

KONKAN RAILWAY CORPORATION LIMITED

**Selection of Law Assistant
Test paper**

Date : 23/5/2013

Time :3 hrs.

Total Marks:100

Note: I] Answer any 20 questions .

**II] your answer should be precise giving
Salient points in about 100/150 words.**

III] All questions carry equal marks.

- 01 What is Industrial Dispute under Industrial Disputes Act? Whether any individual dispute can become industrial dispute?
- 02 Is Company a citizen of India? Explain.
- 03 Is Preamble a part of the Constitution? Explain
- 04 What is PIL? Can Krcl employee file PIL?
- 05 Explain Mens rea , Res Judicata ?
- 06 What is Natural Justice? Explain its importance in DAR cases.
- 07 What is Writ of Mandamus?
- 08 What is Concurrent Jurisdiction?
- 09 What is Arbitration Agreement?
- 10 What is Competition Law?

- 11 What is Minority Commission?
- 12 What is Section 124(a) of Indian Railways Act?
- 13 What is RPUP Act?
- 14 What is the difference between GRP and RPF?
- 15 How recognition is given to the Union?
- 16 Is KRCL Central Government? Explain.
- 17 What is Law of Precedence?
- 18 What is CGIT? Is CGIT decision is final?
- 19 What is authorized deduction under Payment of Wages Act?
- 20 Languages are in which schedule of the Constitution? Explain Official Language Act.
- 21 What is meant by "Government Company" under the provisions of Companies Act 1956? Whether Writ in the High Court would lie against the Government Company?
- 22 KRCL terminated the services of an employee by initiating action under KRCL Discipline and Appeal Rules. Whether Writ Petition in the High Court against the termination order is maintainable? Answer with reasons.

- 23 (i) Who is "Interested Person" under the Land Acquisition Act?
(ii) The State of Maharashtra had acquired land for the Konkan Railway Corporation Ltd. Whether Konkan Railway Corporation Ltd. is an interested person under the Act? Can KRCL seek reference under the Act?
- 24 What is IPR (Intellectual Property Rights) ?
- 25 What is the difference between Fundamental Rights and Fundamental Duties?
- 26 What is CSR? Is it mandatory for all the companies to follow?
- 27 Explain responsibility of Railways as carrier of luggage.
- 28 Explain 'क' क्षेत्र, 'ग' क्षेत्र with reference to Rajbhasha.
29. What is workman Compensation?
30. Who is "consumer" under Consumer Protection Act?
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कोंकण रेलवे कॉर्पोरेशन लिमिटेड

विधि सहायक चयन परीक्षा का प्रश्नपत्र

दिनांक 23.05.2013

समय : 03 घंटे

कुल अंक : 100

टिप्पणी : 1) किंही 20 प्रश्नों के उत्तर दें।

- 2) आपके उत्तर सही मुख्य बिंदुओं पर लगभग 100/150 शब्दों में होने चाहिए।
- 3) सभी प्रश्नों को समान अंक होंगे।

01. औद्योगिक विवाद अधिनियम के अधीन औद्योगिक विवाद क्या है? क्या कोई व्यक्तिगत विवाद औद्योगिक विवाद बन सकता है ?
- 02✓ क्या एक कंपनी भारत की नागरिक है ? स्पष्ट करें ?
- 03✓ क्या संविधान की प्रस्तावना (प्रीएंबल) संविधान का एक हिस्सा है ? स्पष्ट करें ?
04. पी.आई.एल.क्या है ? क्या कोंकण रेलवे कर्मचारी पी.आई.एल.फाइल कर सकता है ?
- 05✓ आपराधिक मनःस्थिति,पूर्व न्याय स्पष्ट करें ?
06. प्राकृतिक न्याय क्या है ? डी.ए.आर.मामलों में इसका क्या महत्व है स्पष्ट करें ?
07. रिट मैडेमस (परमादेश) क्या है ?
08. समवर्ती अधिकार क्षेत्र क्या है ?
09. मध्यस्थाता करार क्या है ?
10. प्रतिस्पर्धा कानून क्या है?
11. अल्पसंख्यक आयोग क्या है?
12. भारतीय रेलवे अधिनियम की धारा 124(क) क्या है?
13. आर.पी.यू.पी.अधिनियम क्या है?
14. जी.आर.पी. और आर.पी.एफ.के बीच क्या अंतर है?
15. यूनियन के लिए मान्यता किस प्रकार दी जाती है?
16. क्या कोंकण रेलवे कॉर्पोरेशन लिमिटेड केंद्रीय सरकार कार्यालय है ? स्पष्ट करें ?
17. अग्रता कानून क्या है?
18. सी.जी.आई.टी.क्या है ? सी.जी.आई.टी.का निर्णय अंतिम रहता है ?

19. वेतन भुगतान अधिनियम के अधीन प्राधिकृत कटौती क्या है?
20. संविधान के कौनसी अनुसूची में भाषाएं आती हैं ? राजभाषा अधिनियम स्पष्ट करें ?
21. कंपनी अधिनियम 1956 के प्रावधान के अधीन 'सरकारी कंपनी' का क्या अर्थ होता है ? क्या सरकारी कंपनी के विरुद्ध उच्च न्यायालय में रिट दाखिल की जा सकती है?
22. कोंकण रेलवे अनुशासन एवं अपील नियम के अधीन एक कर्मचारी को सेवा से हटा दिया गया है तो क्या सेवा से हटाए गए आदेश के विरुद्ध उच्च न्यायालय में रिट याचिका मेनटेन हो सकती है ? कारण के साथ उत्तर दें ?
23. (i) भूमि अधिग्रहण अधिनियम के अधीन 'अभिरूचि व्यक्ति' कौन है ?
(ii) महाराष्ट्र राज्य ने कोंकण रेलवे कॉर्पोरेशन लिमिटेड के लिए भूमि अधिग्रहित की गई थी तो क्या अधिनियम के अधीन कोंकण रेलवे कॉर्पोरेशन लिमिटेड 'अभिरूचि व्यक्ति' है। क्या कोंकण रेलवे अधिनियम के अधीन संदर्भ दाखिल कर सकती है ?
24. आई.पी.आर. (बौद्धिक संपदा अधिकार) क्या है ?
25. मौलिक अधिकार और मौलिक कर्तव्य के बीच क्या अंतर है ?
26. सी.एस.आर. क्या है ? क्या इसका अनुपालन सभी कंपनियों के लिए अनिवार्य है ?
27. सामान वहन करने के तौर पर रेलवे की क्या जिम्मेदारी है ? स्पष्ट करें?
28. राजभाषा के संदर्भ में 'क', 'ख', 'ग' क्षेत्र स्पष्ट करें?
29. कामगार मुआवजा क्या है ?
30. ग्राहक संरक्षण अधिनियम के अधीन 'ग्राहक' कौन है ?

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KONKAN RAILWAY CORPORATION LIMITED

SELECTION OF MANAGEMENT TRAINEE (LEGAL)

WRITTEN TEST

Attempt any 10 questions
All questions carry equal marks

Date : 14.12.2016
Time : 3 hours

- | Q.
No. | Question |
|-----------|--|
| 1. | <p>Explain in brief the following terms under Companies Act, 2013 -</p> <ul style="list-style-type: none"> (a) Government Company (b) Independent Director (c) Key Managerial Personnel (d) Audit Committee (e) Corporate Social Responsibility |
| 2. | <ul style="list-style-type: none"> (a) What are the responsibilities of the Konkan Railway Administration as a 'Carrier' under the Railways Act, 1989 ? (b) Can property of the Railway be attached in execution of any Decree, or, Order of any Court, or, Local Authority, or, person having by law the power to attach ? Comment with specific reference to provisions under Railway Act, 1989. |
| 3. | <ul style="list-style-type: none"> (a) "Public Purpose" is comprehensively defined under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Name the activities specified as "Public Purpose" under the Act. (b) In the Act, certain criteria in assessing and determining the market value of the land by the Collector, is provided. What are these criteria ? |
| 4. | <ul style="list-style-type: none"> (a) Explain the meaning of "Service by post", "Affidavit", and "Central Government" under the General Clauses Act, 1897. (b) Explain the term "Transfer of Property" under the provisions of Transfer of Property Act, 1882, and write whether the following properties can be transferred- <ul style="list-style-type: none"> (i) A chance of an heir apparent succeeding to an estate. (ii) An easement with dominant heritage (iii) A future debt. (iv) A mere right to sue. (v) A public office (vi) A benefit of contract |
| 5. | <ul style="list-style-type: none"> (a) What do you mean by "Decree" ? (b) What are the essential elements of a Decree ? (c) In which suit preliminary Decree is to be passed ? (d) What are the modes of paying money under Decree ? (e) Who can file application for execution of Decree in the Court ? |
| 6. | <ul style="list-style-type: none"> (a) What do you mean by "Review" ? (b) Who may apply for Review ? (c) What are the grounds for Review ? (d) Who can make "Reference" and when ? (e) When and where an Appeal will lie from the Appellate Decree ? |

7. **Discuss in brief (Attempt any 2) -**
- (a) A General Rule of Law is that "No one can give that which he has not got". What are the exceptions to this Rule ?
 - (b) A General Rule of Law is that "An Agreement made without consideration is void". What are the exceptions to this Rule ?
 - (c) A General Rule of Law is that "It is the owner who can ordinarily create a valid pledge." But in some cases, even non-owner can also create a valid pledge – which are these cases ?
8. (a) Explain in brief the term "Indemnity" and "Guarantee" under the Indian Contract Act, 1872.
(b) Explain the contract of "Bank Guarantee".
(c) Who can invoke the Bank Guarantee and when ?
(d) Whether Bank can refuse to pay the Guarantee amount ?
9. (a) Section 16 of the Arbitration & Conciliation Act, 1996, provides for the competence of Arbitral Tribunal to rule on its jurisdiction – Briefly explain.
(b) Explain the status of 'Arbitration Award' and the grounds for setting aside the Arbitral Award under the provisions of the Arbitration & Conciliation Act, 1996.
10. (a) What do you mean by an Industrial Dispute under the Industrial Disputes Act, 1947 ?
(b) Whether an individual dispute can become an industrial dispute ?
11. **Write Short Notes (Attempt any 5) -**
- (a) Public Interest Litigation
 - (b) Evidence
 - (c) Workmen's Compensation
 - (d) Golden Rule of Interpretation
 - (e) Status Quo and Injunction
 - (f) Public Information Officer
 - (g) Right to Property
12. **Fill in the blanks (Attempt any 10) -**
- (a) Suit for compensation for wrong done to a person or movable person may be instituted in the Court of place where _____, or, where _____.
 - (b) Limitation for Suit against Railway for short delivery and damages will begin from the date on which _____.
 - (c) A period of Limitation for filing of Suit for Compensation is _____ from the Contract is _____.
 - (d) No Suit shall be instituted against the Government or against the public officer in respect of anything done in respect of the official capacity, expiration of _____, next after _____, in writing has been delivered.
 - (e) A period of _____ months should not elapse between the date of one Annual General Meeting of the Company and that of the next.
 - (f) Where both the parties to an Agreement are under _____, as to a matter of fact, essential to the Agreement, the Agreement is _____.
 - (g) Evidence may be given of facts _____, and _____ facts.
 - (h) The contents of a document may be proved either by _____, or, by _____ evidence.
 - (i) Bailment of goods as security of payment of debt or performance of a promise is called _____.
 - (j) A Tender is an _____ and a Tender when accepted becomes a _____.
 - (k) Laws _____ with or in _____ of the Fundamental Rights shall be void.
 - (l) An Undertaking given by a party in the Court, in civil cases, not to do a particular thing, has the effect of an _____, and a breach of it is _____.