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FOR CA FOUNDATION EXAM PREPARATION

CA Foundation 2021 Question Paper · Paper 2 Business Laws and Business Correspondence and Reporting

EXAM
CA Foundation

YEAR
2021

TYPE
Question Paper

SUBJECT
Paper 2 Business Laws and Business Correspondence and Reporting

DATE
July 2021

Foundation (New Syllabus)
Paper - 2
Business Law & Business
Correspondence and Reporting

JUL 2021

Roll No. .....

Total No. of Questions – **11**

Total No. of Printed Pages – **16**

Time Allowed – **3** Hours

Maximum Marks – **100**

PYC-H

Questions in Section-A are to be answered in the medium opted by the candidate. If a candidate has not opted for Hindi Medium, his/her answers in Hindi will not be evaluated.

Questions in Section-B, are to be answered in English only, by all the candidates, including those who have opted for Hindi medium.

Answer to both the Sections are to be written in the same answer book.

SECTION-A

Question No. **1** is compulsory.

Answer any **four** questions out of the remaining **five** questions.

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Section A

1. (a) State with reason(s) whether the following agreements are valid or void : 4

(i) A clause in a contract provided that no action should be brought upon in case of breach.

(ii) Where two courts have jurisdiction to try a suit, an agreement between the parties that the suit should be filed in one of those courts alone and not in the other.

(iii) X offers to sell his Maruti car to Y. Y believes that X has only Wagon R Car but agrees to buy it.

(iv) X, a physician and surgeon, employs Y as an assistant on a salary of ₹ 75,000 per month for a term of two years and Y agrees not to practice as a surgeon and physician during these two years.

(b) Y incorporated a "One Person Company (OPC)" making his sister Z as nominee. Z is leaving India permanently due to her marriage abroad. Due to this fact, she is withdrawing her consent of nomination in the said OPC. Taking into considerations the provisions of The Companies Act, 2013 answer the questions given below : 4

(i) Is it mandatory for Z to withdraw her nomination in the said OPC, if she is leaving India permanently ?

(ii) Can Z continue her nomination in the said OPC, if she maintained the status of Resident of India after her marriage ?

(c) "Risk Prima Facie passes with property." Elaborate in the context of The Sales of Goods Act, 1930. 4

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2. (a) Explain the term Contingent Contract with reference to The Indian Contract Act, 1872 with the help of an example. Also discuss the rules relating to enforcement of a contingent contract. 7

(b) Limited Liability Partnership (LLP) gives the benefits of limited liability of a company on one hand and the flexibility of a partnership on the other. Discuss. 5

3. (a) Define Implied Authority. In the absence of any usage or custom of trade to the contrary, the implied authority of a partner does not empower him to do certain acts. State the acts which are beyond the implied authority of a partner under the provisions of The Indian Partnership Act, 1932 ? 6

(b) X, Y and Z jointly borrowed ₹ 90,000 from L. Decide each of the following in the light of The Indian Contract Act, 1872 : 6

(i) Whether L can compel only Y to pay the entire loan of ₹ 90,000 ?

(ii) Whether L can compel only the legal representatives of Y to pay the loan of ₹ 90,000, if X, Y and Z died ?

(iii) Whether Y and Z are released from their liability to L and X is released from his liability to Y and Z for contribution, if L releases X from his liability and sues Y and Z for payment ?

4. (a) Discuss the rights of an unpaid seller against the buyer under The Sales of Goods Act, 1930. 6

(b) Mr. M is one of the four partners in M/s XY Enterprises. He owes a sum of ₹ 6 crore to his friend Mr. Z which he is unable to pay on due time. So he wants to sell his share in the firm to Mr. Z for settling the amount. 6

In the light of the provisions of The Indian Partnership Act, 1932, discuss each of the following :

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(i) Can Mr. M validly transfer his interest in the firm by way of sale ?

(ii) What would be the rights of the transferee (Mr. Z) in case Mr. M wants to retire from the firm after a period of 6 months from the date of transfer ?

5. (a) Mr. Das, a general store owner went to purchase 200 kg. of Basmati Rice of specific length from a whole seller. He saw the samples of rice and agreed to buy the one for which the price was quoted as ₹ 150 per kg. While examining the sample Mr. Das failed to notice that the rice contained a mix of long and short grain of rice. **6**

The whole seller supplied the required quantity exactly the same as shown in the sample. However, when Mr. Das sold the rice to one of his regular customers she complained that the rice contained two different qualities of rice and returned the rice.

With reference to the provisions of The Sales of Goods Act, 1930, discuss the options open to Mr. Das for grievance redressal. What would be your answer in case Mr. Das specified his exact requirement as to length of rice ?

(b) Explain the classification of the companies on the basis of control as per The Companies Act, 2013. **6**

6. (a) Explain what is meant by 'Supervening Impossibility' as per The Indian Contract Act, 1872 with the help of an example. What is the effect of such impossibility ? **5**

(b) Subject to agreement by partners, state the rules that should be observed by the partners in settling the accounts of the firm after dissolution under the provisions of The Indian Partnership Act, 1932. **4**

(c) What is the main difference between a Guarantee Company and a Company having Share Capital ? **3**

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SECTION-B

Question No. **7** is compulsory.

Answer any **three** questions out of the remaining **four** questions.

Section B

7. (a) The employee turnover rate in an Organisation refers to the proportion of employees who leave the Organization during a certain time period. Almost every Organisation is facing the acute problem of high employee attrition. To every Organization, high employee turnover is undesirable and can have a significant adverse impact. A high employee turnover rate results in an unfavourable effect on the morale of the remaining employees. Existing employees may face additional stress, resulting in lower productivity. In addition lower productivity of the existing employees due to a decline in morale, additional productivity is lost as existing employees must guide new incumbent how to adapt to the organizational culture and the new position.

To address the problem, it should be compared to the average within the industry. It should not be compared across industries, as the turnover rate differs significantly in various industries. It is in the best interest of the Organization to reduce it as it is detrimental to the Organization. When an employee leaves the Organization, the

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Organization incurs costs to find a replacement, recruitment costs, advertising costs, administration costs, background check costs, and interviewing costs. In addition, there are costs of lost productivity when the employee is attending a training program. Second important aspect is Organizations with a high employee turnover rate may suffer from an unfavourable public image. For example, working in the call centre is seen as undesirable due to its turnover rates.

To overcome such problem, Organizations have to hire right manpower for the right position. Second important aspect is to have competitive pay structure matching with the industry. However, providing employees with a higher salary is not enough. It is important to understand the benefits that employees wants and to take that into consideration when determining an employee's pay structure. Employees need to be acknowledged and given praise when due. Another important aspect is career path. Employees want to progress in their careers. A career path should be provided to employees to give them a sense of direction and what they can attain if they stay with the Organization. Last but not the least way to offer flexibility, a flexible work schedule is highly desirable. In fact, studies have shown that a flexible work arrangement has a positive impact on employee retention. Allowing employees to choose their work time and providing a flexible work schedule gives them the ability to balance their work and personal life and, hence, improves employee satisfaction.

(i) What do you understand by employee attrition rate ? 1

(ii) Explain the ways to reduce high employee attrition ? 2

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(iii) What is the importance of employee turnover in an Organisation ? 1

(iv) How does employee turnover rate affect brand image of an Organisation ? 1

(b) Read the passage :

(i) Make Notes, using Headings, subheadings and abbreviations wherever necessary. 3

(ii) Write Summary by giving a suitable title. 2

Artificial intelligence (AI) is making a difference as to how legal work is done, but it isn't the threat it is made out to be. AI is making impressive progress and shaking up things all over the world today. The assumption that advancements in technology and artificial intelligence will render any profession defunct is just that, an assumption and a false one. The only purpose this assumption serves is creating mass panic and hostility towards embracing technology that is meant to make our lives easier.

Introducing AI to this profession will primarily be for the purpose of automating mundane, tedious tasks that require negligible human intelligence. The kind of artificial intelligence that is employed by industries in the current scene, when extended to the law will enable quicker services at a lower price. AI is meant to automate a number of tasks that take up precious working hours lawyers could be devoted to tasks that require discerning, empathy, and trust- qualities that cannot be replicated by even the most sophisticated form of AI. The legal profession is one of the oldest professions in the world. Thriving over 1000 years; trust, judgment, and diligence are the pillars of this profession. The most important pillar is the relationship of trust between a lawyer and clients, which can only be achieved through human connection and interaction.

While artificial intelligence can be useful in a number of ways in legal field like translation of documents in other languages, mining of data

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pertaining to cases for analyses helping decision making, scanning and organizing documents pertaining to a case, it cannot perform higher-level tasks such as sharp decision making, relationship-building with valuable clients and writing legal briefs, advising clients, and appearing in court. These are over and above the realm of computerization.

8. (a) Physical barriers are a result of our surroundings. Discuss. 2

(b) (i) Choose the word which best expresses the meaning of the given word : 1

ADHERE

(a) separate

(b) split

(c) humility

(d) fasten

(ii) Select a suitable antonym for the word given under : 1

CANDID

(a) deceptive

(b) frank

(c) sincere

(d) subordinate

(iii) Change the following sentence to indirect speech : 1

He said to me, "It would be nice if I could see you again."

(c) Write a précis and give an appropriate title to the passage given below : 5

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Naval architects never claim that a ship is unsinkable, but the sinking of the passenger-and-car ferry Estonia in the Baltic surely should have never happened. It was well designed and carefully maintained. It carried the proper number of lifeboats. It had been thoroughly inspected on the day of the voyage. Yet, hours later, the Estonia rolled over and sank in the cold, stormy night. It went down so quickly that most of those on board, caught in the dark, flooding cabins had no chance to save themselves : Of those who managed to scramble overboard, only 139 survived. The rest died of hypothermia before the rescuers could pluck them from the cold sea. The final death toll amounted to 912 souls. However there were an unpleasant number of questions about why Estonia sank and why so many survivors were men in the prime of life, while most of the dead were woman, children and the elderly.

9. (a) Distinguish between General English and Business English. **2**

OR

(a) Focus and Attention is an important characteristic of effective communication. Explain. **2**

(b) (i) Change the sentence from Active to Passive Voice. **1**

Bring the culprit.

(ii) Change the sentence from Passive to Active Voice. **1**

Three cleanliness campaigns will be launched by the authorities in the park.

(iii) Change the following sentence to indirect speech. **1**

The group shouted, "Honesty is the best policy".

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(c) Draft a Newspaper Report on the "Government's decision to open multiplexes after almost a year" to be published in a national newspaper. 5

10. (a) Write essentials of oral communication. 2

(b) (i) Change the sentence from Active to Passive Voice. 1

Did they like paintings in the exhibition ?

(ii) Change the sentence from Passive to Active Voice. 1

Food from roadside vendor should not be eaten during Covid pandemic as a safety precaution.

(iii) Change the following sentence to indirect speech. 1

Mr. X to the Cashier : "Do you have change for five hundred rupees?"

(c) Write an article of about 250 words on the topic 'Covid' Certificate must for attending Parliamentary session. 5

11. (a) Define the term communication. When the communication is supposed to be effective ? 2

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

(i) Storm in a tea cup 1

(a) Crave for something

(b) Something fishy

(c) Make a big issue out of a small thing

(d) Get into quarrels

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(ii) Core Competency 1

(a) Decision taken by a competent authority

(b) Head of a department or a company authorised to take decision

(c) Basic strength of a group or company

(d) Minimum skill/professional qualification

(iii) Change the sentence into Active Voice. 1

Who were not liked by you at the party ?

(iv) Choose the word which best expresses the meaning of the given word. 1

FIASCO

(a) Shock

(b) Win

(c) Learning

(d) Failure

(c) Write a letter to your landlord requesting him to reduce rent in the light of 'Covid 19' pandemic. 4

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PYC-H

(Hindi Version)

उन परीक्षार्थियों को छोड़कर जिन्होंने हिन्दी माध्यम चुना है, भाग-अ में प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं। वह परीक्षार्थी जिसने हिन्दी माध्यम नहीं चुना है, यदि हिन्दी में उत्तर देता है, तो उसके हिन्दी में दिये गये उत्तरों का मूल्यांकन नहीं होगा।

सभी परीक्षार्थियों द्वारा भाग-ब के प्रश्नों के उत्तर केवल अंग्रेजी में ही देने हैं, उन परीक्षार्थियों द्वारा भी जिन्होंने हिंदी माध्यम का चयन किया है।

दोनों भागों के उत्तर एक ही उत्तर-पुस्तिका में लिखने हैं।

भाग-अ

प्रश्न संख्या 1 अनिवार्य है।

शेष **पाँच** प्रश्नों में से किन्हीं **चार** प्रश्नों के उत्तर दीजिए।

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भाग-अ

1. (a) निम्नलिखित प्रत्येक ठहरावों के बारे में कारण सहित बताइये कि क्या वे वैध ठहराव (valid agreement) या व्यर्थ ठहराव (void agreement) हैं : **4**

   (i) एक अनुबन्ध में एक उपवाक्य का होना कि भंग होने पर कोई कार्यवाही नहीं की जाएगी।

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(ii) दो पक्षों के बीच एक ठहराव का होना कि एक मुकदमें को दो में से केवल एक विशिष्ट न्यायालय में ही पेश किया जाएगा जबकि वह दोनों ही न्यायालयों के अधिकार क्षेत्र में आता है ।

(iii) एक्स (X) अपनी मारूति कार बेचने का वाई (Y) को प्रस्ताव करता है । वाई (Y) को विश्वास है कि एक्स (X) के पास तो केवल वैगन आर कार है परन्तु कार खरीदने की सहमति देता है ।

(iv) एक्स (X) नामक एक फिजीशियन तथा सर्जन दो वर्षों के लिए वाई (Y) नामक एक सहायक को ₹ 75,000 प्रति माह वेतन पर रखता है और वाई (Y) इन दो वर्षों तक सर्जन तथा फिजीशियन के रूप में कार्य न करने का वचन देता है ।

(b) वाई (Y) ने एक One Person Company (OPC) का समामेलन किया जिसमें अपनी बहिन जैड (Z) को नामजद किया । जैड (Z) विदेश में अपनी शादी के कारण भारत को स्थायी रूप से छोड़ रही है । इस कारण से वह OPC से अपने नामांकन की सहमति वापिस ले रही है । कम्पनी अधिनियम, 2013 के सन्दर्भ में निम्नलिखित प्रश्नों के उत्तर दें : 4

(i) यदि जैड (Z) स्थायी रूप से भारत छोड़ रही है तो क्या उसके लिए OPC से अपने नामांकन को वापिस लेना आवश्यक है ?

(ii) यदि जैड अपनी शादी के पश्चात भारत के निवासी का दर्जा रखती है तो क्या वह OPC में अपना नामांकन जारी रख सकती है ?

(c) 'जोखिम सम्पत्ति के स्वामित्व की सहगामी होती है ।' वस्तु विक्रय अधिनियम, 1930 के संदर्भ में व्याख्या करें । 4

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2. (a) भारतीय अनुबन्ध अधिनियम, 1872 के संदर्भ में उदाहरण सहित संयोगिक अनुबन्ध पद की व्याख्या कीजिए । प्रवर्त्तन से सम्बन्धित नियमों की चर्चा भी करें । 7

(b) सीमित दायित्व साझेदारी (LLP) एक ओर जहाँ एक कम्पनी के सीमित दायित्व का लाभ देती है तो वहीं दूसरी ओर इससे साझेदारी के लचीलेपन का भी लाभ देती है । चर्चा करें । 5

3. (a) गर्भित अधिकार की परिभाषा दीजिए । किसी विपरीत व्यापार रीति या किसी परम्परा के अभाव में, किसी साझेदार के गर्भित अधिकार उसको कुछ गतिविधियाँ करने की आज्ञा नहीं देते । 6

भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार ऐसी गतिविधियों का, जो किसी साझेदार के गर्भित अधिकारों की सीमा से बाहर हों, का वर्णन कीजिए ।

(b) एक्स (X), वाई (Y) और जैड (Z) संयुक्त रूप से एल (L) से ₹ 90,000 का ऋण लेते हैं । भारतीय अनुबन्ध अधिनियम, 1872 के संदर्भ में निम्नलिखित में से प्रत्येक पर निर्णय लीजिए : 6

(i) क्या एल (L) केवल वाई (Y) को सम्पूर्ण ₹ 90,000 का ऋण चुकाने के लिए विवश कर सकता है ?

(ii) क्या एल (L) केवल वाई (Y) के वैधानिक प्रतिनिधि को ₹ 90,000 का ऋण चुकाने के लिए विवश कर सकता है, यदि एक्स (X), वाई (Y) और जैड (Z) की मृत्यु हो जाए ?

(iii) क्या वाई (Y) और जैड (Z) एल (L) को दायित्व से मुक्त तथा एक्स (X), वाई (Y) को अपने दायित्व तथा जैड (Z) को अंशदान से मुक्त कर सकते हैं, यदि एल (L), एक्स (X) को दायित्व से मुक्त कर दे और वाई (Y) तथा जैड (Z) पर भुगतान का मुकदमा चला दे ?

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4. (a) वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के अन्तर्गत क्रेता के विरुद्ध अदत्त विक्रेता के अधिकारों का वर्णन कीजिए। 6

(b) श्रीमान एम (M) मै. एक्स वाई एन्ट्रप्राईसस् (M/s XY Enterprises) के चार में से एक भागीदार हैं। वे अपने मित्र श्रीमान जैड (Z) के 6 करोड़ रुपये के ऋणी हैं जो कि वे नियत समय पर नहीं चुका सके। अत: उपरोक्त ऋण के भुगतान के लिए, वे फर्म में अपने हिस्से को श्रीमान जैड (Z) को बेचना चाहते हैं। 6

भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के संदर्भ में निम्नलिखित प्रत्येक पर चर्चा करें :

(i) क्या श्रीमान एम (M) फर्म में अपने भाग को विक्रय के द्वारा वैध रूप से हस्तान्तरित कर सकते हैं ?

(ii) यदि श्रीमान एम (M) हस्तान्तरण की तिथि के 6 महीने पश्चात निवृत हो जाएँ, तो व्यक्ति हस्तांतरिती (श्रीमान जैड (Z)) के क्या अधिकार होंगे ?

5. (a) एक जनरल स्टोर के मालिक श्रीमान दास एक थोक व्यापारी से 200 कि.ग्रा. बासमत्ती के विशिष्ट लम्बाई के चावल क्रेय करने के लिए गए। श्रीमान दास ने ₹ 150 प्रति कि.ग्रा. के चावल के एक नमूने को देखा और उसे खरीदने का निर्णय किया। श्रीमान दास ने नमूने का परीक्षण करते समय यह नोट नहीं किया कि चावल के नमूने में छोटे एवं लम्बे दोनों ही दाने सम्मिलित हैं। 6

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Marks

थोक व्यापारी ने नमूने के अनुसार चावल की मात्रा श्रीमान दास को दी । श्रीमान दास ने जब वह चावल अपने एक नियमित ग्राहक को बेचा तो उसने चावल में विभिन्न गुणवत्ता के दाने होने की शिकायत की तथा चावल के श्रीमान दास को वापिस कर दिया ।

वस्तु विक्रय अधिनियम, 1930 के प्रावधानों के संदर्भ में श्रीमान दास की क्षति के निवारणों का वर्णन कीजिए । यदि श्रीमान दास ने विशिष्ट चावल के दानों की लम्बाई की माँग की होती तो आपका क्या उत्तर होता ?

(b) कम्पनी अधिनियम, 2013 के अन्तर्गत नियन्त्रण के आधार पर कम्पनियों के प्रकार का वर्णन कीजिए । 6

6. (a) भारतीय अनुबन्ध अधिनियम, 1872 के संदर्भ में अनुबन्ध करने के बाद वाद की असम्भाविता का उदाहरण सहित वर्णन कीजिए । ऐसी असम्भाविता का क्या प्रभाव होता है ? 5

(b) साझेदारों के समझौते को ध्यान में रखते हुए, भारतीय साझेदारी अधिनियम, 1932 के प्रावधानों के अनुसार फर्म के समापन के पश्चात उसके हिसाब-किताब का निपटारा करने के नियमों का विवरण कीजिए । 4

(c) गारन्टी द्वारा सीमित कम्पनी और अंशों द्वारा सीमित कम्पनी के बीच मुख्य अन्तर बताइये । 3

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