

(GCF-8, GCF-10 to GCF-13 & SCF-4)**DATE: 05.10.2018****MAXIMUM MARKS: 100****TIMING: 3¼ Hours****PAPER 2: BUSINESS LAW & BUSINESS CORRESPONDENCE & REPORTING**

Question No. 1 is Compulsory. Answer any four question from the remaining five questions. Wherever necessary, suitable assumptions should be made and disclosed by way of note forming part of the answer.

Working Notes should form part of the answer.

Question 1:

- (a) X, a minor was studying M.Com. in a college. On 1st July, 2005 he took a loan of Rs. 10,000 from B for payment of his college fees and to purchase books and agreed to repay by 31st December, 2005. X possesses assets worth Rs. 2 lakhs. On due date X fails to pay back the loan to B. B now wants to recover the loan from X out of his (X's) assets. Referring to the provisions of the Indian Contract Act, 1872 decide whether B would succeed..

(4 Marks)

- (b) The Memorandum of Association of a company was presented to the Registrar of Companies for registration and the Registrar issued the certificate of incorporation. After complying with all the legal formalities a company started a business according to the object clause, which was clearly an illegal business. The company contends that the nature of the business cannot be gone into as the certificate of incorporation is conclusive. Answer the question whether company's contention is correct or not.?

(4 Marks)

- (c) Give Differences between Sale and agreement to sale.

(4 Marks)**Question 2:**

- (a) Give provisions related to discharge of contract ?

(6 Marks)

- (b) Give differences between LLP and limited liability company ?

(6 Marks)**Question 3:**

- (a) Explain the rights of an outgoing partner?

(6 Marks)

- (b) X entered into a contract with 'Y' to supply him 1,000 water bottles @ Rs. 5.00 per water bottle, to be delivered at a specified time. Thereafter, 'X' contracts with 'Z' for the purchase of 1,000 water bottles @ Rs. 4.50 per water bottle, and at the same time told 'Z' that he did so for the purpose of performing his contract entered into with 'Y'. 'Z' failed to perform his contract in due course and market price of each water bottle on that day was Rs. 5.25 per water bottle. Consequently, 'X' could not procure any water bottle and 'Y' rescinded the contract. What would be the amount of damages which 'X' could claim from 'Z' in the circumstances? What would be your answer if 'Z' had not informed about the 'Y's contract? Explain with reference to the provisions of the Indian Contract Act, 1872

(6 Marks)**Question 4:**

- (a) When does the property pass in case of unascertained goods? What is appropriation of goods?

(6 Marks)

- (b) A & Co. is registered as a partnership firm in 2015 with A, B and C partners. In 2016, A dies. In 2017, B and C sue X in the name and on behalf of A & Co., without fresh

registration. Now the first question for our consideration is whether the suit is maintainable. Now, in the above example, what difference would it make, if in 2017 B and C had taken a new partner, D, and then filed a suit against X without fresh registration?

(6 Marks)

Question 5:

(a) Give rules related to acceptance of delivery of goods?

(5 Marks)

(b) What is meant by a Guarantee Company? State the similarities and dissimilarities between a Guarantee Company and a Company having Share Capital ?

(7 marks)

Question 6:

(a) Does silence amount to fraud ?

(5 Marks)

(b) Explain the doctrine of Ultra Vires and State its implications (consequences)?

(7 Marks)

PAPER 2: BUSINESS CORRESPONDENCE & REPORTING

The Question Paper comprises of 5 questions of 10 marks each.

Question No. 1 is compulsory. Out of questions 2 to 5, attempt any three.

Question 1:

(a) Given below are two passages followed by Questions. Attempt any one.

(I) Read the passage carefully and answer the questions that follow:

The Internet has changed our world. It has been defined as 'a world-wide broadcasting capability, a mechanism for information dissemination, and a medium for collaboration and interaction between individuals and their computers without regard for geographic location'. Instant communication on various social networking sites is an offshoot of the internet revolution.

Though these sites have numerous advantages in terms of connectivity and sharing information, and are increasingly becoming a part of everyday life of people; they are being misused by anti-social elements, terrorist organizations, governments, various institutions and the public at large. Twitter, Instagram, Snapchat, blogs, WhatsApp, virtual worlds, and specific social networking sites like Facebook are an inseparable part of our lives in the modern world.

One of the biggest disadvantages is loss of privacy by individuals. Social networking sites ask for a great deal of personal information, and it is possible for people in all parts of the world to see that information. There are privacy settings for these sites, but many people are either unaware of them, or are careless about guarding their personal information. Besides, the information creates a "digital footprint" that cannot be easily erased. Many share inappropriate content and pictures on which can be misused by unscrupulous elements and cause irreparable damage to reputations.

There have been innumerable examples of sexual exploitation of young boys and girls on social media. Inappropriate photographs, messages, and private content that they shared on the site, is used to blackmail them. Numerous instances of pictures being morphed, and used to ruin reputations, have been reported. Sexual predators make fake profiles, befriend young people and take advantage of them. Celebrities

and ordinary citizens are trolled maliciously on twitter if their opinions are disliked by a certain section of their followers. Explicit sexual threats are posted on their accounts.

Cyber bullying has become a common phenomenon on social networks. All most all teenagers admit to being a target of such bullying at least once in their lives. People are abused, reviled and mercilessly teased. Being malicious, unkind and cruel is fun for some people. Others use the medium to send an intimidating message, start a nasty rumor, or upload embarrassing photos. It's possible to be completely anonymous as well, so there is less chance of getting caught. Such bullying causes lasting psychological damage to the victims. Many have been known to have taken the extreme step of committing suicide. Another problem that has been highlighted by psychiatrists is 'internet addiction disorder'. Many people literally live out their lives on social media. Every event and happening has to be shared on Facebook. Their lives revolve around the number of likes and comments they get on their posts. Unfortunately, many of these comments are insincere and fake, thus giving the individual incorrect perception of himself / herself. Moreover, this addiction consumes a lot of time which would be otherwise productively used for the benefit of the body and mind.

Contrarily, interacting on internet is also known to have caused a loss of social skills. Many people feel comfortable chatting with a person online than in engaging in a face to face verbal conversation. More importantly, you can do all kinds of things you could never do in real life, like giving hugs and kisses to everyone, which you would rarely do in real life. And you can give yourself a completely unique identity. Sometimes people start to prefer their fake online lives to their actual lives, and this is when social networking sites start to negatively affect social skills.

Another issue gaining ground is spreading of fake news on the internet. Enormous amount of information on social, political, economic, health related information is available on various sites. There are serious social ramifications of circulation of such false information. The government is making attempts to bring in laws to control this phenomenon.

In conclusion, the advice is that, like everything else, use social media in moderation and with wisdom.

Q1. We lose privacy on social networking sites because

- a) We put many photographs on the site.
- b) Sites require us to share a great deal of our personal information.
- c) We choose wrong friends.
- d) Youngsters are generally careless.

(1 Marks)

Q2. Cyber bullying is common because

- a) There are many bullies everywhere.
- b) People are mean and unkind.
- c) It's very easy to "hack" into another person's profile.
- d) It is quick and easy to post nasty comments anonymously on social media sites.

(1 Marks)

Q3. What is the negative influence of 'social networking' in the context of the passage

- a) It takes away our identity.
- b) We do not make many friends.
- c) We network with friends and colleagues easily and frequently.
- d) It can lead to loss of social skills.

(1 Marks)

Q4. Which of the following is not a byproduct of social networking (in the passage)?

- a) Sexual predatory
- b) Damaging of social skills
- c) Ability to make many friends
- d) Waste of great deal of time

(1 Marks)

Q5. Which of the following words is most similar to 'intimidating' as used in the passage

- a) To get intimate with someone
- b) To frighten or threaten someone
- c) To become personal
- d) To be too friendly

(1 Marks)

(II) Read the passage carefully and answer the question that follow:

'The difference between technology and slavery is the slaves are fully aware that they are not free' **Nassim Nicholas Taleb**

How is technology impacting our lives? Many research studies are seeking answers to this question and coming up with data and information that is worrisome. As the human race increasingly depends on devices for work and leisure, technology invades every aspect of our lives. We have appliances in our kitchens and homes, machines and computers in offices, and of course, and innumerable gadgets without which people feel lost and incomplete.

In fact, we now try to measure every aspect of our lives with gadgets and gizmos available in the market. These health devices can track routine activities like sleep, exercise, diet, heartbeat, breathing rate, steps taken, water intake and every conceivable aspect of life. Health and fitness is measured by a smart watch, fitness band and other wearable apps available in the market. Though many of these apps are truly useful to measure health parameters like blood pressure, heart rate, etcetera for the ailing; they have begun to dominate the lives of people for whom it becomes their personal health information guru. If the health parameters do not match the desired outcome of the application they are using, it causes anxiety and stress. Many health freaks end up with obsessive compulsive disorders.

Several psychiatrists disapprove of our dependence on gadgets to assess our health. They refer to it as the over monitoring syndrome. Instead of listening to our own bodies, which are best judges of our physical and mental health, we look at the numbers on the gadget to tell us whether we had a good workout or sufficient and restful sleep at night. Since every human being is different, can an app accurately match and measure the parameters of each individual using it? Another downside is

that instead of enjoying the simple health benefits and pleasure of a sport/ workout, the completion of the target becomes the focal point of the exercise.

The advice given by medical practitioners is that a healthy life is judged by your physical, mental and social wellbeing and not machines of any kind. So use gadgets judiciously and do not let them dictate your life.

- Q.1** Health devices are useful for
- a) checking our moods.
 - b) keeping fit and happy.
 - c) keeping a track of everyday activities like exercise, sleep etc.
 - d) monitoring work and leisure activities.
- (1 Marks)**

- Q.2** Medical practitioners' advice is that we should measure health by
- a) physical fitness
 - b) mental fitness
 - c) social wellbeing
 - d) all of the above.
- (1 Marks)**

- Q.3** The drawbacks of health devices are
- a) they are too bulky.
 - b) they are very costly.
 - c) they cause pressure and anxiety in users.
 - d) they are a cause of too much distraction.
- (1 Marks)**

- Q.4** We should assess our health by
- a) using health gadgets which measure all our parameters.
 - b) talking to a doctor.
 - c) listening to our own body.
 - d) asking family and health experts.
- (1 Marks)**

- Q.5** Find words in the passage which are similar in meaning to the ones given below
- a) Dimensions
 - b) Supervising or overseeing
- (1 Marks)**

(b) Given below are two passages. Attempt any One.

- (I) Make notes, using headings, sub-headings, and abbreviations wherever necessary.
- (5 Marks)**

- (i) Anything printed and bound in book size can be called a book, but the quality or mind distinguishes the value of it.

What is a book? This is how Anatole France describes it: "A series of little printed signs essentially only that. It is for the reader to supply himself the forms and colors and sentiments to which these signs correspond. It will depend on him whether the book be dull or brilliant, hot with passion or cold as ice. Or if you prefer to put it otherwise, each word in a book is a magic finger that sets a fiber of our brain vibrating like a harp string and so evokes a note from the sounding board of our soul. No matter how skilful, how

inspired the artist's hand, the sound it makes depends on the quality of the strings within ourselves."

Until recently books were the preserve of a small section-the urban upper classes. Some, even today, make it a point to call themselves intellectuals. It would be a pity if books were meant only for intellectuals and not for housewives, farmers, factory workers, artisans and, so on.

In India there are first-generation learners, whose parents might have been illiterate. This poses special challenges to our authors and to those who are entrusted with the task of disseminating knowledge. We need much more research in the use of language and the development of techniques by which knowledge can be transferred to these people without transmission loss.

Publishers should initiate campaigns to persuade people that a good book makes a beautiful present and that reading a good book can be the most relaxing as well as absorbing of pastimes. We should aim at books of quality no less than at quantitative expansion in production and sale. Unless one is constantly exposed to the best, one cannot develop a taste for the good.

- (ii) Smokers will often say that they are not addicted to cigarettes. These people think of smoking as a habit which they can control and would be able to stop at any time. While, it is true that some people can stop smoking at will (almost most cannot), it must be recognized that smoking is in fact an addiction, much like an addiction to alcohol, heroin or cocaine. Furthermore, smoking is addictive because nicotine, a substance that when given to monkeys, rats, dogs and even squirrels will precipitate chemical dependency in them. Cigarette addiction is the result of a complex interaction between the smoker (host), nicotine and the environment. For the host, factors such as personality, educational level and social setting are important. Smokers tend to associate certain situations or moods with smoking. These associations become cues that reinforce patterns of smoking. Having a cigarette with coffee, after dinner or while stressing out over a job are a common habit among smokers and these become associations that provoke craving for cigarettes.

Question 2:

- (a) Explain the Star Network in the channel of communication.

(2 Marks)

- (b) (i) He liked the novel too much and wanted to meet the ----- (fill in the blank by adding suitable suffix to the underlined word.)

(1 Marks)

- (ii) Mrs. Saxena teaches us Business Communication. (Change the voice.)

(1 Marks)

- (iii) Whose gain is it ? (Write antonym of the underlined word.)

(1 Marks)

- (c) Write a précis and give appropriate title.

- (I) Interviews are the most common method used by employers to find candidates for jobs. Many candidates take the interview process very seriously, while others do not. There are 5 interview mistakes that you must avoid if you are to secure the job that you want.

1. Being late

Apart from a major emergency when everything shuts down, there really is no excuse for being late. Take the time to plan your journey, estimate how long it will take to get to the interview venue and build in time for delays. Plan to arrive 15 minutes before your interview time and allow 30 minutes for delays. It is better to arrive 45 minutes early than 15 minutes late.

2. Not knowing about the organization

A question to find out what you know about the organization is almost guaranteed. Despite this many candidates are unable to demonstrate that they have even done basic research. With the power of the internet and more general freedom of information there really is no excuse.

3. Not knowing why you want the job

This is another interview favorite. The interviewer knows that you need to earn money so make sure this is not your response. Is it something about the businesses reputation, the challenges it faces, the segment of the market it serves, style of management or progression prospects. Whatever it is be clear on why you want the job.

4. Not knowing yourself

A question about your strengths and weaknesses will come up in some form or other. Clearly you don't want to come up with a weakness that will blow away your chances of getting the job, but at the same time you need to demonstrate self awareness. Think of 3 strengths and 3 development areas that you will talk about in the interview.

5. Asking about salary

Good interviewers will give you the opportunity to ask them questions. Poorly prepared candidates will not make the most of this opportunity. They will ask (before they have been offered the job) about salary, benefits and holidays. The well prepared candidate will focus on questions about promotion prospects, training and development, the future direction of the company and what it is like to work in the organization.

Interviews are challenging for both the interviewer and candidates. By avoiding some of the most common mistakes, you can greatly increase your chances of success.

(5 Marks)

Question 3:

- (a) What is the vertical flow in communication? **(2 Marks)**
(b) (i) The office of profit bill was signed by the president. (Change into active voice)

Rewrite the following sentences in passive voice.

- (ii) Sue changed the flat tyre.
(iii) We are going to watch a movie tonight. **(1×3=3 Marks)**
(c) Amit Suri, has recently been promoted to the post of Senior Manager in Hindalco Industries. Draft a congratulatory mail from his General Manager. **(5 Marks)**

Question 4:

- (a) List at least four characteristics of communication. Explain any two of them in your own words. ?

(2 Marks)

- (b) Change the following sentences to indirect speech

(i) She said, "I shall be taking a test."

(1 Marks)

(ii) The man said, "Is your father at home?"

(1 Marks)

(iii) I ran the obstacle course in record time.(Change into passive voice.)

(1 Marks)

- (c) Write a report of about 150-200 words on the topic
Daughter of Gardener Tops Board Exam

(5 Marks)

Question 5:

- (a) Based on communication channels, what are the different kinds of communication barriers.

(2 Marks)

- (b) Select the correct meaning of the idioms/phrases given below:

1) Bone of contention

a) Area of agreement

c) Subject of dispute

b) Of least importance

d) To be cautious

(1 Marks)

2) A far cry

a) Shout loudly

c) Disappoint

b) To break silence

d) Very different

(1 Marks)

3) Storm in a teacup

a) Crave for something

c) Get in to quarrels

b) Drink tea often

d) Make a big issue out of a small thing

(1 marks)

- (c) What are the main contents of the minutes of a meeting? What suggestions can you give for writing the minutes effectively

(5 marks)
