**Business and Allied Law**

**April 2024 Examination**

**1. The term ‘caveat emptor’ is not only an essential concept for buyers but also for sellers as it absolves a seller from any further liability after a particular transaction is completed. However, With globalization, the Indian markets have come in synchrony with the global leaders and therefore, the businesses here have started realizing that consumers or buyers occupy a superior position now. In view of this, analyze whether the concept of Caveat Emptor is still relevant to contracts of Sale of Goods in the 21st Century also do you think the era should be of Caveat Venditor instead of Caveat Emptor. (10 marks)**

**Ans 1.**

**Introduction**

The principle of 'caveat emptor', meaning "let the buyer beware", has traditionally underpinned transactions, placing the onus on buyers to conduct due diligence before making a purchase. This doctrine favored sellers by limiting their obligations to disclose, effectively absolving them of liability once a sale was concluded. However, the advent of globalization and the ensuing alignment of Indian markets with global standards have ushered in a significant shift. Consumer empowerment and protection have become paramount, prompting a reevaluation of 'caveat emptor's relevance in the modern marketplace. The evolving legal landscape and consumer expectations now challenge the traditional seller-centric approach,

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**Q.2 The Central Government on recommendations of The Second National Commission on Labour proposed to replace 29 existing Labour Laws with four Codes to simplify and modernize labour regulation. The major challenge was to facilitate employment growth while protecting workers' rights. Briefly describe the four labour codes. (10 marks)**

**Ans 2.**

**Introduction**

The modernization and simplification of labour laws in India have been a significant step towards aligning the country's regulatory framework with the evolving needs of its economy and workforce. Recognizing the complexities and redundancies in the existing system, where 29 distinct labour laws created a labyrinthine legal framework, the Central Government, guided by the recommendations of The Second National Commission on Labour, embarked on a comprehensive reform process. This reform aimed at consolidating these laws into four succinct Labour Codes. This initiative was driven by a dual objective: to spur employment growth across sectors by making the regulatory environment more business-friendly, and to

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**Q.3 Mr.Reddy alleged that he purchased a pulse oximeter from XYZ Medical Shop in Secundrabad for Rs.1600/- on July 2023. However, upon testing the oximeter at home, he discovered that it did not function properly. He immediately informed the medical shop about the disfunction of the device but got an inadequate answer. The medical store offered replacement with a lower-priced alternative, but Mr. Reddy demanded a full refund. Despite his efforts, it only refunded a partial amount stating that the taxes have already been paid to the Govt. The medical store also mentioned that they were merely retailers and not responsible for the functioning or warranty of the product.**

 **(a) Analyze the case and mention the remedies available to Mr.Reddy with the help of the latest case laws. (5 marks)**

**Ans 3a.**

**Introduction**

The case involving Mr. Reddy and XYZ Medical Shop highlights a common consumer grievance regarding the purchase of defective goods, in this case, a pulse oximeter. The consumer's demand for a full refund confronts the retailer's stance of offering a lower-priced replacement or a partial refund, citing tax payments and disclaiming responsibility for the product's functionality. This scenario underscores the need to examine consumer rights and

**(b) Explain the redressal machinery as available under the Consumer Protection Act and mention the forum to which Mr. Reddy should approach. (5 marks)**

**Ans 3b.**

**Introduction**

The Consumer Protection Act provides a comprehensive mechanism for the redressal of consumer grievances, designed to offer quick and effective remedies to consumers facing issues with goods and services. This legal framework establishes a three-tier system of consumer courts at the district, state, and national levels, ensuring that consumers have accessible venues for lodging complaints and seeking justice. The Act empowers consumers