

NLUJAA

National Law University and Judicial Academy, Assam
B.A.,LL.B. (Hons.): III-Year, VI-Semester (Academic Year: 2017-18)

Semester End Repeat Examination (August, 2018)

Subject Code: 6.1 Environmental Law

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five questions from the following. All questions carry equal marks.

1. "The main purpose of Environmental Protection Act is to create an authority under the Act with adequate powers to control pollution and protect the environment. It is pity that till date no authority has been constituted by the Central Government. The work which is required to be done by an authority is being done by this court". Elucidate with the help of case law. Cite the relevant statutory provisions.
2. Discuss in detail the procedure relating to the following:
 - (a) Consent provisions;
 - (b) Collection of sample of effluents, under the Water (Prevention and Control of Pollution) Act, 1974. Refer to judicial precedents.
3. Write short notes about the Powers and functions of: (8+6)
 - (a) National Biodiversity Authority & State Biodiversity Boards
 - (b) Biodiversity Management Committees
4. Environment Impact Assessment law is not enshrined in a specialized and dedicated legislation. It exists in several notifications brought under the Environment (Protection) Act, 1986, which is the umbrella legislation to protect the environment of our country. Discuss the key stages of EIA process as per the said notifications.
5. Write brief notes on:
 - (a) Major additions in Municipal Solid (Management and Handling) Rules 2016
 - (b) Difference between Bamako and Basel Convention
6. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) as it is commonly known, is a historic milestone that ensures the rights and livelihoods of forest dwelling communities. What are the cardinal provisions on recognition, restoration, authorities and procedure for vesting of forest rights?

NLUJAA

National Law University and Judicial Academy, Assam
B.A.,LL.B. (Hons.): III-Year, VI-Semester (Academic Year: 2017-18)

Semester End Repeat Examination (August, 2018)

Subject Code: 6.2 Administrative Law

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer four questions from 1-5 of the following. Question no. 6 is compulsory. All questions carry equal marks.

1. Explain the theory of separation of power and state to what extent the theory is followed in India?
2. "The legislature cannot delegate its essential functions." Critically evaluate the statement with the help of significant judicial pronouncements.
3. "The term 'Natural Justice' expresses close relationship between Common Law and moral principles and it has an imperative history of several centuries." Explain.
4. Explain the various grounds for exercising judicial control over administrative discretion in India with the help of decided cases.
5. Distinguish between:- (a) Arbitrariness and Discretion
(b) Inquiry and Investigation
6. Solve the following problems:
 - (a) Mr. X, a student of X semester, NLU Assam, has appeared LL.B. End-Semester examination. The University has cancelled the Examination on the ground of shortage of attendance without assigning any reasons. How do you justify the action of the University Authority?
 - (b) A liquor permit of a soldier was cancelled summarily as he was caught red-handed while selling defence liquor to a civilian. The soldier pleads denial of "hearing". Decide case.

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): III-Year, VI-Semester (Academic Year: 2017-18)
Semester End Repeat and Re-registered Examination (August, 2018)
Subject Code: 6.3 International Law

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five questions from the following. All questions carry equal marks.

1. Meereen, Gotham, Romvia and Hobbiton are neighbouring states. The river Nilames flows through all the states. The four states met at Erebor and entered into a treaty with regard to sharing the power generated by the hydroelectric project situated on the river Nilames. Meereen made a reservation stating that they shall not abide by the treaty during the period of droughts in their state. Gotham accepted the reservation while Romvia objected to it. Hobbiton had initially objected to it but they later withdrew their objection. Decide on the obligations of Meereen as against Gotham, Romvia and Hobbiton with regard to the water sharing treaty in accordance with the provisions of the Vienna Convention on the Law of Treaties, 1969.

“*Pacta tertiis nec nocent nec prosunt.*” Elaborate as provided under the Vienna Convention on the Law of Treaties, 1969.

(9+5)

2. One of the major distinctions between international law and municipal law is in terms of their sources. In this background, describe in brief the sources of international law and discuss in details custom as a source of international law with the help of suitable decisions of ICJ, PCIJ and other international tribunals. Further, elucidate on the hierarchy of the sources of international law.

(3+8+3)

3. Wakanda is a state situated in the continent of Raphasia. It shares its borders with Westeros, Branolia, Dukaran and Stormlands. Wakanda is headed by a democratically elected President and has two houses of Parliament. Subsequently, civil war broke out in Wakanda, pursuant to which the military junta overthrew the President and established its own government. The states of Westeros and Dukaran as well as several other states from different continents have refused to give recognition to the new government of Wakanda. Discuss the effect of this non-recognition of the new government of Wakanda on the recognition accorded to the state of Wakanda in the light of established state practice.

Further, discuss in details the concept of recognition in the light of its theories as well as the legal effects of recognition.

(8+6)

4. The General Treaty for Renunciation of War (Kellogg-Briand Pact) was the first instrument to outlaw jus ad bellum whereby parties to it agreed to seek a peaceful solution to all disputes arising. However, World War II broke out in complete disregard of the Treaty thereby popularizing the phrase that "treaties never stop wars". Discuss the subsequent international regime governing jus ad bellum and elucidate upon the exceptions to the same.

(5+9)

5. A married couple, Orson Hodge and Bree Hodge are US citizens. Bree is a consular officer at the US Embassy in New Delhi, India. They live together in New Delhi. Orson, alongwith his friend Richard Webber, was involved in a case of a rash and negligent driving which resulted in the death of four people sleeping on the footpath. Bree tried to use her clout to protect her husband by misleading the police and was also involved in eliminating crucial evidence of the crash. Discuss the criminal liability of all the concerned people in the light of the relevant international instruments.

Further, discuss the difference between criminal liability of a diplomatic officer and a consular officer as per the provisions laid down in the Vienna Convention on Diplomatic Relations and Vienna Convention on Consular Relations.

(9+5)

6. Write short notes on:

(7+7)

- (a) Peacekeeping forces and its status in the UN
(b) Humanitarian Intervention in Kosovo and UNSC

NLUJAA

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B.A.,LL.B. (Hons.): III-Year, VI-Semester (Academic Year: 2017-18)

Semester End Repeat Examination (August, 2018)

Subject Code: 6.4 Code of Civil Procedure and Law of Limitation

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any five questions from the following. All questions carry equal marks.

1. Write short notes on any two of the following:
 - (a) Legal Representative
 - (b) Garnishee Order
 - (c) Caveat
 - (d) Inherent Powers
2. What is substituted service? When can it be ordered and how can be effected? Discuss with reference to the provisions of the Code of Civil Procedure.
3. What will be the effect of death of the parties on the continuation of the suit? Discuss with the help of statutory provisions.
4. Does an application for review of judgement lie in a case where the judgement is rendered erroneous by reason of amendment made in a statutory provision with retrospective effect? Is an application for review of a reviewed judgement possible? Give reasons.
5. Elucidate the "Issue". How issues are framed in a civil suit? Can court dispose of the suit at first hearing? Is a defendant entitled to participate in the suit even after his written statement has been struck off?
6. What is a counter-claim with reference to Civil Procedure Code? Whether it can be filed at any stage of suit or appeal also? Can it be directed against a co-defendant?

NLUJAA

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Semester End Repeat Examination (August, 2018)

Subject Code: 6.5 Labour and Industrial Law

Time: **2:45 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any five questions from the following. All questions carry equal marks.

1. Discuss the provisions relating to the rights of the trade unions as stipulated under the Trade Unions Act, 1926. In the light of judicial decisions explain the concept of recognition of trade unions. (8+6=14)
2. Explain the provisions relating to regulation of conditions of work of adolescents and the penalties prescribed under Section 14 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. (10+4=14)
3. In the context of the Unorganised Workers' Social Security Act, 2008 explain the following: (6+4+4=14)
 - (a) Definition of Unorganised worker, Wage worker and Self-employed worker.
 - (b) Social security benefits as specified under Section 3.
 - (c) Eligibility for registration under Section 10.
4. Critically discuss the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. (14)
5. 'M', 'N', 'O' and 'P' are contractors providing contract labourers to establishment 'A1', 'A2', 'A3' and 'A4' respectively to which the Contract Labour (Regulation and Abolition) Act, 1970 applies [herein after referred to as CLRA, 1970]. As per notification dated 11th April, 2012 under section 10 of CLRA, 1970, the contract labourers working for nine years in 'A2' and 'A3' were abolished. The contract labourers of 'A2' on 20th April, 2012 demanded the principal employer to treat them as regular employees. The registering officer on 5th July, 2018 revoked the registration of 'IV'. On 8th May, 2017 the principal employer of 'III' advertised three post against the operations in which contract labourers were abolished. The erstwhile contract labourers of 'III' though had requisite qualifications were not called for the interview on 26th May, 2017 and hence they filed a petition contending the violation of law. 'M' has contravened sections 16 and

21 of CLRA, 1970. On 20th February, 2014 'P' had violated the condition of licence and was punished with imprisonment for a two months and imposed with a fine of two thousand rupees. Explain each of the situations mentioned above in the context of the relevant provisions of law and judicial pronouncement. (14)

6. Examine the below mentioned situations in the light of the relevant provisions of law and judicial pronouncements in India. (4+6+4=14)

(a) Industrial establishment 'I' which is not a mine was reorganized on 11th April, 2017 and the post held by workman 'C' was abolished. There was an agreement on 15th February, 2016 between the management and workmen of 'I' that no employee would be retrenched. Without loss of wages 'C' was given an alternate work but he refused to accept it and requested the management to give him another job. The management of 'I' struck off the name of 'C' and refused to pay him retrenchment compensation. On 17th April, 2018 workman 'D' who had been in continuous service for 214 days claimed retrenchment compensation after being dismissed from service by the management of 'I' on the ground of continued illness. Both 'C' and 'D' challenged the action of the management 'I'.

(b) Industrial establishment 'II' has contravened the provisions of Section 23 and 25 of the Industrial Disputes Act, 1947.

(c) Crucial business working hours of the bank 'III' is from 11:00 am to 2:30 pm. On 30th April, 2017 the employee union 'AZ' of bank 'III' demanded for better wages and submitted a notice of strike to their employers 'AE'. In the notice of strike 'AZ' had specified that they would resort to strike from 17th to 24th May, 2017 for two hours from 11:30 am to 1:30 pm within the premises of 'III'. The employers 'AE' of bank 'III' prayed for interim injunction against 'AZ' restraining them from holding strike within the premises of the 'III' as it would obstruct the entry of the customers and affect the business of the bank and contended that if 'AZ' wanted to strike they should do it beyond 60 meter radius away from the premises of 'III'. On 19th May, 2017 'AE' declared a lockout. On 2nd June, 2017 'AZ' contended that 'AE' had violated law by deducting their wages for the whole day of 21st and 22nd May, 2017.

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Semester End Repeat Examination (August, 2018)

Subject Code: 6.6 Fundamentals of Intellectual Property Law

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any five questions from the following. All questions carry equal marks.

1. What do you understand by Infringement of Copy right? What are the remedies available under the Copy Right Act, 1957? Discuss with the help of decided cases and specific provisions under the Act.
2. Discuss in detail the procedure for registration of Patent. What is the effect of the registration? Discuss with the help of specific provisions as mentioned in the statute.
3. Discuss the Historical Evolution of Copyright Law in India. What do you mean by the term *Idea –Expression dichotomy*? Are there any related rights with the copy right? Elaborate.
4. Elucidate Universal Copy Right Convention (UCC) in detail with appendixes as mentioned in the Convention.
5. What do you mean by Author's Special Rights under copyright law? Discuss in detail the subject-matter of Copyright.
6. Write any **two** from the following:
 - (a) Paris convention
 - (b) TRIPS
 - (c) Trade Dress
