

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 7

Total number of printed pages : 4

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

1. State, giving reasons in brief, whether the following statements are true or false. Attempt **any five** :
 - (i) Money laundering is inextricably linked to the underlying criminal activity that generates it.
 - (ii) An Indian citizen resident outside India can acquire any immovable property in India.
 - (iii) The Consumer Protection Act, 1986 was enacted to provide for better protection of the interests of consumers.
 - (iv) Quasi-judicial forums under the Consumer Protection Act, 1986 are to be construed as judicial authorities and the proceedings before them can be taken to be legal proceedings.
 - (v) Grant of patent confers on the patentee to commercially exploit his invention without any conditions.
 - (vi) A copyright owner possesses the individual right of exclusive enjoyment similar to that of a patentee of an invention as also right to dispose of the manuscript.
(3 marks each)

2. With reference to the relevant legal enactments, write short notes on **any five** of the following :
 - (i) Term of patent
 - (ii) Collective trade marks
 - (iii) Objective of the Public Liability Insurance Act, 1991
 - (iv) Remedies against infringement of copyright
 - (v) Anti-competitive agreements
 - (vi) Resale price maintenance.
(3 marks each)

3. (a) Distinguish between **any two** of the following :
 - (i) 'Association' and 'political party' under the Foreign Contribution (Regulation) Act, 1976.
 - (ii) 'Registered proprietor of a trade mark' and 'registered user of a trade mark' under the Trade Marks Act, 1999.

- (iii) 'Relevant market' and 'relevant geographic market' under the Competition Act, 2002.
- (iv) 'Foreign exchange' and 'net foreign exchange earnings' under the Foreign Exchange Management Act, 1999.

(5 marks each)

- (b) Re-write the following sentences after filling-up the blank spaces with appropriate word(s)/figure(s) :

- (i) The total financial commitment of the Indian party in joint ventures/ wholly-owned subsidiaries abroad does not exceed _____ of the net worth as on the date of its last audited balance sheet.
- (ii) The redressal agencies 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) Every offence punishable under the Prevention of Money Laundering Act, 2002 is a _____ offence.
- (iv) As per a historic Supreme Court judgement, an application for compensation in a pollution case is maintainable under Article _____ of the Constitution of India.
- (v) The National Environment Tribunal Act, 1995 provides for _____ liability for damages arising out of any accident occurring while handling any hazardous substance.

(1 mark each)

4. (a) What are the conditions for making investment in the financial services sector in an overseas entity by an Indian company ?

(4 marks)

- (b) Mention the specified details and documents to be furnished by a company/body corporate issuing Foreign Currency Convertible Bonds (FCCBs) to the Reserve Bank of India.

(3 marks)

- (c) With reference to the relevant provisions of the Foreign Exchange Management Act, 1999 and the rules and regulations made thereunder, advise on **any four** of the following :

- (i) An Indian company wishes to issue shares under the Employees Stock Option Scheme (ESOS) to its employees who are residents outside India.
- (ii) An Indian company intends to issue bonus shares to its non-resident shareholders.

- (iii) Rameshwar, a person resident in India, wishes to acquire foreign securities as qualification shares issued by a company incorporated outside India for holding the position of a director in the company.
- (iv) An Indian party intends to make direct investment in a joint venture outside India.
- (v) A person resident outside India wants the remittance of proceeds of a security sold in India.

(2 marks each)

5. (a) Mention the rights considered as intellectual property by the Convention establishing World Intellectual Property Organisation, 1967.

(5 marks)

- (b) What are the provisions of the Patents Act, 1970 regarding patents of addition ?

(5 marks)

- (c) (i) Define 'deficiency in service' as contained in the Consumer Protection Act, 1986.

(3 marks)

- (ii) Dhan-Dhan Bank Ltd., a scheduled bank, was to arrange remittance of a guaranteed amount to Prakash, a non-resident, in foreign currency after obtaining requisite approvals from authorities concerned. There was a delay in payment. Aggrieved by this, Prakash approached the Consumer Disputes Redressal Forum for relief. Will he succeed ?

(2 marks)

6. Answer **any three** of the following :

- (i) Mention five important entitlements allowed by foreign trade policy to the units established in the Special Economic Zone (SEZ).
- (ii) What are the general powers of 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 ?
- (iii) Rohit sought admission to a law college affiliated to EXCEL University. The university refused to provide LL.B Degree Certificate to Rohit on completion of the course on the ground that the qualifying examination on the basis of which Rohit was admitted in the LL.B course in the college has not been recognised by it. Rohit has filed a case in the Consumer Disputes Redressal Forum against the university and claimed relief. Will Rohit succeed ?
- (iv) What is meant by 'copyright' in the case of a computer programme ? When is a copyright infringed under the Copyright Act, 1957 ?

(5 marks each)

7. (a) Discuss **any two** of the following :

- (i) Personnel policies.
- (ii) Certification of draft standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- (iii) Benefits to an insured person under the Employees' State Insurance Act, 1948.
- (iv) General duties of an 'occupier' under the Factories Act, 1948.

(5 marks each)

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

- (i) All the partners of a firm were in full-time employment and worked in the premises of a factory. They sought all the benefits as entitled to the workers under the Factories Act, 1948. Will they succeed ?
- (ii) A workman while returning home after duty was murdered by miscreants within the premises of the employer. The miscreants had no relationship with the employer. The deceased workman's wife sought compensation from the employer. Will she succeed ?
- (iii) The employees of a bank went on strike for a portion of a day. The bank deducted wages against the amount due to them in a month treating the period of strike as absent from duty. There was no provision in the contract of employment for deduction of wages for the period for which the employees refused to work although work was offered to them. Is the bank justified in deducting their wages ?
- (iv) The workmen, who had participated in an illegal strike, did not resume their duties which affected production in the units. The employer dismissed these workmen under the standing orders. Is the employer's action justified ?
- (v) In a factory, the canteen was run by a contractor who used to bring his workers for working in the canteen. These workers later on claimed that they were entitled to salary and other monetary benefits like other regular employees of the factory. Will they succeed ?
- (vi) A contractor was entrusted with the repairs of a defective chimney of a company. A workman engaged by him was injured while carrying out repairs in the premises of the company. The workman claimed compensation from the company. Will he succeed ?
- (vii) After appointment of employees on regular rolls, a bank found, on scrutiny, that one of such employees was irregularly appointed. His appointment was thus, terminated. The aggrieved employee approached the court against the action of termination by the bank. Will he succeed ?

(3 marks each)

