**Business Law**

**NMIMS Solved Assignments for December 2024**

**Q1. Explain the difference between partnerships under Partnership Act, 1932 and Limited Liability Partnership Act, 2008.**

**Answer:**

**Introduction:**

The distinction between partnerships under the Partnership Act of 1932 and the Limited Liability Partnership (LLP) Act of 2008 is significant, as it addresses the evolution of business structures in India. The Partnership Act, 1932, governs traditional partnerships, where partners share profits, losses, and liabilities, leading to unlimited personal liability for the debts incurred by the partnership. This means that partners are fully liable for the obligations of the business, which can pose a risk to personal assets.

In contrast, the LLP Act, 2008, introduced a modern framework that combines the features of partnerships and corporations. An LLP provides limited liability to its partners, meaning their personal assets are protected from the LLP's debts, while allowing for flexible management structures. This legal evolution reflects the need for a business model that offers protection to its owners while maintaining the operational flexibility of traditional partnerships. Understanding these differences is crucial for individuals and businesses in choosing the appropriate structure for their ventures.

**This is partially solved sample answer**

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**Q2. In any contract, free consent is an integral part and therefore any agreement signed between parties should have free consent. Nivedita is about to enter into a contract and she needs to understand the concept of free consent. Therefore, please explain “Free Consent” and, the instances under which “Free Consent” in an agreement would be affected. Please provide examples for each of such instances.**

**Answer:**

**Introduction:**

In the realm of contract law, “free consent” is a fundamental principle ensuring that all parties involved in a contract genuinely agree to its terms without coercion, undue influence, misrepresentation, or mistake. This concept is vital because a contract is only valid if all parties enter it willingly and with an understanding of the implications. If free consent is compromised, the contract may be rendered void or voidable, leading to potential legal disputes. Nivedita must grasp the importance of free consent before entering any agreement, as it affects her rights and obligations within the contract. Understanding the scenarios that can impact free consent, such as coercion, undue influence, fraud, misrepresentation, and mistake, will help her make informed decisions and protect her interests. By recognizing these concepts, Nivedita can ensure that any agreement she enters into reflects her genuine intentions and understanding.

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**Q3. Priya is a sales field officer employed with a leading FMCG company handling B2B accounts. As part of her role, she is usually deployed at client and field sites for period ranging from couple of weeks to few months. Currently, her assignment involves working with a large conglomerate having interests in Hospitality, Hospitals, etc. Therefore, she visits at the client sites frequently and ensures that the sales and support are adequately provided.**

**She has been working with one of the leading hotel chains as the company’s client for the past 6 months and her performance has been good but in the last 2 months, she has found that few of the employees of the hotel have been hostile and offensive while interacting with her. She has been made to sit in meetings which does not require her participation. In fact, on numerous occasions, she has been yelled at. Further, the discussions during the meetings are laced with innuendos, which she felt unwelcome to be part of. In fact, few of the employees had insisted on taking her out for a private dinner which she declined and thereafter complaints have been reported against her regarding her performance to the company. She also reported this to her employer who has brushed aside her concerns stating that she is raising this issue as a counter measure to the complaints raised by the hotel against her.**

**In light of the above facts, she has approached you for an advice on the following:**

**a) Under which law can Priya claim harassment? Explain the type of harassment?**

**Answer:**

**Introduction:**

Priya, a sales field officer at a leading FMCG company, has faced hostile behavior and offensive interactions from employees at a hotel chain where she has been assigned for six months. Despite her good performance, she has experienced yelling, unwelcome innuendos, and unwanted invitations, leading to complaints against her. After reporting the issue to her employer, her concerns were dismissed. Priya seeks advice on legal avenues for addressing this harassment.

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**b) To whom can this harassment be reported and how should such reporting of harassment be dealt with?**

**Answer:**

**Introduction:**

Priya, a sales field officer at a prominent FMCG company, has encountered harassment from employees at a hotel where she works closely with clients. This includes hostile interactions, unwelcome comments, and an overall hostile work environment. After raising her concerns, her employer dismissed them, further complicating her situation. Priya seeks guidance on the appropriate channels for reporting this harassment and how such reports should be managed effectively within her organization.

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