

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) Basic rights of consumers
- (ii) Money laundering
- (iii) Competition policy
- (iv) Absolute grounds for refusal of registration of a trade mark
- (v) Bid rigging
- (vi) Potential infringement of a patent
- (vii) Persons entitled to claim compensation under the National Environment Tribunal Act, 1995.

(3 marks each)

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

- (i) The provisions of the Consumer Protection Act, 1986 are in derogation of the provisions of other existing laws.
- (ii) Patents, copyrights and trade marks are included in the category of intangible personal property.
- (iii) Competition kills competition.
- (iv) No government servant can, under any circumstances whatsoever, receive foreign hospitality.
- (v) An application for compensation in a pollution case can be maintained under Article 32 of the Constitution of India.
- (vi) The 'licence raj' was given a decent burial by the liberalisation policy of the government.

(3 marks each)

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

- (i) 'Current account transaction' and 'capital account transaction'.
- (ii) 'Foreign contribution' and 'foreign hospitality'.
- (iii) 'Unfair trade practice' and 'restrictive trade practice'.
- (iv) 'Intellectual property' and 'industrial property'.

(5 marks each)

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

- (i) The term of every patent granted under the Patents Act, 1970 shall be _____ years from the date of filing of the application for the grant of patent.
- (ii) The Trade Marks Act, 1999 allows renewal of registration for successive periods of _____ years from the date of the original registration or the last renewal.
- (iii) A person aggrieved by the decision of the Appellate Tribunal under the Foreign Exchange Management Act, 1999 has a right to appeal to the High Court within _____ days from the date of the communication of the decision of the tribunal.
- (iv) The Foreign Exchange Management (Current Account Transactions) Rules, 2000 prohibit remittances exceeding US \$ _____ by an entity in India by way of reimbursement of pre-incorporation expenses.
- (v) Every candidate for election who had received any foreign contribution at any time within _____ days immediately preceding the date on which he is duly nominated as such, the candidate is required to give an intimation as to the amount, source, manner of its receipt to the Central Government.

(1 mark each)

4. (a) Mention the duties, powers and functions of the Competition Commission of India.

(9 marks)

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

- (i) Shashi, an Indian resident, has received a letter from her friend Ruchi, an NRI to visit India on a business trip for 15 days. Shashi is interested to incur expenditure on her hospitality.
- (ii) Aditya wants to draw foreign exchange for attending a conference in Bangladesh.
- (iii) Rohit, a person resident in India, is keen to make a gift of US \$2,500 to his brother Mohit who is a resident outside India on the occasion of his marriage.
- (iv) An Indian party, after having won the bid, approached an authorised dealer for further remittance towards acquisition of a foreign company.

(2 marks each)

5. (a) A contract contained an arbitration clause. One of the parties, however, made a complaint before the Consumer Disputes Redressal Forum seeking relief. The other party, in defence, pleaded that the consumer forum has no jurisdiction to entertain the complaint. Will the defending party succeed? Give reasons.

(5 marks)

- (b) Briefly mention the precautions you would take to ensure that your application for the grant of patent is not rejected.
(5 marks)
- (c) State the principles of sustainable living.
(5 marks)
6. Attempt **any three** of the following :
- (i) A contract was entered into between the landlord and the tenant for hiring a residential flat at Anand Niketan, Mumbai. Contrary to the contract, the landlord refused to provide the agreed facilities to the tenant. As a consequence, the tenant and his family members suffered ill-health and mental agony. On being aggrieved, the tenant lodged a complaint before the Consumer Disputes Redressal Forum. Will he succeed ?
- (ii) What are the situations in which a copyright shall be deemed to be infringed ?
- (iii) What are the acts which do not constitute an infringement of a trade mark ?
- (iv) What is meant by 'hazardous substance' ? What are the provisions of the Environment (Protection) Act, 1986 relating to the handling of hazardous substances ?
(5 marks each)
7. (a) Write notes on **any two** of the following :
- (i) Privileges of a registered trade union
- (ii) Workers participation in management
- (iii) Grievance handling procedure
- (iv) Principles governing domestic enquiry.
(5 marks each)
- (b) Attempt **any five** of the following stating relevant legal provisions and decided case law, if any :
- (i) Some workmen were engaged on casual basis for doing a particular urgent work. Their services were terminated after the particular work was completed. Would it amount to retrenchment ?
- (ii) During the pendency of proceedings before the industrial tribunal, the employer wants to make certain changes in the conditions of services of workmen. The said changes are, however, not in respect of any matter connected with the dispute pending before the tribunal. Can the employer do so ?
- (iii) A dispute arose about the payment of subsistence allowance to a suspended employee. He claimed the allowance as per the rates prescribed by the law of the particular State. The employer wanted to pay as per the rate specified in the Industrial Employment (Standing Orders) Act, 1946. Will the employee succeed ?

- (iv) An industrial undertaking engaged a person in employment to assist in one or the other operations incidental to its main industrial operations. 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 operations of the industry. Will the employer succeed ?
- (v) An employee retired on attaining the age of superannuation. The employer withheld his gratuity on the ground that certain criminal proceedings which had commenced prior to his retirement against him for causing mis-appropriation of substantial cash were still pending. Is the action of the employer justified ?
- (vi) A registered trade union initially supported an individual dispute of a workman. The support was subsequently withdrawn by the trade union. Will the jurisdiction of the adjudicating authority be affected by such withdrawal ?
- (vii) Certain vacancies of posts of technical and scientific nature have occurred in an establishment. These vacancies carry a basic salary of Rs.10,000 and above. To which employment exchange should these vacancies be notified ?

(3 marks each)

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