



BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – LLM-2022/LLM-2023

Course Name – Investment & Competition Law

Course Code - LLM203A

(Semester II)

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

- (i) Identify the section where definition of cartel has been provided in the Competition Act,2002
- | | |
|---|---|
| a) section 2(a) of Competition Act,2002 | b) section 2(b) of Competition Act,2002 |
| c) section 2(c) of Competition Act,2002 | d) section 2(d) of Competition Act,2002 |
- (ii) Identify the definition of cartel which has been provided in the Competition Act,2002
- | | |
|---|---|
| a) an association of producers, sellers, distributors, traders | b) service providers who, by agreement amongst themselves, limit, control |
| c) attempt to control the production, distribution, sale or price of, or, trade in goods or provision of services | d) All of these |
- (iii) Identify the section of establishment of Competition Commission of India which has been provided in the Competition Act,2002
- | | |
|--------------------------------------|---------------------------------------|
| a) section 7 of Competition Act,2002 | b) section 8 of Competition Act,2002 |
| c) section 9 of Competition Act,2002 | d) section 10 of Competition Act,2002 |
- (iv) Identify the section where Resignation, removal and suspension of Chairperson and other Members has been provided in the Competition Act,2002
- | | |
|---------------------------------------|---------------------------------------|
| a) section 11 of Competition Act,2002 | b) section 12 of Competition Act,2002 |
| c) section 13 of Competition Act,2002 | d) section 14 of Competition Act,2002 |
- (v) Identify the number of members of Competition Commission of India appointed by the Central Government
- | | |
|------------------------------|------------------------------|
| a) Chairperson and 2 Members | b) Director and 6 Members |
| c) Director and 4 Members | d) Chairperson and 4 Members |

- (vi) Predict the Headquarter of WTO
- a) Geneva
c) New Delhi
- b) Doha
d) Mosco
- (vii) Predict the Definition of the term agreement which has been made as arrangement or understanding or action in concert
- a) whether or not, such arrangement, understanding or action is formal or in writing; or whether or not such arrangement, understanding or action is intended to be enforceable by legal proceedings
- b) service providers who, by agreement amongst themselves, limit, control
- c) attempt to control the production, distribution, sale or price of, or, trade in goods or provision of services
- d) all of these
- (viii) Predict the definition of carteling provided in the Competition Act,2002
- a) an association of producers, sellers, distributors, traders
- b) service providers who, by agreement amongst themselves, limit, control
- c) attempt to control the production, distribution, sale or price of, or, trade in goods or provision of services
- d) all of these
- (ix) Choose the section where definition of Anti-competitive agreements has been provided in the Competition Act,2002
- a) section 3 of Competition Act,2002
c) section 5 of Competition Act,2002
- b) section 4 of Competition Act,2002
d) section 6 of Competition Act,2002
- (x) Identify the section of acquisition
- a) section 2 (a)
c) section 2 (m)
- b) section 2 (x)
d) section 2 (n)
- (xi) Select the correct section of Application of other laws not barred.
- a) section 62 of Competition Act,2002
c) section 2 (a) of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
d) section 2 (b) of Competition Act,2002
- (xii) Select the correct section of Power to make rules.
- a) section 63 of Competition Act,2002
c) section 2 (a) of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
d) section 2 (b) of Competition Act,2002
- (xiii) Select the correct section of Power to remove difficulties.
- a) section 65 of Competition Act,2002
c) section 2 (a) of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
d) section 2 (b) of Competition Act,2002
- (xiv) Select the correct section of Repeal and saving.
- a) section 66 of Competition Act,2002
c) section 2 (a) of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
d) section 2 (b) of Competition Act,2002
- (xv) Select the subject matter of section 2 (a)
- a) acquisition
c) competition
- b) combination
d) regulation

Group-B

(Short Answer Type Questions)

3 x 5=15

2. State the process of appointment of Director General under Competition Act,2002. (3)
3. Explain public financial institution. (3)

- 4. Explain relevant product market. (3)
- 5. Explain the influence of OECD principles on Competition Law in India. (3)
- 6. Analyze Reference by statutory authority. (3)

OR

Analyze Reference by Commission. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

- 7. Illustrate Power to Punish for contempt. (5)
- 8. Illustrate Power to exempt. (5)
- 9. Assess the relation between TRIPS & Completion Act,2002. (5)
- 10. Assess the objective of Doha Declaration. (5)
- 11. Assess the relation between FDI & Completion Act,2002. (5)
- 12. Illustrate Power to remove difficulties. (5)

OR

Illustrate Repeal and saving. (5)
