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 Main Centre- 59 Jatindra Mohan Avenue  
 9830741471/8017567120/03325551197  
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## ECONOMIC AND COMMERCIAL LAWS

Chapters Name	Dec.2008	Jun-09	Dec-09	Jun-10	Dec-10	Jun-11	Dec.2011	Jun-12	Dec.2012	Jun-13	Dec.2013	Jun-14	Dec.2014	Jun-15	Dec.2015	Jun-16	Dec.2016	Total	Average
<b>PART A</b>																			
Leason-1 Section I - Foreign Exchange Management	13	10	7	6	20	19	9	11	9	20	13	13	10	6	17		10	190	11.18
Section II - Foreign Contribution (Regulation) Act, 2010	6	8		1	5			6	5	5	8		6	5	6	5		66	3.89
Leason-2 Section I - Foreign Trade Policy and Procedures	7	7	15	3	1	3				4	7	5		3			5	60	3.53
Section II - Special Economic Zones Act, 2005	3	3		3	3		3					5					8	28	1.65
Leason-3 The Competition Act, 2002	14	6	9	9	3	13	14	6	6	14	13	5	7	7	13	10	5	155	9.06
Section II - Consumer Protection Law and Practice	5	12	10	13	12	12	14	17	17	14	5	13		13	5	8	10	180	10.59
Leason-4 Section I - Intellectual Property Rights				5										8				13	0.76
Section II - The Patents Act, 1970	5	8	8	14	6	9	8	9	16	3			5		5			91	5.56
Section III - The Trade Marks Act 1990	11	5	5	3	5	10	3	9	5	8	3		5	3	3	6	5	89	5.25
Section IV - Copyright and Enforcement			5	1	3	4		5	3	8		5	3	5			5	47	2.77
Section V - Geographical Indication of Goods(Registration and Protection) Act, 1990													5	5	3			13	0.76
Section VI - Design Act, 2000												3			3		3	9	0.53
Leason-5 Law Relating to Arbitration and Conciliation	6		4	4	14	7	8	6	8	3	8	5	18	5	10	5	3	114	6.71

Leason- 6 Law Relating to Transfer of Property	26	25	37	20	28	10	20	16	17	17	10	7	18	6		27	10	295	17.35
Leason-7 Law Relating to Stamps	7	6	7	4	10	6	5	10	5	21	3	3		5	5	5	5	107	6.29
Leason- 8 Law Relating to Contract Introduction	15	27	13	10	20	13	22	24	5		10	8		6	13	5	13	204	12
Performance and Discharge or Termination of Contracts	1	1	5	7		10	2	7					8			5		46	2.71
Indemnity and Guarantee	6	1	5	1		2	5											20	1.18
Bailment and Pledge				1		5						5						11	0.65
Law og Agency		6		7	1	5	5	2										26	1.53
Leason- 9 Prevention of money Leundering	3	8	5		8	5	8	4	1	1	5	5		8	7	5	8	81	4.67
<b>PART B</b>																			
Leason- 10 Law Relating to Essential Commodities Weight and Measures																			
Section I - Essential Commodities Act, 1995		8	8	8	6	3	3	8	13		5		5	5	3	5	5	85	5.00
Section II - The Legal Metrology Act, 2009	3	3	6		3	3	6	3	7	5	3	5	3	3	3			56	3.35
Leason- 11 Law Relating to Societies	1					1	8	1	1		5	13	5	5	3	5	3	51	3.00
Leason- 12 Law Relating to Trust					4				4		5		3	3	6	10	3	38	2.24
Leason- 13 Section I - Industries Development and Regulation	8	5		1	3		8			1	5	12		5	10	5	3	66	3.38
Section II - The Micro Small and Medium Enterprises Development Act, 2006	3			3	3	3					3		3	3		5	5	31	1.82
Leason- 13 Section I -Law Relating to Polution Control and Environmental Protection	5	5	3	8	8	13	3	5	3		13			10		5	10	91	5.35
Section II - Public Liability Insurance Act, 1991	3			5			5	3	4	3			3	3	5			34	2.00
Section III - The National Green Tribunal Act, 2010							5		5		3	5	3	3	10	5	5	44	2.59
Section IV - Prevention and Control of Air Polution							5			3						5		13	0.76
Section V - Prevention and Control of Water Polution			3					8						5			3	19	1.12
Leason- 15 Law relating to Registration of Documents	6	7	5	16	1	9	10	12	8	3	3	5	15		5		5	110	6.47

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) Explain the procedure relating to establishment of Appellate Tribunal under Foreign Exchange Management Act, 1999.
- (b) Discuss the mission and the ways through which WIPO promotes the development and use of international intellectual property system.
- (c) State the obligation of banks on KYC policy as per guidelines issued by Reserve Bank of India.
- (d) What is meant by contracts “uberrimae fidei” ? Which contracts are in general may be treated as contracts “uberrimae fidei” ?
- (e) Describe the privileges of Export and Trading House Status Holders in pursuance to the foreign trade policy.

(5 marks each)

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

2. (a) Samir, on a holiday with his family, hired a taxi service. The taxi was in a poor condition and the driver had not adequate rest and drove rushly. Eventually, it went burst in the middle of the way. As a result, Samir and his family could not reach the airport in time to catch their flight. Decide, whether, Samir may be treated as a consumer under Consumer Protection Act, 1986 ?

: 2 :

- (b) Discuss the functions of Special Economic Zone Authority under Special Economic Zones Act, 2005.
- (c) Differentiate between vested and contingent interest under Transfer of Property Act, 1882.
- (d) A invites B to stay with him during winter vacation at his residence. B accepts the invitation and informs A accordingly. When B reaches A's house, he finds it locked and he has to stay in a hotel. Can B claim damages from A ?
- (e) Explain the term "Abuse of Dominance" under Competition Act, 2002.

(3 marks each)

**OR (Alternate question to Q. No. 2)**

- 2A.**
- (i) Are securities dealt in depository liable to stamp duty under the provisions of Indian Stamp Act, 1899 ?
  - (ii) How the attachment of property is executed under Prevention of Money Laundering Act, 2002 ?
  - (iii) Does the Alternate Dispute Resolution (ADR) processes provide procedural flexibility of a conventional trial ? Explain.

(5 marks each)

- 3.**
- (a) Anil bequeaths his all properties to B desiring him to divide the bulk of the property among Sunil's Children. State, whether the trust has been created with sufficient certainty ? State also the certainties which are required to create a valid trust under Indian Trusts Act, 1882.

(5 marks)

- (b) State the composition and jurisdiction of National Commission under Consumer Protection Act, 1986.

(5 marks)

: 3 :

- (c) Aman hired a room in a hotel and paid a week's rent in advance. After registering, he went up to occupy the room. Aman found a notice on the wall that "The proprietor will not be responsible for articles lost or stolen, unless handed over to the manager of the hotel for safe custody." Owing to the negligence of the hotel staff, a thief gained access to the room and stole some goods of Aman. State whether the proprietor of the hotel is liable for the loss caused to Aman ? State also which type of contract it is ?

(5 marks)

4. (a) State the composition, duties, powers and functions of Competition Commission of India under Competition Act, 2002.

(8 marks)

- (b) Discuss the provisions regarding the appointment of arbitrators under the Arbitration and Conciliation Act, 1996.

(7 marks)

#### PART-B

5. (a) What is meant by 'Substantial Expansion' ? When the nature of expansion would not amount to substantial expansion under Industries (Development and Regulation) Act, 1951 ?

(3 marks)

- (b) Under what circumstances a Sub-Registrar can refuse to register a document under The Registration Act, 1908 ?

(3 marks)

- (c) Discuss the procedure for award of relief under the Public Liability Insurance Act, 1991.

(3 marks)

- (d) What is "Environmental Audit" ? Explain.

(3 marks)

- (e) Describe the powers of trustees under the Indian Trusts Act, 1882.

(3 marks)

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

6. (a) Discuss the criteria of classification of the enterprises engaged in the manufacture of goods or in rendering services in micro, small and medium enterprises. (5 marks)
- (b) Explain the heads under which compensation or relief for damages may be claimed under the National Green Tribunal Act, 2010. (5 marks)
- (c) Comment on the presumption of culpable mental state. Who can avoid such presumption of culpable mental state as stated under the Essential Commodities Act, 1955 ? (5 marks)

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

- 6A. (i) State the functions of the Central Pollution Board constituted under AIR (Prevention and Control of Pollution) Act, 1981. (5 marks)
- (ii) What steps should be taken to dissolve a society constituted under the provision of Societies Registration Act, 1860 ? (5 marks)
- (iii) Discuss the powers of Legal Metrology Officer regarding inspection and seizure under Legal Metrology Act, 2009. (5 marks)

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) What is current account transaction under Foreign Exchange Management Act, 1999.
- (b) State the legal provisions regarding infringement of copy right stated in the Copyright Act, 1957.
- (c) Is the offence committed under Prevention of Money Laundering Act, 2002 is cognizable and bailable ? State the law and procedure relating to it.
- (d) What is meant by “Geographical Indications” under intellectual property rights ?
- (e) What is meant by ‘Service Export from India Scheme’ (SEIS). Which services shall be eligible under service export from India scheme.

(5 marks each)

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

2. (a) Pankaj booked a flat in Sagar Housing Board colony. Housing Board registered it and agreed to give possession within two years. After receiving the price of the flat Housing Board failed to give possession to Pankaj within the agreed period. Is it a deficiency in service under Consumer Protection Act, 1986 ?
- (b) When the Board of Approval is empowered to suspend the letter of approval granted to the developer under Special Economic Zone (SEZ) Act, 2005.

: 2 :

- (c) Explain the meaning of 'Usufructuary Mortgage' as given under the Transfer of Property Act, 1882.
- (d) A agreed to supply B certain goods to be produced from Indonesia. The goods could not be produced due to riots and civil disturbances in Indonesia. Decide, whether the non-performance of the contract may be excused ?
- (e) Describe the duties and powers of Director General under Competition Act, 2002.

(3 marks each)

**OR (Alternate question to Q. No. 2)**

- 2A. (i) State the provisions of Indian Stamp Act, 1899 regarding the payment of stamp duty for renewing debentures.  
(5 marks)
- (ii) What information is required to be preserved by Banks under Prevention of Money Laundering Act, 2002. Discuss also the process of maintenance and preservation of records by Banks.  
(5 marks)
- (iii) Explain the provisions regarding the appointment of Conciliator under Arbitration and Conciliation Act, 1996. State the role of the Conciliator to settle the dispute.  
(5 marks)
3. (a) Mr. X in consideration, that Mr. Y will employ Mr. Z in collecting the rent of Zamindari, promises to Mr. B to be responsible to the amount of ₹ 10,000 for the due collection and payment by Mr. Z of these rents.  
Decide, whether it is a contract of guarantee ? Which type of guarantee it is ? When such guarantee may be revoked.  
(5 marks)
- (b) Discuss the process of filing an appeal by an aggrieved person under the Consumer Protection Act, 1986.  
(5 marks)



: 3 :

(c) Mr. Ronu an Indian national, failed to realize and repatriate foreign exchange amounting to ₹ 1 crore. Subsequently, Mr. Ronu realized that he has committed a contravention of the Foreign Exchange Management Act, 1999. He desires to compound the said offence. State, whether Mr. Ronu can do so ?

(5 marks)

4. (a) “Competition spurs efficiency and improves consumer welfare. There is a close relationship between competition and economic efficiency”. How far do you agree with this statement ? Elucidate.

(8 marks)

(b) What is meant by the doctrine of “Lis-Pendens” under Transfer of Property Act, 1882. Discuss its essential elements.

(7 marks)

### PART-B

5. (a) “Every non-standard weight and measure used in the course of trade is liable to be forfeited”. Comment.

(3 marks)

(b) Explain the objectives behind the establishment of the Water (Prevention and Control of Pollution) Cess Act, 1977.

(3 marks)

(c) State the composition of Advisory Committee for the matters relating to Micro, Small and Medium Enterprises (MSME) Development Act, 2006.

(3 marks)

(d) Who can create a trust and who may be a trustee ?

(3 marks)

(e) State the procedure to take samples under Environmental Protection Act, 1986.

(3 marks)

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

6. (a) “Industrial Policy, 1991 makes a definite break with the past”. Do you agree with this view ? Explain with reference to Industrial Policy, 1991. (5 marks)
- (b) What is carbon credit ? Explain. (5 marks)
- (c) Who is empowered to appoint Authorized Controller ? State the functions and liabilities of such Authorized Controller under Essential Commodities Act, 1955. (5 marks)

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

- 6A. (i) Discuss the procedure of amendment or alteration of the objects of society under Societies Registration Act, 1860. (5 marks)
- (ii) State the documents whose registration is compulsory under Registration Act, 1908. (5 marks)
- (iii) Critically examine the powers of Central Government under Environmental Protection Act, 1986 for the protection and improvement of environmental conditions. (5 marks)

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) What do you mean by the Broadcast performer's right ? What are the exclusive rights of a broadcasting performer ?
- (b) What is meant by contravention and compounding of contravention ?
- (c) What constitutes 'abuse of dominance', under Competition Law ?
- (d) "Contract cannot confer rights or impose obligations arising under it on any person or agent except the parties to the contract". Critically analyze this statement.
- (e) What are the provisions for freezing of assets under Section 51A of the Unlawful Activities (Prevention) Act, 1967 ? Briefly discuss.

(5 marks each)

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

2. (a) "Nothing new should be introduced in a pending litigation", is a well-known concept of property law. Critically evaluate this concept.
- (b) Briefly explain categorically the conditions that are conducive to 'Cartelization'.
- (c) Discuss the provision which is related to penalty for applying false trade mark under Trade Marks Act, 1999.
- (d) Define the term 'Puisne Mortgage'.
- (e) What is Conciliation ? Bring out some differences between Arbitration and Conciliation.

(3 marks each)

*OR (Alternate question to Q. No. 2)*

- 2A. (i) Explain the meaning of 'Bill of Lading' under The Indian Stamp Act, 1899 ?  
(5 marks)
- (ii) John, who is a known minor, fraudulently overstates his age and takes delivery of a motor car after executing a promissory note in favour of the dealer for its price. He does not knowingly honour his promissory note; that is to say he does not pay the price of the said motor car.  
What is the remedy available to the motor car dealer in the above situation ? Advise.  
(5 marks)
- (iii) Distinguish between 'Capital Goods' and 'Consumer Goods' under Foreign Trade Policy of the Government of India.  
(5 marks)
3. (a) Gamaxo Ltd. offered a reward of ₹ 10,000 by advertisement to anyone who infected influenza after using their smoke ball in the specified manner. Mrs. Upma uses smoke ball in the specified manner, but still infected by influenza. She claims the reward. Decide the case with the help of leading decided case laws and related sections of the Indian Contract Act, 1872.
- (b) Discuss briefly the 'doctrine of part-performance', which is embodied in Section 53A of the Transfer of Property Act, 1882.
- (c) Discuss the duties, powers and functions of Competition Commission of India.  
(5 marks each)

: 3 :

4. (a) Discuss in detail, the grounds for setting aside arbitral award with special reference to public policy doctrine under the Arbitration and Conciliation Act, 1996.

(8 marks)

- (b) State the composition of the “Competition Appellate Tribunal”, comprising of qualification term provisions relating to Resignation and Restriction on employment after the resignation of chairperson and/or member; and who can represent the appellant before the Tribunal ?

(7 marks)

**PART-B**

5. (a) Mohan bequeaths certain property to Sohan, requesting him to distribute it amongst such members of Ajay’s family as Sohan should think most deserving. Does it create a trust ? Give reasons.

- (b) Briefly explain the composition of Facilitation Council.

- (c) The trust property consists of land, the trustee sells it to a purchaser for a consideration without notice of the trust. What are the options available to the beneficiary of the trust ?

- (d) Rohan bequeaths certain property to Shyam, hoping he will continue with it in the family. Does it create the trust ? Explain.

- (e) Discuss the provisions of National Green Tribunal Act, 2010 which deal with Appeal to the Supreme Court.

(3 marks each)

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

6. (a) What are the declarations required to be made by the manufacturers on 'pre-packaged commodities' ?
- (b) Discuss the powers of inspection of the Director, Controller or any other legal metrology officer, under Legal Metrology Act, 2009.
- (c) 'Concept of Sustainable Development helps to maintain equilibrium between economic development and conservation of resources'. Critically analyze this statement.
- (5 marks each)

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

- 6A. (i) Failure to comply with order of the National Green Tribunal attracts penal provisions. Discuss in brief the provisions of the Act which deal the same.
- (ii) "Is it necessary that registration of documents should be done only where the property is situated" ? Discuss the provision of the of Registration Act, 1908 dealing with the matter.
- (iii) Discuss in brief the remedy available to party if registration of document is refused by Registrar under The Registration Act, 1908.
- (5 marks each)