2008, which one of the following documents is required to keep for more than 5 years?
- (a) Copies of Government order relating to LLP
  - (b) All papers, registers, refund orders and correspondence relating to the LLP liquidation accounts
  - (c) Copies of statistical returns furnished to Government
  - (d) Annual return of a LLP
- (v)** Who will not the following be considered as an employee as per Employees State Insurance Act, 1948?
- (a) Canteen workers
  - (b) Casual workers
  - (c) Partners
  - (d) Part time employee
- (vi)** Under Minimum Wages Act, 1948, the appropriate government may fix minimum rate of wages for -
- (a) Time work
  - (b) Piece work
  - (c) Guarantee time rate
  - (d) All the above

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- (vii) Which one of the following is not the criterion for the appointment of independent director?
- (a) He shall not be a promoter of the company
  - (b) He shall relate to the promoters of the company
  - (c) He shall not have any pecuniary relationship with the company or their promoters or directors during two immediately preceding financial year
  - (d) His relatives have not held any pecuniary relationship with the company amounting to 2% or more of its gross turnover
- (viii) Which one of the following is not the feature of 'agreement to sale'?
- (a) It is an executor contract
  - (b) Sales takes place for existing and specific goods
  - (c) The seller can sue for damages only in case of breach by the buyer
  - (d) It gives a right to the buyer against the seller to sue for damages
- (ix) Under Negotiable Instruments Act, 1881, the liability on the instrument may be discharged -
- (a) By cancellation
  - (b) By release
  - (c) By payment
  - (d) By any one of the above methods
- (x) As per Indian Partnership Act, 1932, a partner may retire -
- (a) With the consent of all partners
  - (b) In accordance with an express agreement by the partners
  - (c) By giving notice in writing to all partners
  - (d) Any one of the above

(b) Match the following:

[1x5=5]

	Column 'A'		Column 'B'
1.	Hybrid between a company and a partnership	A	War, animal rights and capital punishment.
2.	Cost of living index number	B	P purchases goods from S, he has no intention of paying for it.
3.	Fraud	C	A limited liability partnership
4.	Crèches	D	Minimum rates of wages have been fixed.
5.	Applied ethics	E	Welfare measures taken in a factory.

(c) Fill in the blanks:

[1x5=5]

- (i) \_\_\_\_\_ is a person employed to do any act for another or to represent another in dealing with the third person.
- (ii) DIN stands for \_\_\_\_\_.
- (iii) Meta ethics deal with the nature of \_\_\_\_\_.
- (iv) A negotiable instrument indorsed in blank is payable to the \_\_\_\_\_.
- (v) Under Employees State Insurance Act, 1948, Standing Committee shall consist of \_\_\_\_\_ members of the Corporation.

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**(d) State whether the following statements are true or false: [5x1=5]**

- (i)** All companies are required to appoint at least one woman director.
- (ii)** Gratuitous bailment continues even after the death of either of the bailor or bailee.
- (iii)** An establishment shall be deemed to be newly set up by reason of a change in its location, management, ownership.
- (iv)** A dismissed employee is entitled to the wages in lieu of the quantum of leave at the time of his dismissal.
- (v)** One of the advantages of Business Ethics is diversity in achievements.

## Section - B

**Answer any five from the following. Each question carries 15 marks (5x15=75)**

2. **(a)** As per Indian Contract Act, 1872, what are the position of Minor's agreement and effect thereof? **[10]**
- (b)** State the circumstances when an agent is personally liable for the contracts entered into by him on behalf of the principal? **[5]**
3. **(a)** A limited liability partnership wants to shift its registered office from Mumbai in the State of Maharashtra to Kolkata in the State of West Bengal. What procedure the corporate has to follow under Limited Liability Partnership Act, 2008? **[8]**
- (b)** Anil draws a bill of exchange payable to himself on Sushil, who accepts the bill without consideration just to accommodate Anil. Anil transfers the bill to Ajay for good consideration. State the rights of Anil and Ajay. Would your answer be different if Anil transferred the bill to Ajay after maturity? **[7]**
4. **(a)** What are the different kinds of deduction that can be made from wages under the Payment of Wages Act, 1936? **[10]**
- (b)** Mention any five purposes for which the ESI fund may be expended? **[5]**
5. **(a)** Discuss the provisions relating to Quorum for meetings of a company. **[8]**
- (b)** 'XYZ Ltd.' is a new company which has registered its name and its Trade Mark. After two months from name registration, it comes to the notice of the Managing Director of XYZ Ltd. that the name of the company and its trade mark are identical with the already registered name and trade mark of another company 'XYZ Pvt. Ltd.', but the Managing Director does not take any steps to rectify the name or the trade mark.
- (A) State the provisions relating to Name Rectification of a XYZ Ltd., when:
- (i) The Central Government is of the opinion that the name of XYZ Ltd. is identical with XYZ Pvt. Ltd.
  - (ii) Registered proprietor of the trade mark of XYZ Pvt. Ltd. makes an application to the Central Government that the trade mark of XYZ Ltd. is identical with their trade mark.
- (B) Mention the procedures to be followed if XYZ Ltd. changes its name or obtains a new name.

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- (C) What will be the consequences if XYZ Ltd. defaults in complying with any directions given by Central Government? **[4+1+2]**
6. (a) Mr. A, a national of Nepal, intends to be appointed as a Director of ABC Ltd., an Indian Company. He is desirous of making an application to the Central Government for allotment of DIN (Director Identification Number).  
State the procedure for Allotment or Rejection of DIN to Mr. A **[10]**
- (b) Explain the prohibitions and restrictions regarding Political Contributions by a Company under the Companies Act, 2013. **[5]**
7. (a) State any 10 Standards of Ethical Conduct for Practitioners promulgated by the Institute of Cost Accountants of India. **[10]**
- (b) Define Salary or Wage under Payment of Bonus Act, 1965. **[5]**
8. **Write short notes on any three of the following:** **[3x5=15]**
- (a) Discuss the categories of persons who are disqualified from entering into Contract other than minor and a person of unsound mind, under Indian Contract Act, 1872.
- (b) State the features of Companies formed under Section 8 of the Companies Act, 2013.
- (c) Write a short note on 'Improving Ethical Behaviour in business'.
- (d) Write a short note on 'Cleanliness' as per Factories Act, 1948.