

ME-175 Seat No. _____
Third Year B. B. A. Examination
April / May – 2003
Industrial & Commercial Law

Time : 3 Hours]

[Total Marks : 70

Instruction : Give the same number to the answer as is given to the question in the question paper.

- 1 (a) "All contracts are agreements, but all agreements are not contract."—Explain. 7
- (b) A made a proposal to B by post. B died before the letter reached him. B's son C accepted the proposal. Is A bound by the acceptance ? 3

OR

- 1 (a) What are Quasi-contracts ? Enumerate the Quasi-contracts dealt with under the Contract Act. 7
- (b) A teaches his dove to recite an offer and then sends his dove to B. The bird repeats the recitation to B. Is this a valid offer ? 3
- 2 Write notes on any **three** of the following : 15
- (i) Agreement with a minor
- (ii) Agreement against public policy
- (iii) Appropriation of payments
- (iv) Doctrine of frustration
- (v) Chinnyya V/s. Ramaya
- (vi) Hadely V/s. Baxendale.
- 3 (a) Define 'Goods' and state the different types of goods. 6
- (b) A approached a motor car dealer and asked for a motor car, which would be useful and comfortable for touring purpose. B, the dealer, suggested Buggeti car. A after using it finds it to be unsuitable for his purpose. Can he return the car and receive his money from B? 4

OR

- 3** (a) Write notes on any **two** of the following : **6**
- (i) Sale and agreement to sell
 - (ii) Rules of delivery of goods
 - (iii) C.I.F. contract
 - (iv) Unpaid seller's right of stoppage goods in transit.
- (b) A the owner of a T.V entrusted his T.V. to his mercantile agent *B*, for sale at not less than Rs. 10,000/- *B* sold the T.V. for Rs. 8,000/- to *C* and misappropriated the amount. *A* sued *C* to recover the T.V. from *C*. can *A* succeed ? Answer giving reasons. **4**
- 4** Write notes on any **two** of the following : **8**
- (i) Promissory note
 - (ii) Holder-in-due course
 - (iii) Maturity and Days of Grace
 - (iv) Ambiguous instrument.
- 5** (a) Write notes on any **three** of the following : **15**
- (i) Retrenchment under *The I.D. Act-1947*
 - (ii) Annual leave with wages under *The Factories Act-1948*
 - (iii) Rules of "set-on" and set-off" under *The Payment of Bonus Act-1965*
 - (iv) "Partial and total disablement" under *The Workmen's Compensation Act-1923*
 - (v) Power to recover money from employer under *The Employees' P.F. and Misc. Provisions Act-1952.*

OR

- (b) Write notes on any **three** of the following : **15**
- (i) Describe the procedure for Registration of a trade union, under *The Trade Unions Act-1926*
 - (ii) "Factory" under *The Factories Act-1948*
 - (iii) Protection against attachment under *The Employees' P.F. and Misc. Provisions Act-1952*
 - (iv) Authorise deductions under *The Payment of Wages Act-1936*
 - (v) Maximum and minimum bonus under *The Payment of Bouns Act-1965.*

6 (a) Write notes on any **three** of the following : **15**

- (i) Strike and lock-out under *The I.D. Act-1947*
- (ii) Provisions regarding safety of workers under *The Factories Act-1948*
- (iii) “Contribution” under *The Employees’ P.F. and Misc. Provisions Act-1952*
- (iv) “Accident arising out of and in course of employment” under *The Workmen’s Compensation Act-1923*
- (v) “Available surplus” and “Allocable surplus” under *The Payment of Bonus Act-1965*.

OR

(b) Write notes on any **three** of the following : **15**

- (i) “Occupier” under *The Factories Act-1948*
- (ii) The privileges of a registered trade union under *The Trade Unions Act-1926*
- (iii) “Worker” under *The Factories Act-1948*
- (iv) “Industrial Dispute” under *The I.D. Act-1947*
- (v) Defences available to an employer against a claim for compensation made by a workman under *The Workmen’s Compensation Act-1923*.