

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) Industrial Entrepreneur Memorandum
  - (ii) Foreign security
  - (iii) Water pollution
  - (iv) Contents of complete specification
  - (v) International copyright
  - (vi) Objectives of the Competition Act, 2002
  - (vii) Registered user.

*(3 marks each)*
2. State, with reasons in brief, whether the following statements are true or false. Attempt *any five* :
  - (i) All 'inventions' are patentable.
  - (ii) Competition kills competition.
  - (iii) A 'trade practice' does not include a single or isolated action of any person in relation to any trade.
  - (iv) The Monopolies and Restrictive Trade Practices Act, 1969 seeks to regulate 'trade practices' and not 'trade'.
  - (v) The three-tier machinery for the redressal of consumer disputes and grievances under the Consumer Protection Act, 1986 is 'quasi-judicial

in nature'.

- (vi) 'Person resident of India' is a person residing in India for more than 182 days during the preceding financial year.
- (vii) A certification trade mark is a 'trade mark' under the Trade Marks Act, 1999.

*(3 marks each)*

3. (a) Distinguish between *any two* of the following :
- (i) 'Letter of intent' and 'industrial licence'.
  - (ii) 'Intellectual property' and 'industrial property'.
  - (iii) 'Political party' and 'an organisation of political nature'.

*(5 marks each)*

- (b) Re-write the following sentences after filling-up the blank space with appropriate word(s) so as to convey the correct meaning :
- (i) Literary, dramatic, musical or artistic works enjoy copyright protection for \_\_\_\_\_ years after the death of the author.
  - (ii) The District Forum, the State Commission or the National Commission constituted under the Consumer Protection Act, 1986 shall not admit a complaint unless it is filed within \_\_\_\_\_ years from the date on which the cause of action has arisen.
  - (iii) Foreign contribution means the donation, delivery or transfer made by a foreign source of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, does not exceed Rs. \_\_\_\_\_.
  - (iv) The Noise Pollution (Regulation and Control)

Rules, 2000 provide that a loud speaker or a public address system shall not be used at night between \_\_\_\_\_ except in closed premises.

- (v) Any transaction, which alters the assets or liabilities including contingent liabilities, outside India of persons resident in India or assets or liabilities in India of any person resident outside India, is defined as a \_\_\_\_\_.

*(1 mark each)*

4. (a) State whether the following transactions are valid and permitted under the Foreign Exchange Management (Current Account Transactions) Rules, 2000 :

- (i) An NRI sent a gift of US \$6,000 to his younger sister on her marriage in June, 2006 and again sent another gift of US \$4,000 on the occasion of marriage of his younger brother in November, 2006.
- (ii) An Indian patient is in need of specialised medical treatment in a US hospital at a cost of US \$1,25,000.
- (iii) A student, after graduation, wants to proceed to USA for pursuing higher studies in an engineering course for which he requires US \$1,25,000 per academic year, which is the estimate from the foreign university.
- (iv) An Indian businessman wants to remit US \$10,000 for purchase of a trade mark/franchise in India.
- (v) A company incorporated in India has to make a remittance of US \$90,000 by way of reimbursement of pre-incorporation expenses.

*(1 mark each)*

(b) Explain the concept of 'special economic zone' (SEZ).

(5 marks)

(c) Mention the important factors which the Competition Commission of India will take into consideration for determining whether an agreement has an 'appreciable adverse effect' on competition.

(5 marks)

5. Attempt *any three* of the following :

(i) A tenant entered into a lease agreement of a flat for use as residential house. After occupying the flat, the tenant demanded of the landlord to effect some repairs and re-paint the building. The owner refused on the ground that there was no such clause in the lease agreement. The tenant filed a complaint in the Consumer Disputes Redressal Forum for 'deficiency in service'. Will he succeed ?

(5 marks)

(ii) What are the powers of the Central Government to prohibit receipt of foreign contribution under the Foreign Contribution (Regulation) Act, 1976 ?

(5 marks)

(iii) Mention the conditions subject to which a patent is granted under the Patents Act, 1970.

(5 marks)

(iv) Enumerate the general powers of the Central Government for protecting and improving the quality of the environment and for preventing, controlling and abating environmental pollution under the Environment (Protection) Act, 1986.

(5 marks)

6. Attempt *any three* of the following :
- (i) Mention the provisions of the National Environment Tribunal Act, 1995 relating to compensation for death, injury to a person and damage to property and environment.  
(5 marks)
  - (ii) Discuss the provisions of the Trade Marks Act, 1999 regarding assignment and transmission of registered trade marks.  
(5 marks)
  - (iii) Mention the provisions of the Environment (Protection) Act, 1986 relating to offences by companies.  
(5 marks)
  - (iv) Avtar made a complaint to the Consumer Disputes Redressal Forum that the Regional Provident Fund Commissioner had not settled his provident fund dues within the period stipulated in the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and for the 'deficiency in service'. He also claimed damages for non-settlement of the dues within the stipulated period. The Regional Provident Fund Commissioner in his reply contended that there was no hiring of service for consideration since he was performing a statutory function. Will Avtar succeed?  
(5 marks)
7. (a) Discuss *any two* of the following :
- (i) Adjudication as a method of resolution of industrial disputes
  - (ii) Lay-off compensation
  - (iii) General duties of the occupier

(iv) Employee welfare.

(5 marks each)

(b) Attempt *any five* of the following stating relevant legal provisions and case law, if any :

- (i) A driver of a bus was involved in an accident which impaired the movement of his left hand. He claimed compensation for permanent total disablement under the Workmen's Compensation Act, 1923. The employer contested the claim stating that the driver is capable of performing other duties. Will the driver succeed ?
- (ii) Rajat was suspended from service by the company. He was subsequently reinstated with full back wages. The company refused to pay bonus for the period of his suspension. Is Rajat entitled to get bonus for the period of his suspension ?
- (iii) Arpit was dismissed from service for an act of misconduct. The company did not pay him any bonus. Arpit contended that he was eligible for payment of bonus for the accounting year in which dismissal took place. Will he succeed ?
- (iv) Jay-Kay Ltd. employed casual workmen for a short duration of two months to execute a contingency plan of its operations. Are the casual workmen entitled for provident fund contribution from the employer ?
- (v) Kailash, a teacher in a private school having a basic salary of Rs.3,500 per month, claims gratuity from the school management when he resigned from the service after serving for a period of 12 year. Will he succeed ?

- (vi) Cement Employees' Union took up the case of a dismissed non-union member employee and raised an industrial dispute. The management of the company contended that the employee was not a member of any union recognised by the company and, therefore, there cannot be any industrial dispute in this case. Will the employer's stand succeed ?
- (vii) Bahadur, an employee deputed by the management to participate in a football match, met with an accident resulting in his death while on his way to the playground. Is it an 'employment injury' under the Employees' State Insurance Act, 1948 ?

*(3 marks each)*

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