

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

NOTE : Answer ALL Questions.

PART-A

1. (a) The Central Government being aggrieved with the decision/orders of the Adjudicating Authority and Special Director (Appeals), appointed under sections 16 and 17 of the Foreign Exchange Management Act (FEMA), 1999 respectively, desires to file an appeal against such orders. Advise, how to proceed with ?
- (b) What are the essential factors, which the Competition Commission of India must bear in mind (Section 4 of the Competition Act, 2002), to determine whether an enterprise enjoys dominant position or not ?
- (c) Write a note on the role of the Financial Action Task Force (FATF) for preventing money laundering.
- (d) What obligations may be imposed upon an exporter, who receives advance payment from a buyer outside India, under Foreign Exchange Management Act (FEMA), 1999 ?
- (e) Under what circumstances a trade mark can be removed, from the register of Trade Mark under the Trade Mark Act, 1999 ? (Section 47 of the Trade Mark Act, 1999.)
(5 marks each)

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

2. (a) Ram, a tenant entered into an agreement of lease with Shyam, the owner, for ten years. The lease agreement did not contain the provisions for cleaning, repairing and maintenance of the leased property. Ram requested to Shyam for providing maintenance services for the lease property. On refusal, Ram contended that he is a consumer, as he is paying rent of the leased property but Shyam has not provided the aforesaid services, which should be treated as the deficiency in service under Consumer Protection Act, 1986. Decide, whether the contention of Ram is tenable ?

(3 marks)

: 2 :

- (b) Differentiate between 'Reversion' and 'Remainder', under the law relating to the Transfer of Property Act, 1882. (3 marks)
- (c) Define the term "Offshore Banking Unit". (3 marks)
- (d) Whether a Barrister of law, Advocate and/or Physicians and Surgeons can sue for his/her professional fee ? (3 marks)
- (e) When a contract becomes void, under the Indian Contract Act, 1872 ? (3 marks)

OR (Alternate question to Q. No. 2)

- 2A. (i) State the composition and functions of the Committee, on Quality Complaints and Trade Disputes in furtherance of the Foreign Trade Policy.
- (ii) When the instruments may be stamped with adhesive stamps, under the Indian Stamps Act, 1899 ? When and by whom such adhesive stamps may be cancelled ?
- (iii) Who are entitled to make application for patent, under the Patents Act, 1970 ? (5 marks each)
3. (a) Enumerate the activities, which have been made outside India but having an effect on competition in India, under the Competition Act, 2002. (5 marks)
- (b) (i) What is meant by contravention under the Foreign Exchange Management Act (FEMA), 1999 ?
- (ii) Which kind of approval is essential for the following transactions, under the FEMA, 1999 :
- (a) Yusuf, a non-resident Indian wants to transfer his shares of a company to non-resident.
- (b) Karan, wants foreign exchange facility to visit England, for which he requires USD 3,50,000.
- (c) Nalini, wants to get USD 2,50,000 for brain tumor surgery at London. (5 marks)

: 3 :

- (c) 'X', a student, after making payment of Examination for Bachelor of Engineering took examination; but university failed to conduct examination in time. Consequently evaluation of answer sheets and declaration of result was also delayed. As a result Mr. 'X' could not get admission in Post-Graduation course of other university. He lost one academic session.

Being aggrieved with the functioning of university, he filed a petition before the State Consumer Disputes Redressal Commission for compensation, will he succeed ? Answer with reference to leading case.

(5 marks)

4. (a) What is meant by 'Arbitral Award' ? State the ingredients of an arbitral award under the Arbitration and Conciliation Act, 1996.

(8 marks)

- (b) Analyse and discuss the law and procedure, regarding retention of records, if seized or frozen, under the Prevention of Money Laundering Act, 2002.

(7 marks)

PART-B

5. (a) Define the term 'Manufacturer' as used in Legal Meteorology Act, 2009.
- (b) State the essential commodities, which have been enlisted in the schedule, under the Essential Commodities Act, 1955.
- (c) Under what circumstances, the "Payment of Interest" becomes chargeable on goods supplied or services provided by the micro and small enterprises to the buyer, and as to what rate of interest be charged ? Explain briefly.
- (d) Under what circumstances, to get the certificate of Registration for a factory is not necessary, under the Industries Development and Regulation Act, 1951.
- (e) The trust property consists of land, the trustee sells the land to a purchaser for a consideration without notice of the trust.

Whether the trustee is liable ? What are remedies available to the beneficiary ?

(3 marks each)

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

6. (a) Whether a society registered under the Societies Registration Act, 1860, may be amalgamated with any other society ? State the procedure for such amalgamation.
- (b) State the procedure and powers of National Green Tribunal, under the National Green Tribunal Act, 2010.
- (c) Who can present the documents for registration under the Registration Act, 1908 ?

(5 marks each)

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

- 6A. (i) What is the main object of The Public Liability Insurance Act, 1991. How is the claim awarded and by which authority at primary level ?
- (ii) Gyan, applied for membership of 'Jan Kalyan Society', registered under the Societies Registration Act, 1860 and paid the subscription to the said society; but the management did not admit him, as a member of the society.
- Gyan filed a suit against the decision of 'Society', stating therein that he fulfills eligibility conditions as laid down in bye-laws of 'Society' to become the member of the said 'Society'.
- Decide the case, with reference to leading case.
- (iii) Describe the documents, of which the registration is optional, under the Registration Act, 1908.

(5 marks each)

————— o —————