

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

- (i) Competition advocacy
- (ii) Impact of money laundering on development
- (iii) Off-shore banking unit
- (iv) Net foreign exchange earnings
- (v) Predatory pricing
- (vi) Jurisdiction of National Consumer Disputes Redressal Commission
- (vii) Abuse of dominant position.

(3 marks each)

2. State, with reasons in brief, whether the following statements are correct or incorrect. Attempt **any five** :

- (i) The doctrine of *caveat emptor* has been replaced by consumer sovereignty.
- (ii) Special economic zones can import capital goods, whether new or second-hand, without payment of duty.
- (iii) Consumers need no special protection. All can be safely left to the free play of market forces.
- (iv) Intellectual property relates to pieces of information which can be incorporated in tangible objects.
- (v) Even negligence on the part of legal advisors in properly drafting the complaint against a company can make the company liable under the strict provisions of environmental laws.
- (vi) Industrial property right is a collective name for rights referring to the commercial or industrial activities of a person.

(3 marks each)

3. (a) Distinguish between **any two** of the following :

- (i) 'Patent' and 'patent of addition' under the Patents Act, 1970.

- (ii) 'Trade mark' and 'well-known trade mark' under the Trade Marks Act, 1999.
- (iii) 'Relevant geographic market' and 'relevant product market' under the Competition Act, 2002.
- (iv) 'Political party' and 'organisation of political nature' under the Foreign Contribution (Regulation) Act, 1976.

(5 marks each)

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

- (i) If the application for permission to accept foreign contribution by an individual, association or organisation is not disposed off within _____ days from the date of its receipt, the permission so applied shall be deemed to have been granted by the Central Government.
- (ii) The length of protection of copyright is author's life-time plus _____ years from the beginning of the calendar year next following the year in which the work was just published.
- (iii) The foreign trade policy prohibits the export or import by any person without an _____ unless specifically exempted.
- (iv) Special economic zones have been put under the administrative control of the _____.
- (v) Under the Consumer Protection Act, 1986, a complaint has to be filed to the Consumer Disputes Redressal Forum within _____ years from the date on which the cause of action arises.

(1 mark each)

4. (a) What are the anti-competitive agreements which are presumed to have an appreciable adverse effect on competition under the Competition Act, 2002 ?

(5 marks)

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

- (i) A person resident of India intends to acquire foreign security as qualification shares in a company incorporated outside India for holding the post of director in the company.
- (ii) Rakesh, an NRI, will be on business trip to India. His friend Suresh is interested to play host to him during his stay in India for 10 days.
- (iii) Rohan, an MBBS, is interested to pursue higher studies for obtaining M.S. degree from a university in USA. He requires US\$1,30,000 for the payment of fees to the university.

(iv) Happy Infotech Ltd., a company incorporated in India, intends to issue shares to its employees who are residents in USA.

(v) Rohit is suffering from a chronic disease for which he requires medical treatment in a hospital in USA at a cost of US\$1,00,000.

(2 marks each)

5. (a) Mention the general principles regarding the working of patented inventions laid down in the Patents Act, 1970.

(5 marks)

(b) Swapan, a publisher, is interested in obtaining a licence to produce and publish a translation of a literary work. Advise him about the relevant provisions of the Copyright Act, 1957.

(5 marks)

(c) Lalitha, daughter of Narayan, during her train journey, fell down from the running train while she was passing through the inter-connecting passage between two compartments and died due to head injuries. When Narayan filed a complaint with the Consumer Disputes Redressal Forum, the railways contended that the redressal forum under the Consumer Protection Act, 1986 had no jurisdiction to consider a complaint of this nature in view of section 15 of the Railway Claims Tribunal Act, 1987 read with section 13 of the said Act. Will Narayan succeed? Give reasons in support of your answer.

(5 marks)

6. (a) A major leakage of poisonous gas occurred in an industrial plant causing death of 50 workers besides injuring 300 others. The occupier of the plant pleaded that he had exercised due diligence in the discharge of his duties and that the leakage was by an act of God. State, giving reasons, whether the occupier will succeed in his defence.

(5 marks)

(b) Mention briefly the provisions of the Public Liability Insurance Act, 1991.

(5 marks)

(c) Mention the relevant provisions of the Environment (Protection) Act, 1986 and the rules made thereunder regarding environmental clearance and location of factories.

(5 marks)

7. (a) Write notes on **any two** of the following :

(i) Procedure for certification of standing orders under the Industrial Employment (Standing Orders) Act, 1946.

- (ii) Provisions of the Industrial Disputes Act, 1947 regarding retrenchment of an employee.
- (iii) Collective bargaining.
- (iv) Powers and duties of the Employees' State Insurance Corporation (ESIC).

(5 marks each)

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

- (i) An employee retired on reaching the age of superannuation. However, the employer withheld his gratuity on the ground that certain criminal proceedings, which had commenced prior to his retirement, against him for causing misappropriation of substantial cash were still continuing. Is the action of management justified ?
- (ii) The workers of Manya Engineering Works gheraoed their personnel manager to compel him to accept their demands. When the management took disciplinary action against them, they went to the court and claimed immunity under the Trade Unions Act, 1926. Will they succeed ?
- (iii) An employee was terminated, but subsequently reinstated with full back wages. However, the management did not pay him bonus. Is the employee entitled to claim bonus under the provisions of the Payment of Bonus Act, 1965 ?
- (iv) During the pendency of a proceeding before a tribunal, the employer wants to make certain changes in the conditions of service of workmen. The said modifications, however, were not in respect of any matter connected with the dispute pending before the tribunal. Will the employer be able to effect such changes in the conditions of service of workmen ?
- (v) An industrial establishment engaged an employee to assist in one or the other operational work incidental to its main industrial operation. However, the employer denied such an employee the status of a workman on the ground that his work was not directly connected with the main operation of the industrial establishment. Can the management do so ?
- (vi) The management of a Tea Estate terminated the services of a technician on the ground of incompetence. Later on, the cause was espoused by the workers' union who raised an industrial dispute. The management of Tea Estate contended that the employee was not a member of the workers' union and that there could not be an industrial dispute in this case. Will the management succeed in its stand ?
- (vii) The Municipal Board entrusted electrification work of a town to the State employees. A workman was injured while performing his work. Who will be liable to pay compensation – the Municipal Board or the State ? Why ?

(3 marks each)

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