INTERMEDIATE EXAMINATION

June 2024

P–5(BLE)
Syllabus 2022

BUSINESS LAWS AND ETHICS

Time Allowed: 3 hours

Full Marks: 100

The figures in the margin on the right side indicate full marks.

Wherever considered necessary, candidates may make appropriate assumptions and clearly state them in the respective answer.

Answer *Question No.1* and *any five* from Question No. 2 to Question No. 8.

Section-A

(Compulsory)

1. Choose the correct option from the four alternatives given: **2×15=30**

(i) Which of the following is not a major source of law in any modern society?

(A) Custom

(B) Judicial precedent

(C) Legislation

(D) Executive order

(ii) An 'agent' is a person employed to do any act for another or to represent another in dealing with the

(A) first person

(B) second person

(C) third person

(D) fourth person

(iii) In case of a sale by auction, if the seller makes use of pretended bidding to raise the price, the sale is voidable at the option of

(A) buyer

(B) seller

(C) dealer

(D) consumer

(iv) Which one of the following is not a type of endorsement in case of a negotiable instrument?

(A) Blank

(B) Full

(C) Written

(D) Restrictive

(v) The implied authority of a partner is to carry on the business of the firm, in the_________.

(A) casual way

(B) usual way

(C) unusual way

(D) special way

(vi) Chapter V of the Factories Act, 1948 provides the __________ to be taken in factory for the workmen employed in the factory.

(A) operative measure

(B) recreative measure

(C) safety measure

(D) welfare measure

(vii) Section 55 of the Code on Wages, 2019 talks about

(A) offences by companies.

(B) composition of offences.

(C) penalty for offences.

(D) impacts of offences.

(viii) __________ means a company in which that other company has a significant influence, but which is not a subsidiary company of the company having such influence and includes a joint venture company.

(A) Associate Company.

(B) Holding Company.

(C) Small Company.

(D) Foreign Company.

(ix) The annual return of an OPC in absence of the company secretary shall be signed by the ___________ of the company.

(A) banker

(B) auditor

(C) legal officer

(D) director

(x) A start-up company may issue sweat equity shares not exceeding __________ of its paid-up capital up to 5 years from the date of its incorporation.

(A) 50%

(B) 25%

(C) 15%

(D) 10%

(xi) Where the equity shares of a company are listed on a recognized stock exchange, the Employees Stock Option Scheme shall be issued in accordance with the regulations made by

(A) the concerned company.

(B) the Registrar of Companies.

(C) the Ministry of Corporate Affairs.

(D) the SEBI.

(xii) Where auditor is dissatisfied with the information provided and finds that he cannot express a proper opinion on the statements, he will issue

(A) a clean report.

(B) an adverse opinion.

(C) a disclaimer of opinion.

(D) a qualified report.

(xiii) Every listed company shall establish a vigil mechanism for __________ to report genuine concerns.

(A) directors and employees

(B) auditors and employees

(C) customers and employees

(D) financer and employees

(xiv) Which one of the following is not an attribute of emotional intelligence?

(A) Self management

(B) Social awareness

(C) Corporate management

(D) Relationship management

(xv) Holders of public office must act and take decision impartially, fairly and on merit using the best evidence and without discrimination or bias. This principle of public life is known as

(A) honesty

(B) selflessness

(C) objectivity

(D) integrity

Section-B

Answer *any five* questions from Question No. 2 to Question No. 8.

Each question carries 14 marks. **14×5=70**

2. (a) Explain enforcement of contingent contract with examples. 7

(b) Enumerate the duties of bailor and care to be taken by bailee in context of bailment. 7

3. (a) **Examine** the grounds on which the Court may direct a dissolution of a firm in a suit. 7

   (b) Explain assignment of negotiation instruments. How would you differentiate between negotiation and assignment? 7

4. (a) Prepare a list of the different powers that can be exercised by an inspector under the Factories Act, 1948. 7

   (b) **Discuss** in detail about Application and Belated Application for payment of gratuity. 7

5. (a) **Critically assess** the different conditions laid down in the Companies Act, 2013 for issuing secured debentures. 7

   (b) Discuss the different disqualifications for appointment of director as per the Companies Act, 2013. 7

6. (a) **Demonstrate** the different points to be stated in the auditor's report by the auditor as per the Companies Act, 2013. 7

   (b) **Discuss** the different rights of a shareholder as per the Companies Act, 2013. 7

7. (a) Explain the nature of Business Ethics. 7

   (b) How would you evaluate the effects of emotional intelligence on your work, physical health, mental health and relationship? 7

8. (a) Mr. Amal, who is so badly drunk that he cannot sit properly on his chair, enters into an agreement with Mr. Bimal on 15th July, 2023 in the evening to sell his office space to him within 15th August, 2023. Next day Mr. Amal declares that he was over drunk last night and now he is not willing to transfer the office space to Mr. Bimal. Now, Mr. Bimal is arguing that as Mr. Amal has already signed the agreement, he will have to transfer the property in his name.

   Decide whether the contract is valid and present your expert comment. 7

   (b) The Board of Directors of ABC Ltd. appointed Mr. Barun as additional director to look after the general operations of the company. Later a shareholder, Mr. Arun, challenged the decision of the Board of Directors and filed a case in the court of law. Mr. Arun stated in his petition that Mr. Barun is not competent as he does not hold any professional or academic qualifications.

   State with reasons whether the Board of Directors of ABC Ltd. should review and change its decision on the appointment of Mr. Barun.

   State briefly the qualifications required for the appointment of the directors in a company as laid down in the Companies Act, 2013, if any. 7