

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) Who can purchase immovable property in India ? State the requirements which must be satisfied for repatriation of sale proceeds of any immovable property outside India under Foreign Exchange Management Act, 1999.
- (b) State the process of selection of chairperson and members of Competition Commission of India as given in the Competition Act, 2002. Under what circumstances, they may be removed by the Central Government ?
- (c) Discuss in brief the initiative taken in U.N. Vienna Convention held in Dec. 1988 to prevent money laundering in the world for investment in drugs and narcotics.
- (d) In an action of passing-off on the basis of unregistered trademark, what factors are to be considered while deciding the question of the deceptive similarity under the Trademarks Act, 1999.
- (e) Distinguish between the “assignment of a copyright” under the Copyright Act, 1957 and the “assignment of Geographical Indication” under the Geographical Indication Act, 2005. Can a registered Geographical Indication be assigned/transmitted ?

(5 marks each)

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

2. (a) X has two properties, property 'A' and property 'B'. He sells his property 'A' to Y and puts a condition that Y should not construct more than one storey on property 'A', so that property 'B', which he retains, shall have good light and free air. Ascertain, whether condition imposed by X is valid under the Transfer of Property Act, 1882 ?

(3 marks)

- (b) 'X', the father of a boy of marriageable age and 'Y' the father of a girl, who was to be married to boy, agreed that each of them shall pay a sum of money to the boy who was to take up the new responsibilities of married life. After the demise of both the contracting parties, the boy (husband) sued the executors of his father-in-law upon the agreement between his father-in-law and his father.

Whether suit of the boy (husband) is maintainable against the executor of his father-in-law in the Court of Law under Indian Contract Act, 1872.

(3 marks)

- (c) Rita hired a locker for keeping her ornaments and other valuable assets in a private bank and paid the rent for a year. On one day she visited the bank and expressed her desire to open her locker. Later on, while opening the said locker, she found that all ornaments and other valuables are missing. The locker was empty.

The custodian of the bank stated that as all lockers in bank are locked safely and there is no sign of breaking the locker in question, therefore, private bank is not responsible for the loss.

She filed complaint with the District Consumer Disputes Redressal Forum. Will she succeed ? Discuss with reference to the Consumer Protection Act, 1986.

(3 marks)

: 3 :

- (d) State the designs which are prohibited for registration under the Design Act, 2000.
(3 marks)
- (e) Explain the term 'Denoting Duty' under the provisions of the Indian Stamp Act, 1899.
(3 marks)

OR (Alternate question to Q. No. 2)

- 2A.** (i) What do you mean by the doctrine of 'Quantum Meruit' under Indian Contract Act, 1872 ? State the circumstances under which this doctrine may be applied.
- (ii) Who can act as a 'Patent Agent' under the provisions of the Patent Act, 1970 ? State the rights and powers of the Patent Agent.
- (iii) "Z Ltd." a real estate company incorporated in India under the Companies Act, 2013, fails to comply with the orders of the Competition Commission of India, issued after giving full opportunity of being heard according to the procedure laid down by the Competition Commission of India. State whether the "Z Ltd." may be penalised for non-compliance of the orders under the Competition Act, 2002 ?
(5 marks each)
- 3.** (a) When the Central Government is empowered to supersede the affairs of the Special Economic Zone Authority ? What will be the consequences of publication of the notification superseding such Authority under the Special Economic Zone Act, 2005.
(5 marks)

: 4 :

(b) A transfers his property to B, worth rupees two lakh and by the same instrument asks B to transfer the property for rupees one lakh to C. If B does not accept the same, the property will revert to A. But before B exercises his option, A dies. Decide, whether C can claim the right in the given property.

(5 marks)

(c) Who can file an application for patent for invention ? Whether the applicant can claim world wide protection on the basis of the patent protection for invention in India.

(5 marks)

4. (a) What do you mean by the term 'foreign award' ? State the grounds upon which the enforcement of the foreign award may be opposed in India.

(8 marks)

(b) Discuss briefly the objectives of Merchandise Exports from India Scheme (MEIS) in relation to export of notified goods/products through courier or foreign port offices using e-commerce.

(7 marks)

PART-B

5. (a) Krishna was carrying certain goods in his vehicle which were prohibited by the concerned State Government under the Essential Commodities Act, 1955. Hence, the goods were seized by the Competent Authority and subsequently the said goods were confiscated by the Collector of the District, after giving comprehensive opportunity to Krishna, the owner of the goods, of being heard.

Now Krishna desires to get back his goods. Advise, in the light of the provisions of the Essential Commodities Act, 1955.

(3 marks)

: 5 :

- (b) X a trustee of Y, wrongfully disposes the property of the trust and acquired another property in his own name, partly with his own money and partly with the money received from the disposal of the trust property. What remedy is available to Y against X under the Indian Trust Act, 1882 ?
(3 marks)
- (c) State the importance of International Organization of Legal Metrology (OIML) system for measuring instruments. When it was introduced ?
(3 marks)
- (d) What are the objectives of 'New Industrial Policy, 1991' issued by the Government of India for the development and regulation of certain industries ?
(3 marks)
- (e) A has executed a document outside India. Whether this document is valid in India ? Discuss with reference to the Registration Act, 1908.
(3 marks)

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

6. (a) After takeover of an undertaking, under section 18FD of the Industries (Development and Regulation) Act, 1951, state the circumstances for taking the decision by the Central Government either to sell the undertaking as a running concern or to prepare a scheme for the reconstruction of the company.
(5 marks)

: 6 :

(b) 'Y Ltd.' a contractor is planning to handle 'Hazardous Substance'. What are the requirements as regards to taking insurance policy before starting the handling of hazardous substance ? Is there any limit for taking insurance ? Discuss under the provisions of Public Liability Insurance Act, 1991.

(5 marks)

(c) X presents a sale deed for registration of a plot before the Sub-Registrar and the registration is refused on the ground of undervaluation of stamp. What remedy is available to X in such situation under the Registration Act, 1908 ?

(5 marks)

OR (Alternate question to Q. No. 6)

6A. (i) Who is entitled to file an application for the grant of relief or compensation or settlement of dispute under the National Green Tribunal Act, 2010 ?

(ii) "A society registered under the Societies Registration Act, 1860 is a legal entity. It is capable of suing and be sued". In the light of this statement, explain the procedure for filing the suit by and against society.

(iii) How the State Pollution Control Board is constituted under Water (Prevention and Control of Pollution) Act, 1974 ? Whether the Central Government is empowered to constitute State Pollution Control Board ? Examine.

(5 marks each)

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