

(Please write your Exam Roll No.)

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] JUNE 2024

Paper Code: LLB-308

Subject: Investment and Competition Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt all the questions as directed. Internal Choice is indicated.

## PART -A

(5x5=25)

Q1 Write a short note on the following:

- a) Securities under the Securities Contracts (Regulation) Act
- b) Non-Performing Asset
- c) Special Economic Zone
- d) Depositories
- e) Competition Advocacy

## PART -B

### UNIT I

Q2 Explain the concept of Delisting and the role of Stock Exchanges and SAT in the delisting of Securities. (12.5)

OR

Q3 How is the enactment of Depositories Act, 1996 a step towards removal of problems of the Indian capital market i.e., the manual paper-based settlement system, forgery, theft etc.? (12.5)

### UNIT II

Q4 What are the provisions relating to enforcement of security under the SARFAESI Act, 2002? (12.5)

OR

Q5 How the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is related to debt recovery Tribunals. (12.5)

### UNIT III

Q 6 Explain the Capital Account Transactions. How are these transactions regulated under FEMA, 1999? (12.5)

OR

Q7 Critically analyse the role of Authorised Person under FEMA, 1999. (12.5)

### UNIT IV

Q8 \*No enterprise or group shall abuse its dominant position. Discuss with the help of relevant provisions and case laws. (12.5)

OR

Q9 A complaint was filed by M/s Vedant Bio-Sciences, Baroda to CCI alleging that the Chemists and Druggists Association of Baroda had violated the provisions of Competition Act. It is alleged that the Chemists and Druggists Association of Baroda forced new wholesalers or retailers not to sell products of a pharmaceutical company unless NOC is obtained from the Chemists and Druggists Association of Baroda. And, the Chemists and Druggists Association of Baroda was also engaged in fixation of the Profit for pharmaceutical product. Decide whether the Chemists and Druggists Association of Baroda Motors Co. Ltd. has violated the provisions of Competition Act or not and why? (12.5)

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] JULY 2023

Paper Code: LLB308

Subject: Investment and Competition Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No.1 of Part-A which is compulsory. Select one question from each unit of Part-B.

## PART-A

- Q1 a) What are collective investment schemes? How do they adversely effect the economy? (5)  
b) Define "Consumer" and "Service" under the Competition Act 2002 (5)  
c) Write a note on capital and current account transactions? (5)  
d) Differentiate between "mergers", amalgamations" and "takeover" (5)  
e) Write a note on Competition Commission of India? (5)

## PART-B

### UNIT-I

- Q2 Explain the role of SEBI in strengthening regulatory framework and fostering investor confidence. (12.5)  
Q3 "Depository system is a boon to capital market and investors both". Elucidate the statement and bring out advantages of dematerialization of securities (12.5)

### UNIT-II

- Q4 How has SARFAESI Act 2002 evolved speedier modes of recovery of debts due to banks and financial institutions? (12.5)  
Q5 Write a note on the changing facets of Indian Banking System. (12.5)

### UNIT-III

- Q6 Write a note on the role of Transnational enterprises (TNE,s) in promoting foreign investment in India. Explain their Corporate Social Responsibility with respect to changes introduced by Companies Act 2013. (12.5)  
Q7 What are Foreign Collaborations? How is Foreign Investment regulated in India? Also explain the impact of political situation/ decisions on foreign investment (12.5)

### UNIT-IV

- Q8 "Every Agreement and regulation concerning trade restrains. If these restrains merely regulate then it is not anti competitive but if they suppress, destroy or effect competition then it is anticompetitive". Explain the above statement in light of decided cases. (12.5)  
Q9 What are combinations? How are they regulated under Competition Act 2002? (12.5)

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] NOVEMBER 2020

Paper Code: LLB-308

Subject: Investment and Competition Laws

(Batch-2014 Onwards)

Time: 2 Hours

Maximum Marks: 75

Note: Attempt any three questions. All questions carry equal marks.

- Q1 Explain the concept of Corporatization and Demutualization under Securities Contract Regulation Act, 1956. How were stock exchanges before being corporatized and demutualized? Also, discuss the details of the procedure of the Corporatization and Demutualization.
- Q2 "Securities Exchange Board of India came up a regulator of the capital market in the year 1992". Do you agree with the above proposition? Give a detailed account of the same by emphasizing on the powers and functions of SEBI. Has SEBI been able to fulfill its obligations as a watchdog? Give decided case laws to support your answer.
- Q3 Explain the need for enactment and object of Recovery of Debts due to Banks and Financial Institutions Act, 1993. Elucidate the procedure for filing of recovery applications before DRT? Has the sanctity of DRT been affected after coming up of the IBC, 2016? Give examples to support your answer.
- Q4 Discuss the meaning and difference between "Capital Account transactions" and Current Account transactions" under the Foreign Exchange Management Act, 1999.
- Q5 Multinational companies and Transnational Companies operate on a large scale across the globe. Discuss the UNCTAD model on MNCs and TNCs by highlighting the salient features of the same. Does Indian Company Law include any of the provisions specified under UNCTAD Model on MNCs and TNCs? If yes, discuss them with decided case laws.
- Q6 Development of Competition law has undergone through various stages. It has attained a definite shape in the modern day. Compare and contrast the history and development of competition law in India and USA. Elaborate the relevant legal provisions and decided case laws.
- Q7 (a) What do you mean by the term, "Combination"? How are combinations regulated under the Competition Act?  
(b) Write a detailed note on Horizontal agreements and Vertical agreements.
- Q8 Write Short notes on the following:  
(a) Doctrine of full and true disclosure under the Competition Act, 2002.  
(b) Competition Advocacy.  
(c) Concept of listing and delisting.



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## END TERM EXAMINATION

SIXTH SEMESTER [LLB(H)] APRIL- MAY 2019

Paper Code: LLB-308

Subject: Investment and Competition Law

(Batch 2014 onwards)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

### PART-A

- Q1 Write short notes on the following: (5x5=25)
- (a) Explain briefly 'Corporatization' of Stock Exchange' under SCRA, 1936?
  - (b) Define the objectives of Joint Venture for foreign collaboration
  - (c) Discuss the term 'Predatory Pricing' and 'Cartel' under the Competition Act, 2002
  - (d) Enumerate the Concept of 'Special Economic Zones'
  - (e) Write the powers of Directorate of Enforcement under the FEMA, 1999

### PART-B

#### UNIT-I

- Q2 SEBI is empowered to prohibit manipulative and deceptive practices under insider trading and substantial acquisition. Elucidate. (12.5)
- Q3 Explain the objectives and advantages of Depositories Act. Enumerate the procedure of Dematerialization of Shares? (12.5)

#### UNIT-II

- Q4 Explain the procedure for enforcement of security interest created in favour of secured creditors under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 with decided case laws. (12.5)
- Q5 Explain the jurisdiction of Debt Recovery Tribunal and procedure for recovery of debts in Debt Recovery Tribunal? Cite the relevant case laws. (12.5)

#### UNIT-III

- Q6 Who is an Authorized Person under the FEMA? Discuss the powers and duties of an Authorized person? (12.5)
- Q7 Enumerate the differences between Foreign Exchange Management Act and Foreign Exchange Regulation Act, 1973. Discuss the today's relevancy of FEMA after the Globalization in Indian context? (12.5)

#### UNIT-IV

- Q8 What is 'per se rule and rule of reason', what agreements are prohibited under the Anti-competitive agreement by the commission. Discuss in detail with leading case laws. (12.5)
- Q9 The Competition Commission of India has received a complaint that M/s ABC Company has been abusing its dominant position in food processing industry. Explain in detail the factors that will be considered by the commission to ascertain whether M/s ABC enjoys the dominant position in the industry. (12.5)

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## END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY-JUNE-2018

Paper Code: LLB-308

Subject: Investment and Competition Law

(Batch 2014 Onwards)

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions in all including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

### PART-A

(5x5=25)

- Q1 Write short notes on the following:
- (a) Capital Account Transactions
  - (b) Merchant Banks v. Investment Banks
  - (c) Special Economic Zones
  - (d) Dematerialisation and fungibility of Securities
  - (e) Anti-Competitive Agreements

### PART-B UNIT-I

- Q2 Discuss the role played by Securities Exchange Board of India (SEBI) in regulating the securities market. Also, discuss the powers and functions of SEBI. (12.5)
- Q3 Discuss the concept of "Delisting of Securities" under Securities Contract (Regulation) Act, 1956. What are the different modes of delisting? (12.5)

### UNIT-II

- Q4 "The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has helped in strengthening the financial discipline and reduce burden of NPA's on banks and financial institutions". Discuss. (12.5)
- Q5 What is the significance of the concept of "Securitisation" and "Reconstruction of Financial Assets" under SARFAESI Act, 2002? Also, discuss the regulations of SARFAESI Act, 2002 with respect to Asset Reconstruction Companies. (12.5)

### UNIT-III

- Q6 (a) Discuss the highlights of the latest foreign trade policy framed by Central Government under Section 5 of the Foreign Trade (Development & Regulation Act, 1992). (7.5)  
(b) Write a short note on joint ventures and foreign collaborations in India. (5)
- Q7 (a) "FEMA replaced FERA because the economy needed to shift from regulation to management of foreign exchange". Discuss. (7.5)  
(b) Write a short note on 'Foreign Direct Investments in India' considering the latest FDI Policy. (5)

### UNIT-IV

- Q8 What do you understand by the term "abuse of dominant position" and what are the factors taken into consideration by the Competition Commission of India while deciding the same. Discuss with the help of relevant cases. (12.5)
- Q9 Discuss the evolution of Competition Law in India starting from MRTP Act, 1969 to Competition Act, 2002 and highlight the significance of judicial pronouncements in shaping competition law in India. (12.5)

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY 2017

Paper Code: LLB 308

Subject: Investment and Competition Law

(Batch: 2014 onwards)

Time : 3 Hours

Maximum Marks :75

Note: Attempt any five questions including Q.No. 1 of Part A which is compulsory. Select one question from each unit of Part B.

## Part-A

- Q1. a) What do you mean by "Delisting of securities"? (5x5=25)  
b) Write a note on Direct Lending in modern investment banking.  
c) What is abuse of dominance?  
d) Explain in brief the meaning of Competition Advocacy.  
e) Write a note on IPR as an exception of Competition Act.

## Part-B

### Unit-I

- Q2. Explain the role of SEBI in strengthening regulatory framework and fostering investor confidence. (12.5)  
Q3. "Depository system is a boon to both capital market and investors". Elucidate the statement and brings out advantages of dematerialization of securities. (12.5)

### Unit-II

- Q4. How has SARFEASI Act 2002 evolved speedier modes of recovery of debts due to banks and financial institutions? (12.5)  
Q5. Write a note on changing functions of banks in India? (12.5)

### Unit-III

- Q6. Transnational enterprises (TNE,s) promote the concept of Corporate Social Responsibility. Explain. (12.5)  
Q7. What are the entry routes for investment in India? Explain the prohibition on investment in India by Foreign Investors? (12.5)

### Unit-IV

- Q8. Compare the development of competition Law in India, USA and UK. (12.5)  
Q9. Discuss the Powers and functions of Competition Commission in India. (12.5)

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY 2017

Paper Code: LLB-308

Subject: Investment and Competition Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of Part A which is compulsory. Select one question from each unit of Part B.

## PART-A

- Q1 Write short notes on the following:- (5x5=25)
- (a) Marketable securities
  - (b) Role of Depository participant under the Depositories Act, 1996
  - (c) Special Purpose Vehicle
  - (d) Difference between foreign institutional investors and foreign portfolio investors
  - (e) Bid-rigging

## PART-B

### UNIT-I

- Q2 What is the difference between exploitative abuse and exclusionary abuse of dominant position? What are factors responsible for abuse of dominant position as per interpretation of competition legislation (12.5)
- Q3 Explain the historical perspective of MRTP Act and Competition Act, 2002. (12.5)

### UNIT-II

- Q4 Explain the role of SEBI in strengthening regulatory framework and fostering investor confidence. How so far changes brought in Securities Law (Amendment) Act 2014 bring efficiency in financial market? (12.5)
- Q5 (a) Whether recourse to take possession of secured assets of the borrower in terms of Section 13(4) of SARFESI Act comprehends the power to take actual possession of the immovable property?  
(b) What is the role of Debt Recovery Tribunal as per the interpretation of section 17 of SARFESI Act? (12.5)

### UNIT-III

- Q6 Explain the salient features of joint venture entered through company law and limited liability partnership mode. Explain the documentations required and corporate governance related to Joint venture. (12.5)
- Q7 Explain the concept of Transnational Corporation in relation to UNCTAD DRAFT model. (12.5)

### UNIT-IV

- Q8 What's the difference between the current account transaction and the capital account transaction? Explain the role of authorities governing enforcement of FEMA. (12.5)
- Q9 'FEMA' replaced 'FERA' because the economy needed to shift firm regulation to management. Explain the dichotomy in the regulatory and managing function. (12.5)

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY-JUNE-2016

Paper Code: LLB-308

Subject: Investment and Competition Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Q.No 1 of Part A which is compulsory. Select one question from each unit of Part B.

## PART-A

- Q1 Write short notes on the following: (5x5=25)
- What are collective investment schemes? How do they adversely affect the economy?
  - Define "Consumer" and "Service" under the Competition Act, 2002
  - Write a note on capital and current account transactions?
  - Differentiate between "mergers", amalgamations" and "takeover".
  - Write a note on Competition commission of India?



## PART-B

### UNIT-I

- Q2 Regulations of Trade consists of Restrains. These restrains can regulate as well as suppress or effect competition. These restraints effect intellectual property rights of an individual. IP rights are not anticompetitive",. Explain. (12.5)
- Q3 What are combinations? How are they regulated under Competition Act, 2002?(12.5)

### UNIT-II

- Q4 How has SARFAESI Act 2002 evolved speedier modes of recovery of debts due to banks and financial institutions? (12.5)
- Q5 Write a note on Powers of SEBI in regulating capital market. (12.5)

### UNIT-III

- Q6 Write a note on the role of Transnational Enterprises (TNE's) in promoting foreign investment in India. Explain their Corporate Social Responsibility with respect to changes introduced by Companies Act, 2013. (12.5)
- Q7 What are foreign collaborations? How is Foreign Investment regulated in India? Also explain the impact of political situation/decisions on foreign investment.(12.5)

### UNIT-IV

- Q8 How are foreign exchange transactions regulated in India under FEMA? Explain with reference to powers of Reserve Bank of India. (12.5)
- Q9 Write a note on regulatory authorities under FEMA 1999? (12.5)

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# MERCY CHANCE EXAMINATION

SIXTH SEMESTER [LLB] AUGUST 2016

Paper Code: LLB 308

Subject: Investment and Competition Law  
(Batch: 2005-2013)

Time : 3 Hours

Maximum Marks : 75

Note: Attempt any five questions including Q.No. 1 of Part A which is compulsory. Select one question from each unit of Part B.

## Part-A

- Q1. Write short notes of the following:- (5x5=25)
- Listing of securities?
  - Predatory pricing.
  - Competition Appellate tribunal
  - Distinguish between "forwards" and "futures"
  - IPR as an exception of Competition Act

## Part-B

### Unit-I

- Q2. Explain if "an un written agreement between manufacturers to control prices but not intending to be enforced legally" is agreement within section 2(b) of the Competition Act 2002. (12.5)
- Q3. What are combinations? How are they regulated under Competition Act 2002? (12.5)

### Unit-II

- Q4. Explain the role of SEBI in strengthening regulatory framework and fostering investor confidence. (12.5)
- Q5. "Depository system is a boon to capital market and investors both". Elucidate the statement and bring out advantages of dematerialization of securities. (12.5)

### Unit-III

- Q6. Write a note: (12.5)
- Joint Ventures
  - UNCTAD draft model on transnational corporations.
- Q7. Explain how Foreign companies are regulated in India and also explain salient features of the Foreign Trade (Development and Regulation) Act 1992. (12.5)

### Unit-IV

- Q8. Write short note: (12.5)
- Capital and Current account transactions
  - "Authorized person" under FEMA 1999.
  - Contribution of persons of Indian origin into FDI in India.
- Q9. What are the rules and procedures related to exemption of a person from realization and repatriation of Foreign Exchange into India? (12.5)

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY-JUNE-2015

Paper Code: LLB308

Time: 3 Hours

Subject: Investment and Competition Laws

Maximum Marks: 75

Note: Attempt any five questions including Q no.1 of part A which is compulsory. Select one question from each unit of part B.

## PART-A

Q1 Write notes on the following:-

- (a) Competition Appellate Tribunal
- (b) Appellate Tribunal for Foreign Exchange
- (c) Director General of Foreign Trade
- (d) Securities Appellate Tribunal
- (e) Appellate Tribunal under the SARFAESI, Act, 2002

(5x5=25)

## PART-B

### UNIT-I

Q2 "Sections 3 and 3 of the Competition Act, 2002 exemplify nothing more than agreements and situations opposed to public policy." Elucidate this statement in light of the Competition Act, 2002 and the Directive Principles of State Policy. (12.5)

Q3 Explain the following with the help of illustrations:-

- (a) Horizontal and Vertical anti-competitive agreements.
- (b) Powers and functions of the Competition Commission of India

(6.5)  
(6)

### UNIT-II

Q4 Explain the role of the Securities Exchange Board of India in regulation of the following:-

- (a) Depositories and Participants
- (b) Stock Exchanges

(6.5)  
(6)

Q5 (a) Identify and explain powers of the Central Government to make rules under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. (6.5)

- (b) Explain with help of illustrations, circumstances and cases on which provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 do not apply. (6)

### UNIT-III

Q6 Write a comment on regulatory framework for foreign companies in India. Suggest legal reforms needed in the framework to strengthen the role of foreign companies in national economy. (12.5)

Q7 Explain the procedure for cancellation of importer-exporter code number and licenses under the Foreign Trade (Development and Regulation) Act, 1992. (12.5)

### UNIT-IV

Q8 (a) Explain legal-regulatory framework of Foreign Direct Investment (FDI) and Foreign Portfolio Investment (FPI) in India, also explain the role of concerned authorities regulating FDI and FPI under the Foreign Exchange Management Act, 1999. (6.5)

- (b) Elaborate the extent of search and seizure powers available to directorate of enforcement under the Foreign Exchange Management Act, 1999. (6)

Q9 Differentiate capital account transactions from current account transactions. Is Foreign Exchange Management Act, 1999 provide a stringent capital control regime? Suggest legal reforms in the Foreign Exchange Management Act, 1999 to accommodate fuller capital account convertibility. (12.5)

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# MERCY CHANGE EXAMINATION

SIXTH SEMESTER [LLB] AUGUST-SEPTEMBER-2015

Paper Code: LLB 308

Subject: Investment and Competition Law

Time : 3 Hours

Maximum Marks : 75

Note: Attempt five questions including Q.no.1 of Part-A which is compulsory. Select one question from each unit of Part-B

## Part-A

- Q1. a) What do you mean by "corporatization of stock exchange"? (5x5=25)  
b) Define Predatory Pricing  
c) Write a note on Qualified Institutional Buyer?  
d) Explain in brief Competition Advocacy  
e) Write a note on IPR as an exception of Competition Act?

## Part-B

(12.5x4=50)

### Unit-I

- Q2. "Every agreement and regulation concerning trade restrains. If these restrains merely regulate then it is not anti competitive but if they suppress, destroy or affect competition then it is anticompetitive". Explain the above statement in light of decided cases.
- Q3. What are combinations? How are they regulated under Competition Act 2002?

### Unit-II

- Q4. SARFAESI Act 2002 facilitated speedier modes of recovery of debts due to banks and financial institutions. Critically analyze the statement.
- Q5. Write a case comment on Mardia Chemicals Vs Union of India.

### Unit-III

- Q6. Transnational enterprises (TNE,s) promote the concept of Corporate Social Responsibility. Explain.
- Q7. What are the entry routes for investment in India? Explain the prohibition on investment in India by Foreign Investors?

### Unit-IV

- Q8. Write short note:  
a) Capital and Current account transactions (4.5)  
b) "Authorized person" under FEMA 1999 (3.5)  
c) Contribution of persons of Indian origin to FDI in India. (4.5)
- Q9. What are the rules and procedures related to realization and repatriation of Foreign Exchange into India?

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# SUPPLEMENTARY EXAMINATION

SIXTH SEMESTER [LLB] SEPTEMBER 2014

Paper Code: LLB-308

Subject: Investment and Competition Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt any five questions including Part A which is compulsory.  
Select one question from each unit of Part B.

## PART-A

Q1 Write short notes on the following:-

(5X5=25)

- (a) Geographic market.
- (b) Mergers and Acquisitions (M&A)
- (c) Salient features of Security Contract (Regulation) Act, 1956.
- (d) Insider trading
- (e) Corporatisation and decentralization of stock exchange.

## PART-B

### UNIT-I

Q2 How can we provide Competitiveness through Competition? Elaborate whether the Competition Act, 2002 has been able to meet the objectives laid down in the Act.

(12.5)

Q3 Discuss the powers and functions of the Competition Commission of India. (12.5)

### UNIT-II

Q4 Explain in Provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 regarding the modes for recovery of debts due to banks and financial Institutions.

(12.5)

Q5 Discuss in brief any two of the following:-

(6.25x2=12.5)

- (a) Powers of SEBI under the SEBI Act, 1992.
- (b) Dematerialisation.
- (c) Depositories under the Depositories Act, 1996.

### UNIT-III

Q6 Write note on any two of the following:-

(6.25x2=12.5)

- (i) UNCTAD Draft model code on Trans-National Corporation (TNCs)
- (ii) Joint Ventures and Foreign Collaborations
- (iii) Foreign Trade Policy and its objectives.

Q7 Critically examine the provisions of Foreign Trade (Development and Regulation) Act, 1992.

(12.5)

### UNIT-IV

Q8 Who are the people of Indian origin? How are they contributing to Foreign Direct Investment (FDI) in India? Explain briefly the changes introduced recently.

(12.5)

Q9 Write on any two of the following:-

(6.25x2=12.5)

- (a) Capital Account Transactions and Current Account Transactions.
- (b) Authorised Person under the FEMA, 1999.
- (c) Central Appellate Tribunal - Powers and Functions under FEMA, 1999.

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# END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY-JUNE 2014

Paper Code: LLB-308

Subject: Investment and Competition Law

Time: 3 Hours

Maximum Marks: 75

Note: Attempt five questions including Part-A which is compulsory.  
Attempt one question from each Unit of Part-B.

## Part-A

(5x5=25)

Q1. Write short notes on the following:-

- (a) Cartels.
- (b) Securities under the Securities Contract (Regulation) Act, 1956.
- (c) Corporatization and Demutualization of Stock Exchanges.
- (d) Predatory Price.
- (e) Competition Advocacy.

## Part-B

(12.5x4=50)

### Unit-I

Q2. Discuss the meaning of 'Combination'.

How are the combinations regulated?

Elaborate the procedures prescribed for investigation of combination under the Competition Act, 2002.

Q3. What is meant by 'anticompetitive agreements'?

Discuss the role of Competition Commission of India in prohibiting anticompetitive agreements.

### Unit-II

Q4. What is meant by 'depository', 'Issuer', 'participant', and 'beneficiary owner'? Discuss their respective rights and obligations under the Depositories Act, 1996.

Q5. Discuss the following:-

- (a) Powers and Functions of the Securities and Exchange Board of India.
- (b) Securitization.

### Unit-III

Q6. Discuss the salient features of UNCTAD Draft Model on Trans-National Corporations.

Q7. Write exhaustive notes on the following:-

- (a) Foreign Collaborations
- (b) Control and regulation of foreign companies in India.

### Unit-IV

Q8. Discuss the meaning and difference between 'capital account transaction' and 'current account transaction' under the Foreign Exchange Management Act, 1999.

Q9. Who is an 'authorised person'? Discuss the duties and powers of an authorised person under FEMA, 1999.

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**END TERM EXAMINATION**

SIXTH SEMESTER [LLB] MAY-JUNE 2013

Subject: Investment and Competition Law

Paper Code: LLB 308

Maximum Marks : 75

Time : 3 Hours

Note: Part A is compulsory. Attempt one question from each unit.

**Part-A**

(5x5=25)

- Q1. Write short notes on the following:
- Salient features of UNCTAD Draft Model on TNCs.
  - Competition Advocacy.
  - Power of Directorate- General to investigate complaints under Competition Act, 2002.
  - Appeal to securities Appellate Tribunal
  - Main-features of Depositing Act, 1996

**Part-B****Unit-I**

- Q2. Discuss the powers and functions of Competition Commission of India under Competition Act, 2002. (12.5)
- Q3. Define the abuse of dominant position. Discuss the inquiry powers of competition commission of India under section 19 of the Act, 2002.

**Unit-II**

- Q4. Discuss the powers and functions of SEBI under SEBI Act, 1992. (12.5)
- Q5. Write note on
- Provisions relating to enforcement of security interests in CH III of (SARFASSI) Act, 2002. (6.5)  
(The securilization and reconstruction of financial assets and enforcement of Security Interest Act, 2002). (6)
  - Combinations.

**Unit-III**

- Q6. Discuss the powers of Appellate Tribunal and Special Director while hearing the appeals against the order of Adjudicating Authority Under (FEMA) Foreign Exchange Management Act, 1999. (12.5)
- Q7. (a) Discuss in brief the powers of Reserve Bank of India to issue directions to authorized person U/S 11 of FEMA, 1999. (6.5)  
(b) Capital Account Transactions and Current Account Transactions. (6)

**Unit-IV**

- Q8. State briefly the arguments for and against the how of private foreign investments from the point of view of a developing counting like India. (12.5)
- Q9. Discuss in brief the role of MNCs in Indian Industrial growth. "The benefits of economic growth are said to have been largely all set by several other effects'. Do you agree? Give reasons for your answer.

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# SUPPLEMENTARY EXAMINATION

[LLB] SEPTEMBER 2013

Paper Code: LLB 308

Subject: Investment and Competition Law

Time : 3 Hours

Maximum Marks : 75

Note: Part-A is compulsory. Attempt one question from each unit in Part B.

PART A

(5\*5 =25 marks )

Q1(a) Write a note on Listing of securities?

(b) Define the term Recognized stock exchange.

(c) Distinguish between "forwards" and "Futures"

(d) Explain in brief Employee stock Options

(e) Define "Consumer" and "service" under the Competition Act 2002

PART B

(12.5\*4)

## UNIT 1

Q2 Discuss the powers of the Competition Commission of India to enquire into agreements and dominant position of enterprise under the Competition Act .

Q3 Write a note on Competition Commission Of India

## UNIT 2

Q4 Explain the role of SEBI in strengthening regulatory framework and fostering investor confidence.

Q5 "Depository system is a boon to capital market and investors both". Elucidate the statement and bring out advantages of dematerialization of securities

## UNIT 3

Q6a) Explain the powers of the Central Government to regulate Foreign Trade in India

b) What is a foreign Collaboration? How does Government of India play a regulatory role in it ?

Q7 Write a note on the role of Transnational corporations in promoting Foreign Investment in India.

## UNIT 4

Q8 Write short note a) adjudicating authority under FEMA 1999

b) "Authorised person" under FEMA 1999

c) Person Resident in India

Q9 How are capital account transactions regulated under FEMA ? Explain with reference to powers of Reserve Bank of India.

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Exam Roll No. 16

## END TERM EXAMINATION

SIXTH SEMESTER [LLB] MAY-JUNE 2012

Paper Code: LLB308

Subject: Investment & Competition Law  
(Batch: 2005-2009)

Time : 3 Hours

Maximum Marks :75

Note: Part-A is compulsory. Attempt one question from each unit in part-B.

### PART-A

- Q1 Answer the following:- (5x5=25)
- (a) What is an adjudication authority under Foreign Trade Act, 1992?
  - (b) Define (i) cartel (ii) Enterprise.
  - (c) Explain briefly "corporatization of stock exchange."
  - (d) What is predatory pricing?
  - (e) Distinction between Foreign company and a multinational corporation.

### PART-B

(12.5x4=50)

#### UNIT-I

- Q2 How can we promote competitiveness through Competition? Elaborate whether Competition Act, 2002 fulfills the constitutional objective of Socialist state where state is required to accomplish a number of welfare obligations. Elaborate.
- Q3 Write a short note on Competition Commission. What are the prerequisite that the commission has to consider to decide the existence of a prima facie case? Refer to statutory provisions.

#### UNIT-II

- Q4 Indian Companies have been involved at both ends of "Mergers" and "Acquisitions". Explain the meaning of the above two terms under the Companies Act, 1956 and SEBI Takeover Code.
- Q5 Write a case comment on Mardia chemicals v Union of India. What effect did this judgement have on the SARFAESI Act?

#### UNIT-III

- Q6 Elaborate the powers of the Central Government relating to regulation of imports and exports? What are the main powers given to the central government under Foreign Trade Development and Regulation Act, 1992?
- Q7 United Nations Conference on Trade and Development was successful in promoting the concept of Trans national enterprises (TNE'S). This draft code has gained momentum through the new concept of corporate social responsibility. Explain.

#### UNIT-IV

- Q8 Who are the people of Indian origin? How are they contributing to FDI in India? Explain briefly the latest change.
- Q9 Under what circumstances can a person be exempted from realization and repatriation of foreign exchange into the country?

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Exam Roll No. ....

**END TERM EXAMINATION**

SIXTH SEMESTER [LLB(II)] MAY-2008

Paper Code: LLB308

Subject: Investment And Competition Law

Paper Id: 38308

(Batch: 2005)

Time : 3 Hours

Maximum Marks :75

Note: Part-A is compulsory. Internal choice is indicated in questions in Part-B.

**PART-A**

(5x5=25)

- Q1 (a) Discuss the powers and functions of the Competition Commission of India.  
 (b) What is a "security receipt" and the types of securities issued by the special purposes vehicle (SPV) under the Securitization and Reconstruction of Financial Act, 2002.  
 (c) Explain the mechanism of regulation of new public offerings of listed companies under the Securities Contracts (Regulation) Act, 1956.  
 (d) Highlight the salient features of the UNCTAD's Draft Model on Transnational Corporations, 1980.  
 (e) Discuss the role of the Central Government and the Reserve Bank of India in the regulation of Foreign Exchange under FEMA.

**PART-B**

(12.5x4=50)

- Q2 What are the objectives of competition law? Discuss the main purposes of the Competition Act, 2002. How the Competition Act is different from the Monopolies and Restrictive Trade Practices Act, 1969.

OR

- Q3 Discuss the substantive provisions of the Competition Act, 2002. What are the activities and agreements prohibited under the Act?

- Q4 Explain the regulatory mechanism to deal with the issue of non-performing assets (NPAs) introduced by the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Act, 2002.

OR

- Q5 Discuss the object and purpose of the Securities and Exchange Board of India (SEBI) Act, 1992. Discuss the regulatory powers of the Board to improve the functioning of the stock market with particular reference to section 11 to 11D of the Act.

- Q6 The Foreign Trade (Development & Regulation) Act, 1992 is aimed "to provide for the development and regulation of foreign trade by facilitating imports into and augmenting exports from India". Highlight the main provisions of the Act in furtherance of this objective.

OR

- Q7 Discuss the forms of foreign collaborations and their significance in the economic growth of a country. Explain the guidelines of the Government of India for sanctioning Indian joint ventures abroad.

- Q8 The Foreign Exchange Management Act, 1999 (FEMA) has replaced the Foreign Exchange Regulation Act, 1973 (FERA). What were the reasons to enact the FEMA and in what aspects it is different from the FERA.

OR

- Q9 Discuss the salient features of FEMA. How it facilitates external trade payments and foreign investment in India.

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