

Paper 6 – Laws and Ethics

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Full Marks: 100

Time allowed: 3 hours

Section – A

1. Answer all questions. [25 marks]

(a) Multiple Choice Questions [10 Marks]

- (i) The term 'sub-agent' in the business of agency is defined as a person employed by, and acting under the control of the
- (A) Principal
 - (B) Original agent**
 - (C) Lawyer
 - (D) Third person
- (ii) The first endorsement of an instrument can be made by the
- (A) Banker
 - (B) Payee**
 - (C) Holder in due course
 - (D) Agent
- (iii) Which of the following is not the mode of dissolution of a firm under voluntary dissolution?
- (A) Dissolution by agreement
 - (B) Dissolution on the happenings of certain contingencies
 - (C) Dissolution on becoming a partner of unsound mind**
 - (D) Compulsory dissolution
- (iv) White wash or color wash should be carried out at least once in every period of
- (A) 14 months**
 - (B) 24 months
 - (C) 48 months
 - (D) 60 months
- (v) The term 'family' as defined in ESI Act, 1948 does not include
- (A) a spouse
 - (B) a minor adopted child
 - (C) a dependent unmarried daughter
 - (D) an independent married sister**
- (vi) Which one of the following amounts to safety measure?
- (A) Artificial humidification
 - (B) Ventilation
 - (C) Fencing of machinery**

Answer to MTP_ Intermediate _Syllabus 2016_Jun 2018_Set 1

- (D) First aid appliances
- (vii) If a company does not have a common seal, the share certificate shall be signed by
- (A) Two Directors
 - (B) One Director and Company Secretary
 - (C) Only (a)
 - (D) Both (a) or (b)**
- (viii) In case of e-voting, notice shall be sent as attachment in
- (A) PDF file**
 - (B) Word file
 - (C) Excel file
 - (D) Access file
- (ix) A Director may be elected by small shareholders upon a notice by
- (A) not less than 1000 small shareholders.
 - (B) one tenth of the total number of shareholders.
 - (C) not less than 1000 small shareholders or one tenth of such shareholders, whichever is lower.**
 - (D) one tenth of 1000 small shareholders.
- (x) Meta ethics deal with the nature of _____ .
- (A) external influences
 - (B) moral judgment**
 - (C) material facts
 - (D) animal rights

(b) Fill in the Blanks

[5 Marks]

- (i) Share capital of the company includes **Stock**.
- (ii) Maximum number of partners in Banking Business is **50**.
- (iii) A warranty is a stipulation **Collateral** to the main purpose of the contract.
- (iv) After buyback a company shall not make a further issue of share within a period of **Six months**.
- (v) The wage limit contribution under EPFMP Act, 1952 has been fixed at **₹15,000** with effect from 01.09.2014.

(c) True or False

[5 Marks]

- (i) Cheque is a promissory note.
False
- (ii) Where the transfer of property in goods is to take place at a future date or subject to some conditions thereafter to be fulfilled, the contract is called sale.

Answer to MTP_ Intermediate _Syllabus 2016_ Jun 2018_ Set 1

False

- (iii) Bonus is a lump sum payable on consideration of the past services rendered by the employee.

False

- (iv) In case of alteration of memorandum, the Registrar of the State where the registered office is being shifted to shall issue a fresh certificate of incorporation.

True

- (v) Additional director shall hold office upto the date of next AGM.

True

(d) Match and Pair

[5 Marks]

	Column I		Column II
1.	Presentment	(A)	Determines acceptable conduct in business organization
2.	Form no. INC-23	(B)	Issue of global depository receipt
3.	Continuing guarantee	(C)	Bill of exchange
4.	Business ethics	(D)	Shifting of registered office within the same state
5.	Section 41 of the Companies Act	(E)	Guarantee which extends to a series of transactions

Answer:

	Column I		Column II
1.	Presentment	(C)	Bill of exchange
2.	Form no. INC-23	(D)	Shifting of registered office within the same state
3.	Continuing guarantee	(E)	Guarantee which extends to a series of transactions
4.	Business ethics	(A)	Determines acceptable conduct in business organization
5.	Section 41 of the Companies Act	(B)	Issue of global depository receipt

Section – B

2. Answer any 5 questions:

[5×15 = 75]

(A) (i) What do you understand by Quasi Contract?

(ii) What are the rights of a finder of goods under the Indian Contract Act, 1872?

[10+5 = 15]

Answer:

(A) (i) Quasi Contract

Sometimes the law implies a promise imposing obligations on one party and conferring the right in favor of the other even when there is no offer, no acceptance, no consensus ad idem, and in fact, there is neither agreement nor promise. Such cases are not contracts but the court recognizes them as relations resembling those of contracts and enforces them as if they were contracts. Such is called as a quasi contract.

This type of contract rests on the equitable principle that a person shall not be allowed to enrich himself unjustly in the experience of another. It is obligation which the law creates in the absence of any agreement, when any person is in the possession of one persons money or its equivalent under such circumstances that in equity and good conscience he ought not to retain it and which in justice and fairness belongs to another. It is the duty and not an agreement or intention which defines it.

In the Act the following type of quasi contracts are discussed-

- Section 68 – Claim for necessaries supplied to person incapable of contracting, or on his account - This section provides that if a person, incapable of entering into a contract, or any one whom he is legally bound to support, is supplied with another person with necessaries suited to his condition in life, the person who has furnished such supplies is entitled to be reimbursed from the property of such incapable person;
- Section 69 – Reimbursement of persons paying money due by another, in payment of which he is interested – This section provides that a person who is interested in the payment of money which another is bound by law to pay, and who therefore pays it, entitled to be reimbursed by the other;
- Section 70 – Obligation of person enjoying benefit of non gratuitous act – This section provides where a person lawfully does anything for another person, or delivers anything to him, to intending to do so gratuitously, and such other person enjoys the benefit thereof, the latter is bound to make compensation to the former in respect of, or to restore, the thing so done or delivered – it is otherwise called as quantum meruit;
- Section 71 – Responsibility of finder of goods – This section provides that a person who finds goods belonging to another, and takes them into his custody, is subject to the same responsibility as a bailee;
- Section 72 – Liability of person to whom money is paid or thing delivered by mistake or under Coercion – This section provides that a person to whom money has been paid, or anything delivered, by mistake or under coercion, must repay or return it.

(A) (ii) A finder of goods has the following rights under the Indian Contract Act, 1872

- (1) **Right of lien:** The finder of goods has a right of lien over the goods for his

expenses. As such he can retain the goods against the owner until he receives compensation for trouble and expenses incurred in preserving the goods and finding out the owner. But he has no right to sue the owner for any such compensation (Section 168).

(2) **Right to sue for reward:** The finder can sue for any specific reward which the owner has offered for the return of the goods. He may also retain the goods until he receives the reward. (Section 168)

(3) **Right of resale:** The finder has a right to sell the goods in the following cases:

- (a) where the goods found is in danger of perishing;
- (b) where the owner cannot, with reasonable diligence, be found out;
- (c) where the owner is found out, but he refuses to pay the lawful charges of the finder; and
- (d) where the lawful charges of the finder, in respect of the goods found, amount to $\frac{2}{3}$ rd of its value.

(B) (i) Elucidate the steps to form a partnership. Does admission of a partner lead to reconstitution of a partnership firm?

(ii) X, Y and Z were joint owners of a bus and possession of the said bus was with Y. P purchased the bus from Y without knowing that X and Z were also owners of the bus. Decide in the light of provisions of the Sale of Goods Act, 1930, whether the sale between Y and P is valid or not? [10 + 5 = 15]

Answer:

(B) (i) Steps to form a partnership

- The first step is to decide the number of partners of a firm.
- Then decide to who are the partners of the firm, considering the limit envisaged in the Act;
- The name of the partnership firm is selected subject to the provisions of the partnership Act;
- Select the business to be done by the partnership and object of the business;
- Decide the capital to be brought by each and every partner;
- Prepare the agreement deed of the firm – the deed is the vital and most significant document. The deed shall contain all aspects of the partnership firm. This documents prescribes the 'a to z' of the partnership firm to be formed;
- The agreement should invariably in writing and signed by all partners;
- The provisions contained in the agreement are binding all partners;
- Open bank account in the name of the partnership firm;

- The partnership firm is to be registered. According to the Act the partnership firm may be registered or may not be registered. Unregistered firms have no legal protection and therefore registration of partnership firm is to be preferred.
- In the present scenario obtaining PAN is necessary and get the PAN from the Income Tax Authority;
- Acquire all mandatory licences from the respective authorities for the conduct of the business;
- Registration with required tax authorities i.e., direct tax as well as indirect tax such as central excise, service tax, VAT etc.,
- The Registration certificate is the conclusive evidence of the formation of the partnership firm

Admission of new partner

Admission of a partner is one of the modes of reconstitution of a partnership firm. A new partner may be admitted in a partnership firm either for the increase of capital of the firm or to strengthen the management of the firm. A new partner may be admitted with the consent of all existing partners as per the provisions of the agreement of the firm. For example, Hari and Haque are partners sharing profit in the ratio of 3:2. On April 1, 2013 they admitted John as a new partner with 1/6th share in the profits of the firm. In this case, with the admission of John the firm is reconstituted.

The new partner is entitled the following rights -

- The right to share in the assets of the partnership firm; and
- The right to share the profits in the business.

The following are to be taken care of while admitting a new partner -

- Computation of new profit sharing ratio and sacrifice ratio;
- Accounting treatment of goodwill;
- Revaluation of assets and liabilities;
- Treatment of undisbursed profits and accumulated losses;
- Adjustment of capital accounts.

(B) (ii)

This problem is based on Section 28 of the Sale of Goods Act, 1930 which lays down an exception to the general rule that a person cannot transfer a better title than that he himself possesses. A person who is one of joint owners may transfer a better title that he possesses. Section 28 provides that – “if one of several joint owners of goods has the sole possession of

them by permission of the co-owners, the property in goods is transferred to any person who buys them of such joint owner in good faith and has not at the time of the contract of sale notice that the seller has no authority to sell".

The given problem fulfills all such requirements. X, Y and Z are joint owners of the bus. Y had sole possession of it. In such a case if P has purchased the bus from Y in good faith without notice at the time of sale that Y had no authority to sell, then P acquires good title and becomes full owner although Y was not the full owner.

- (C) (i) Discuss the Responsibility of the occupier in a factory.**
(ii) State the purposes for which State Insurance Fund under Employees State Insurance Act, 1948 may be utilized. [7+8 = 15]

Answer:

(C) (i) Responsibility of the occupier

The occupier has to follow the procedure-

- to lay down a detailed policy with respect to the health and safety of the workers;
- to disclose all the information regarding dangers including health hazards and the measures to overcome such hazards arising from the exposure to or handling of the materials or substances in the manufacture, transportation, storage and other processes to the workers employed in the factory;
- to draw up an onsite emergency plan and detailed disaster control measures for the factory and make known to the workers and to the general public living in the vicinity of the factory, the safety measures required to be taken in the event of accident taking place.
- to lay down measures for the handling usage, transportation and storage of hazardous substances inside the factory premises and the disposal of such substances outside the factory premises and publicize them in the manner prescribed among the workers and the general public living in the vicinity.

Section 41C provides that the occupier is having specific responsibilities in relation to hazardous processes. He has to maintain the health records of the employees. He is to appoint experienced persons who possess specified qualifications in handling hazardous substances and competent to supervise such handling within the factory.

(C) (ii) Section 28 of the Act provides the Central Government may utilize the State Insurance Fund only for the following purposes:

- payment of benefits and provision of medical treatment and attendance to insured persons and, where the medical benefit is extended to their families, the provision of such medical benefit to their families in accordance with the

provisions of this Act and defraying the charges and costs in connection therewith;

- payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Council, the Regional Boards, Local Committees and Regional and Local Medical Benefit Councils;
- payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act;
- establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons and, where the medical benefit is extended to their families;
- payment of contributions to any State Government, local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons and, where the medical benefit is extended to their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation;
- defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;
- defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Act;
- payment of any sums under any contract entered into for the purpose of this Act by the Corporation or the Standing Committee or by any officer duly authorized by the Corporation or the Standing Committee in that behalf;
- payment of sums under any decree, order or award of any Court or Tribunal against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;
- defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;
- defraying expenditure, within the limits prescribed, on measures for the improvement of the health, welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured; and
- such other purposes as may be authorized by the Corporation with the previous approval of the Central Government.

- (D) (i) Mr. Jadav floated an OPC, but he does not want to provide any nominee. Is nomination compulsory under OPC. If so what would be the procedure and regulations.
- (ii) What are the requirements for public placement? [10+5 = 15]

Answer:

(D) (i) Nomination of One Person Company

The proviso to Section 3(1) provides that the memorandum of OPC shall indicate the name of the other person as nominee in Form No. INC.2. The prior written consent of the other person shall be obtained in the Form No. INC.3. The other person in the event of the subscriber's death or his incapacity to contract become the member of the company and the written consent of such person shall also be filed with the Registrar at the time of incorporation of OPC along with Memorandum and Articles of the Company.

The other person may withdraw his consent by giving a notice in writing to such sole member and to the One Person Company. The sole member shall nominate another person as nominee within 15 days of the notice of the withdrawal. He shall send an intimation of such nomination in writing to the company, along with the written consent of such other person so nominated in Form No. INC.3. The company shall within 30 days of receipt of the notice of the withdrawal of consent file with the Registrar, a notice of such withdrawal of consent and the intimation of the name another person nominated by the sole member in Form No. INC.4 along with the fee prescribed along with the written consent of such another person so nominated in Form No. INC-3.

The subscriber or member of OPC may change the name of such other person nominated by him at any time for any reason including in case of death or incapacity to contract of nominee. He may nominate another person after obtaining the prior consent of such another person in Form No. INC-3. The company shall, on receipt of such intimation, file with the Registrar, a notice of such change in Form No. INC-4 along with the fee and with the written consent of new nominee in Form No. INC-3 within 30 days of such receipt of intimation of change.

Where the shareholder of OPC ceases to be the member in the event of death or incapacity to contract, his nominee becomes the member of such OPC. Such new member shall nominate within 15 days of becoming member, a person who shall in the event of his death or his incapacity to contract become the member of such company. The company shall file with the Registrar an intimation of such cessation and nomination in Form No. INC-4 along with the fee within 30 days of the change in membership with the prior written consent of the person so nominated in INC-3.

(D) (ii) Requirements for private placement

Rule 14(2) (a) of Companies (Prospectus of Securities) Rules, 2014, provides that a company shall make a private placement after –

- getting the approval by the shareholders of the company, by a special resolution for the proposed offer of securities or invitation to subscribe securities;
- the explanatory statement annexed to the notice for the general meeting shall disclose the basis for justification for the price, including premium, if any, at which the offer or invitation is being made;
- in case of offer or invitation for non convertible debentures, it shall be sufficient if the company passes a previous special resolution only once in a year for all the offers or invitation for such debentures;
- in case of an offer or invitation for non convertible debentures made within a period of six months from 01.04.2014, the special resolution may be passed within the said period of six months from 01.04.2014.

(E) (i) Write a note on issue of Preference shares.

(ii) State the disqualifications for a person to be appointed as a director. [8+7 = 15]

Answer:

(E) (i) Liability for mis-statement

Rule 9 of Companies (Share Capital and Debentures) Rules, 2014, provides that a company having a share capital may, if so authorized by articles, issue preference shares subject to the following conditions:

- the issue should be authorized by passing a special resolution in the general meeting of the company;
- the company, at the time of such issue of preference shares, has no subsisting default in the redemption of preference shares issued earlier either before or after the commencement of Companies Act or in payment of dividend due on any preference shares.

In the resolution the company shall set out the following:

- the priority with respect to payment of dividend or repayment of capital vis-à-vis equity shares;
- the participation in surplus fund;
- the participation in surplus assets and profits, on winding up which may remain after the entire capital has been repaid;
- the payment of dividend on cumulative or non cumulative basis;
- the conversion of preference shares into equity shares;
- the voting rights;

- the redemption of preference shares.

The explanatory statement to be annexed to the notice of the general meeting shall provide the complete material facts concerned with and relevant to the issue of such shares, including-

- the size of the issue and number of preference shares to be issued and nominal value of each share;
- the nature of such shares i.e., cumulative or non cumulative, participating or non-participating, convertible or non convertible;
- the objectives of the issue;
- the manner of issue of shares;
- the price at which such shares are proposed to be issued;
- the basis on which the price has been arrived at;
- the terms of issue, including terms and rate of dividend on each share, etc.,
- the terms of redemption, including the tenure of redemption, redemption of shares at premium and if the preference shares are convertible, the terms of conversion;
- the manner and modes of redemption;
- the current shareholding pattern of the company;
- the expected dilution in equity share capital upon conversion of preference shares.

The particulars of the issue of the preference shares shall be noted in the Register of Members. If a company wants to list its preference shares on a recognized stock exchange it shall issue the preference shares in accordance with the regulations made by SEBI.

(E) (ii) Disqualifications for appointment of director

Section 164 of the Act details the disqualification of a person for the appointment as a Director. A person shall not be eligible for appointment as a Director of a company, if-

- (a) he is of unsound mind and stands so declared by a competent court;
- (b) he is an undischarged insolvent;
- (c) he has applied to be adjudicated as an insolvent and his application is pending;
- (d) he has been convicted by a Court of any offence, whether involving moral turpitude or otherwise and sentenced to imprisonment for not less than 6 months and a period of 5 years has not elapsed from the date of expiry of the sentence;
- (e) if a person has been convicted of any offence and sentenced in respect thereof to imprisonment for a period of 7 years or more, he shall not be eligible to be appointed as a director in any company;

- (f) an order disqualifying him for appointment as a director has been passed by the Court or Tribunal and the order is in force;
- (g) he has not paid any calls in respect of any shares of the company held by him, whether alone or jointly with others and six months have elapsed from the last day fixed for the payment of the call;
- (h) he has been convicted of the offence dealing with related party transactions under Section 188 at any time during the last preceding five years; or
- (i) he has not obtain DIN.

A private company may by its articles provide for any disqualifications for appointment as a director in addition to the above disqualifications.

The disqualifications in (d), (e), (f) and (h) shall not take effect-

- for 30 days from the date of conviction or order of disqualification;
- where an appeal or petition is preferred within 30 days against the conviction resulting in sentence or order, until expiry of 7 days from the date on which such appeal or petition is disposed of; or
- where any further appeal or petition is preferred against order or sentence within 7 days until such further appeal or petition is disposed of.

- (F) (i) Discuss about the seven principles of public life in details.**
(ii) State the non-applicability of Employees Provident Fund and Miscellaneous Provisions Act, 1952. **[10+5 = 15]**

Answer:

- (F) (i)** The Seven Principles of Public Life were set out by Lord Nolan for the first time in the year 1995. These principles of public life will apply to any one who works as a public office holder, including elected and appointed to public office either locally or nationally. These principles apply to civil service, local government, the police, the Courts and probation of services, non departmental public bodies, health, education, social care services. These principles also apply to other sector that delivers public services.

The British Government appointed a committee called as Committee on Standards in Public Life to advise the Prime Minister on ethical standards of public life. The Committee was established in October 1994. The term of reference to the committee is –

- to examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities; and

- to make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.

The Committee submitted its first report in the year 1995 containing the seven principles of public life. The said principles have been amended over year. The seven principles of public life as amended up to and as on 2015 are as follows-

- (i) **Selflessness** – Holders of public office should act solely in terms of the public interest.
- (ii) **Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organizations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- (iii) **Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- (iv) **Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- (v) **Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- (vi) **Honesty** - Holders of public office should be truthful
- (vii) **Leadership** - Holders of public office should exhibit these principles in their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior wherever it occurs.

(F) (ii) Non applicability of the Act

Section 16(1) of the Act provides that this Act is not applicable to the following -

- To any establishment registered under the Co-operative Societies Act, 1912 or under any other law for time being in force in any State relating to co-operative Societies, employing less than 50 persons and working without the aid of the power; or
- To any other establishment belong to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any scheme or rule framed by the Central Government or the State Government governing such benefits; or
- To any other establishment set up under the Central, Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits.

(G) Write a note on: (Any Three)

[5 × 3 = 15]

- (i) Pension Funds [Section 23 of PFRDA Act, 2013]**
- (ii) Alteration of share capital**
- (iii) Protection of Gratuity**
- (iv) Importance of ethics**

Answer:

(G) (i) Pension funds [Section 23]

(1) The Authority may, by granting a certificate of registration under sub-section (3) of Section 27, permit one or more persons to act as a pension fund for the purpose of receiving contributions, accumulating them and making payments to the subscriber in such manner as may be specified by regulations.

(2) The number of pension funds shall be determined by regulations and the Authority may, in public interest, vary the number of pension funds:
Provided that at least one of the pension funds shall be a Government company.

EXPLANATION. — For the purposes of this sub-section, the expression "Government Company" shall have the meaning assigned to it in Section 617 of the Companies Act, 1956.

(3) The pension fund shall function in accordance with the terms of its certificate of registration and the regulations made under this Act.

(4) The pension fund shall manage the schemes in accordance with the regulations.

(G) (ii) Alteration of share capital

Section 61 provides that a limited company having a share capital may, if so authorized by its articles alter its memorandum in its general meeting-

- increase its authorized share capital by such amount as it thinks expedient;
- consolidate and divide all or any of its share capital into shares of a larger amount than its existing shares. No consolidation and division which results in change in the voting percentage of the shareholders shall take effect unless it is approved by the Tribunal on an application made in the prescribed manner;
- convert all or any of its fully paid up shares into stock and reconvert that stock into fully paid up shares of any denomination;
- sub division of shares, or any of them, into shares of smaller amount than is fixed by the memorandum, so, however that in the sub division the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;

- cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled.

The cancellation shall not be deemed to reduction of share capital.

(G) (iii) Protection of Gratuity

Section 13 provides that no gratuity payable under this Act shall be liable to attachment in execution of any decree or order of any civil, revenue or criminal court.

Section 13A provides that notwithstanding anything contained in any judgment, decree or order of any court, for the period commencing on and from the 3rd day of April 1997 and ending on the day on which the Payment of Gratuity (Amendment) Act 2009 receives the assent of the president, the gratuity shall be payable to an employee in pursuance of this notification of the Government of India in the Ministry of Labor and Employment vide SO 1080 dated the 3rd day of April 1997 and the said notification shall be valid and shall be deemed always to have been valid as if the payment of gratuity (Amendment) Act 2009 had been in force at all material times and the gratuity shall be payable accordingly.

Nothing contained in this section shall extend or be construed to extend to affect any person with any punishment or penalty whatsoever by reason of the non employment by him of the gratuity during the period specified in this section which shall become due in pursuance of the said notification.

(G) (iv) Importance of ethics

Ethics is a requirement for human life. It is our means of deciding a course of action. Without it, our actions would be random and aimless. There would be no way to work towards a goal because there would be no way to pick between a limitless numbers of goals. Even with an ethical standard, we may be unable to pursue our goals with the possibility of success. To the degree which a rational ethical standard is taken, we are able to correctly organize our goals and actions to accomplish our most important values. Any flaw in our ethics will reduce our ability to be successful in our endeavours.

A proper foundation of ethics requires a standard of value to which all goals and actions can be compared to. This standard is our own lives, and the happiness which makes them livable. This is our ultimate standard of value, the goal in which an ethical man must always aim. It is arrived at by an examination of man's nature, and recognizing his peculiar needs. A system of ethics must further consist of not only emergency situations, but the day to day choices we make constantly. It must include our relations to others, and recognize their importance not only to our physical survival, but to our well-being and happiness. It must recognize that our lives are an end in themselves, and that sacrifice is not only not necessary, but destructive.