

[This question paper contains 2 printed pages.]

Your Roll No.....

1335

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LL.M/MCL/II/IV Term

LM-2015-COMPETITION & CONSUMER LAW

Time : 3 Hours

Maximum Marks : 80

*(Write your Roll No. on the top immediately  
on receipt of this question paper.)*

*Attempt any four questions.*

*All questions carry equal marks.*

1. "The Law relating to consumer protection *via* maintenance of competition has undergone a comprehensive change whereby it can now deal adequately with all trade practices which are anti-competitive, restrictive, deceptive and unfair." Elucidate.
2. (a) "The effectiveness of the Consumer Protection Act, 1986 lies in participation and involvement of the people." Comment.  
(b) To what extent the educational services are covered by the Consumer Protection Act, 1986 ? Support your answer with the relevant case-law.
3. "A trade practice to become 'restrictive' must have actual or probable adverse effect on competition."

[P. T. O.]

In the light of the above statement, explain the term 'restrictive trade practice' as defined under the Monopolies and Restrictive Trade Practices Act, 1969. Whether a trade practice falling within one or other clauses of section 33(1) will be *per se* restrictive trade practice as defined in section 2(O) of the MRTP Act? Refer to the relevant Supreme Court cases.

4. "Abuse of dominance rather than dominance should be the key for competition policy and law." Critically examine this statement in the context of the Competition Act, 2002. Discuss the meaning and scope of the term 'abuse of dominant position'.
5. Discuss the composition, jurisdiction and powers of the Competition Appellate Tribunal. What is the procedure for the appointment of the chairperson and members of the Appellate Tribunal? Where can an appeal lie against the order of the Appellate Tribunal?
6. Write critical notes on the following :
  - (a) Unfair trade practices
  - (b) Bid rigging or collusive bidding.