

NLUJAA

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

Semester End Examination (June, 2018)

Subject Code: 10.1 Law Relating to Child and Woman

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.
3. Do not write anything on the question paper. It will be treated as malpractice.

Question no. 1 is compulsory. Answer any four from question no. 2 to 6.

1. A family comprising of 'L', 'M', 'N', 'O' and 'P' residing in 'Magilake' run their family enterprise 'I'. 'O' born on 1st January, 2009 was admitted to government school 'A' in February 2015 after he was denied admission in government school 'B' because he and his parents did not perform satisfactorily in the screening procedure. 'N' born on 1st March, 2004 along with his sister 'P' born on 5th May, 2002 work in establishment 'II' and 'III' to aid their family financially. No hazardous operations or processes are carried out in establishment 'II' and 'III'. On Friday every week 'O' helps his father 'M' in 'I' after returning from school at 2:00 pm. As on 1st June 2018 'P' works from 5:00 pm to 6:45 pm on Monday and Wednesday in establishment 'III'. On 3rd June, 2018 'O's mother 'L' complained to headmistress 'U' that her son had been slapped by teacher 'E' and requested that action be taken against 'E'. 'U' informed 'L' that slapping and spanking students to discipline them was necessary and legally no action can be taken against 'E'. In establishment 'II' as on 1st June, 2018 'N' works for seven days a week from 8:30 am to 2:30 pm with interval of rest from 11:30 am to 12:30 pm and from Monday to Thursday 'P' works from 9:00 am to 3:00 pm and on Friday and Saturday 'P' works from 7:30 pm to 7:00 am. Every week on Tuesday from 11:00 am to 1:30 pm 'O' helps 'L' in 'I'. Examine the above mentioned situations in the light of the relevant provisions of law in India. (14)
2. The Supreme Court of India in *Independent Thought v. Union of India (UOI) and Ors* AIR 2017 SC 4904 held that "sexual intercourse with a girl below 18 years of age is rape regardless of whether she is married or not". – Analyze the above statement in the light of the provisions of law stipulated in the Prohibition of Child Marriage Act, 2006, the Protection of Children from Sexual Offences Act, 2012 and the Juvenile Justice (Care and Protection of Children) Act, 2015. (5+6+3=14)
3. Discuss the legal provisions against acid attacks in India. Substantiate your answer with three judicial decisions of the Supreme Court of India. (14)

4. Discuss the provisions pertaining to the protection and empowerment of women in the Constitution of India and support your answer with judicial decisions. Briefly explain the obligations of the State Parties specified under Articles 2 to 6 of the Convention on the Elimination of All Forms of Discrimination against Women, 1979. (10+4=14)
5. Examine the provisions stipulated under the Maternity Benefit Act, 1961 in the light of the latest amendment. Support your answer with judicial decision. (14)
6. Discuss briefly four provisions relating to the rights of children to survival as specified in the Convention on the Rights of the Child, 1989. Explain the procedure in relation to children in conflict under the Juvenile Justice (Care and Protection of Children) Act, 2015 in the context of the following provisions: (4+4+2+4=14)
 - (a) Inquiry by Board regarding child in conflict with law
 - (b) Preliminary assessment into heinous offences by Board
 - (c) Orders regarding child found to be in conflict with law

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

Semester End Examination (June, 2018)

Subject Code: 10.2 International Trade 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.
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Answer any five questions from the following. All questions carry equal marks.

1. "The Bretton Woods system of monetary management was the first example of a fully negotiated monetary order intended to govern monetary relations among independent nation-states. Setting up a system of rules, institutions, and procedures to regulate the international monetary system, the planners at Bretton Woods established the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD)." In light of the above statement, answer the following questions:
 - (a) What was the need behind setting up of an international monetary order to set up financial relations among independent nation states?
 - (b) Describe the governance structure and importance of International Monetary Fund (IMF) and International Bank for Reconstruction and Development (IBRD).
2. (a) What is the importance of liberalization of services? What led to the establishment of General Agreement on Trade in Services (GATS)?
 - (b) What are the different modes of service supply under the GATS? Explain with suitable examples.
3. "Uruguay Round of Trade Negotiations called in for international trade between nations on equal footings and introduced many changes. Trade related to goods, services, people and capital were important areas which were to be made more impartial." What are the important facets of Uruguay Round of Trade Negotiations especially important for developing countries?
4. What are the basic principles of intellectual property rights in context of international trade? Write a note on Paris Convention for the Protection of Industrial Designs, 1883.

5. What is the basis for domestic implementation of International Trade Law in India? Give appropriate constitutional provisions in support of your answer.

6. Write short notes on **any two** of the following:
 - (a) General Agreement on Trade in Services
 - (b) Definition of international trade law
 - (c) Theories on domestic implementation of International Trade Law.

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

**Subject Code: 10.3 Professional Legal Ethics, Accountancy and
Bench Bar Relations**

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.
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Answer any five questions from the following.

1. (a) Mr. X is the owner of a shop where Mr. A is the tenant. Mr. A gives an undertaking to the Court that he would vacate the shop on a particular date. However, a year has lapsed since the date in the undertaking and Mr. A has not vacated the said premises. Is there any legal remedy available to Mr. X. Distinguish between Civil Contempt and Criminal Contempt with illustrations and appropriate case laws.

(b) State the exceptions to the law of contempt. (7+7=14)
2. *The Advocates Act, 1961* entrusts the Bar Council of India with a large number of functions. Discuss in detail. (14)
3. (a) State the qualification and disqualification for enrollment as an Advocate to the State Bar Councils in India.

(b) Explain the process to be followed for admission and enrolment as an Advocate in the State Bar Council after a student obtains a law degree. Support your answer with provisions of law.

(c) Can a person with requisite qualifications enroll himself/herself as an Advocate in two State Bar Councils simultaneously? Support your answer with case laws. (5+5+4=14)
4. (a) What is meant by "Professional misconduct"? State any three instances which would amount to professional misconduct by an Advocate and support your answer with appropriate case laws.

(b) State the procedure to be followed by the Disciplinary Committee when a complaint is filed against an Advocate. (7+7=14)

5. (a) What is meant by Right to practice? Explain in the light of *Ex. Captain Harish Uppal v. Union of India*.

(b) Discuss in brief the following:

(i) Right of an Advocate to simultaneously practice two professions while pursuing legal practice.

(ii) Dress code for Advocates.

(7+7=14)

6. “*The Bench and the Bar are two wheels of the chariot of justice and the relationship between the two is based on mutual respect and cordiality.*”

Discuss in detail the duties of an Advocate towards the Court.

(14)

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

**Subject Code: 10.4/5 (BL.4) Investment Management Laws and
Corporate Social Responsibility**

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. Explain the Concept of Mutual Funds. What are the various risks associated with these investments? Discuss the Investment strategies as to Mutual Funds. (4+6+4=14)
2. Discuss the relevant provisions as to Corporate Social Responsibility under Companies Act, 2013. Are these provisions applicable to section 8 of Companies Act? What are the consequences for non-Compliance of CSR provisions? (7+3+4=14)
3. Discuss the Concept of Foreign Direct Investments and procedure of making investments in Indian company. What are the sectors in which foreign Direct Investments are not allowed in India? (10+4=14)
4. Write short note: (Any Two) (7+7=14)
 - i) Issuance of Shares by Indian Company's under American Depository Receipts/ Global Depository receipts
 - ii) Social Business Models in India
 - iii) Foreign Portfolio Investments
5. Investors are the backbone of the Securities Market and protection of their interests should be of prime importance. In the light of this statement discuss the role of SEBI in taking measures to protect the interest of investors. (14)
6. Discuss the Current Policy of India regarding Bilateral Investment Treaties. Explain the settlement procedure of investment disputes as provided under Model BIT 2016. (7+7=14)

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

Semester End Examination (June, 2018)

Subject Code: 10.4/5 (IL.4) Law of the Sea

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

1. Discuss the factors that led to the convening of the Third UNCLOS. What are the key features of the Convention? Discuss in detail.
2. *"The Principle of equitable and reasonable utilization is the cornerstone of the UN watercourses Convention and the Fundamental doctrine guiding water-sharing for international watercourses."* Elucidate the above statement with the specific principles as developed by UNEP.
3. Discuss the role of ITLOS in detail as a dispute settlement mechanism of the United Nations Convention on the Law of the Sea.
4. What is Piracy under International Law? Explain with the help of explicit provisions and incidents in the Gulf of Aden and in the Strait of Malacca.
5. Explain specific provisions under the UNCLOS III to conduct and promote the maritime scientific research.
6. Write **any two** from the following:
 - (a) IMO
 - (b) ISA
 - (c) GMDSS

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

Semester End Examination (June, 2018)

**Subject Code: 10.4/5 (CR.4) Juvenile Justice Law, Child Protection Laws
and Laws Relating to Mental Health**

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. Do you agree that peer pressure and social influence like economics and the lack of family support are inter-related and contributory when it comes appertains to juvenile delinquency. Elaborate your answer on the basis of relevant theories and on the basis of decided cases.
2. Explain the importance of defining juvenile, child and minor in the study and understanding of juvenile justice. Support your answer on the basis of relevant national and international conventions, treaties, statutes and on the basis of judicial opinions.
3. Discuss in detail the gradual contribution of the European and the USA justice systems in the evolution of the concept of juvenile justice.
4. Do you think that the legal procedure and justice mechanism for juvenile delinquency in India are in tune with standards and procedures prescribed in international convention and treaties? Critically comment.
5. Elaborate on the issue of commercial sexual exploitation of children in India. Support your answer on the basis of relevant treaties, conventions, provisions of law and on the basis of decided cases.
6. What is the difference between child in need of care and protection and child in conflict with law? Also, briefly discuss the pertinent issues of child soldiers in conflict areas.

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

Subject Code: 10.4/5 (CN.4) Comparative Constitutional 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. A federation is a politico-legal contrivance to solve the peculiar problems of a country full of diversities and inhabited by heterogeneous people. In view of its socio-economic development status some countries adopt asymmetrical federation.

Discuss and give account of asymmetrical federalism in India and special status given to some of states to enjoy special privileges.

2. The relationship between state and religion requires states neutrality in matter of religion-state itself having no declared religion with positive attitude of equal treatment of all religions.

In light of the above observation discuss the relationship between state and religion in the United States, Israel and India. Also discuss the role of judiciary in tilting balance in favour of secularism in view of protection of human rights and environment rights.

3. "Constitutional review is power given to one institution to test the legality of the government. Different countries have adopted different kind/model of constitutional review ranging from judicial review by the ordinary court to specialized constitutional court."

In light of the above observation discuss the different model of judicial / constitutional review adopted in some of the important countries.

4. Judicial review results into nullification of the acts done by the executive and legislative-the two co-ordinate branches of government under a democratic set up. Such a power of the judiciary is challenged on account of its non-democratic nature and Bickel has gone to the extent of declaring judicial review as a deviant institution in democracy.

Critically examine the above contention and present your defence of judicial review as part of democracy.

5. In order to remain a living Constitution, it has to undergo different formal and informal changes (amendments). In addition to informal changes the Constitutions, more particularly the federal Constitutions, adopt formal procedure for amendment so as to secure the sanctity of the Constitution. It is adopted in exercise of Constituent power which enforces the idea of 'the people' having power to create or change a constitutional order.

In backdrop of the above view discuss the procedure of amendment in U.S.A, Canada and Australia. How amending process in India differs from them. Can Parliament exercise its amending power to amend the Constitution so as to adversely affect the basic structure of the Indian Constitution?

6. Write critical short note on the following:
 - (i) Increasing significance of Comparative Constitutional Law in view of constitutionalisation and judicialisation in post mid-20th century world scenario.
 - (ii) Protective discrimination policy in the United States and in India as a part of compensatory justice to remove injustices committed against certain classes on the basis of colour or caste in the past and their effect in the present.

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

Subject Code: 10.4/5 (IP.4) International 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 are the criteria of Patentability? Who can file application for patent? Explain. Discuss the procedure for grant of Patent.
2. Explain the procedure for registration of Geographical Indications. Elucidate section 9 of the Geographical Indications of Goods (Registration and Protection) Act, 1999.
3. Give a comparative analysis of the doctrine of 'Fair Use' and 'Fair dealing' in the context of US, UK and Indian Copy Right law.
4. Discuss the various efforts made for protection of Traditional knowledge at global and national level. Elucidate the issue of patentability in the reference of Neem and Turmeric case.
5. Elucidate the various tests to determine the originality of Copy Right with particular reference of the *Delhi University Photocopy case*.
6. Write Short Notes (**any two**):
 - (a) Well Known trade mark.
 - (b) International Union for the Protection of New Varieties of Plants.
 - (c) Certification Mark.

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2017-18)

Semester End Examination (June, 2018)

Subject Code: 10.4/5 (HR.4) Human Rights and Globalisation

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. Thomas Pogge famously theorized severe poverty as a violation of human rights despite the absence of international human rights instruments stating so in explicit terms. Discuss how severe poverty amounts to gross violation of human rights in the light of international human rights instruments, UN subsidiary organs and other relevant mechanisms.
(14)
2. The earlier notion that States alone are capable of violating human rights stands changed in the face of rise of powerful non-state actors and increasing instances of human rights violations being committed by them. Discuss the status and obligations of private military security companies under international humanitarian law.
(14)
3. Discuss the right to health and the impact of globalization on the realization of the same under international instruments and other relevant mechanisms. Further, discuss the judicial interpretations of the right to health in India in the light of decided cases.
(8+6)
4. States have tended to compartmentalize their legal commitments, as WTO members on the one hand and as States parties to human rights treaties, on the other. The general assumption also heavily leans towards the view that trade obligations and human rights obligations never cross paths. However, it is noticeable that several World Trade Organisation agreements have severe human rights implications. Describe the interface between trade and human rights particularly in the light of WTO agreements on intellectual property rights and agriculture.
(7+7)
5. IMF and World Bank had laughed off their obligations towards human rights initially. However, they succumbed to increasing civil society and public pressure. Discuss the

human rights dimensions of these Bretton Woods institutions in the light of SAP's, HIPC and PRSP.

(14)

6. Write short notes on the following:

(7+7)

- (a) Food Security, Food Sovereignty and Food Justice
- (b) Natural resource based political conflict
