

PGDM (IB) 2014-16
Legal Aspects of Business(National and International)
IB-503

Trimester –V ,End Term Examination ,December -2015

Time allowed: 2 hrs 30 min

Max Marks: 50

Roll No: _____

Instruction: Students are required to write Roll No on every page of the question paper, writing anything except the Roll No will be treated as **Unfair Means**. In case of rough work please use answer sheet.

Sections	No. of Questions to attempt	Marks	Marks
A	3 out of 5 (Short Questions)	5 Marks each	3*5 = 15
B	2 out of 3 (Long Questions)	10 Marks each	2*10 = 20
C	Compulsory Case Study	15 Marks	15
		Total Marks	50

Part A

[Total marks: 15 (5 marks each)]

Note: Answer any three question each carry equal marks

1. Discuss the characteristics of negotiable instruments act, 1881? What are the recent amendments on validity of an instrument and limitation on notice period ?
2. Elaborately discuss the essential elements of a valid contract with reference to Indian and International business?
3. Discuss the deference between 'Conditions' and 'Warranty' under the Sale of Goods Act, 1930? Also state the important features of a sale deed.
4. Explain the provisions of 'Consumer Redressal Forums' under the consumer protection act 1986 ?
5. "Torts laws are needed for a developing society". Comment and elaborate different types of Torts. Give relevant examples

Part B

[Total marks: 20 (10 marks each)]

Note: Answer any two question each carry equal marks

1. What are the characteristics of negotiable Instrument? Discuss the 'privileges' of holder in due course as per the provisions of the Negotiable Instruments Act, 1881? Also state the important amendment to be incorporated under sec 138 of the this act.
2. "The new features of corporate governance is necessary to maintain corporate ethical environment." Elucidate the statement. Also highlight the important features of the company Act 2013.
3. Elaborately explain the essential features of the consumer protection act 1986. Also briefly discuss 'unfair trade practice' and 'restrictive trade practice' as discussed under consumer protection Act, 1986?

Part C

[Total Marks: 15 (5 Marks Each)]

Note: Note: Read the case situation and answer the following questions :

1. A dispute arose out of a sale contract between an Indian buyer "A" and a foreign seller "B" whereby B had agreed to supply certain type of electronic product to the A. A has alleged that

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the electronic product supplied had deficiency in terms of quality as agreed to by the parties and as a result it had suffered significant damages. The matter was referred to the Arbitration in London as per the arbitration clause. Arbitral award was in favour of B. B has sought the enforcement of the arbitral award in India. A sought advice from its sales manager on the following issues:

- (i) What is an international commercial arbitration?
- (ii) Can "B" seek enforcement of London Arbitration award in India? Name the Convention which could be invoked by "B" for enforcement of arbitral award in India.
- (iii) Name the Indian law which deals with the recognition and enforcement of foreign arbitral award in India.
- (iv) Is it possible for "A" to oppose enforcement of arbitral award in India and what could be the possible grounds?

2. Country "A" pronounces its New Trade Policy 2015, which includes preferential treatment for domestic rare-earth mineral industry and trade measures to give concession to Country "B" in IT software industry. Your advice is sought on the following issues:

- (i) Name any international trade agreement that has been violated by Country "A".
- (ii) What are the concerned principles of international trade agreement that could be invoked by any other country to seek remedy in the matter?
- (iii) What is the appropriate dispute settlement mechanism that could be invoked by any other country to seek remedy in the matter?
- (iv) Whether Union of India can file a case in the Supreme Court of India against country "A" to seek remedy? – (a) If yes, then on what is the basis for that and (b) if not, then what is the way out.

3. On January 2015, the United States (US) imposed countervailing duties States on certain hot rolled carbon steel flat products imported from India. India challenges countervailing duties levied on those products by the US through various instruments. Your advice is sought on the following:

- (i) Name the international trade agreement governing such types of international trade
- (ii) Who can file a case under such system and where? Can an Indian Company dealing with the hot rolled carbon steel flat product file a case against the US trade measure?
- (iii) What are the basic stages of dispute resolution under this system?
- (iv) What are the main characteristics of the dispute resolution under this system?
