

[This question paper contains 2 printed pages.]

6435

Your Roll No.

LL.M/MCL/II/IV Term

A

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. "Section 5 of the Federal Trade Commission Act, 1914 of U.S.A. not only inspired the definition of unfair trade practice, even most of the listed unfair trade practices in the Consumer Protection Act, 1986 are those which have been adjudicated upon by the Federal Trade Commission."

Examine the above statement and discuss the definition of unfair trade practice as provided in the Consumer Protection Act, 1986.

2. "The definition of "service" in Section 2(1)(o) of the Consumer Protection Act, 1986 can be split up into three parts- the main part, the inclusionary part and the exclusionary part".

Discuss the definition of service in the light of above statement. Explain whether medical services rendered by general practice doctor in a locality on one hand and Government hospitals such as All India Institute of Medical Sciences fall within the ambit of Section 2(1)(o) of the Act.

P.T.O.

3. Discuss the duties, powers and functions of The Competition Commission of India. Explain the factors which the Commission would take in account for determining whether the agreement has an appreciable adverse effect on competition and in an inquiry to adjudicate whether an enterprise is a dominant undertaking or not.

4. (i) "The provisions relating to anti-competitive agreements preserve the monopoly aspects of intellectual property rights granted in India and also permit imposition of such conditions as may be necessary for the purposes of protecting or exploiting the intellectual property rights."

Comment in brief whether the above exemption is in consonance with the purposes of Competition laws stating the statutory provisions of the Competition Act, 2002.

(ii) Write short notes on the following in brief.

(a) Tie-in agreements

(b) Bid-rigging

5. "The language of the definition of "restrictive trade practice" in the M.R.T.P. Act suggests that in enacting the definition, our legislature drew upon the concept and rational underlying the Rule of Reason." Discuss the above statement with reference to decided cases.

6. Write short notes on the following :

(a) Abuse of dominant position.

(b) National Consumer Disputes Redressal Commission.