



BRAINWARE UNIVERSITY

Term End Examination 2025-2026

Programme – LLM-2023/LLM-2024/LLM-2025

Course Name – Investment & Competition Law

Course Code - LLM203A

(Semester II)

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SCHOOL OF LAW
Parasat, Kolkata- 700125

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) Which section defines the relevant market?

- a) section 2(p) of Competition Act,2002
- c) section 2(r) of Competition Act,2002

- b) section 2(q) of Competition Act,2002
- d) section 2(s) of Competition Act,2002

(ii) What is the full form of TRIPS?

- a) Tariff Related Aspect of International Property Rights
- c) Trade Related Aspect of Intellectual Property Rights

- b) Trade Related Aspect of International Property Rights
- d) Trade Related Aspect of Intellectual Property Regime

(iii) Name 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

(iv) Explain the section where definition of combination has been provided in the Competition Act,2002:

- a) section 5 of Competition Act,2002
- c) section 7 of Competition Act,2002

- b) section 6 of Competition Act,2002
- d) section 8 of Competition Act,2002

(v) Name the definition of cartel which has been provided in the Competition Act,2002:

- a) an association of producers, sellers, distributors, traders
- c) attempt to control the production, distribution, sale or price of, or, trade in goods or provision of services

- b) service providers who, by agreement amongst themselves, limit, control
- d) All of these

(vi) What is the primary objective of the Competition Act, 2002?

- a) To promote and sustain competition in markets

- b) To promote monopolies

- c) To increase government control over businesses
- d) To encourage price-fixing agreements
- (vii) Which of the following is considered an anti-competitive agreement under Section 3 of the Act.
- a) Cartels engaged in price-fixing
- b) Agreements that ensure consumer safety
- c) Agreements that promote fair trade practices
- d) Agreements that increase product diversity
- (viii) Which of the following factors is considered when assessing the abuse of dominance.
- a) Employee satisfaction
- b) CEO remuneration
- c) Market share of the enterprise
- d) Advertising spend
- (ix) Identify the effective year of TRIPS.
- a) 1993
- b) 1994
- c) 1995
- d) 1996
- (x) Which theory supports competition law by promoting consumer welfare?
- a) Mercantilist theory
- b) Consumer welfare theory
- c) Socialist theory
- d) Marxist theory
- (xi) Recall the subject matter of Doha Declaration.
- a) trademark
- b) copyright
- c) compulsory licenses
- d) GI
- (xii) 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
- (xiii) Select the correct section of Power of Central Government to supersede Commission.
- a) section 56 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 Protection of action taken in good faith.
- a) section 59 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) Select the subject matter of section 2 (s).
- a) relevant product market
- b) combination
- c) competition
- d) regulation

Group-B

(Short Answer Type Questions)

3 x 5=15

2. Identify the characteristics of agreement under Competition Act,2002 (3)
3. State the establishment of Commission under Competition Act,2002. (3)
4. Explain the characteristics of competitive market in India. (3)
5. Assess the relationship between the powers and functions of the CCI with reference to its institutional design under the Competition Act, 2002. (3)
6. Analyze doctrine of Essential facility with relevant case laws. (3)

OR

- Analyze Reference by statutory authority. (3)

Group-C

(Long Answer Type Questions)

5 x 6=30

7. Explain the provisions relating to appeal to the Supreme Court under the Competition Act, 2002 with a suitable illustration. (5)
8. Explain the role, powers, and functions of the Competition Commission of India under the Competition Act, 2002. (5)
9. A multinational company argues that strict enforcement of its patent rights under the TRIPs Agreement allows it to restrict parallel imports and maintain territorial market (5)

segmentation in India. Analyse if India can use competition law to restrict a company from blocking parallel imports using TRIPS-based patent rights.

10. Assess the relation between TRIPS & Completion Act, 2002. (5)
11. Two leading FMCG companies merge, resulting in a 60% market share. The companies claim efficiency gains, while rivals allege reduction in competition. Analyse how the Competition Commission of India will assess a merger that results in a 60% market share. (5)
12. A dominant telecom company acquires a major tower-infrastructure provider and thereafter denies access to rival telecom operators. Examine whether the acquisition of a tower-infrastructure company by a dominant telecom operator leads to market foreclosure under the Competition Act, 2002. (5)

OR

Company X acquires Company Y, which is financially insolvent and about to exit the market. (5)
The merger reduces the number of competitors. Analyse if Company X can use the failing firm defence after acquiring insolvent Company Y that reduces market competition.

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