

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) Concept of sustainable development
- (ii) Element of 'novelty' in an invention
- (iii) Financial Action Task Force
- (iv) Project exports
- (v) Predatory pricing
- (vi) Competition policy.

(3 marks each)

2. State, giving reasons in brief, whether the following statements are true or false. Attempt **any five** :

- (i) An export oriented unit (EOU) can export goods manufactured by it through another export oriented unit (EOU).
- (ii) Unfair trade practices include offering gifts or prizes for promotional contests.
- (iii) Tie-up arrangements hardly serve any purpose beyond suppression of competition.
- (iv) The object of the Foreign Contribution (Regulation) Act, 1976 is to legalise foreign donations and hospitality to office bearers of political parties.
- (v) The term of copyright in published literary works and cinematograph films is 60 years.
- (vi) A patent is granted for a definite period.

(3 marks each)

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

- (i) 'Person' and 'authorised person' under the Foreign Exchange Management Act, 1999.
- (ii) 'Political party' and 'an organisation of political nature' under the Foreign Contribution (Regulation) Act, 1976.
- (iii) 'Invention' and 'patentable invention' under the Patents Act, 1970.

(4 marks each)

- (b) Re-write the following sentences after filling-up the blank spaces with appropriate word(s)/figure(s) :
- (i) Offshore banking unit means a branch of a bank located in a \_\_\_\_\_ and which has obtained the permission under the Banking Regulation Act, 1949.
  - (ii) Group means two or more enterprises, which directly or indirectly are in a position to exercise \_\_\_\_\_ or more of voting rights in other enterprises.
  - (iii) The term restrictive trade practice, *inter alia*, intends to bring about \_\_\_\_\_ of process or conditions of delivery to effect the flow of supplies in the market relating to goods or services.
  - (iv) The total financial commitment of the Indian party in joint ventures/wholly owned subsidiaries does not exceed \_\_\_\_\_ of the net worth as on the date of the last audited balance sheet.
  - (v) Without furnishing the declaration, goods not exceeding the value of \_\_\_\_\_ per transaction can be exported to Myanmar under the Barter Trade Agreement between the Government of India and the Government of Myanmar.
  - (vi) Release of foreign exchange exceeding US\$\_\_\_\_\_ for business travel requires prior approval of the Reserve Bank of India (RBI).
  - (vii) A remittance exceeding US\$ \_\_\_\_\_ by an entity in India by way of reimbursement of pre-incorporation expenses requires prior approval of RBI.
- (1 mark each)*
4. (a) 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) Tomb Ltd. desires to make payment of commission on the exports made towards equity investment in its wholly owned subsidiary abroad.
  - (ii) Hari, while on a visit abroad, used his international credit card for making payment towards meeting stay expenses.
  - (iii) Jolly, a resident in India, desires to acquire 5% of the paid-up share capital of the company abroad to hold the post of director in the foreign company, as qualification shares.
  - (iv) Ramesh, an NRI, desires to invest on repatriation basis in derivatives contracts, approved by the Securities and Exchange Board of India through stock exchanges.
- (2 marks each)*
- (b) Explain the powers of the Central Government to prohibit receipt of foreign contribution under the Foreign Contribution (Regulation) Act, 1976.
- (4 marks)*
- (c) Mention briefly powers of the Competition Commission of India under the Competition Act, 2002.

*(3 marks)*

5. Attempt **any three** of the following :

- (i) Define the term 'service' as contained in the Consumer Protection Act, 1986. Are railway passengers and telephone subscribers 'consumers' under the Consumer Protection Act, 1986 ? Refer to decided case law.
- (ii) Name the persons who can make an application for the sealing of patent under the Patents Act, 1970.
- (iii) Mention the remedies for infringement of copyrights under the Copyright Act, 1957.
- (iv) What are the acts which do not amount to infringement of a trade mark under the Trade Marks Act, 1999 ?

(5 marks each)

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

- (i) Rajesh made a complaint before the Consumer Disputes Redressal Forum for seeking compensation against the State Electricity Board contending that due to fluctuations and fall in electricity voltage in his small scale industrial unit, he suffered production loss. Will he succeed ?
- (ii) Mention the salient features of the Supreme Court judgement in the matter of M.C. Mehta and Another *vs.* Union of India and Others (1987) relating to liability for pollution.
- (iii) After the date of booking for purchase of a car, Rakshit was asked to pay differential amount of increase in the central excise duty at the time of delivery of the car. Rakshit refused to pay the amount and moved the Consumer Disputes Redressal Forum. Will he succeed ?
- (iv) Rohit, the insured (since deceased), took out four life insurance policies with double accident benefits, premium payable half-yearly. When the premium fell due, the general agent of the LIC of India met Rohit and took a bearer cheque towards the premium payable by him in respect of the policies. Although the agent had encashed the cheque immediately thereafter, the amount was not deposited with the LIC of India. Meanwhile, the insured met with a fatal accident. The widow of Rohit filed a claim for the payment of the sum assured. Will she succeed ?

(5 marks each)

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

- (i) Persons responsible for the payment of wages under the Payment of Wages Act, 1936.
- (ii) Industrial unrest.
- (iii) Object and scope of the Industrial Disputes Act, 1947.

(5 marks each)

- (b) Attempt **any five** of the following stating relevant legal provisions and decided case law, if any :
- (i) The workers in a factory went on sit-down strike resulting in stoppage of work. The management sought the help of the police and removed them forcibly when they refused to vacate the premises and indulged in violence. Later on, the organisation dismissed those workers. The workers claimed immunity from criminal action under the Trade Unions Act, 1926. Will they succeed ?
  - (ii) A worker after an accident became partially disabled and could not do his earlier work. However, the employer offered him another kind of job which he could do without any difficulty. Despite the offer of another job, the worker demanded compensation for partial disablement. Will he succeed ?
  - (iii) An electrician, who had to go frequently to a heating room from a cooling plant, contracted pneumonia which resulted in his death. Will it be construed as 'physical injury' ?
  - (iv) A worker was placed under suspension and disciplinary proceedings were initiated against him. The proceedings could not be completed in 90 days after which the suspended worker demanded increase in subsistence allowance under the Industrial Employment (Standing Orders) Act, 1946. Will he succeed ?
  - (v) An employee was suspended, but after an inquiry, he was reinstated with full back wages. He claimed bonus for the period of suspension. Will he succeed ?
  - (vi) A worker went on leave. He continued to remain absent from duty even after the expiry of leave. The employer treated the 'absence from duty without leave' as breach of continuity of service for the purposes of the Payment of Gratuity Act, 1972. Is the employer justified ?
  - (vii) The workers in a factory went on strike. The strike was legal. The employer deducted wages for the strike period on the ground that the legality of strike did not always exempt the workers from deduction of their wages for the period of strike. Was the employer's action justified ?

(3 marks each)

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