

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 7 Total number of printed pages : 7

NOTE : Answer SIX questions including Question Nos.1 and 7 which are compulsory.

1. With reference to the relevant legal enactments, write short notes on any five of the following :

- (i) Cartels
- (ii) Principles governing temporary injunction
- (iii) Powers of the RBI to compound contraventions of foreign exchange transactions.
- (iv) Impact of money laundering on development
- (v) Secrecy of certain inventions
- (vi) Restrictions on acceptance of foreign hospitality.

(3 marks each)

2. (a) "Every trade practice, which is in restraint of trade, is not necessarily a restrictive trade practice." Comment.

(3 marks)

(b) Do the following amount to restrictive or unfair trade practices ? Give reasons in respect of your answer and mention decided case law, if any :

- (i) A company engaged in the business of manufacture of electronic goods withholds supplies to one of its dealers for reason of delayed payments by the dealer for the goods supplied earlier.

- (ii) An advertisement in a leading newspaper stated that TV sets are being manufactured by the company in collaboration with a foreign company even though the government had not permitted any foreign collaboration for TV manufacture.
 - (iii) A newspaper offered insurance cover to its existing and future subscribers without receiving any extra amount for newspaper or any premium.

(2 marks each)
 - (c) Mention the provisions of the Competition Act, 2002 relating to regulation of combinations.

(3 marks)
 - (d) Write a short note on 'special economic zones' (SEZs).

(3 marks)
3. (a) With reference to the relevant provisions of the Foreign Exchange Management Act, 1999 and the Foreign Exchange Management Regulations, 2000, advise on the following :
- (i) Crescent Ltd. is interested in issuing shares under the Employees Stock Option Scheme to persons resident outside India.
 - (ii) Mozart Ltd., an Indian company, after winning the bid, intends to approach the authorised dealer for remittances towards acquisition of the foreign company.
 - (iii) A mutual fund, registered in India, is interested to invest in the rated bonds of a listed overseas company which has shareholding of 5% in a listed Indian company.

(iv) Somesh, a person resident in India, availed of US\$3,000 for his one month's private visit to USA in June, 2006. He intends to make another private visit to Europe for one month in December, 2006 and avail of US\$4,000.

(2 marks each)

(b) Mention the classes of capital account transactions which are permissible to the persons resident in India under the Foreign Exchange Management (Permissible Capital Account Transactions) Regulations, 2000.

(4 marks)

(c) Write a brief note on 'competition advocacy' under the Competition Act, 2002.

(3 marks)

4. (a) Mention the provisions of the Trade Marks Act, 1999 regarding infringement of registered trade marks.
- (b) Elaborate the powers of copyright owner in the event of infringement of his rights under the Copyright Act, 1957.
- (c) State any five important grounds on which the grant of patent can be opposed under the Patents Act, 1970.

(5 marks each)

5. (a) Chhote Lal, a customer of a bank, while waiting to deposit cash of Rs.45,000 at the bank counter was robbed of his bag containing cash by a person who confronted him with a revolver. The bank security guard did not catch the person even when he was

alerted by Chhote Lal. Chhote Lal filed a complaint with the District Forum against the bank for deficiency in service and sought relief. Will he succeed ?

(5 marks)

- (b) Do the following transactions amount to contravention of the Foreign Contribution (Regulation) Act, 1976 ? Give reasons in support of your answer and refer to relevant provisions :

- (i) Abhay, general secretary, Loktantrik Sangathan, Moradabad (UP) receives a sum of US\$1,000 by way of payment in the ordinary course of business transacted by him outside India.
- (ii) Avtar, a government servant, is in receipt of contribution by way of gift as a member of Indian delegation.
- (iii) Vidur, a District and Sessions Judge, accepts a diamond studded watch from his relative residing in UK.
- (iv) Sanjay, a private school teacher, is given a gift by his student living in USA for his personal use and the market value of the article is Rs.2,200 only.
- (v) Sarva Kalyan Morcha, an organisation pursuing a definite social programme, is in receipt of \$5,000 from a charitable trust in Canada.

(1 mark each)

- (c) A newly-wedded couple Anand and his wife Anjali had gone to Kathmandu for their honeymoon. They could not return in time to attend the reception as the airline authorities failed to inform them about

cancellation of their return flight. They lodged a complaint with the consumers' forum for grant of compensation. However, the airlines authorities pleaded that the mistake was on the part of their agent whom the airlines authorities had informed about the cancellation of the flight. Will they succeed in getting compensation ? Give reasons in support of your answer.

(5 marks)

6. (a) Enumerate the main provisions of the Public Liability Insurance Act, 1991.

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Write a brief note on the principles of sustainable living.

- (b) Mention the provisions of the Environment Protection Rules, 1986 regarding environmental clearance and location of industries.
- (c) Describe briefly the procedure to be adopted when a sample of water from any trade effluent, which is passing from any plant into a stream or well, is taken for analysis under the Water (Prevention and Control of Pollution) Act, 1974.

(5 marks each)

7. (a) Discuss any two of the following :
- (i) Personnel policies
 - (ii) Contract of apprenticeship
 - (iii) Industrial discipline.

(5 marks each)

- (b) Attempt *any five* of the following stating the relevant legal provisions and case law, if any :
- (i) There was a canteen and a cycle stand run by a private contractor in a theatre premises. Is the theatre owner liable to pay ESI contribution as 'principal employer' ?
 - (ii) Prem and Qureshi established a legal consultancy firm. They employed three law graduates, a stenographer and a typist to assist the firm. After five years, the services of the stenographer were terminated without assigning any reason. He raised a dispute before the Labour Court asking for reinstatement or retrenchment compensation as contemplated by the Industrial Disputes Act, 1947. Will he succeed ?
 - (iii) Sameer died suddenly while working in a factory. The workmen refused to resume work to express solidarity with the deceased worker. Does the action of the workmen amount to strike under the Industrial Disputes Act, 1947 ?
 - (iv) Rajesh was occupying service quarters of the company. After his retirement, he did not vacate the quarters. In retaliation, the company withheld the gratuity payable to him. Is the action of the company justified ?
 - (v) Fragile Ltd. was running in continuous losses for 5 years. As a result, the company's financial position worsened. The company declared lay-off of 10 of its employees. The employees protested the lay-off. Is the action of the employer justified ?

- (vi) A union of dock workers demanded higher wages for its members from the dock owners which was refused by the owners contending that there was stiff competition. Aggrieved by this, the union asked its members not to handle any work and this affected the trade of many producers and they brought action against the union officials for this tortuous act. Can the union officials be held liable under the Trade Unions Act, 1926 ?
- (vii) A small-scale establishment uses materials, like sleepers, bolts, nuts, etc., for supply to the railway department for laying tracks. Is the establishment carrying on 'manufacturing process' ?

(3 marks each)

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