

Sub Code- LPG

Roll No.....

SEMESTER EXAMINATION 2022-2023

(1st SEM LL.M)

COMPETITION LAW

Duration: 3:00 hrs.

Max Marks: 60

Note: Attempt all questions. All questions carry equal marks. In case of any ambiguity or missing data, the same may be assumed and state the assumption made in the answer.

Q 1.	Answer any Two parts of the following within 200-225 words. a) Abuse of Dominant position, Explain briefly. b) “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 rationale underlying the Rule of Reason.” Discuss the above statement with reference to decided cases. c) What do you understand by the expression “relevant product market” and “relevant geographical market”? What are the factors taken into consideration in deciding such relevancy?	2x6=12
Q 2.	Answer any Two parts of the following within 200-225 words. a) Elucidate the procedure for investigation by the competition commission with reference to the recent case laws. b) Bid-rigging, Explain briefly. c) What are anti-competitive agreements? Discuss the various types of anti-competitive agreements prohibited under the Competition Act, 2002.	2x6=12
Q 3.	Answer any Two parts of the following within 200-225 words. a) Raghavan committee report, Discuss. b) Discuss the powers and functions of the Competition Commission of India. What penalties can the Commission impose on failure to comply with its orders in cases of anti-competitive agreements, abuse of dominant position and combinations? c) Tie-in agreements, Explain briefly.	2x6=12

Q 4.	<p>Answer any One part of the following within 450-500 words</p> <p>a) “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, but 1986 are also 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.</p> <p>b) “The definition of ‘service’ in Section 2(1) (0) 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 light of the above statement. Explain whether medical services rendered by general practice doctors 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) (0) of the Act.</p>	1x12=12
Q 5.	<p>Answer any One part of the following within 450-500 words</p> <p>a) 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.</p> <p>b) “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.</p>	1x12=12
