



BRAINWARE UNIVERSITY

Term End Examination 2023

Programme – LLM-2022

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) Choose the section of Orders by Commission after inquiry into agreements or abuse of dominant position
- | | |
|---|---|
| a) section 27 of Competition Act,2002 | b) section 2 (c) of Competition Act,2002 |
| c) section 2 (a) of Competition Act,2002 | d) section 2 (b) of Competition Act,2002 |
- (ii) Identify the ACT NO of Competition Act,2002
- | | |
|-----------------------|-----------------------|
| a) ACT NO. 11 OF 2003 | b) ACT NO. 12 OF 2003 |
| c) ACT NO. 13 OF 2003 | d) ACT NO. 14 OF 2003 |
- (iii) Remember the date of commencement of COMPETITION ACT, 2002 which is
- | | |
|-----------------------|-----------------------|
| a) 11th January, 2003 | b) 12th January, 2003 |
| c) 13th January, 2003 | d) 14th January, 2003 |
- (iv) Identify the objective of Competition Act,2002 is applicable for the
- | | |
|--|--|
| a) establishment of a Commission to prevent practices having adverse effect on competition | b) control of monopoly |
| c) prevention of money-laundering | d) consolidation and amendment of the law relating to foreign exchange |
- (v) Identify 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 | b) service providers who, by agreement amongst themselves, limit, control |
|--|---|

- intended to be enforceable by legal proceedings
- c) attempt to control the production, distribution, sale or price of, or, trade in goods or provision of services
- d) all of these
- (vi) Predict the objective of Doha Declaration
- a) flexibility of GATT member states in circumventing patent rights for better access to essential medicines
- b) flexibility of TRIPS member states in circumventing patent rights for better access to essential medicines
- c) to destruct the patent rights for better access to essential medicines
- d) for stopping all patent rights for better access to essential medicines
- (vii) Predict the subject matter of Doha Declaration
- a) trademark
- b) copyright
- c) compulsory licenses
- d) GI
- (viii) Choose the section of Penalty for making false statement or omission to furnish material information
- a) section 44 of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
- c) section 2 (a) of Competition Act,2002
- d) section 2 (b) of Competition Act,2002
- (ix) Predict the function of WTO
- a) Regulating and facilitating international justice
- b) Regulating and facilitating international sea dispute
- c) Regulating and facilitating international trade
- d) Regulating and facilitating international criminal activity
- (x) Select the correct section of Appeal to Supreme Court
- a) section 53T of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
- c) section 2 (a) of Competition Act,2002
- d) section 2 (b) of Competition Act,2002
- (xi) Select the correct section of Power to Punish for contempt.
- a) section 53U of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
- c) section 2 (a) of Competition Act,2002
- d) section 2 (b) of Competition Act,2002
- (xii) Select the correct section of Power to exempt
- a) section 54 of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
- c) section 2 (a) of Competition Act,2002
- d) section 2 (b) of Competition Act,2002
- (xiii) Select the correct section of Power of Central Government to issue directions.
- a) section 55 of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
- c) section 2 (a) of Competition Act,2002
- d) section 2 (b) of Competition Act,2002
- (xiv) Select the correct section of Power to make regulations
- a) section 64 of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
- c) section 2 (a) of Competition Act,2002
- d) section 2 (b) of Competition Act,2002
- (xv) Predict the section of Anti-competitive agreements
- a) section 3 of Competition Act,2002
- b) section 2 (c) of Competition Act,2002
- c) section 2 (a) of Competition Act,2002
- d) section 2 (b) of Competition Act,2002

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Identify the characteristics of agreement under Competition Act,2002 (3)
3. Interpret Selection Committee for Chairperson and Members of Commission (3)
4. Analyze Reference by Commission (3)

5. Explain Power of WTO to regulate its own procedure. (3)
6. Assess the function of WTO (3)

OR

Assess Procedure for becoming member of WTO (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Illustrate Power of Central Government to supersede Commission. (5)
8. Analyze the key focus areas of Competition Act,2002 (5)
9. Analyze the concept of acquisition under section 2 (a) of Competition Act,2002 (5)
10. Define Chairperson under section 2 (d) of Competition Act,2002 (5)
11. Explain the meaning of Commission under section 2 (e) of Competition Act,2002 (5)
12. Explain the meaning of Director General under section 2 (g) of Competition Act,2002 (5)

OR

Explain the meaning of enterprise under section 2 (h) of Competition Act,2002 (5)
