

# Selection of Business Organisation

## SBEC (SYLLABUS 2017)

### DEC 2020 (4 MARKS)

1. X is planning to start a mobile based and web based business. In selection of suitable form of a business organization, 'degree of control and management' plays a significant role. Explain how this factor affects the choice of form of organization.

### JUNE 2022 (4 MARKS)

1. Degree of the Control plays the vital role in selection of a suitable form of the business organization. Explain.

### DEC 2022 (5 MARKS)

1. Sumit Bhasin has an expertise in the field of Modular Kitchen designing, he possesses adequate education to in this field. Noe in order to start his venture, he wants to consult a Company Secretary for getting aware of various modes of organization and to select the best mode keeping in view their merits and demerits. As a Company Secretary, make Sumit Bhasin acquainted with available modes of organization while briefing the merits and demerits of each.

**DEC 2023 (5 MARKS)**

1. Karan and Rajdeep two friends decided to start a business of Biryani Chain, it's a start up with some blend of technology for which they aim to collect funding from Venture Capitalists. While Karan is of the opinion to incorporate Limited Liability partnership, Rajdeep wants to go ahead with formation of Private Limited Company. As a Professional Consultant, you are required to advise on the basis of merits of both the proposals as which type of organization is most suitable as per the requirement ?

**DEC 2024 (4 MARKS)**

1. "Managerial Ability and Managerial Needs, are two different but most important factors to decide a suitable form of organization." Comment.

## **SBIL (SYLLABUS 2022)**

### **JUNE 2024 (3 MARKS)**

1. “The degree of control and management that an entrepreneur desires to have over business affects the choice of form of organization.” In light of above statement, explain how control and management factor is basic factor to choose the suitable form of organization

### **DEC 2024 (3 MARKS)**

1. ‘The degree of control and management that an entrepreneur desires to have over business affects the choice of form of organization’. Explain

# Corporate Entities – Companies

## SBEC (SYLLABUS 2017)

### JUNE 2019 (4 MARKS)

1. Ragavi and her six more relatives and friends want to incorporate a Nidhi Company. They seek your advice on the following issues with respect to the formation of company:
  - (a) Whether Nidhi Company can be formed as a private company? Is there any specific law for the Nidhi Companies
  - (b) Whether the approval of Reserve Bank of India (RBI) is required?
  - (c) Whether Nidhi is allowed to raise funds through issue of equity shares and preference shares?
  - (d) Whether Nidhi is allowed to carry on business other than the business of borrowing or lending in its own name?

### JUNE 2019 (5 MARKS)

1. Actavis Ireland Ltd. a pharma firm incorporated in Ireland
  - (a) Has a share transfer office in Kanpur
  - (b) Director of the company frequently stayed in hotel in Noida and Mumbai for looking after matters of business, the company does not have any physical office or property in India.

As a practicing Company Secretary, advise under the provisions of the Companies Act, 2013, whether the company will be treated as having place of business in India?

**DEC 2019 (5 MARKS)**

1. Axar is in plant research and he has invented a process for extracting bio-fuel from certain plants, now he is proposing to commercialize his invention by promoting a One Person Company (OPC). But he proposes his names and his wife name as directors of the Company. As a Company Secretary clarify Axar on number of shareholders and directors OPC can have. Also brief him the provision on Board, Annual General meeting, signing of Financial statements, Board's Report and Annual Return.

**AUG 2021 (5 MARKS)**

1. Nidhi Companies can provide loans to its member's subject to certain limits as per Nidhi Rules, 2014. Rakesh being a member of a Nidhi Company wants to know the limit mentioned under Nidhi Rules, 2014 and also seek your advise whether a second loan can be granted within limits specified, if 1st loan is overdue, outstanding and remains unpaid.

**AUG 2021 (4 MARKS)**

1. Melta LLC is a Limited Liability Corporation registered in California (USA). The company has no place of business in India by itself or through agent, but it's doing online business through electronic mode in India. Explain whether Melta LLC will be treated as a Foreign Company as per the provisions of the Companies Act, 2013.

**DEC 2021 (4 MARKS EACH)**

1. Mahesh Nidhi Limited was incorporated on 30th September, 2020. The Board of Directors seek your advice about the compliances need to be done in respect of each of the following:
  - (a) Compliances which are required to be done up to the end of the first financial year of the Company.
  - (b) Opening of branches of Mahesh Nidhi Limited.
2. MN Ltd. a company registered in Japan has established a place of business in India. Advise MN Ltd. on the documents required to be filed by the Company with the concerned Registrar of Companies under the provisions of the Companies Act, 2013.

**JUNE 2022 (4 MARKS EACH)**

1. ABC Producer Company Ltd. was incorporated on 11th July, 2013 as a producer company with objective of production of wheat and related products. The CAGR since inception is around 12%, better as comparative to other sector(s). However, during Covid 19 pandemic, there was tremendous upsurge in operating income, up by 110% as compared to previous year. There is huge Surplus Fund in the Company, hence, the Director (Finance) opined that fund may be invested in Stock Market related instruments including Equity, Bonds and Mutual Funds. He also suggested for doing F&O related transactions out of the Surplus Fund. However, the Company Secretary of the Company objected that the Fund can be invested in certain categories only. Examine.
2. Vinod formed a single person economic activity in the form of One Person Company with his brother Kishor as its nominee. On 10th May 2022, Kishor withdrew his consent as Nominee of the One Person Company. Can he do so ? Examine whether the following individuals are eligible for being nominated as Nominee of the One Person Company as on 10th May, 2022 under the provisions of the Companies Act, 2013.  
Shyam is son of Vinod, who is 15 years old as on 10th May, 2022.  
Ashok, an Indian Citizen residing in India who is presently a member of a One Person Company.

**DEC 2022 (5 MARKS EACH)**

1. Raman is an Indian Citizen, and his stay in India during he immediately preceding financial year is for 130 days. He appoints Sanjay, foreign citizen, as his nominee, who has stayed in India for 125 days during the immediately preceding financial year. Is Raman eligible to incorporate a One-Person Company (OPC)? If yes, can he give the name of Sanjay in the Memorandum of Association as his nominee? Justify your answers with relevant provisions of the Companies Act, 2013.
2. Ramesh wishes to form a Nidhi Company with a minimum paid-up equity share capital of Rs. 12 lakh. Ramesh is seeking your guidance regarding the general limitations and prohibitions put in place for Nidhi Companies.

3. Hardev Lal, Director of JKL Limited acted bona fide to pursue one of the 'objects' of the Company not falling within the 'object clause' of its Memorandum of Association. Subsequently, such fact was noticed through the contents of the Boards' Report wherein it was reported that such persuasion had resulted in a loss to the Company to the extent of Rs.25 lakh during the first year itself. The members of the Company disapproved the transaction and required explanation from the Board of Directors. As a Company Secretary, what do you advise the management in this matter and how to fix the responsibility of Hardev Lal. Support your answer with the help of leading case law.

**DEC 2022 (3 MARKS)**

1. Garg Builders Pvt. Ltd. has changed its name. There is no alteration in the constitution or legal status of the company. The fact of alteration of name was not brought the notice of the Tribunal. Has a company got a right to execute a decree in its new name after change of name?

**DEC 2022 (2 MARKS)**

1. Lakshmi Tube Lights Private Limited has committed a default which is in violation of the provisions of the Companies Act, 2013. No specific penalty or punishment is provided in the Act for the said default. In the given circumstances, decide the quantum of punishment for contravention that may apply to Lakshmi Tube Lights Private Limited, as provider under the Companies Act, 2013.

**JUNE 2023 (5 MARKS)**

1. SPM Ltd. is engaged in the business of manufacturing of coins made of gold, silver and other precious metals. The company has not raised any money from the public. The company has recently imported the plating technology from Germany and it is desiring to enter into the business of manufacturing of ornaments, jewellery and souvenirs using the plating technology. However, the proposed business is not covered in the objects clause of Memorandum of Association (MOA) of the company. Advise the company the procedure to be followed by it for alteration of objects clause of MOA in accordance with the provisions of the Companies Act, 2013.

**JUNE 2023 (4 MARKS)**

1. Gupta Publishers Ltd. has been incorporated recently and the Articles of Association of the company contain the provisions of the Companies Act, 2013. Elucidate the provisions of entrenchment under the Companies Act, 2013.

**DEC 2023(5 MARKS EACH)**

1. Alok Nidhi Ltd., a Nidhi Company, desires to appoint M as the Director of the company. M has been convicted of an offence involving moral turpitude and sentenced to imprisonment for a period of six months, 4 years ago. Alok Nidhi Ltd. seeks your advice for appointment of M as Director of the Company. Referring the provisions for appointment of Directors in a Nidhi Company under Nidhi Rules, 2014, advise Alok Nidhi Ltd.
2. KC Pvt.. Ltd. has been incorporated recently under the Companies Act, 2013. The Directors of KC Pvt. Ltd. seeks your advice on the requirement in context of 'publication of name and address of the company'. Referring the provisions of section 12(3) of the Companies Act, 2013, advise KC Pvt. Ltd.

**DEC 2023 (4 MARKS EACH)**

1. The Articles of Association of RC Stock Exchange Ltd., registered under the Companies Act, 2013, has the provision empowering the Board of Directors to expel any member of the stock exchange. In accordance with this provision, the Board of Directors of RC Stock Exchange Ltd. expelled K being the member of RC Stock Exchange Ltd. K objected to such expulsion stating that it is against the provisions of the Companies Act, 2013. In the light of decided case law, examine the validity of objection of K.
2. XPS Limited, a company of Chennai, have issued non-convertible debentures and got listed their debt securities on BSE. After listing of the above-mentioned debentures, the Managing Director prefers to use the word "Listed" under its name. Can XPS Limited use it ? Also enlist the types of Companies which are not to be considered as Listed Companies.

3. Shree Vishnu Permanent Fund Limited, is a Nidhi Company incorporated on 17th August, 2023. The promoters being the new business entrant is not aware to file any kind of declaration. Hence the management seeks your advice to explain what form to be filed as Declaration of Nidhi Company and also explain the time limit of such filing. Further explain the consequences of non-filing of such declaration
4. Rakesh and Vishesh are in the process of forming a new company under the name of “Money Grow Private Limited”. The Company would be an NBFC. While drafting the object clause in Memorandum, a clause related to power to sell and dispose of the whole of a company’s undertaking was not mentioned. Later the management argues that this power is implied power of Board and need not be mentioned separately. Is management right in its contention ? Also mention powers which are not considered as “Implied Powers.”
5. Plastocare Limited, a Public Limited Company wanted to appoint Ashish Kothari as its Managing Director, for which a notice of EGM has been sent to all the members. However, the notice did not contain any information about the interest of other Directors in such appointment. Does this missing information render the notice as invalid ? Will your answer be changed in case the company is a Govt company ?
6. Mudra Nidhi Limited, a Chennai based company, wants to acquire another company Prakrit Private Limited through change in management, can it do so ? Will your answer change if it wants to acquire Prakrit Private Limited by way of purchase of securities ?

**JUNE 2024 (5 MARKS EACH)**

1. Ravi and Suraj are two friends residing at Chandni Chowk, Delhi. They wish to start the business of readymade garments by incorporating a private limited company. They approach you to seek your advice on the contents of Memorandum of Association (MOA) of a limited company under the Companies Act, 2013. Advise them the contents of MOA of a limited company under the Companies Act, 2013.
2. PMC foundation is a society registered under the Societies Registration Act, 1860. The society intends to register itself as a company limited by guarantee under section 8 of the Companies Act, 2013. List out the documents required for registration of society as a company limited by guarantee under section 8 of the Companies Act, 2013.

**DEC 2024 (4 MARKS)**

1. FGR Ltd. was incorporated on 3rd March 1959, with Authorised Capital of ₹ 15 Lakh (divided into 1 lakh equity share of ₹ 15 each). Since the inception, authorised capital was increased from time to time and as on date the Authorised Capital of the Company is ₹ 90 Crore (6 Crore equity share of ₹ 15 each). The paid-up capital of the Company is ₹ 60 Crore (divided into 4 Crore equity share of ₹ 15 each) The Company is planning for an IPO. As advised by the legal consultant, the Company needs to alter its capital clause. Prepare a note on types of alteration of capital clause in Memorandum and Articles of Association

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (MARKS)**

1. R is carrying on the business of trading of readymade garments as a sole proprietor in Delhi. He wants to diversify his business by opening the branches in other cities across the country. Due to shortage of funds and other resources, he approaches his friend K, who is a Practicing Company Secretary (PCS) for seeking his advice on the form of business organisation which may be more beneficial for him. K advises him to convert his sole proprietorship form of business into a private company by involving his friends and relatives as the directors and members of the private company. He describes the characteristics of a private company under the Companies Act, 2013. K further advises R that the conversion of his existing form of business into a private company would provide him easy access to capital needed for diversifying his business. In accordance with the advice of K, R decided to convert his sole proprietorship business into a private company with the proposed name, R Holding Pvt. Ltd. He makes an application to the Registrar of Companies (RoC), Delhi for reservation of the proposed name of the company, R Holding Pvt. Ltd. However, the proposed name is rejected by RoC, Delhi citing the common reasons for rejection of the proposed name. R makes a fresh application for reservation of the proposed new name of the company, R Cloth Trading Pvt. Ltd. and the name is reserved by RoC, Delhi. After filing the necessary e-forms and documents with RoC, Delhi, the company, R Cloth Trading Pvt. Ltd. is incorporated under the Companies Act, 2013. K informs R about the utility of the Permanent Account Number (PAN) and accordingly, R obtains PAN in the name of the company. K also helps him in getting the GST registration in the name of the company and advises him to go for “Composition Scheme” under the GST Act, 2017. R approaches the banks for sanctioning loan for his business to enable him to open branches in the State of Uttar Pradesh. However, due to stringent loan sanctioning process of the banks, R fails to get loan from the banks for his business. R approaches K for seeking his help to arrange the required funds for the business and K helps R in getting loan for his business from, ST Finvest Ltd., a Non-Banking Financial Company (NBFC). The loan is processed quickly by ST Finvest Ltd. to R Cloth Trading Pvt. Ltd. at a very competitive rate of interest.

In view of the above, answer the following :

- (a) Write down the characteristics of a private company under the Companies Act, 2013 as described by K to R.
- (b) Describe the common reasons on the basis of which ROC, Delhi has rejected the name reservation application of R with the proposed name, R Holding Pvt. Ltd. State the utility of PAN for R Cloth Trading Pvt. Ltd.
- (c) Why does K advise R to go for “Composition Scheme” under the GST Act, 2017?
- (d) Discuss the privileges available to ST Finvest Ltd. to process loan to R Cloth Trading Pvt. Ltd. quickly at a very competitive rate of interest as compared to the banks.

Aniket wishes to incorporate a company under section 8 of the Companies Act, 2013 for the purpose of promotion of education, research and social welfare. He approaches you to seek your advice on eligibility to apply for section 8 company license. Advise Aniket.

### **JUNE 2024 (3 MARKS)**

1. Robinhood against Hunger is a registered society under Society Registration Act, 1908. Being a non-profit organization, the society possesses the Tax Exemption Certificate under section 12 of Income Tax Act. The Society is also recognized NGO under section 80G of the Income Tax Act. The Promoters have decided to convert the society into Section 8 Company under Companies Act, 2013, so that food items can be delivered free of cost to poor and needy peoples in State of Madhya Pradesh under mission of “Koi Nahi Bhookha Soyega”. The Society is also planning to start its own manufacturing unit for making of various types of food items. The automatic food processing unit(s) will be setup in capital of the State at primary level. Being a Company Secretary, suggest that what are benefits available to section 8 Company.
2. PNC Ltd. is a company limited by guarantee and not having a share capital. The Articles of Association (AOA) of the company give any person a right to participate in the divisible profits of the company otherwise than as member. Examine the validity of such provisions in the AOA of the company.

**DEC 2024 (3 MARKS)**

1. Bright Future Foundation wants to apply for section 8 company license while engaging in commercial activities, such as offering paid online courses, to fund its charitable activities. How would these commercial activities align with the eligibility criteria for a section 8 company, which focuses on promoting charitable objectives over profit-making ventures? Anil wants to incorporate a company in the name 'National Electricity Corporation Limited'. However, the application was rejected with the reason that the name is identical to the name of an existing company i.e., 'Rashtriya Vidyut Nigam Limited'. Anil objects to this rejection. Referring to the provisions of Rule 8 of the Companies (Incorporation) Rules, 2014, examine the validity of objection of Anil.

XYZ Appliances Pvt. Ltd. is carrying on the business of manufacturing and trading of kitchen appliances at Sadar Bazar, Delhi. X, Y and Z are the three directors of the company who also hold shares of the company in the ratio of 35 : 35 : 30. The business of the company is flourishing and the company has opened its branches in the cities of Noida, Gurgaon and Faridabad. In order to protect their personal interests, X, Y and Z propose that any amendment in the Articles of Association of the company should be made only with the approval of all the shareholders of the company. They approach M, a practicing company secretary to seek his advice on the alteration of Articles of Association of the company only with the approval of all the shareholders. M advises them suitably. XYZ Appliances Pvt. Ltd. receives an export order from a company based at France. In order to export the goods, the company requires Importer Exporter Code (IEC). The directors of the company again approach M who explains them the procedure to apply for IEC on the DGFT portal. After getting the IEC in the name of the company, the export order is successfully completed by the company.

A company based at Japan approaches XYZ Appliances Pvt. Ltd. to form an alliance for sharing of latest technical advancements in the industry for mutual benefit of both the companies. The directors of XYZ Appliances Pvt. Ltd. discuss on the objectives of the foreign collaboration. Thereafter, a technical collaboration is made between both the companies. The scale of operations of XYZ Appliances Pvt. Ltd. increases multifold and the directors intend to convert it into a public limited company. With the professional assistance of M, the company is converted into a public limited company. M also advises on the post conversion requirements to be arranged by XYZ Appliances Ltd. Y goes on a

business trip to Singapore and meets his friend John, who is a director in a company based at Singapore in the name of JSS Realtech Pte. Ltd. JSS Realtech Pte. Ltd. is engaged in the development of townships, construction of residential or commercial premises, roads or bridges for selling or leasing. John advises Y that the company, XYZ Appliances Ltd. may invest in JSS Realtech Pte. Ltd. to earn more profits. On return, Y informs X and Z that XYZ Appliances Ltd. may invest in JSS Realtech Pte. Ltd., engaged in real estate activity at Singapore. However, Z is of the view that the Overseas Direct Investment (ODI) in a foreign entity engaged in real estate activity is prohibited.

In view of the above, answer the following :

- (a) What is the advice of M to X, Y and Z on their proposal regarding alteration of Articles of Association of XYZ Appliances Pvt. Ltd. only with the approval of all the shareholders ?

### **JUNE 2025 (3 MARKS)**

1. SPM Ltd. and BRB Ltd. wish to form a new company in the name of BNPM Ltd. for the purpose of manufacturing different types of inks in India. Both companies seek your advice on the key issues which must be kept in mind while drafting the Shareholder's Agreement (SHA). Advise them.

What restrictions have been introduced concerning the use of the term "Nidhi Limited" in a company's name under the Nidhi (Amendment) Rules, 2024 ?

Amit, originally from India, relocated to Germany in search of better career opportunities after completing his education. Over the next three decades, he worked diligently, building a successful career, and eventually acquired German citizenship. Despite his professional success abroad, Amit always felt a strong emotional connection to India and frequently thought about ways to contribute to his homeland in a meaningful way. His sense of social responsibility grew over time, and he envisioned using his wealth and experience to improve the lives of underprivileged people in India. Amit's desire to make a difference was driven by a genuine desire to give back to society. After carefully researching various organizations and initiatives, he decided to visit India for two years on a business visa. During his stay, Amit sought to explore different avenues for contributing to social causes, particularly those focused on underprivileged communities

in India. He also hoped to connect with individuals or organizations already making a positive impact. It was during his visit that Amit reconnected with his childhood friend, Raghav. Unlike Amit, Raghav had stayed in India and dedicated his life to social work. Raghav was the founder of Noble Work Foundation, a non-profit organization established in 2014 and registered as a Section 8 company under the Companies Act, 2013. The foundation's mission was to address key social issues such as education for underprivileged children, healthcare support, & empowerment programs for marginalized communities.

As Amit learned more about the foundation's initiatives, he was deeply impressed by its impact on society. Noble Work Foundation had helped thousands of individuals through its various social welfare programs, and its mission resonated deeply with Amit's vision of contributing to India's development. Amit admired Raghav's commitment to social causes and the foundation's success in reaching out to those in need. This inspired Amit to become involved with the organization. Amit's desire to contribute went beyond a financial donation. He recognized the value of using his international experience, strategic planning skills, and innovative ideas to help expand the foundation's work. Amit envisioned playing an active role in the organization by not only donating funds to support social projects but also becoming one of the directors of Noble Work Foundation. Additionally, Amit wanted to establish a branch office of Noble Work Foundation in Germany to expand the organization's reach and create greater international awareness for its cause. However, before moving forward with his plans, Amit realized that he would need to navigate various legal and regulatory requirements, especially given his current status as a German citizen. Noble Work Foundation, being a non-profit organization under the Indian Companies Act, was subject to specific regulations related to foreign funding and foreign directorship. Amit also wanted to explore the possibility of converting Noble Work Foundation into a private limited company to broaden its scope for raising funds and expanding its operations. To ensure that all transactions and legal formalities were handled appropriately, Amit sought the assistance of Vijay, a practicing Company Secretary, who could provide the necessary guidance on compliance with Indian laws regarding non-profit organizations, foreign funding, and directorship.

In view of the above, answer the following:

- (a) What exemptions are granted to Noble Work Foundation under the Companies Act, 2013?
- (b) What are the permissible sources through which Noble Work Foundation can raise funds to sustain and grow its operations?
- (c) What restrictions have been introduced concerning the use of the term "Nidhi Limited" in a company's name under the Nidhi (Amendment) Rules, 2024 ?

# Limited Liability Partnership

## SBEC (SYLLABUS 2017)

### DEC 2020 (4 MARKS)

1. What are the duties of Designated Partner of LLP?

### DEC 2021 (4 MARKS)

1. XYZ Trading LLP registered under LLP Act, 2008 wants to change its name to PQR Solutions LLP. Explain the procedure to be followed by XYZ Trading LLP for changing its name under the provisions of LLP Act, 2008.

### JUNE 2022 (5 MARKS)

1. A group of individuals intended to form a club namely 'Jets Pilots Flying Club' as limited liability company to impart classroom teaching and aircraft flight, training to trainee pilots. It was decided to form a limited liability company for charitable purpose under Section 8 of the companies Act, 2013 for period of 10 years and there after the club will be dissolved and the surplus of assets over the liabilities, if any, will be distributed amongst the members as a usual procedure allowed under the Companies Act, 2013. Examine the feasibility of the proposal and advise the proposal and advice the promoters considering the provisions the Companies Act, 2013.

### JUNE 2022 (4 MARKS)

1. Explain the procedure for changing the name of LLP under Limited Liability Partnership Act, 2008.

**DEC 2022 (4 MARKS)**

1. Delta LLC is a Limited Liability Corporation registered in California (USA). The company has no place of business in India by itself or through agent, but it's doing online business through electronic mode in India. Explain whether Delta LLC will be treated as a Foreign Company as per the provisions of the Companies Act, 2013?

**JUNE 2023 (4 MARKS)**

1. ABC LLP has its registered office in Kanpur (U.P.). For better administrative convenience, the LLP wants to shift its registered office from Kanpur to NCT of Delhi. Advise the LLP regarding the various formalities which need to be complied with for shifting its registered office from Kanpur to NCT of Delhi under Limited Liability Partnership Act, 2008 .

**JUNE 2024 (4 MARKS)**

1. ABC Solutions LLP is registered under the Limited Liability Partnership Act, 2008. The LLP has engaged you as its adviser to advise on various matters. As a Practicing Company Secretary, advise ABC Solutions LLP on the following matters :
  - (a) Can all the partners of LLP be the bodies corporate ?
  - (b) Can all the designated partners of LLP be the foreign nationals ?
  - (c) Minimum number of designated partners required in LLP.
  - (d) Form for intimation of changes in LLP agreement.

**DEC 2024 (4 MARKS)**

1. M and R are good friends since childhood. After completion of graduation in engineering, both have completed their MBA from renowned business institution. M advised that they may start their own business of instant coffee chain shops. Per stall will have a capital investment of ₹ 5,000 only, whereas the price of milk-made coffee may be fixed at ₹ 10 per cup only, to attract the customers at large. However, there will be net margin of ₹ 1.5 per cup. During the consideration of business form of LLP, R wants to get information about rights of partners. Prepare a note on rights of Partners in LLP.

**SBIL (SYLLABUS 2022)****DEC 2023 (3 MARKS EACH)**

1. A and B are the two experienced professionals in the Information Technology (IT) industry. They have decided to start their own software development business. They aim to provide innovative software solutions to various businesses while fostering a culture of creativity and collaboration within their organization. As they embark on their entrepreneurial journey, they encounter various challenges and opportunities along the way. A and B need to decide on the legal structure for their business. They are considering forming a Limited Liability Partnership (LLP) to protect their personal assets and enjoy tax benefits. They get the name, “Technical Solutions LLP” reserved by the jurisdictional Registrar. After filing the prescribed e-form, FiLLiP along with the required documents attached thereto, “Technical Solutions LLP” is registered. “Technical Solutions LLP” requires initial capital to cover the startup costs, such as office space, equipment, and hiring employees. By leveraging a combination of personal resources, support from friends and family, investments from angel investors, crowdfunding, and strategic partnerships, A and B secure the necessary startup funds for “Technical Solutions LLP.” A and B gather the necessary documents for GST registration of “Technical Solutions LLP”. After filling the GST registration application form on the GST portal and uploading the required documents as specified in the application form, the GST Registration Certificate of “Technical Solutions LLP” is received electronically through the GST portal. With a growing demand for its services, “Technical Solutions LLP” embarked on a phase of aggressive expansion, opening new offices in strategic locations and investing in infrastructure and technology upgrades. It introduced innovative solutions leveraging emerging technologies such as Artificial Intelligence (AI), blockchain, and cloud computing to stay ahead of the competition. Recognizing the need for additional capital to fuel its ambitious growth plans, A and B deliberated on the possibility of converting the LLP into a private limited company to raise capital, enhance visibility, and facilitate future expansion. After careful consideration and thorough preparation, “Technical Solutions LLP” has initiated the process of converting into a private limited company, adhering to regulatory requirements and compliance standards. The name approval for the company, “Technical Solutions Pvt. Ltd.” has been received from the Registrar of Companies. After

filing the required form along with the necessary documents, the company, Technical Solutions Pvt. Ltd. is incorporated under the Companies Act, 2013 by taking over the business of “Tech Solutions LLP”. In view of the above, answer the following :

- (a) Write down the benefits of Limited Liability Partnership (LLP) being considered by A and B while deciding the legal structure for their business.
- (b) Describe the documents that are required to be attached with the prescribed e-form FiLLiP for getting registration of “Technical Solutions LLP”.
- (c) What are the key considerations for “Technical Solutions LLP” when seeking investments from angel investors to finance its operations ?
- (d) What documents are required to be uploaded by A and B with the GST registration application form on the GST portal for GST registration of “Technical Solutions LLP” ?
- (e) Describe the conditions required to be fulfilled for conversion of LLP “Technical Solution LLP” into a private limited company. “Technical Solutions Pvt. Ltd.”

**DEC 2024 (3 MARKS)**

1. MNC LLP, a consulting firm, faced serious allegations of financial misconduct involving a senior partner, Kumar, who was accused of falsifying financial reports. Employees felt unsafe reporting these concerns internally until Priya, a junior consultant, decided to blow the whistle. She submitted a formal complaint along with evidence to the Whistleblower Committee, citing Section 31(1) of the Limited Liability Partnership Act, which protects whistleblowers from retaliation. What are the protections provided to Priya for reporting misconduct under Section 31(1) of the LLP Act, 2008 ?

**JUNE 2025 (3 MARKS EACH)**

1. Divakar and Raina, two individuals, have established a Limited Liability Partnership (LLP) to conduct business in computer hardware and peripherals at Nehru Place, New Delhi. They are now seeking guidance on drafting the LLP agreement. Advise them on the contents that should be included in the LLP agreement.
2. Is the concept of Significant Beneficial Owner (SBO) applicable to Limited Liability Partnerships (LLPs) ? What are the criteria for identifying an SBO in the context of an LLP?

# Start Ups & its Registration

## SBEC (SYLLABUS 2017)

### DEC 2020 (4 MARKS)

1. Crowd funding is a recent phenomenon being practiced for getting seed funding usually through the internet. Elucidate.

### AUG 2021 (4 MARKS)

1. PQ Pvt. Ltd. is the newly incorporated company engaged in manufacturing of machinery parts proposes to raise the funds through Private Equity and Angel investors. Explain this equity financing options available to the company.

### DEC 2021 (4 MARKS)

1. Explain the unconventional modes of financing options for Start Ups which are becoming popular in India.

### DEC 2021 (5 MARKS)

1. Dinesh is running small handicraft unit with 3 workers. He is planning for expansion and it may require addition of 10-15 employees. He is planning to register his business under Employees State Insurance (ESI) and extend the benefit to all his employees. He is keen in knowing from you the benefits available to him as an employer in extending the ESI facilities to him employees. Advise Dinesh.

**JUNE 2022 (4 MARKS)**

1. “Start - Up India” initiative is used to promote growth and to help India economy by the government of India. Explain the benefits which are being given to entrepreneurs establishing Start-ups.

**DEC 2022 (4 MARKS EACH)**

1. Radha Furnishing Pvt. Ltd. a Start-up Company wants to issue sweat equity share to its employees. Is there any provision regarding it? Explain.
2. Define the term “Unicorn Start -ups”.

**JUNE 2023 (5 MARKS)**

1. J is a B.Tech. in Computer Science from Indian Institute of Technology, Roorkee. J has invented a new procedure for making of battery having long life as compared to lithium battery available in the market. The invention has been patented by J. J has made an online application over the portal setup by the Government of India for initial funding under start-up. In the online application, J observed that there is column for seed funding. Advise J on the meaning and importance of seed capital.

**DEC 2023 (4 MARKS)**

1. Global Pen and Plastic Limited was incorporated on 01st August, 2017. The company wishes to acquire the Start-up status. The management approached a Practising Company Secretary for the assignment. Prepare a Board Note guiding the management as to when an entity will be considered a Start-up.

**JUNE 2024 (5 MARKS EACH)**

1. Vijay has completed his B.Tech. from IIT, Kanpur. He is interested in setting up a startup for developing products used in the pharmaceutical industry. He seeks your advice on the benefits that are given by the Government of India to entrepreneurs establishing startups. Advise Vijay.
2. Lueara is a brand under Natural Pink Cosmetic Ltd., an Indian startup for production of beauty items including lipstick, makeup kits, bridal makeup essentials etc. The Company was incorporated on 12th September, 2022. There is huge demand of the brand in India, as well as, in International Market. For expansion of the business various methods of the financing are being considered, including Equity Financing and Debt Financing. Highlight the difference between the both of financing options.

**DEC 2024 (4 MARKS)**

1. Define the term “Start Up”. What are the provisions in the Companies Act, with respect to issue of sweat equity shares by Start Up Companies ?

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (3 MARKS)**

1. TKM Ltd. is a section 8 company registered under the Companies Act, 2013. The company desires to operate the educational institutes in the State of Madhya Pradesh. The company approaches you to seek your advice on the role of Incubators for assisting entrepreneurs in building and launching their start-ups. Draft a brief note on 'Incubators' as a mode of financing.

### **JUNE 2024 (3 MARKS)**

1. XYZ Solutions Pvt. Ltd. is a newly established technology company based in Bengaluru, India. The company specializes in developing AI-powered software solutions for healthcare providers. As part of its growth trajectory, XYZ Solutions Pvt. Ltd. is exploring the benefits available to startups under the Startup India Program. Advise the company about the benefits given to entrepreneurs establishing startups.
2. "While every startup has its unique journey to becoming a unicorn, the minimum and maximum time taken by a startup to become a unicorn are 6 months and 26 years, respectively." In light of above statement, define the term 'unicorn'. Is a start-up different from Entrepreneurship ? Answer.

### **DEC 2024 (3 MARKS)**

1. Explain the concept of Life Cycle of Start-up.

### **JUNE 2025 (3 MARKS EACH)**

1. Differentiate between the Start-up India Seed Fund Scheme (SISFS) and the Credit Guarantee Scheme for Start-ups (CGSS).
2. What are the eligibility criteria for a start-up to apply for Angel Tax exemption after obtaining recognition?
3. Explain the objectives of the National SC-ST Hub Scheme.

# Micro, Small & Medium Enterprises

## SBEC (SYLLABUS 2017)

### AUG 2021 (3 MARKS)

1. XYZ Pvt. Ltd., is engaged in manufacture of engineering components. The company has invested of Rs 5 Crore and Turnover of Rs. 25 Crore. The Company wants to know their category as per new definition of MSME. Will your answer differ, if XYZ Pvt. Ltd. is in service sector with the aforesaid limits of investment and turnover?

### DEC 2021 (3 MARKS)

1. Kumar is a proprietor of a small scale unit manufacturing cotton clothes. He wants to know the benefits of registration with National Small Industries Corporation (NSIC). Advise Kumar.

### DEC 2021 (5 MARKS)

1. UV Pvt. Ltd. wants to apply for Udyog Aadhar. The Company seeks your advice on the criteria for making application for Udyog Aadhar under the Micro Small & Medium Enterprise Development (MSMED) Act, 2006. Advise UV Pvt. Ltd..

### JUNE 2023 (3 MARKS)

1. Explain the benefits extended to Micro & Small Enterprises (MSEs) for having valid NSIC registration.



## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (3 MARKS)**

1. MS Appliances, a small enterprise having investment in plant and machinery of ₹ 8.00 crores and turnover of ₹ 45.00 crores approaches you to seek your advice on Micro & Small Enterprises Cluster Development Programme (MSE-CDP) Scheme of the Government of India for MSMEs. Draft a brief note on MSE-CDP Scheme.

### **JUNE 2024 (3 MARKS EACH)**

1. AB Handicrafts Pvt. Ltd. is a family-owned company based in Jaipur, specializing in the manufacturing and export of handcrafted textiles and home decor items. The company has been operating for the past 15 years and has established itself as a prominent player in the handicrafts industry. The company seeks professional advice on the criteria for classification of Micro, Small and Medium Enterprises. Advise AB Handicrafts Pvt. Ltd.
2. “ESDP scheme aims at promoting new enterprises, capacity building of existing MSMEs and inculcating entrepreneurial culture in the country.” Prepare a note on above statement.

### **DEC 2024(5 MARKS)**

1. “ESDP scheme aims at promoting new enterprises, capacity building of existing MSMEs and inculcating entrepreneurial culture in the country.” Prepare a note on above statement.
2. AB Handicrafts Pvt. Ltd. is a family-owned company based in Jaipur, specializing in the manufacturing and export of handcrafted textiles and home decor items. The company has been operating for the past 15 years and has established itself as a prominent player in the handicrafts industry. The company seeks professional advice on the criteria for classification of Micro, Small and Medium Enterprises. Advise AB Handicrafts Pvt. Ltd.

**DEC 2024 (3 MARKS)**

1. GreenTech Innovations is a micro enterprise founded in 2020 by Raj, an engineering graduate with a passion for renewable energy. Based in a small town, the company specializes in manufacturing solar-powered lamps aimed at rural areas that lack reliable access to electricity. Raj's vision is to provide affordable, sustainable lighting solutions that improve the quality of life in these communities. Explain the role of Micro, Small, and Medium Enterprises (MSMEs) like GreenTech Innovations in economic development and community empowerment.

# Conversion of Business Entities

## SBEC (SYLLABUS 2017)

### DEC 2020 (4 MARKS)

1. What penalty can be imposed on One Person Company or Officer of such company who contravenes the provisions with respect to conversion of Private Company into One Person Company?

### AUG 2021 (4 MARKS)

1. EFG Pvt. Ltd. wants to convert the Private Company into a One Person Company (OPC). The company seeks your advice on the following matters:
  - (a) Provisions regarding notice of general meeting.
  - (b) Whether company required to obtain "No Objection Certificate".
  - (c) Types of E-Form required to be filed with ROC for such conversion.
  - (d) Penalty for contravention of provisions with respect to conversion.

### DEC 2021 (4 MARKS)

1. Designated partners of Sara LLP wants to convert LLP into Private Limited Company for further growth of their organization. They have already got the name approved and have secured the DSC and Din. Now they seek your advice for further processes of conversion of their LLP into Private Limited Company. Advice.

**DEC 2023(5 MARKS)**

1. KPS Trust is a trust registered under the Indian Trusts Act, 1882. The trust desires to register itself as a Company Limited by Guarantee under Section 8 of the Companies Act, 2013. Describe the documents required to be submitted by KPS Trust for registration as a company limited by guarantee under Section 8 of the Companies Act, 2013.

**DEC 2024(5 MARKS)**

1. MEDCO Ltd. was incorporated on 20th March, 2023, as a public limited company with the main objective to provide the consultancy services to businesses in Medical Sector, including supply of medical professional through outsourcing. The Board of Directors in its meeting held on 16th June, 2024 approved the proposal to change the main object to start medical service with nominal charges by setting up hospitals, health centres and medical institutions for charitable purposes in interest of general public. The members of the Company also approved the proposal and accordingly application for conversion of the company into section 8 company is prepared. However, legal consultant opined that company must be running the business at least for 3 years prior to such application.  
Comment on following :
  - (a) Whether the view of legal consultant is correct as per the provisions of the Companies Act?
  - (b) What additional matters to be considered by Registrar of the Companies, in case of conversion of the existing company into section 8 Company, as per MCA Notification no. G.S.R. 42(E) dated January 19, 2023.

**DEC 2024(4 MARKS)**

1. “Rule 39 of the Companies (Incorporation) Rules, 2014, stipulates the detailed provision for conversion of Company Limited by Guarantee into a Company Limited by Shares.” In view of the above statement, highlight the procedure for such conversion.

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (3 MARKS EACH)**

1. ABC Ltd. has been converted into a private limited company with the name ABC Pvt. Ltd. Brief the company on the major compliances that need to be followed by it after conversion into a private limited company.
2. A, B and C are the partners in the partnership firm registered under the Partnership Act, 1932 in the name of ABC Traders. Considering the benefits available to Limited Liability Partnership (LLP) under the Limited Liability Partnership Act, 2008, the partnership firm is converted into LLP with the name ABC LLP and the same is registered. The Department of State Revenue issues a notice to the LLP to pay stamp duty and registration charges for transferring the assets of the erstwhile partnership firm to LLP. It is contended by the Department that the LLP is a separate distinct entity from that of its partners and hence the conversion amounts to change of legal rights. In the light of the decided case law, examine the validity of the contention of the Department of State Revenue.

### **JUNE 2024 (3 MARKS)**

1. J and K are brothers and running the traditional business for production of snacks and namkin items under brand of "Rajaram". The business organization is in form of Private Limited Company and both hold equal shareholding (50 : 50). Due to sudden death of J, there is need to convert the private company into (One Person Company) OPC, as there being no successor of J. What types of forms along with attachments are required to be filed with Registrar of Companies, Ministry of Corporate Affairs for conversion of Private Company into OPC .

### **DEC 2024 (3 MARKS)**

1. What are the post conversion requirements to be arranged by a company after conversion from a private limited company to a public limited company ?

**JUNE 2025 (3 MARKS)**

1. What is the procedure for the conversion of Noble Work Foundation which is a section 8 company into a private limited company ?
2. Ramanlal, the promoter and director of a One Person Company (OPC) engaged in manufacturing and selling electronic gadgets, wishes to participate in a government tender related to his business. However, the tender eligibility criteria only allow registered private limited and public limited companies to participate. Can Ramanlal convert his OPC into a private limited company in order to meet these eligibility requirements ? What steps should he follow to make the conversion?

# Non- Corporate Entities

## SBEC (SYLLABUS 2017)

### DEC 2020 (4 MARKS)

1. What are the Tax Exemptions available to Private Trust?

### AUG 2021 (4 MARKS)

1. U & P wants to create a Trust. Advise them in the following matters
  - a) What are the various aspects to be decided before registration of a Trust?
  - b) Provisions regarding signature and witness in the Trust deed.
  - c) Basics of chargeability of stamp duty at the time of Registration?
  - d) Can a trust open a bank account in its name, if yes, then other than Trust deed what other documents are required to open the bank account?

### DEC 2021 (4 MARKS EACH)

1. OP Ltd. wants to create a trust for the benefit of employees of the company and their spouses and children. Decide with reasons whether this trust will be Public Trust. Also state the differences between Private Trust & Public Trust.
2. Anish along with his six friends desires to incorporate a Section 8 company under the Companies Act, 2013. He is seeking your advise in the following matters:
  - a) What is the minimum paid-up capital requirements in case of Section 8 Company?
  - b) Whether a firm can be a member of the Section 8 Company?
  - c) Whether the Section 8 Company can pay dividend to its members?
  - d) Whether s Section 8 Company is required to appoint a Company Secretary to ensure compliances with the provisions the Companies Act, 2013?

- e) As a Company Secretary, advise Anish with reference to the provisions of Companies Act, 2013.

**DEC 2022 (4 MARKS)**

1. Explain the difference between Public Trust and Private Trust.

**DEC 2023 (4 MARKS)**

1. Describe the purposes for which the Societies can be formed under Section 20 of The Societies Registration Act, 1860.

**JUNE 2024 (4 MARKS)**

1. What are the key issues to be noted in preparation of a Hindu Undivided Family (HUF) Deed?

PMC foundation is a society registered under the Societies Registration Act, 1860. The society intends to register itself as a company limited by guarantee under section 8 of the Companies Act, 2013. List out the documents required for registration of society as a company limited by guarantee under section 8 of the Companies Act, 2013

**DEC 2024 (4 MARKS EACH)**

1. Karorimal is renowned businessman for making the Khakhra—ready to eat. The business was started in 1962 and same is being run by family members only, since last many decades. At present, Karorimal has 5 sons and all are married. Each son has two kids who are also young and participating in business activities. Being family business, Karorimal approach the Practicing Company Secretary for getting information about the Hindu Undivided Family (HUF). State the key highlights of HUF.
2. What are the exemptions available to a Trust under section 12 of the Income Tax Act, 1961?

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (3 MARKS)**

1. A group of farmers desires to start the business of organic farm produce by opening branches in different districts and States of the country. The farmers have approached you to seek your advice on formation of a Multi-State Co-operative Society under Multi State Cooperative Societies Act, 2002. Brief them on the documentary requirements for formation of Multi State Co-operative Society and the Authority with whom the application needs to be filed.

### **JUNE 2024 (3 MARKS EACH)**

1. Differentiate between Partnership Agreement and Trust Deed.
2. A group of residents in a housing complex in Delhi who have recently taken possession of their homes from the builder and are dissatisfied with the poor maintenance of the complex by the builder. They wish to create a legal entity specifically for the maintenance of the housing complex. What kind of legal entity would be best suited for them and what are the basic requirements for the creation of such an entity ?

### **DEC 2024 (3 MARKS EACH)**

1. ABC Group is a combination of dairy farmers operating in two States, Maharashtra and Gujarat. They have been operating successfully under separate state cooperative societies for several years. However, due to growing demand for their products and the need to streamline operations across state boundaries, the group is considering the formation of a Multi-State Cooperative Society (MSCS) under the Multi-State Cooperative Societies Act, 2002. What are the legal and procedural steps involved in registering a Multi-State Cooperative Society under the Multi-State Cooperative Societies Act, 2002 ?
2. The Green Future Trust operates transparently and focuses on charitable purposes, adhering to legal requirements for trusts in India. According to the Indian Trust Act, 1882, what are the constituents of The Green Future Trust ?
3. Differentiate between Partnership Agreement and Trust Deed.
4. What is meant by Joint Hindu Family Business?

**JUNE 2025 (3 MARKS)**

1. What are the advantages of a Multi-State Co-Operative Society ?
2. A and B are partners in a partnership firm registered under the provisions of the Partnership Act, 1932. Due to B's declining health, he intends to introduce his elder son, who is a minor, into the partnership to receive the benefits of the firm. Is B allowed to do so under the Partnership Act, 1932 ? Additionally, upon reaching the age of majority, within what time frame must B's elder son decide whether to become a full partner in the firm ?
3. A and B are partners in a partnership firm registered under the provisions of the Partnership Act, 1932. Due to B's declining health, he intends to introduce his elder son, who is a minor, into the partnership to receive the benefits of the firm. Is B allowed to do so under the Partnership Act, 1932 ? Additionally, upon reaching the age of majority, within what time frame must B's elder son decide whether to become a full partner in the firm?

# Financial Services Organization

## SBEC (SYLLABUS 2017)

### DEC 2020 (4 MARKS)

1. Define the term "Net Owned Fund".

### AUG 2021 (3 MARKS)

1. State with reasons whether the following companies require registration as NBFC with Reserve Bank of India, if not who is regulating authority for these Companies:
  - (a) Infrastructure Debt Fund Company
  - (b) Asset Finance Company
  - (c) Merchant Banking Companies.

### DEC 2021 (3 MARKS)

1. Payments banks is a new model of banks conceptualized by the Reserve Bank of India. Describe the key issues which require compliance by an applicant Company.
2. Raman wants to start the business of fruits and vegetables vendor. He seeks your advice on the criteria, business categories with the maximum amount of loan allowed and eligibility for obtaining loan under the scheme of Pradhan Mantri Mudra Yojana. Advice Raman.

### JUNE 2022 (4 MARKS EACH)

1. ARCS can maximize recovery value with minimum cost. Explain the benefits of incorporating an Asset Reconstruction Company (ARC).
2. Define the term "MUDRA Banks".

**DEC 2022 (4 MARKS EACH)**

1. NBFCs lends and make investments and hence their activities are akin to that of Banks: however there are a few differences between them. Explain.
2. Is the procedure for incorporating Housing Finance Company is same as any other Company? Elucidate.

**JUNE 2023 (4 MARKS EACH)**

1. Referring to the provisions of Companies Act, 2013, state the circumstances under which the Reserve Bank of India may cancel the certificate of registration granted to Non-Banking Financial Company (NBFC).
2. Explain the procedure for registration for Asset Reconstruction Company (ARC).
3. Differentiate between “Asset Finance Company” and “Infrastructure Finance Company”.

**JUNE 2023 (5 MARKS)**

1. Durgesh is working as a driver in cab provider company. One day, a passenger advised him that he can own a car by availing financial assistance under Pradhan Mantri Yojna (PMMY). He seeks your advice regarding the procedure for availing the Transport Vehicle Loan for commercial use for MUDRA Bank. Advise Durgesh.

**DEC 2023 (4 MARKS)**

1. What do you mean by ‘Systemically Important Core Investment Company (CIC-ND-SI)’? ‘Every Nidhi Company shall have to ensure certain compliance requirements within one year of incorporation. Enumerate those compliance requirements to be ensured within one year of incorporation

**JUNE 2024 (4 MARKS)**

1. What do you mean by Micro Finance Institution ? State the Characteristics of a Micro Finance Institution.  
KBC Money Ltd. intends to obtain the license from the Reserve Bank of India for operating as a Payment Bank. The company approaches you to seek your advice on the key issues requiring compliance by an applicant company. Advise KBC Money Ltd.

**DEC 2024(4 MARKS)**

1. After failure of the India's largest Housing Finance Company in private sector, with the directions of RBI, an Asset Reconstruction Company (ARC) was incorporated, as an NBFC, to take over the assets and NPAs of the Housing Finance Company. What are the benefits of incorporating an ARC ?

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (3 MARKS EACH)**

1. Explain the characteristics of a Nidhi Company under the Companies Act, 2013 and the Nidhi Rules, 2014.
2. Payment banks is a new model of banks conceptualised by the Reserve Bank of India (RBI). Elucidate.
3. Explain in brief the eligibility criteria for obtaining Housing Finance Company Registration under the National Housing Bank Act, 1987
4. What are the restrictions imposed by the Reserve Bank of India on Chit Fund business

### **JUNE 2024 (3 MARKS EACH)**

1. OTM Financial Services Limited got the license to operate the Payment Bank in India from RBI. As per the terms of the license, where compliances including KYC verification are required to be complied with strictly from time to time. OTM Financial Services Limited made various non-compliances and accordingly lot of restrictions and penalties were imposed by RBI. Thereafter, RBI approved a Scheme by which the payment bank may be transferred to any Public Sector Undertaking (PSU). A leading PSU in financial sector is interested to acquire the business of OTM Financial Services Limited. Before making any offer, the Management of the Bank requires the check points to be considered as other terms and condition for running the business of payment bank. Prepare a note.
2. Enumerate the specific laws and regulations that are applicable to “Housing Finance Companies” in India.

### **DEC 2024 (3 MARKS EACH)**

1. Chitra Chit Fund Company, established in 2015, operates in a small town in India, providing a platform for local residents to save and borrow money through a traditional chit fund system. With a growing customer base, the company aims to expand its operations while ensuring compliance with regulatory requirements. What are the restrictions imposed by the RBI on chit fund companies like Chitra Chit Fund Company?

2. Resilience Asset Reconstruction Company (RARC) emerged in response to the growing crisis of non-performing assets (NPAs) in the Indian banking sector by offering innovative solutions for asset recovery and management. How does RARC contribute to improving the financial health of banks ?
3. Resilience Asset Reconstruction Company (RARC) emerged in response to the growing crisis of non-performing assets (NPAs) in the Indian banking sector by offering innovative solutions for asset recovery and management. How does RARC contribute to improving the financial health of banks ?
4. Prepare a note on 'Infrastructure Debt Fund : Non-Banking Financial Company (IDF-NBFC)'
5. What are the benefits of incorporating a Nidhi Company ?
6. State the method of calculating Net Owned Funds as per RBI definition for obtaining NBFC license.

**JUNE 2025 (3 MARKS EACH)**

1. ABC Housing Finance Ltd., a newly established company, intends to register as a Housing Finance Company (HFC) under the National Housing Bank Act, 1987. The company meets all the eligibility criteria for registration, except for the Net Owned Fund (NOF) requirement, as its current NOF is ` 18 crore, which is below the required threshold. Advise the company on the minimum NOF required for HFC registration and whether the company can seek an exemption from the National Housing Bank (NHB) regarding this requirement .
2. VRS Finance Ltd., a non-banking financial company, has ceased to operate as a non-banking financial institution in India. The Reserve Bank of India (RBI) has subsequently revoked the certificate of registration issued to VRS Finance Ltd. Referring to the applicable statutory provisions, assess the legality and justification of the RBI's decision to cancel the certificate of registration granted to VRS Finance Ltd.

# Business Collaborations

## SBEC (SYLLABUS 2017)

### DEC 2020 (4 MARKS)

1. Contractual joint venture is useful where the establishment of a separate legal entity is not needed or creation of such a separate legal entity is not feasible. Comment.

### AUG 2021 (4 MARKS EACH)

1. Contractual joint venture is useful where the establishment of a separate legal entity is not needed or creation of such a separate legal entity is not feasible. Comment.
2. A Special Purpose Vehicle (SPV) or Special Purpose Entities (SPE) are generally formed for a special purpose. Elucidate

### JUNE 2022 (5 MARKS)

1. The promoters of SBP Ltd. and CJP Ltd. met for developing the Supply Chain Management System for Cultural and Traditional items of specific geographical area(s). SBP Ltd. is in logistic and marketing, however, CJP Ltd. is a software developer. Both the promoters concluded that a separate Company be formed for running of the business through e-commerce. Social Media influencer shall be hired for promotion of the business. The legal advisors have advised for setting up a Contractual Joint Venture for a period of 25 years. Explain the key characteristics of Contractual Joint Venture.

**JUNE 2023 (4 MARKS EACH)**

1. A non-resident entity desires to set-up an equity based joint venture in India. However, there are certain restrictions under FDI Policy of Government of India. Describe the restrictions to a non-resident entity under FDI Policy of Government of India.
2. Explain any 5 benefits of forming a Special Purpose Vehicle (SPV).
3. A and B are the civil contractors having their own separate proprietorships. The State Government has issued the tender for construction of 10 kms. road. As per the terms of the tender, the bid can be submitted either by a partnership firm or a company only. A and B wish to form a partnership firm to become eligible for bidding in the aforesaid tender. Advise them the key ingredients of a Partnership Agreement

**DEC 2023 (4 MARKS)**

1. RICE group of companies wants to establish an SPV. It has 4 companies and 2 LLPs in the group. The management is in dilemma whether to use a company or LLP as an SPV. As an experienced professional in Business Collaboration matter, advise the management as to which form of organization would be best to register as an SPV ?

**JUNE 2024 (5 MARKS)**

1. Komoto Corporation is a foreign company registered in Japan. The company is supplying high quality machines and tools used in paper manufacturing to various countries across the globe. Considering the pro-business policies of Government of India, the company intends to start a Special Purpose Vehicle (SPV) in India. The company approaches you to seek your advice on key advantages of using a Limited Liability Partnership (LLP) firm as SPV as compared to a company. As a Practicing Company Secretary, advise Komoto Corporation.

**DEC 2024 (5 MARKS)**

1. ABC Motor Ltd. is the largest company in India for manufacturing of 4 wheelers' vehicles in automobile sector. The turnover of the Company for the Financial Year 2023-24 was ` 68,000 Crore, whereas the net profit margin (after tax) was 9.3%. The Management has decided to setup more plants in European Pacific. Accordingly, Director (Projects) proposed for foreign Joint Venture in Germany. During the critical analysis of the proposal, you being company secretary of the Company, was asked to prepare a note on disadvantage of foreign Joint Venture.

**SBIL (SYLLABUS 2022)****DEC 2023 (3 MARKS EACH)**

1. YZ Ltd. desires to form a Special Purpose Vehicle (SPV) to start a new project. Brief the company on the benefits of forming a SPV.
2. BN Ltd. and PL Ltd. desire to form a Joint Venture for setting-up a new infrastructure project in the State of Karnataka. Both the companies approach you to seek your advice on the Joint Venture Agreement to be entered into between them. Advise them the essential components of a Joint Venture Agreement.
3. Explain in brief the objectives of Foreign Collaboration.

**JUNE 2024 (3 MARKS)**

1. Renewable Power Ltd. (RPL) is a leading renewable energy developer with expertise in solar and wind power generation. RPL has identified Wind Power Pvt. Ltd. (WPPL) as a potential partner to establish an equity-based joint venture focused on developing large-scale renewable energy projects in the country. RPL approaches you to seek your advice on the key characteristics of equity-based joint venture. Advise RPL.

**DEC 2024 (3 MARKS EACH)**

1. XYZ Appliances Pvt. Ltd. is carrying on the business of manufacturing and trading of kitchen appliances at Sadar Bazar, Delhi. X, Y and Z are the three directors of the company who also hold shares of the company in the ratio of 35 : 35 : 30. The business of the company is flourishing and the company has opened its branches in the cities of Noida, Gurgaon and Faridabad. In order to protect their personal interests, X, Y and Z propose that any amendment in the Articles of Association of the company should be made only with the approval of all the shareholders of the company. They approach M, a practicing company secretary to seek his advice on the alteration of Articles of Association of the company only with the approval of all the shareholders. M advises them suitably. XYZ Appliances Pvt. Ltd. receives an export order from a company based at France. In order to export the goods, the company requires Importer Exporter Code (IEC). The directors of the company again approach M who explains them the procedure to apply for IEC on the

DGFT portal. After getting the IEC in the name of the company, the export order is successfully completed by the company.

2. A company based at Japan approaches XYZ Appliances Pvt. Ltd. to form an alliance for sharing of latest technical advancements in the industry for mutual benefit of both the companies. The directors of XYZ Appliances Pvt. Ltd. discuss on the objectives of the foreign collaboration. Thereafter, a technical collaboration is made between both the companies. The scale of operations of XYZ Appliances Pvt. Ltd. increases manifold and the directors intend to convert it into a public limited company. With the professional assistance of M, the company is converted into a public limited company. M also advises on the post conversion requirements to be arranged by XYZ Appliances Ltd. Y goes on a business trip to Singapore and meets his friend John, who is a director in a company based at Singapore in the name of JSS Realtech Pte. Ltd. JSS Realtech Pte. Ltd. is engaged in the development of townships, construction of residential or commercial premises, roads or bridges for selling or leasing. John advises Y that the company, XYZ Appliances Ltd. may invest in JSS Realtech Pte. Ltd. to earn more profits. On return, Y informs X and Z that XYZ Appliances Ltd. may invest in JSS Realtech Pte. Ltd., engaged in real estate activity at Singapore. However, Z is of the view that the Overseas Direct Investment (ODI) in a foreign entity engaged in real estate activity is prohibited.

In view of the above, answer the following :

- (a) What are the objectives of the foreign collaboration as discussed by the directors of XYZ Appliances Pvt. Ltd. ?
- (b) Differentiate between an Equity based Joint Venture and a Contractual Joint Venture.

### **JUNE 2025 (3 MARKS)**

1. What are the main advantages of using a Special Purpose Vehicle (SPV)?

## Setting up of Branch Office \ Liaison Office \ Wholly Owned Subsidiary by Foreign Company

### SBEC (SYLLABUS 2017)

#### DEC 2020 (5 MARKS)

1. A Branch Office can be established by a body incorporated outside India, including a firm or association of persons, involved in manufacturing or trading activities. The permission to set-up a Branch Office has to be obtained from the RBI under the FEMA, 1999 provisions. In light of the RBI Master Circular of 2016, highlight the activities which are permitted by the RBI.

#### JUNE 2022 (5 MARKS)

1. ABC Ltd., involved in manufacturing or trading activities, established its branch office outside India includes a firm or association of persons. The permission in this regard has to be obtained from the RBI under the FEMA Act 1999. Highlight the permitted activities by RBI in the light of RBI Master Circular of 2016.

#### DEC 2024 (4 MARKS)

1. ABC was incorporated as Nidhi Company in year 2001. Since inception of the Company, it operates only through its single head office situated in Hyderabad. In the Meeting of the Members, few members residing in Mumbai, proposed that branch office of the Company be opened in territory of Maharashtra. However, there are no objection from other members as the majority of them had already relocated in different part of the nation In view of such situation, whether proposal of opening of branch office can be implemented. Answer with the applicable provisions of the law.

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (3 MARKS)**

1. S&T Corp. is a company registered in Germany. The company desires to open a Branch Office in India. Advise S&T Corp. the activities permitted for a branch office in India of a person resident outside India under the Foreign Exchange Management Act, 1999 read with Foreign Exchange Management (Establishment in India of a branch office or a liaison office or a project office or any other place of business) Regulations, 2016.

### **JUNE 2024 (3 MARKS)**

1. A Company registered in Japan had opened the Project Office for setup and commissioning of Coal based Power Plants in India. Due to change in Government policy and promotion of Solar Power projects and other power plants based on renewable energy, the Project Office is not needed. The Nodal Officer in India is instructed by the Management to close the Project Office after due compliances under the Law. Describe the process for closure of Project Office in India opened by foreign entity.

### **DEC 2024 (3 MARKS)**

1. Global Tech Solutions, a prominent software development company headquartered in the United States, has successfully established its initial branch office in Bengaluru. Following the success of this office, the company has identified the need to establish an additional branch office in Hyderabad to further expand its market presence and enhance service delivery. What are the critical steps and activities involved in establishing an additional branch office in India for foreign entities like Global Tech Solutions ?

**JUNE 2025 (3 MARKS)**

1. Moonlight Inc., a USA-incorporated company, has a branch office in Surat, India, and the company intends to close it. Advise on the procedure for closing the branch office in India, including necessary legal and regulatory steps.

TelecomGlobal Ltd., a UK-based company, intends to set up a Project Office in the Andaman and Nicobar Islands, India, as part of its expansion into the telecommunications sector. The CEO of TelecomGlobal Ltd., James Anderson, seeks your advice on whether this establishment requires prior approval from the Reserve Bank of India (RBI), considering both the sector-specific regulations governing foreign direct investment in telecommunications and the geographical location of the Andaman and Nicobar Islands. Does this establishment require prior approval from the RBI?

# Setting up of Business Outside India

## SBEC (SYLLABUS 2017)

### DEC 2020 (5 MARKS)

1. Can a Navratna Company Oil and Gas sector in India, which are fully approved by the Government of India, invest in overseas Unincorporated entities in oil sector without any limit under automatic route?

### AUG 2021 (5 MARKS)

1. Somit Kapoor is an Indian Businessmen dealing in manufacturing of antique designer jewels. He has retail shop across all major cities in India. He wants to diversify his business geographically and plans to open retail outlets outside India. What are the aspects he should look into in choosing investment locations outside India?

### AUG 2021 (4 MARKS)

1. Hemanth, who is interested in making overseas investment (financial commitment) in an energy sector in Vietnam, which exceeds the prescribed limit of the net worth of his Company as per the latest audited Balance Sheet. Accordingly, investment falls under Approval route instead of Automatic route. What are factors to be taken into account by Reserve Bank of India for considering such application?

**JUNE 2023 (5 MARKS)**

1. Agarwal Enterprises Ltd. (AEL) is a resident company in India for the last 15 years. The company is operating in various sectors e.g. power, infrastructure, ports, oil, telecommunications and IT etc. Now, the company is planning to make an investment of 10,000 crore in Australia based solar power projects through the joint venture in Australia. The latest audited financial statements of the company revealed the following data as on 31st March, 2023:

Paid up Share Capital	₹ 2,000 crore
Reserve & Surplus	₹ 1,000 crore
Long-term Borrowings	₹ 1,500 crore
Creditors	₹ 300 crore

Referring to the provisions of Foreign Exchange Management (Transfer or Issue of any Foreign Security) Regulations, 2004 and Notifications issued by the Reserve Bank of India, advise whether the company can make desired investment under the automatic route in the financial year 202324 (Assume USD 1 = 80).

**JUNE 2024 (5 MARKS)**

1. Technocom Ltd. is a company engaged in the business of communication and networking. The company specializes in providing solutions for virtual meetings, e-offices, digitization of records, etc. After getting good response from potential clients outside India, the company intends to set up and expand its business outside India. Describe the aspects that need to be considered by Technocom Ltd. in choosing locations for its business outside India.

**DEC 2024 (5 MARKS)**

1. Micro India Ltd. is in Mobile Manufacturing business, incorporated under the Companies Act. The Company has agreement with Chinese Company for technology support as well as supply of major parts of mobile which are assembled in India. Under this treaty, there is a clause, where the Indian Company needs to setup a business in Hong Kong, China to setup production unit of Mobile Chipset as well as manufacturing of Display Panel. Describe the procedure for incorporation of Company in Hong Kong (China).

**SBIL (SYLLABUS 2022)****DEC 2023 (3 MARKS)**

1. Discuss in brief the eligibility for referring any entity as 'Indian Entity' under the new regime as per the provisions of Foreign Exchange Management Act, 1999.
2. Explain in brief the objectives of Foreign Collaboration.

**JUNE 2024 (3 MARKS EACH)**

1. PQR Ltd. is listed entity in Textile Sector. Out of total revenue, 40% revenue is generated from export sales to New York City. The Company sells its item in New York through local distributors under tie-up. However, as per the agreement. The distributors have rights to use his own logo on the item purchased from PQR Ltd. The Company is planning to incorporate a subsidiary company in City of New York for better branding and direct customer sales. The Company is also planning to set up a manufacturing unit nearby New York City under its subsidiary. As per the law prevailing in USA, what are the requirements for workers' compensation and disability insurance.
2. ABC Ltd. is considering expanding its operations into Singapore due to the country's favourable business environment. The company aims to establish a subsidiary in Singapore to tap into the region's growing market and to benefit from Singapore's pro-business policies. ABC Ltd. seeks your advice on the process and requirements for incorporating a company in Singapore. Advise ABC Ltd.

**DEC 2024 (3 MARKS EACH)**

1. Which are the technological aspects that should be considered before choosing a business location outside India ?
2. Y goes on a business trip to Singapore and meets his friend John, who is a director in a company based at Singapore in the name of JSS Realtech Pte. Ltd. JSS Realtech Pte. Ltd. is engaged in the development of townships, construction of residential or commercial premises, roads or bridges for selling or leasing. John advises Y that the company, XYZ Appliances Ltd. may invest in JSS Realtech Pte. Ltd. to earn more profits. On return, Y informs X and Z that XYZ Appliances Ltd. may invest in JSS Realtech Pte. Ltd., engaged in real estate activity at Singapore. However, Z is of the view that the Overseas Direct

Investment (ODI) in a foreign entity engaged in real estate activity is prohibited. Is the view of Z regarding the Overseas Direct Investment (ODI) by XYZ Appliances Ltd. in JSS Realtech Pte. Ltd. correct ?

**JUNE 2025 (3 MARKS)**

1. How the recent regulatory changes impacted the registration process for foreign companies establishing a business in India ?

What approvals and compliance are required by Noble Work Foundation to establish a branch office in Germany?

# Identifying Laws Applicable to Various Industries & Their Initial Compliances

## SBEC (SYLLABUS 2017)

### DEC 2020 (3 MARKS)

1. You are Company Secretary of U Ltd. The board of Directors has required to prepare a check list of Sector Specific Laws to be complied with by the Company in Human Health Sector. Prepare the check list to be submitted before the Board.

### JUNE 2022 (5 MARKS)

1. Discuss labour laws in brief applicable to media and communication industry.

### DEC 2022 (4 MARKS)

1. Wonkar Club was formed as a Limited Liability Company under Section 8 of the Companies Act, 2013 with the object of promoting Gilli Danda by arranging introductory course at district level and friendly matches. The club has been earning surplus of late, the affairs of the company are conducted fraudulently and dividend was paid to its members. A member decided to make a complaint with Regulatory Authority to curb the fraudulent activities by cancelling the licence given to the company.
  - (a) is there any provision under the Companies Act, 2013 to revoke the license? If so, state the provisions.
  - (b) Whether the Wonkar Club can be merged with Stick Private Limited. a company engaged in the business of Networking?

**DEC 2022 (5 MARKS)**

1. Vikram Overseas Pvt. Ltd. has a paid up capital of ₹ 50 lakh and turnover of 15.80 crore in the last financial year 2020-21. The Company has filed its annual return for the relevant financial year signed by only one director of the company. With reference to the provisions of the Companies Act, 2013, analytically comment whether the act of the company is in order?

**DEC 2023 (5 MARKS)**

1. 10 friends decided to start a banking business by incorporating a banking company as 8 of them are having banking experience. They have decided to float a small finance bank. Subsequently they applied for licensing to RBI. However, RBI contended that all the required conditions for a small finance bank have not been followed. They approached you to guide on the matter. Prepare the note to management explaining them the required conditions to be fulfilled to start a banking company.

**DEC 2024 (3 MARKS)**

1. Whether a shopkeeper, having very small business, also needs to get registration for its shop ? What provisions of the law are applicable ?

## **SBIL (SYLLABUS 2022)**

### **JUNE 2024 (3 MARKS EACH)**

1. What are the factors to be considered by a Secretarial Auditor while segregating the applicability of Specific Law and General Laws.

### **DEC 2024 (3 MARKS)**

1. 'Contracts lie at the crux of running any business'. Elucidate.

# Various Initial Registration & Licenses

## SBEC (SYLLABUS 2017)

### DEC 2020 (5 MARKS)

1. Z, a resident of Bangalore, desires to set up a food manufacturing unit where he will cook variety of food items like Idly, Dosa, PaniPuri, Pongal, Dry Samosa, Club Kachori and many more with the help of imported & automatic machines and pack itself for retail selling in the market under his brand name. Advise him on the registration requirement before starting any petty food business.

### DEC 2020 (3 MARKS EACH)

1. What forms are required to be filed with ROC for registration of a new company where the registration of GST, EPFO and ESIC is also applied simultaneously ?
2. Registration of Import-Export Code (IEC) has lifetime validity. In view of the statement, mention essential features of IEC registration.

### AUG 2021 (5 MARKS)

1. Srinivas, a resident of Telangana, wishes to set up a Cigarette manufacturing unit. He is of the view that after availing FSSAI registration, he can start his Cigarette factory and no other licensing is required for the same. Explain Srinivas on the requirements of Industrial licensing based on category of Industries.

### **AUG 2021 (3 MARKS EACH)**

1. Ameer is a registered Pharmacist under Stats Pharmacy Counoll wants to start his own pharmacy shop in India, for which He requires Drug license. Suggest him the minimum requirements obtaining the Drug license.
2. A Company already engaged in the business of marine and fire insurance would like to take-up the business of life insurance. Discuss the possibility of taking on this business. Also briefly describe under what circumstances registration of Insurance Companies may be suspended.

### **DEC 2021 (3 MARKS EACH)**

1. Rajan, a toy manufacturer wants to export toys to Thailand. He seeks your advice on the requirement of Import Export Code (IEC) for exporting toys to Thailand. Advise Rajan along with the documents required for obtaining IEC.
2. Ramesh is running a fast food shop in Chandni Chowk, Delhi. He seeks your advice on the requirement of obtaining FSSAI Registration. Advise Ramesh.

### **JUNE 2022 (3 MARKS EACH)**

1. Namit has completed his diploma in pharmacy from a premier institute and wants to start wholesale Drug business. He seeks to get registered himself as wholesale drug dealer in State Drugs Standard Control Organization. Explain him the minimum requirements before applying wholesale drug license.
2. Which industries come under the purview of compulsory licensing as per New Industrial Policy, 2015?
3. Ambika is a young entrepreneur in Bikaner dealing in precious stones and all major cities in India. She has Bikaner dealing opportunities abroad and wants to start business abroad. She approached you to advise who or would be required to get hersen he approached Director General of Foreign Trade (DGFT) for export, if yes, what are all documents required for such registration? Advise her Karan wants to open garment shop in a shopping mall. Is he required to get his shop registered under Shops and Establishment Act, 1948 ? If so, advise him the procedure.

**DEC 2022 (5 MARKS EACH)**

1. Central Goods & Services Tax Act, 2017 (CGST Act, 2017) prescribe the cases where registration under the Act is compulsory irrespective of the aggregate turnover. Discuss.
2. On the other hand, under CGST Act, 2017 there are certain people who are not liable to be registered. Discuss.
3. Entrepreneurs are required to obtain Statutory Clearances relating to Pollution Control and Environment while setting up an Industrial Project. Central Pollution Control Board has specified list of industries requiring pollution license/certificate or consent. Ministry of Environment carries on the classification from highest to lowest Pollution Index and categorized the industries. Explain.

**DEC 2022 (3 MARKS EACH)**

1. Define the term -Commercial Establishment" under Shop & Establishment Act.
2. Any business entity doing business in India requires a PAN (Permanent Account Number) whether it is registered in India or not. Elucidate.
3. Ramesh is going to setup a manufacturing, storing and packaging plant of cow ghee. He seeks your advice on the types of FSSAI license required to take before starting food business. Advise.
4. Discuss Udyog Aadhar Memorandum.
5. What are the circumstances under which RBI may cancel the license granted to a banking company regulated under the Banking Regulation Act, 1949?

**JUNE 2023 (3 MARKS)**

1. What conditions are required to be satisfied by the White Category of Industries to be eligible for pollution licenses exemption?

**DEC 2023(3 MARKS)**

1. Describe in brief the contents of Environmental Statement to be submitted to the concerned State Pollution Control Board (SPCB) annually

**JUNE 2024 (3 MARKS)**

1. Raj intends to commence the pharmacy business in Delhi. He approaches you to seek your advice on the documents required for obtaining drug license in India. Advise Raj. Sunita intends to start the business of selling fast-food items at Chawri Bazar, Delhi. She approaches you to seek your advice on the requirement of registration with the appropriate authority before starting petty food business. Advise Sunita.

**JUNE 2024 (5 MARKS)**

1. MNC Ltd. intends to commence the business of manufacturing cigarettes and tobacco products. The company approaches you to seek your advice on the requirement of industrial license for manufacturing cigarettes and tobacco products. Advise MNC Ltd. the industries covered under mandatory licensing requirement as well as industries attracting locational restrictions.

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (3 MARKS)**

1. Ratan has started the business of handicraft items in Chandni Chowk, Delhi. One of his friends advised him to obtain the license under the Shop and Establishment Act, 1948. He approaches you to seek your advice on the contents of application for license under the Shop and Establishment Act, 1948. Advise Ratan.

Briefly state the types of FSSAI License under the Food Safety and Standards Act, 2006.

What do you mean by 'Other Service Providers' (OSP) under New Telecom Policy, 1999 ?

Write down the procedure to apply for Industrial License under Industries (Development and Regulation) Act, 1951 ?

### **JUNE 2024(3 MARKS EACH)**

1. A and B, close friends who graduated from a renowned college, want to start an 'Other Service Providers' (OSP) company for commercial purposes in Rewari, Haryana. What licenses and documents are needed to obtain to operate as a licensed OSP, similar to other service providers ?
2. MN Ltd. is a newly incorporated company intends to carry on the business of international trade activities in India. The company seeks your guidance on the requirement of obtaining an Import Export Code (IEC). Advise MN Ltd. on the requirement of IEC.

### **DEC 2024 (3 MARKS EACH)**

1. QuickTech Solutions, a small software development company based in Pune, specializes in creating customized software applications for businesses across India. Initially, the company operated under the composition scheme due to its modest revenue. However, in the financial year 2022-23, QuickTech's turnover surpassed ` 30 lakh, and it began offering services to clients in other states. What are the implications of Section 24 of the CGST Act, 2017, for QuickTech Solutions in terms of compulsory GST registration?
2. What is the process to apply for Importer Exporter Code (IEC) on the DGFT ?

**JUNE 2025 (3 MARKS)**

1. Ava runs a home-based business making cakes and pastries and plans to open a shop with an expected annual turnover of `20 lakh. Does she need to get a registration or license from the Food Safety and Standards Authority of India (FSSAI) for her business? If yes, which type of FSSAI approval does she need?  
What is the importance of linking the Permanent Account Number (PAN) with Aadhaar?

# Constitution & Labour Laws

## SBIL (SYLLABUS 2022)

### JUNE 2024 (5 MARKS)

1. "Social Security is guaranteed in our Constitution". In light of above statement, how does Article 43 of constitution requires the state to secure living wages?

### DEC 2024 (5 MARKS EACH)

1. Hindustan Power Supply Ltd. (HPSL) is a wholly owned Government Company. The company employed a diverse workforce, including both full-time employees and contractual workers, who played important roles in the company's success. However, as the company expanded, disparities in pay and benefits between these two groups began to surface. Rajesh, holds a degree in Electrical Engineering (BE) from UGC recognized university having over 10 years of experience in the company. He has been working on projects alongside full-time employees and had been a key contributor to HPSL for over a decade. As an Assistant Engineer, he worked on numerous high-profile power generation and transmission projects, often collaborating closely with full-time employees. Despite his contributions being at par with those of his full-time colleagues, Rajesh's compensation remained significantly lower.

He also lacked the job security and benefits, such as health insurance and paid leave, that were provided to full-time employees. Over the years, the disparity between Rajesh's compensation and that of his full-time counterparts, like Meera, a full-time Executive Engineer, who joined the company around the same time as Rajesh, enjoying higher pay, benefits, and job security became more pronounced. Meera, who had great respect for Rajesh's skills and work ethic, was aware of the inequity but felt uncertain about how to

address it within the corporate structure. Meanwhile, Rajesh's growing frustration began to affect his motivation and sense of loyalty to the company. One evening, after discussing his situation with a friend, Rajesh was introduced to Anjali, a renowned Advocate in service matters and employee related issues. Rajesh shared his concerns with Anjali, who informed him about a significant legal precedent in India– 'Dhirendra Chamoli Vs. State of U.P.', whereas Hon'ble Apex Court passed the doctrine of equal pay for equal work. Anjali also referenced the recent judgement of Hon'ble Supreme Court in the matter of State of Punjab & Ors. vs Jagjit Singh & Ors., in which the Court primarily addressed the regularization of temporary employees and strongly affirmed the principle of "equal pay for equal work." According to this principle, Rajesh, who was performing the same duties as full-time employees, was entitled to equal compensation, regardless of his contractual status. Empowered by this information, Rajesh decided to take action. With Anjali's guidance, he and several other contractual workers in the company submitted a formal grievance to Patel, the Chief General Manager, Human Resources of the company. The grievance outlined their concerns about the pay disparity and referenced the various judgements of Supreme Court, requesting the company to review its compensation practices to ensure fairness.

Patel, a seasoned HR professional with a strong commitment to ethical business practices, took the grievance seriously. He initiated a comprehensive review of the company's compensation policies and consulted with legal experts to understand the implications of the judgements of Supreme Court with respect to 'Equal pay for Equal work' in the corporate context. Recognizing that maintaining the current pay disparity was both legally risky and ethically questionable, Patel decided to take corrective action. Over the next few weeks, Patel led the development of a new compensation policy in the company. The policy introduced a standardized pay scale for all employees, ensuring that those performing similar roles received equal pay, irrespective of their employment status. This change was communicated transparently across the company, with efforts made to address any concerns and ensure a smooth transition. The Management also took the steps for registration under Atal Beemit Vyakti Kalyan Yojna (ABVKY). The implementation of the new pay structure had a positive impact on the company's workforce. Contractual workers, who had long felt undervalued, now experienced a renewed sense of commitment and motivation. Rajesh, in particular, felt a deep sense of satisfaction and

loyalty towards the Company, knowing that his contributions were finally being recognized and rewarded fairly. Meera and other full-time employees also welcomed the change, appreciating the company's commitment to fairness. Under Patel's leadership, the Company not only resolved the pay disparity but also set a precedent for other companies in the industry. The company's proactive approach to addressing the issue enhanced employee morale, reduced employee turnover, and reinforced its reputation as a fair and progressive employer.

In view of the above, answer the following :

- (a) Define the term 'Equal Pay for Equal Work' in the light of Constitutional provisions.
- (b) In the above situation, if some workers, who are on contractual employment, do not get the regular employment and retrenched by the company, how will they be facilitated under Atal Beemit Vyakti Kalyan Yojna ?
- (c) Discuss the prohibition of employment of contract Labour.
- (d) Rajesh and other contractual workers decided to go on strike. However, the company is in public utility service. Describe the prohibition of strikes and lock-outs in public utility service.

**JUNE 2025 (5 MARKS EACH)**

1. Examine the constitutional meaning, scope and legal implications of the term 'Begar' as prohibited under Article 23 of the Constitution of India.
2. What are the fundamental rights of employees and the responsibilities of an employer to ensure compliance with labour laws ?

# Evaluation of Labour Legislation

## SBEC (SYLLABUS 2017)

### AUG 2021 (3 MARKS EACH)

1. The Code on Wages, 2019 amalgamate, simplify and rationalize the relevant provisions of the following four Central Labour enactments relating to wages, namely:
  - (i) The Payment Wages Act, 1936
  - (ii) The Minimum Wages Act, 1948
  - (iii) The Payment of Bonus Act, 1965; and
  - (iv) The Equal Remuneration Act, 1976

Based on the above enactment of the Code, answer the following questions:

- (a) How is the wages fixed for an employee working overtime?
- (b) What are the conditions for fixing the minimum wages?
- (c) When deduction can be made from wages?
- (d) What is not included in wages?

### DEC 2021 (6 MARKS)

1. Necessity of Consolidation of labour laws is the need of hour. Discuss in the context of the Code on Industrial Relations, 2020.

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (5 MARKS)**

1. What are the nine Labour Laws that have been subsumed by the Social Security Code by the Central Government ?

### **JUNE 2024 (5 MARKS)**

1. What is meaning of gig workers and what are some of the potential benefits and challenges that gig workers might face ?

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# Law of Welfare & Working Condition

## Unit 1 - Factories Act, 1948

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### **SBEC (SYLLABUS 2017)**

#### **DEC 2019 (6 MARKS)**

1. In deciding the concept of 'worker' in Factories Act, 1948, whether relationship of master and servant is necessary?

#### **DEC 2020 (6 MARKS EACH)**

1. Discuss the various provisions under the Factories Act, 1948 regarding the health of the workers.
2. Mohan collect the tendu leaves from nearby forest during day time and along with his family roll them to bidies at night. He supply the finished product of bidies to nearby factory i.e., ABC Bidi Ltd., Factory does the quality inspection of the finish product as per their fixed standards and accordingly accept or reject the product. Payments are made for the accepted quantity of bidies as per the factory rates. In the above kind of factual circumstances, decide with the help of set principle whether Mohan is an employee of the factory.

#### **AUG 2021 (6 MARKS)**

1. Audit under labour laws is new concept, which is necessitated, in direct consequence of its non-compliance in large scale". Explain this statement and list out the areas to be checked/verified the Auditor under Factories Act, 1948 of an Industrial Organization

**AUG 2021 (3 MARKS)**

1. One of the important measures to be taken by Factories for Health, Safety and Welfare of the workers is Ventilation and Temperature' in the work environment". Explain the statutory provisions in this regard under Factories Act, 1948.

**JUNE 2023 (3 MARKS)**

1. M Ltd. has a textile plant situated in Bhiwandi, Maharashtra. Mudit is the head of the plant, who possesses Master Degree in Mechanical Engineering from a reputed Institute. Mudit is appointed as the occupier of the plant under the Factories Act, 1948. What are the measures Mudit has to adopt for health of workers employed in the manufacturing process which generates dust, fume and other impurities?

**DEC 2023 (3 MARKS EACH)**

1. Global Mines Limited established a coke factory in Sindhudurg, Goa. The factory is about to be operative from next month. In the meantime, the management wants to appoint one of its Directors Ashok Sinha as an occupier. Mention the information to be sent by an occupier to Chief Inspector before commencement of the factory.
2. Describe any three welfare measures to be taken for welfare of the workers under Factories Act, 1948

**JUNE 2024 (5 MARKS)**

1. S is the occupier of a factory manufacturing two-wheeler locks and auto parts in Aligarh (U.P.). During the inspection of the factory, the Chief Inspector found that there was accumulated dirt and refuse on floors, staircases and passages in the factory. The Inspector directed S to ensure cleanliness in the factory. Describe the cleanliness measures to be taken by S under the Factories Act, 1948.

**SBIL (SYLLABUS 2022)****DEC 2023 (5 MARKS EACH)**

1. Describe in brief the specific responsibility of the occupier in relation to hazardous processes under the Factories Act, 1948
2. Reena has joined as the Management Trainee in the Company Secretary department of PP Ltd. in the month of September, 2022. The Company is a listed company. Apart from passing CS Professional examination, Reena has also completed her MBA (Finance) from a reputed Management Institute. She is passionate to learn the compliances under the Companies Act, 2013, the SEBI Act, 1992 and other laws applicable to the company. On the request of Reena, the Company Secretary of the company advises Reena to meet Sanjeev, who is the senior partner of AB Solicitors, the legal consultants of the company, for understanding the compliances under the various laws. On 10th July 2023, Reena visits the office of Sanjeev. During the discussion, Sanjeev highlights that in the CS department of PP Ltd., the male CS trainees are getting higher stipend as compared to the stipend of female CS trainees. Sanjeev explains her about the reforms proposed by Code on Social Security, 2020, which amends and consolidates the laws relating to social security with the goal to extend social security to all employees and workers either in the organised or unorganised or any other sectors or for matters connected therewith or incidental thereto. He also mentions that in order to ensure security for all workers, the Central Government has subsumed nine Labour Laws into the Social Security Code to secure the rights of workers for insurance, pension, gratuity, maternity benefit etc. Further, the Government can fund the contribution of workers from disadvantaged section. He also informs that being a cotton textile unit, there are some restrictions for PP Ltd. on engagement of women and children near cotton openers, but the company is not following the prescribed rules. After the meeting, Sanjeev advises Reena to come again to his office on the next day so that he may explain her about the pending legal cases. She returns back to the office of PP Ltd. and prepares a detailed report on equal pay for equal work and laws which are proposed to be merged in Social Security Code and restriction on employment of women and children. She sends the said report to the Managing Director of PP Ltd. through email with a copy to the senior partner of the legal consultants of the company. As per the advice of Sanjeev, Reena visits the office of AB Solicitors, legal

consultants, again on 11th July 2023. On reaching the office of legal consultants, she is informed that Sanjeev is on leave for the day due to urgent personal work. Mukesh, who is the junior partner in the legal consultancy firm, tells her that he is preparing replies in respect of various legal cases of the company and she should also learn how to prepare such replies. Reena being excited to learn new things enters into the chamber of Mukesh. Mukesh tells Reena that he may provide very useful case studies to her for her learning and starts making physical contact and advances with her. Being aggrieved by the behaviour of Mukesh, Reena returns to the office of PP Ltd. and makes a complaint before the internal complaints committee of the company for sexual harassment. Reena wants that her identity, address and contents of her complaint should not be published, communicated or made known to the public.

3. Examine whether PP Ltd. is contravening the provisions of law regarding prohibition of employment of women and children near cotton openers ?

### **JUNE 2024 (5 MARKS)**

1. XYZ Manufacturing Pvt. Ltd. is a reputable medium-sized manufacturing company headquartered in Delhi. Established in 2005, the company specializes in the production of electronic components catering to various industries such as telecommunications, automotive, consumer electronics, and industrial automation. With a commitment to quality and innovation, XYZ Manufacturing Pvt. Ltd. has emerged as a trusted supplier in the highly competitive electronics market Infrastructure. The company operates from a state-of-the-art manufacturing facility spanning over 50,000 square feet in Delhi's industrial hub. Equipped with advanced machinery and technology, the facility enables XYZ Manufacturing Pvt. Ltd. to meet the diverse needs of its clients with precision and efficiency. The production lines are organized to optimize workflow and ensure timely delivery of orders. Workforce : XYZ Manufacturing Pvt. Ltd. prides itself on its skilled and dedicated workforce comprising approximately 500 employees. The workforce includes a mix of permanent staff and contract workers, with roles ranging from production technicians and engineers to administrative personnel and managerial staff. The company fosters a culture of inclusivity, professional development, and employee welfare to enhance productivity and job satisfaction. Labour Practices : (1) (2) (3) Health and Safety

**Measures :** XYZ Manufacturing Pvt. Ltd. prioritizes the health and safety of its employees by implementing robust safety protocols and providing necessary protective equipment. Regular safety audits and training programs are conducted to mitigate workplace hazards and promote a culture of safety awareness among workers. **Employee Welfare Initiative :** The company recognizes the importance of employee welfare and implements various initiatives to enhance the well-being of its workforce. This includes facilities such as clean restrooms, designated break areas, and access to clean drinking water. Additionally, the company offers health insurance coverage and access to medical facilities for employees and their families. **Training and Skill Development :** XYZ Manufacturing Pvt. Ltd. invests in training and skill development programs to empower its employees with the necessary knowledge and skills to excel in their roles. Training sessions on technical skills, quality standards, and soft skills are conducted regularly to enhance employee competence and performance.

catering to various industries such as telecommunications, automotive, consumer electronics, and industrial automation. With a commitment to quality and innovation, XYZ Manufacturing Pvt. Ltd. has emerged as a trusted supplier in the highly competitive electronics market Infrastructure. The company operates from a state-of-the-art manufacturing facility spanning over 50,000 square feet in Delhi's industrial hub. Equipped with advanced machinery and technology, the facility enables XYZ Manufacturing Pvt. Ltd. to meet the diverse needs of its clients with precision and efficiency. The production lines are organized to optimize workflow and ensure timely delivery of orders.

**Workforce :** XYZ Manufacturing Pvt. Ltd. prides itself on its skilled and dedicated workforce comprising approximately 500 employees. The workforce includes a mix of permanent staff and contract workers, with roles ranging from production technicians and engineers to administrative personnel and managerial staff. The company fosters a culture of inclusivity, professional development, and employee welfare to enhance productivity and job satisfaction.

**Labour Practices :**

(a) **Health and Safety Measures :** XYZ Manufacturing Pvt. Ltd. prioritizes the health and safety of its employees by implementing robust safety protocols and providing

necessary protective equipment. Regular safety audits and training programs are conducted to mitigate workplace hazards and promote a culture of safety awareness among workers.

- (b) **Employee Welfare Initiative** : The company recognizes the importance of employee welfare and implements various initiatives to enhance the well-being of its workforce. This includes facilities such as clean restrooms, designated break areas, and access to clean drinking water. Additionally, the company offers health insurance coverage and access to medical facilities for employees and their families.
- (c) **Training and Skill Development** : XYZ Manufacturing Pvt. Ltd. invests in training and skill development programs to empower its employees with the necessary knowledge and skills to excel in their roles. Training sessions on technical skills, quality standards, and soft skills are conducted regularly to enhance employee competence and performance.

**Labour Relations** : The company maintains open and transparent communication channels with its employees to address any concerns or grievances effectively. Regular meetings, feedback sessions, and employee engagement programs are organized to foster a positive work environment and build strong relations between management and staff.

**Compliance with Labour Laws** : XYZ Manufacturing Pvt. Ltd. is committed to upholding the highest standards of compliance with labor laws and regulations in India. The company ensures adherence to the provisions of relevant statutes such as the Factories Act, Minimum Wages Act, Provident Fund Act, Employees' State Insurance Act, Payment of Bonus A/c, Industrial Disputes Act, and Contract Labour Act. Legal compliance is overseen by a dedicated compliance team that monitors regulatory updates, conducts audits, and implements necessary measures to ensure full compliance across all aspects of employment. XYZ Manufacturing Pvt. Ltd. stands as model enterprise in the manufacturing sector, demonstrating a strong commitment to employee welfare, ethical labour practices, and legal compliance. By prioritizing the health, safety, and well-being of its workforce while adhering to labour laws, the company not only ensures its own sustainability and success but also contributes to the overall socio-economic development of the community.

In view the above, answer the following :

What is the duty of inspector with respect to the Safety of Buildings and Machinery ? Can State Government appoint Safety Officer ?

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## Law of Welfare & Working Condition Unit 2 - The Contract Labour (Regulation & Abolition) Act, 1970

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### **SBEC (SYLLABUS 2017)**

#### **DEC 2019 (6 MARKS)**

1. Mr. Bharat wants to set up an industrial establishment for collecting and manufacturing quarry products. He has been told that there is no significant difference between contract labour and employees. Is there any difference between two terms? He also wants to know whether contract labour can be employed for any nature of work? will the contract employees automatically become the employees of the principle employer?

#### **DEC 2020 (6 MARKS)**

1. Discuss the judicial activism in reference to Contract Labour Abolition Act, 1970.

#### **AUG 2021 (6 MARKS)**

1. Discuss the judicial activism in reference to Contract Labour Abolition Act, 1970. Also explain the jurisdiction of Industrial Tribunals to abolish Contract Labour.

## SBIL (SYLLABUS 2022)

### JUNE 2024 (5 MARKS)

1. XYZ Manufacturing Pvt. Ltd. is a reputable medium-sized manufacturing company headquartered in Delhi. Established in 2005, the company specializes in the production of electronic components catering to various industries such as telecommunications, automotive, consumer electronics, and industrial automation. With a commitment to quality and innovation, XYZ Manufacturing Pvt. Ltd. has emerged as a trusted supplier in the highly competitive electronics market Infrastructure. The company operates from a state-of-the-art manufacturing facility spanning over 50,000 square feet in Delhi's industrial hub. Equipped with advanced machinery and technology, the facility enables XYZ Manufacturing Pvt. Ltd. to meet the diverse needs of its clients with precision and efficiency. The production lines are organized to optimize workflow and ensure timely delivery of orders. Workforce : XYZ Manufacturing Pvt. Ltd. prides itself on its skilled and dedicated workforce comprising approximately 500 employees. The workforce includes a mix of permanent staff and contract workers, with roles ranging from production technicians and engineers to administrative personnel and managerial staff. The company fosters a culture of inclusivity, professional development, and employee welfare to enhance productivity and job satisfaction. Labour Practices : (1) (2) (3) Health and Safety Measures : XYZ Manufacturing Pvt. Ltd. prioritizes the health and safety of its employees by implementing robust safety protocols and providing necessary protective equipment. Regular safety audits and training programs are conducted to mitigate workplace hazards and promote a culture of safety awareness among workers. Employee Welfare Initiative : The company recognizes the importance of employee welfare and implements various initiatives to enhance the well-being of its workforce. This includes facilities such as clean restrooms, designated break areas, and access to clean drinking water. Additionally, the company offers health insurance coverage and access to medical facilities for employees and their families. Training and Skill Development : XYZ Manufacturing Pvt. Ltd. invests in training and skill development programs to empower its employees with the necessary knowledge and skills to excel in their roles. Training sessions on technical skills, quality standards, and soft skills are conducted regularly to enhance employee competence and performance. catering to various industries such as telecommunications, automotive,

consumer electronics, and industrial automation. With a commitment to quality and innovation, XYZ Manufacturing Pvt. Ltd. has emerged as a trusted supplier in the highly competitive electronics market Infrastructure. The company operates from a state-of-the-art manufacturing facility spanning over 50,000 square feet in Delhi's industrial hub. Equipped with advanced machinery and technology, the facility enables XYZ Manufacturing Pvt. Ltd. to meet the diverse needs of its clients with precision and efficiency. The production lines are organized to optimize workflow and ensure timely delivery of orders.

**Workforce :** XYZ Manufacturing Pvt. Ltd. prides itself on its skilled and dedicated workforce comprising approximately 500 employees. The workforce includes a mix of permanent staff and contract workers, with roles ranging from production technicians and engineers to administrative personnel and managerial staff. The company fosters a culture of inclusivity, professional development, and employee welfare to enhance productivity and job satisfaction.

**Labour Practices :**

1. **Health and Safety Measures :** XYZ Manufacturing Pvt. Ltd. prioritizes the health and safety of its employees by implementing robust safety protocols and providing necessary protective equipment. Regular safety audits and training programs are conducted to mitigate workplace hazards and promote a culture of safety awareness among workers.
2. **Employee Welfare Initiative :** The company recognizes the importance of employee welfare and implements various initiatives to enhance the well-being of its workforce. This includes facilities such as clean restrooms, designated break areas, and access to clean drinking water. Additionally, the company offers health insurance coverage and access to medical facilities for employees and their families.
3. **Training and Skill Development :** XYZ Manufacturing Pvt. Ltd. invests in training and skill development programs to empower its employees with the necessary knowledge and skills to excel in their roles. Training sessions on technical skills, quality standards, and soft skills are conducted regularly to enhance employee competence and performance.

**Labour Relations :**

The company maintains open and transparent communication channels with its employees to address any concerns or grievances effectively. Regular meetings, feedback sessions, and employee engagement programs are organized to foster a positive work environment and build strong relations between management and staff. Compliance with Labour Laws :

XYZ Manufacturing Pvt. Ltd. is committed to upholding the highest standards of compliance with labor laws and regulations in India. The company ensures adherence to the provisions of relevant statutes such as the Factories Act, Minimum Wages Act, Provident Fund Act, Employees' State Insurance Act, Payment of Bonus A/c, Industrial Disputes Act, and Contract Labour Act. Legal compliance is overseen by a dedicated compliance team that monitors regulatory updates, conducts audits, and implements necessary measures to ensure full compliance across all aspects of employment. XYZ Manufacturing Pvt. Ltd. stands as model enterprise in the manufacturing sector, demonstrating a strong commitment to employee welfare, ethical labour practices, and legal compliance. By prioritizing the health, safety, and well-being of its workforce while adhering to labour laws, the company not only ensures its own sustainability and success but also contributes to the overall socio-economic development of the community. Answer the following :

- (i) Write down provisions with respect to Contract Labour (Regulation & Abolition) Act, 1970.
- (ii) What are the penalties in case of contravention of the provisions by the Company ?

### DEC 2024 (5 MARKS EACH)

1. QualityTech Industries, based in Hyderabad, is a prominent manufacturer of electronic components. To meet its production needs, the company has employed a significant number of contract workers in various roles, including assembly and quality control. In 2023, a Labour Inspector conducted a routine inspection of QualityTech Industries to assess compliance with the provisions of the Contract Labour (Regulation and Abolition) Act, 1970.

Describe the powers of Inspector under section 28 of the Contract Labour (Regulation and Abolition) Act, 1970.

2. Discuss the prohibition of employment of contract Labour.

**JUNE 2025 (5 MARKS)**

1. Odisha Coal Mining Ltd. (OCML) contracted external parties for the transportation of crushed coal between 1984 and 1994. To carry out various essential tasks such as coal spill removal, equipment operation, and railway siding maintenance, the contractors employed 32 workers. These tasks were integral to OCML's operations and needed to be performed consistently as part of the company's daily functioning. The workers, represented by the OCML Coal Mines Workers' Union, sought regularization of their employment. The union argued that the nature of the work being done was not temporary but rather permanent and ongoing, which should have entitled these workers to regular employment rather than being outsourced to contractors. They also invoked the National Coal Wage Agreement-IV (NCWA-IV), which, in its terms, prohibited the outsourcing of work that was permanent and essential to the company's operations. Specifically, the NCWA-IV, dated July 27, 1989, aimed to protect workers in permanent roles from being replaced with casual or contract workers. In response to the union's demands, the Assistant Labour Commissioner initiated a conciliation process, which led to a settlement on April 5, 1997, under Rule 58 of the Industrial Disputes (Central) Rules, 1957. According to this settlement, 19 out of the 32 workers were regularized as General Mazdoors. However, 13 workers were excluded from this regularization and were classified by OCML as 'casual workers,' rather than as permanent workers. The exclusion of the 13 workers led to disputes between the union and OCML, which were referred to the Industrial Tribunal. The core issue before the Tribunal was whether the 13 excluded workers were engaged in work of a perennial nature, similar to the tasks carried out by the 19 workers who were regularized. The Tribunal examined testimonies from various sources, including OCML's personnel manager, who acknowledged that all 32 workers performed identical tasks, which were vital to the daily operations of OCML.

After reviewing the evidence, the Tribunal ruled on May 23, 2002, that the exclusion of the 13 workers was unjustified. It directed OCML to regularize their employment and pay them back wages for the period of their wrongful exclusion. OCML, dissatisfied with the Tribunal's decision, challenged it in the Orissa High Court. The company argued that the 1997 settlement was binding and that the Tribunal lacked jurisdiction to alter its terms.

However, the High Court dismissed OCML's petition, affirming the Tribunal's decision. The court noted that all 32 workers had been engaged in the same essential and perennial tasks, and therefore, the settlement could not be used as a basis to deny regularization to the excluded workers. The High Court also dismissed a subsequent review petition filed by OCML on November 11, 2021.

Following this, OCML appealed to the Supreme Court, raising the following key points:

- That the 1997 settlement was binding on all parties under Section 19(2) of the Industrial Disputes Act, 1947, as it had not been terminated or modified.
- That the 13 excluded workers were engaged in 'casual' work, which was different from the 'perennial' tasks performed by the 19 regularized workers.
- That the Tribunal had erred in awarding back wages, as there was no evidence of the workers being unemployed during the period in question. OCML cited the case of J.K. Synthetics Ltd. v. K.P. Agrawal [(2007) 2 SCC 433] in support of their argument.

The Union countered these arguments by emphasizing that :

- All 32 workers had performed the same essential tasks for OCML, making their work undeniably permanent in nature.
- Their duties were continuous & integral to the company's coal transportation process, and as such, should be treated as part of the company's regular operations.
- The exclusion of the 13 workers from regularization was arbitrary, unjust, and violated principles of fairness and equity.
- The workers were entitled to back wages because they had been wrongfully denied regular employment, which had caused them financial harm.

In view of the above, answer the following :

- (a) What principles govern the regularization of contract labour, & under what conditions can contract workers seek regular employment under the provisions of the Contract Labour (Regulation & Abolition) Act, 1970?

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## Law of Welfare & Working Condition Unit 3 - The Child & Adolescent Labour (Prohibition & Regulation) Act, 1986

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### **SBEC (SYLLABUS 2017)**

#### **AUG 2021 (6 MARKS)**

1. What penalties are imposed for appointment of Child & Adolescent Labour in The Child & Adolescent Labour (Prohibition & Regulation) Act, 1986.

#### **JUNE 2023 (3 MARKS)**

1. Daadi ke Achaar Pvt. Ltd. is producing the pickles of all varieties. A few of the workers in the company are in the age group of 15 to 18. The company seeks your advice on the provisions regarding working hours and period of work under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Advise the company.

#### **DEC 2024 (3 MARKS)**

1. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes. What are such occupations or processes ?

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (5 MARKS)**

1. Define the term 'Adolescent' under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. Also explain the provisions regarding hours and period of work of an adolescent in any establishment under the Act.

### **JUNE 2025 (3+2 = 5 MARKS)**

1. SKY Enterprises, a newly registered firm, intends to start a small manufacturing unit and will operate with only 25 workers. The management of SKY Enterprises is concerned about the compliance burden related to maintaining various registers and submitting multiple returns under different labour laws. The newly appointed HR head has come across the Simplification of Procedure for Furnishing Returns and Maintaining Registers by Certain Establishments Act, 1988, and believes the firm may be eligible for an exemption as a small establishment. Based on the provisions of this Act, answer the following questions :
  - (i) What are the eligibility criteria for SKY Enterprises to avail the exemption under this Act ?(2 marks)
  - (ii) Which specific labour laws are covered under the First Schedule for this exemption? (3 marks)

# Law of Industrial Relations

## Unit 1- Industrial Disputes Act, 1947

### **SBEC (SYLLABUS 2017)**

#### **DEC 2020 (6 MARKS EACH)**

1. Define Strike and lock-out. When are strikes and lock-outs illegal? Can financial aid be given to workers engaged in such illegal Strike and Lock-out ?
2. Ramesh is working with XYZ Motor Manufacturing Ltd. as senior motor mechanic. The manufacturing company has two active trade union. Ramesh being introvert and shy in personality, has not shown much of the interest in trade union politics and not member of them. One day during course of employment on duty time, due to malfunction of machine, accident occurs causing him partially paralysed. He was admitted to hospital for one month. In his absence, company arbitrarily terminate him from job without paying proper and adequate compensation. On recovery he raise issue with company. The company dismiss his claim and blame him for being negligent on duty and cause of accident. Can Mohan raise an Industrial Dispute? Advice

#### **AUG 2021 (6 MARKS EACH)**

1. The employees employed in an Airline Industry gave notice of strike stating that they would go on strike dated 1st December, 2018. In fact, they struck the work before the said date. Is the strike illegal? Discuss.
2. An employee who is "Laid-off by his employer at Dadar, Mumbai refuses to accept an alternative employment, offered in another establishment situated of Sion in Mumbai, belonging to the some employer.
3. Is the employee entitled to claim 'Lay-Off" Compensation?

**DEC 2021 (6 MARKS)**

1. Is the Right to Lay off can be claimed as an inherent right of the employer?

**DEC 2021 (6 MARKS EACH)**

1. The legality or illegality of a strike has nothing to do with the liability for deduction of wages.
2. Even if the strike is legal, it does not save the workers from losing the salary for the period of strike. Comment with the help of decided cases.

**DEC 2021**

1. A, a lawyer and B a company secretary by profession had established a firm and started giving consultancy to the various company/clients of Delhi/NCR region. In the short span of 5 years they had made good reputation and also started to appear NCLT and NCLAT. For the smooth discharges of functioning of the firm they employed a team of around 20 people which includes lawyers, Stenographer, accountants, computer operators, peon and driver for smooth discharge of function. One peon X apart from his normal function also used to work as domestic servant at the house of A. The brief function of the Stenographer is to prepare the petition and other correspondence of the firm. He also entrusted with the function of making the attendance record of other staff members and maintain the diary of the cases pending before the various court, he also used to work late hours apart from his normal duty hours. After two years, the services of peon X and stenographer was terminated. They raised an industrial dispute relating to their termination. Now in the lights of provisions of Industrial Disputes Act, 1947,

Answer the following questions:

- (a) Whether the Firm established by Mr. A and B is covered in the domain of Industry for extending the benefits of Industrial Disputes Act, 1947? How far the services of domestic servants are covered under the concept of Industry of the IDA 1947? (8 marks)
- (b) What is the principle of "Triple Test" for the determination of Industry? (8marks)
- (c) Is the term "workman" and "person employed for delivering goods or services" are the same terms under the Industrial Disputes Act, 1947? (8 marks)

- (d) With the help of decided cases decide whether the following persons are workmen under Industrial Disputes Act, 1947:
- (i) A Temple Priest
  - (ii) An engineer of XYZ Ltd.
  - (iii) Head Constable of Delhi Police
  - (iv) Development officer of LIC. (8 marks)
- (e) With the help of decided case/reason, briefly enumerate whether the following activities can be treated as an industry:
- (i) The ICSI, New Delhi,
  - (ii) Central Jail
  - (iii) A temple in which the activities of Dharma, Dhyan, Bhakti & Puja are carried out,
  - (iv) A Registered Trade Union. (8 marks)

**DEC 2023 (5 MARKS)**

1. A garment factory based in West Bengal was having dispute with the management, for which conciliation proceedings is in progress with Labour Court. But management wants to lockout the factory as the dispute was complicated one. Can management declare a lockout? Advise the Management regarding various prohibitions of strikes & lockouts?

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (5 MARKS)**

1. Distinguish between 'Lay off' and 'Lock out' under the Industrial Disputes Act, 1947.

### **JUNE 2024 (5 MARKS)**

1. What are the provisions with respect to Voluntary Reference of Disputes to Arbitration under the Industrial Disputes Act, 1947 ?

In 2023, due to a severe economic recession, PR Software Solutions Pvt. Ltd., a mid-sized IT firm in India, decided to lay off a significant portion of its workforce. Among those affected was Y, a project manager who had been with the company for over seven years. Y was given a month's notice before his termination. He believes that his termination was unjust and wants to challenge it under the Industrial Disputes Act, 1947.

Under the Industrial Disputes Act, 1947, can Y challenge his termination due to the economic recession?

What is the role of the government in such disputes under the Industrial Disputes Act, 1947?

What remedies are available to Y if his claim is upheld?

### **DEC 2024 (5 MARKS)**

1. Rajesh and other contractual workers decided to go on strike. However, the company is in public utility service. Describe the prohibition of strikes and lock-outs in public utility service.

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## Law of Industrial Relations Unit 2 - The Industrial Employment (Standing Orders) Act, 1946

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### **SBEC (SYLLABUS 2017)**

#### **DEC 2019 (6 MARKS)**

1. On every working day, when the workers canteen of the company is opened, there would be a big rush of employees for purchase of snacks and tea. Normally employees stand in queue for the purchase of various items from two different counters. The canteen remains open for half- an-hour and all employees who come there can conveniently purchase eatables, if they stand in queue. One day, Shubham came to canteen when in both counters people were standing in queue, and he tried to purchase the snacks through Sarvesh, a co-worker who was in queue. This was objected by Prashant who was standing just behind Servesh. Arguments started between Shubham and Prashant. They were both angry and in the process, Shubham slapped Prashant. The canteen supervisor intervened and separated them. Both of them were active members of two different rival unions. Analyse the point of issue in the case and state the main points of chargesheet to be issued to the employees concerned for this misconduct. Also state any six matters to be provided in the standing orders under the Industrial Employment (Standing Orders) Act 1946.

**DEC 2019 (12 MARKS)**

1. The certified standing orders of a company provided that the retirement age of the workman would be 58 years of age. The company enhanced the age to 60 years, as a temporary measure to retain the employees and to cut costs. However, the financial performance of the company still did not improve and few years later, the company withdrew the enhancement and restored the retirement age back to 58 years. The company contended that it was just a temporary measure and even if the benefit of enhancement of age of superannuation from 58 to 60 years has been extended in favour of the workmen, they have got no right to retain the same for the reason that Service Rules and Certified Standing Orders applicable to the workmen stipulates the age of 58 years and since the same has not been ammended in accordance with law, hence the provisions of Service Rules and Certified Standing Orders are binding upon the workmen. The trade union wants to challenge this action of the company as bad in the eyes of law, as the employer was bound to give prior notice. Will the trade union succeed?

**DEC 2023 (5 MARKS)**

1. TM Power Ltd. is supplying power to the public. The workmen and management are planning for a strike and lock-out respectively. Examining the meaning of Public Utility Services, describe the prohibition of strikes and lock-outs in a Public Utility Service under the Industrial Disputes Act, 1947.

## **SBIL (SYLLABUS 2022)**

### **DEC 2023 (5 MARKS)**

1. Explain in brief the provisions regarding payment of Subsistence Allowance under the Industrial Employment (Standing Orders) Act, 1946.

### **DEC 2024 (5 MARKS)**

1. Enumerate the matters that need to be provided in Standing Orders under the Industrial Employment (Standing Orders) Act, 1946.