

(GCF-9, 11, 12, 13, 14, 15, VCF-VDCF-SCF-3, VTW-1+Fnd, VDTW-1+Fnd, GTW-1+Fnd, STW-1+Fnd, JCC 12th+Foundation)
DATE: 03.05.2022 **MAXIMUM MARKS: 100** **TIMING: 3 Hours**

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 from part of the answer.

Question 1:

- (a) Naveen incorporated a "One Person Company" making his sister Navita as the nominee. Navita is leaving India permanently due to her marriage abroad. Due to this fact, she is withdrawing her consent of nomination in the said One Person Company. Taking into considerations the provisions of the Companies Act, 2013 answer the questions given below.
- (a) If Navita is leaving India permanently, is it mandatory for her to withdraw her nomination in the said One Person Company?
- (b) If Navita maintained the status of Resident of India after her marriage, then can she continue her nomination in the said One Person Company?
- (5 Marks)**
- (b) Give doctrine of privity of contract and give exceptions also?
- (7 Marks)**

Question 2:

- (a) What do you mean by Designated Partner? Whether it is mandatory to appoint Designated partner in a LLP?
- (5 Marks)**
- (b) When does dissolution of a partnership firm take place under the provisions of the Indian Partnership Act, 1932? Explain.
- (7 Marks)**

Question 3:

- (a) A sends an offer to B to sell his second-car for Rs. 40,000 with a condition that if B does not reply within a week, he (A) shall treat the offer as accepted. Is A correct in his proposition? What shall be the position if B communicates his acceptance after one week?
- (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) X buys synthetic pearls for a high price thinking that they are natural pearls. The seller though understood X's intention, kept silent. Examine the remedies X has against the seller as per the Sale of Goods Act, 1930.
- (4 Marks)**

Question 4:

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

(6 Marks)

- (b) M/s Woodworth & Associates, a firm dealing with the wholesale and retail buying and selling of various kinds of wooden logs, customized as per the requirement of the customers. They dealt with Rose wood, Mango wood, Teak wood, Burma wood etc. Mr. Das, a customer came to the shop and asked for wooden logs measuring 4 inches broad and 8 feet long as required by the carpenter. Mr. Das specifically mentioned that he required the wood which would be best suited for the purpose of making wooden doors and window frames. The Shop owner agreed and arranged the wooden pieces cut into as per the buyers requirements.

The carpenter visited Mr. Das's house next day, and he found that the seller has supplied Mango Tree wood which would most unsuitable for the purpose. The carpenter asked Mr. Das to return the wooden logs as it would not meet his requirements.

The Shop owner refused to return the wooden logs on the plea that logs were cut to specific requirements of Mr. Das and hence could not be resold.

- (i) Explain the duty of the buyer as well as the seller according to the doctrine of "Caveat Emptor".
- (ii) Whether Mr. Das would be able to get the money back or the right kind of wood as required serving his purpose?

(6 Marks)

Question 5:

- (a) Ajay, Vijay and Sanjay are partners of software business and jointly promises to pay Rs. 6,00,000 to Kartik. Over a period of time Vijay became insolvent, but his assets are sufficient to pay one-fourth of his debts. Sanjay is compelled to pay the whole. Decide whether Sanjay is required to pay whole amount himself to Kartik in discharging joint promise under the Indian Contract Act, 1872.

(4 Marks)

- (b) Mr. Seth an industrialist has been fighting a long drawn litigation with Mr. Raman another industrialist. To support his legal campaign Mr. Seth enlists the services of Mr. X a legal expert stating that an amount of Rs. 5 lakhs would be paid, if Mr. X does not take up the brief of Mr. Raman.

Mr. X agrees, but at the end of the litigation Mr. Seth refuses to pay. Decide whether Mr. X can recover the amount promised by Mr. Seth under the provisions of the Indian Contract Act, 1872.

(4 Marks)

- (c) A, B, and C are partners of a partnership firm ABC & Co. The firm is a dealer in office furniture. A was in charge of purchase and sale, B was in charge of maintenance of accounts of the firm and C was in charge of handling all legal matters. Recently through an agreement among them, it was decided that A will be in charge of maintenance of accounts and B will be in charge of purchase and sale. Being ignorant about such agreement, M, a supplier supplied some furniture to A, who ultimately sold them to a third party. Referring to the provisions of the Partnership Act, 1932, advise whether M can recover money from the firm.

What will be your advice in case M was having knowledge about the agreement?

(4 Marks)

Question 6:

- (a) Give differences between contingent contract and wagering contract?

(6 Marks)

- (b) "Generally only an owner can transfer good title to bonafide purchaser" state the circumstances under Sales of Goods Act 1930 when a non-owner can transfer good title to bonafide purchaser.

(6 Marks)

PAPER : BUSINESS CORRESPONDENCE & REPORTING

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

Question No. 7 is compulsory. Out of questions 8 to 11, attempt any three.

SECTION-B : BUSINESS CORRESPONDENCE & REPORTING (40 MARKS)**Question 7:**

- (a) **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 o shoot 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 pro les, 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.

1. 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 Mark)
2. 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 Mark)
3. 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 Mark)
4. 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 Mark)

5. 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 Mark)

- (b) What is visual communication?

(1 Mark)

- (c) (i) Choose the word which best expresses the meaning of the given word.
Contingency
(a) Existence (b) Evidence (c) Rebel (d) Emergency
- (ii) Select a suitable antonym for the word given in question.
Proximity
(a) Approximation (b) Assumingly (c) Remoteness (d) Cure
- (iii) Change the following sentences into passive voice.
Who wrote this essay?
- (iv) Change the following sentences to indirect speech.
Sheila said, 'How smart Seema is'

(4 Marks)

Question 8:

- (a) What is network in communication.

(1 Mark)

- (b) (i) Choose the word which best expresses the meaning of the given word.
Inherent
(a) Intrinsic (b) Inevitable (c) Innovation (d) Intent
- (ii) Choose the appropriate antonym (opposite) for the word
Serene
(a) Valley (b) Young (c) Unrest (d) Harmless
- (iii) Change the following sentences into passive voice
Rajesh uses a pen to sketch figures.
- (iv) Change the following sentence to indirect speech.
Elders always say, 'If you work hard, you will succeed.'

(4 Marks)

- (c) Draft a Circular informing the staff about the dismissal of the Sales Head on being proved guilty of charges of misappropriation of funds/accounts.

(5 Marks)

Question 9:

- (a) Discuss the process of communication.

(2 Marks)

- (b) (i) Choose the word which best expresses the meaning of the given word:
Abundant
(1) Plentiful
(2) Sufficient
(3) Enough
(4) Many

(1 Mark)

- (ii) Select a suitable antonym for the word given under:

Adumbrate

- (1) Elaborate
- (2) Summarize
- (3) Angry
- (4) Happy

(1 Mark)

- (iii) Change the following sentence to indirect speech:
Reena said, "Nobody can solve the problem on the earth".

(1 Mark)

- (c)** Write a Precis and give appropriate title to the passage given below:

DNA degrades quickly after an animal dies, so researchers once believed it impossible to find ancient genetic material. The search for primeval vestiges of DNA took off in the late 1980s after the development of a technique called polymerase chain reaction (PCR), which copies minute quantities of DNA. Armed with PCR, scientists could look for tiny fragments of DNA that might have weathered the millennia unharmed.

In recent years, researchers have isolated DNA from 20-million-year-old magnolia leaves and extracted DNA from a 135-million-year-old weevil found in amber. Recently, a team extracts DNA from bone dating back millions of years for the first time. In the frenzied hunt for ancient DNA, microbiologist Scott R. Woodward may have bagged the biggest quarry. Drawing on lessons learned while growing up among the fossil-rich rocks of eastern Utah, Woodward and his team became the first people to find genetic material belonging to a dinosaur.

Woodward, whose grandfather was a coal miner, knew that mines in the area often contained dinosaur traces. After six months of looking Woodward pulled two bone fragments from a Cretaceous siltstone layer directly atop a coal seam. Impeded by an unstable mine roof Woodward's team could not recover any more bone samples. The siltstone apparently inhibited fossilization and preserved much of the original cell structure in the bone. Researchers isolated strands of DNA from both fragments and used-PCR to copy a segment that codes for a protein called cytochrome b. Once they had made many copies, they could determine the DNA sequence.

Throughout their work, the biologists took precautions to avoid contaminating the samples with modern DNA or ancient material found within the coal. According to Woodward, circumstantial evidence indicates that the bone fragments belong to one or two species of dinosaurs. Dinosaur tracks are abundant in this 'coal formation, and the bones visible in the mine were larger than those of a crocodile the biggest non-dinosaur known in these rocks.

(5 Marks)

Question 10:

- (a)** Define the areas where chain network of communication is found in an organization.

(2 Marks)

- (b)** Select the correct meaning of Idioms/Phrases given below:

- (i) Takes Two to Tango
- (1) Two people are required for dancing
 - (2) Two people are required for creating mischief.
 - (3) Two people required to clean floor.
 - (4) Two people required to help others.

(1 Mark)

- (ii) Storm in a teacup
(1) Crave for something
(2) Least importance
(3) Emergency situation
(4) Make a big issue out of a small thing.

(1 Mark)

- (iii) Change the sentence into Active Voice;
They will be given a ticket for over speeding by the police inspector.

(1 Mark)

- (iv) Choose the word which best expresses the meaning of the given word.

Myriad

- (1) Dramatic
(2) To Fetch
(3) Many
(4) Confusion

(1 Mark)

- (c) Write a letter to a bank requesting them to stop payment of a cheque which has been reported lost.

(4 Marks)

Question 11:

- (a) Write a letter of promotion for opening new branch of the XYZ Bank.

(5 Marks)

- (b) Describe various characteristics of effective communication?

(3 Marks)

- (c) Select the suitable antonym for the given words.

1. Abstention
(a) Orgy
(b) Binge
(c) Spree
(d) Obscure
2. Harmony
(a) Hilarious
(b) Imbroglia
(c) Complexity
(d) Separation

(2 Marks)

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