

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 6

NOTE : Answer **ALL** Questions.

PART-A

1. (a) Which are the sectors in Indian economy where Foreign Direct Investment (FDI) is not allowed under the present foreign direct investment policy ?
- (b) Describe the 'Principles of Restrictions' on Export and Import under Foreign Trade Policy and Procedures.
- (c) Section 25 of the Patent Act, 1970 allows the interested person to give notice of opposition to the controller within certain period after grant of patent. Discuss the grounds on which a patent can be opposed under the Act.
- (d) A school owned a swimming pool and offered swimming facilities to the public on payment of a fee. The school conducted winter and summer training camps to train boys in swimming and for this purpose engaged a trainer/coach. The complainant had enrolled their son for learning swimming under the guidance of the coach. It was alleged that due to the negligence of the coach the boy was allowed and met with his death. The school denied that it had engaged the services of a coach and also denied any responsibility on its part. The coach claimed that he was a person with considerable experience in coaching young boys in swimming and that as in other cases he taught the deceased boy also the way in which he should swim and take all precautions while swimming. When the deceased was found to have been drowned, the coach immediately took him out of the water and removed the water from his stomach and gave him artificial respiration and thereafter took him to a doctor, where he died.
- In view of the Consumer Protection Act, 1986 decide whether the school and coach are liable for deficient in rendering service to the deceased.
- (e) State whether Arbitral Tribunal can have lien on the Arbitral Award for any unpaid costs of the arbitration under the Arbitration and Conciliation Act, 1996 ?

(5 marks each)

Attempt all parts of either Q. No. 2 or Q. No. 2A

2. (a) What is the difference between ‘Contract of service’ and ‘Contract for service’ under Consumer Protection Act, 1986 ?
- (b) A orally grants to B the rights to catch and carry away fish from his lake for ₹ 1,000 but later on A backs out. What is the remedy for B under the Transfer of Property Act, 1882 ?
- (c) Goyal Ltd. a small scale industry applied for a loan to a financial institution Royal Ltd. Royal Ltd. in exercising their discretion and to act in accordance with best judgement took time to grant the loan. Before the loan was granted, Goyal Ltd. became sick and filed a suit in Consumer Dispute Redressal Forum for damages caused due to delay in granting loan pleading that there was ‘deficiency in service’ as per Consumer Protection Act, 1986.
- Advise whether Goyal Ltd. will succeed in this case ?
- (d) Answer the following with reasons in context with Law relating to Transfer of Property Act, 1882 :
- (1) A transfers to B for valuable consideration his reversionary interest in a property. When A succeeds to the property, B sues him for possession. Whether B will succeed ?
- (2) X wants to make gift of property to Y which is to come in his hands in future. Whether this gift is valid ?
- (3) A is the owner of a property and his son B is the heir of this property having hope expectancy that he will inherit the property of his father. Can B transfer the property to C ?
- (e) State the cases where “Doctrine of supervening impossibility” does not apply.

(3 marks each)

OR (Alternate question to Q. No. 2)

- 2A. (i) Discuss the adjudication powers of the Adjudication Authority to deal with the cases of money laundering under the Prevention of Money Laundering Act, 2002.
- (ii) Discuss the liability of a company for committing an offence of falsely representing a trade mark as registered under the Trade Mark Act, 1999.
- (iii) Section 13 of the Special Economic Zone Act, 2005 empowers the Central Government to constitute an Approval Committee. Discuss the powers and functions of Approval Committee in a Special Economic Zone Area under the Act.

(5 marks each)

3. (a) Mohan, who separated from his father Krishan, sells to Raghav three fields, X, Y and Z, representing that Mohan is authorized to transfer the same. Of these fields, Z does not belong to Mohan, it having been retained by Krishan on the partition, but on Krishan's dying, Mohan as heir obtains field Z. Raghav had not rescinded the contract. Discuss if Raghav can require Mohan to deliver field Z to him.
- (b) X, Y and Z jointly promise to pay ₹ 600 to A. Z was compelled to pay the whole amount, X was declared insolvent, however his assets are sufficient to pay one-half of his debt. State the liability of X, Y and Z under the Indian Contract Act, 1872.
- (c) Where an instrument is chargeable with advalorem duty in respect of any money stated in any currency other than that of India, how the duty on the value of such money shall be calculated under the Indian Stamp Act, 1899. Discuss.

(5 marks each)

4. (a) Discuss the nature of interim relief which Court or Arbitration Tribunal may on an application of a party under an arbitration agreement order during the arbitral proceedings and thereafter but before the execution of the arbitral award under the Arbitration and Conciliation Act, 1996. (8 marks)
- (b) List the documents to be submitted by a “person resident in India” for transfer of shares to a person resident outside India by way of gift as per Foreign Exchange Management Act, 1999. (7 marks)

PART-B

5. (a) In the following cases, state with reasons if the trust is created under The Trusts Act, 1882 :
- (i) A bequeaths certain property to B, desiring him to divide the bulk of it among C’s children.
- (ii) A bequeaths certain property to B, “hoping he will continue it in the family”.
- (iii) A bequeaths a shop and stock-in trade to B on condition that he pays A’s debts and a legacy to C. (3 marks)
- (b) Discuss the objectives of the New Industrial Policy, 1991. Why the policy was initiated by the Government ? (3 marks)
- (c) ‘Carbon Credit’ is a key component of national and international attempts to mitigate the growth in concentration of green house gases. Explain. (3 marks)

: 5 :

(d) Whether a society can be amalgamated with other society under the Societies Registration Act, 1860 ? What are the procedural requirements for the same ?

(3 marks)

(e) Explain the doctrine of 'Cypres' in the cases of a charitable trusts. Where this doctrine is applied by the courts under Indian Trust Act, 1882 ?

(3 marks)

Attempt all parts of either Q. No. 6 or Q. No. 6A

6. (a) State the procedure for 'Approval of model' of weight or measures before its manufacture or import under the Legal Metrology Act, 2009. Under what circumstances approval is not required ?

(b) What is Industrial Licence ? Discuss the consequences where an individual 'A' starts a new industrial undertaking and the business of manufacturing a new article without obtaining a licence from the Government under the Industrial (Development and Regulation) Act, 1951.

(c) The Micro, Small and Enterprises Development Act, 2006 empowers the Central Government to constitute an advisory committee and seeks its recommendations before classifying any class or classes of enterprises on what considerations, the advisory committee communicates its recommendations to the Government ?

(5 marks each)

OR (Alternate to question to Q. No. 6)

- 6A. (i) A sub-registrar refuses to register a document on the ground of undervaluation for stamp duty. The person aggrieved with the order of sub-registrar approaches to seek your advice. What advice/remedy would you suggest to him ? Discuss.
- (ii) An industry during manufacturing operation had caused major leakage of harmful gas and was ordered to be closed down by the Central Pollution Control Board due to loss and damage to the people of nearby area. Can that industry be allowed for recommencement of operation ? Support your answer with the decided cases.
- (iii) A made a gift of a house in favour of B and handed over the deed to B. But before presenting the same for registration A died and C, the son of A opposed the registration. Will B succeed in getting the deed registered before the registration ?
- With the support of case laws decide under Registration Act, 1908.

(5 marks each)

————— o —————