

**NLUJAA**

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

**Semester End Examination (June, 2018)**

**Subject Code: 6.1 Environmental Law**

Time: **2:00 Hrs.**

Total Marks: **50**

**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. Forest Conservation Act 1980 makes it obligatory for the State Government to obtain permission of the Central Government for use of forest land for non-forest purpose. Discuss the same with the help of case laws.
2. Write notes on:
  - (a) Powers and functions of Central Government under Environmental (Protection) Act, 1986.
  - (b) Powers and functions of Central Pollution Control Board under Water Act.
3. The Parliament of India enacted the Biological Diversity (BD) Act in 2002. With that the country got a formal legal regime for the conservation of, access to and sustainable use of both biological resources (hereinafter referred to as bioresources), as well as people's knowledge associated with their local biological heritage. Critically analyse the legislative provisions of the same.
4. Write brief notes on:
  - (a) Commonality and area of divergence between Basel and Bamako Conventions
  - (b) Types of Forests under Indian Forest Act, 1927
5. Historically, usage and access of forest resources by India's *Adivasi* community and other forest dwellers have been considered as encroachment and their efforts of forest land acquisition have been used as evidence of their anti-development attitude. How far Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 addressed this issue?
6. Short notes:
  - (a) Environment Impact Assessment
  - (b) Municipal Solid Waste (Management and Handling Rules) 2000 & 2016

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**Semester End Examination (June, 2018)**

**Subject Code: 6.2 Administrative Law**

Time: 2:00 Hrs.

Total Marks: 50

### INSTRUCTIONS:

1. Read the questions carefully and answer.
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**Answer any four questions from 1-5 of the following. Question no. 6 is compulsory. All questions carry equal marks.**

1. "The rapid growth and development of Administrative Law in India has become the foundation stone of modern political philosophy in the country." Amplify the statement.
2. Discuss, with case examples, the range of procedural requirements imposed on decision-makers by the administrative law principles of natural justice.
3. Discuss the view that the proliferation of agencies in Indian government has made ministers less, rather than more, accountable.
4. Discuss the extent to which the major offices and institutions of Indian Legal System resemble a 'balance of powers' more than a formal separation of power.
5. Distinguish the following:
  - (a) Courts and Tribunals
  - (b) Conditional Legislation and Delegated Legislation
6. Solve the following problems:
  - (a) The municipal corporation of Guwahati with a view to promote underground drainage system imposed heavy charges on the users and issued a circular to that effect requiring them to pay the amount within 15 days from the publication of the circular in the local newspapers, failing which power and water supply will be disconnected. But the residents of the city want to challenge it as arbitrary. Advise them.
  - (b) The Appellate Assistance Commissioner of Sales Tax who hears appeal from a Sale Tax Officer decides against assets after giving elaborate reasons. The Sales Tax Appellate Tribunals confirmed the order of the Appellate Commissioner without giving reasons. Critically examine the order of the Tribunal.



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**Semester End Examination (June, 2018)**

**Subject Code: 6.3 International Law**

Time: **2:00 Hrs.**

Total Marks: **50**

**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. Ms. Naina Mehra, an IFS Officer was deputed to the Indian Embassy in Nepal. She was accredited by India as a representative to the 20<sup>th</sup> SAARC summit. A treaty was drawn up at the summit to which she put her signature on behalf of India. Is the treaty binding on India? Discuss in the light of the Vienna Convention on the Law of Treaties, 1969.

Discuss the grounds of invalidity of a treaty as provided under the Vienna Convention on the Law of Treaties, 1969 with suitable illustrations. (6+4)

2. *Aut dedere aut judicare* i.e. either extradite or prosecute has governed the law of extradition from times immemorial. Discuss in details the concept of extradition as well as the different principles that have to be satisfied in fulfillment of the process of extradition with suitable Indian case laws. (4+6)

3. "To those for whom the greatest threat to the future of the international order is the use of force in the absence of a Security Council mandate, one might ask...in the context of Rwanda: if in those dark days and hours leading up to the genocide a coalition of states had been prepared to act in defence of the Tutsi population, but did not receive prompt Security Council authorization, should such a coalition have stood aside and allowed the horror to unfold?"

Discuss the international legal status of the concept of responsibility to protect in the light of the above stated words of Kofi Annan. (10)

4. Jack Dunphy is a diplomatic officer at the US Embassy in Paris, France while Claire Dunphy is an employee at the US Consulate in Paris, France. The two met during official meetings and their friendship eventually led to marriage. As Claire was expecting, they hired house help, a Chinese lady named Shamae. After a few weeks, Claire discovered that Jack had sexual relations with the house help. She confronted him and he pledged that he would do anything to win back her love and trust. Both of them conspired to kill

the house help. Accordingly, under the pretext of going for a Sunday picnic, they took Shamae to a lonely spot and while Claire held her, Jack strangled her to death. Discuss the criminal liability of Jack and Claire in the light of the relevant international instruments.

Further, discuss the concept of *persona non grata* under the Vienna Convention on Diplomatic Relations and Vienna Convention on Consular Relations. (6+4)

5. Discuss the objectives of sanctions under the Charter of the United Nations with appropriate examples of sanction regimes currently in force. Further, discuss the legal basis of UN sanctions under international law. (7+3)
6. Write short notes: (5+5)
  - (a) State responsibility for internationally wrongful acts
  - (b) Diplomatic means of settlement of disputes

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**Semester End Examination (June, 2018)**

**Subject Code: 6.4 Civil Procedure Code and Limitation**

Time: **2:00 Hrs.**

Total Marks: **50**

**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. Discuss the territorial jurisdiction of civil courts. 'A' who resides at Guwahati entered a contract with 'B' at Patna for supply of certain goods at Kolkata where 'B' resides and carries on business. At the time of entering in contract, it was agreed upon between 'A' and 'B' that in case any dispute regarding payment or delivery of goods arises, the suit will be filed only in Delhi court. 'B' failed to make payment of the goods. 'A' files a suit at Delhi for recovery of money. 'B' alleges that Delhi court has no jurisdiction to decide the suit. Is the plea of 'B' maintainable?
2. What is counter claim? Explain the difference between "counter claim" and "set off". Can a counter claim be filed -
  - (a) When the right to file written statement has been closed?
  - (b) After the close of evidence?
3. 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? Discuss.
4. Discuss the circumstances whereunder the suit may be abated in the case of death of either of the parties in a civil suit. 'A' files a suit for partition against his two brothers 'B' and 'C'. 'A', who was unmarried, dies during pendency of the suit. 'B' pleads that the suit abates. Can 'C' file an application for being transposed as plaintiff and seek partition? Decide the competing contentions.
5. What is Appeal? Distinguish between First Appeal and Second Appeal. What are the grounds on which a Second Appeal can be filed before High Court?

6. Write short notes on any two of the following:

- (a) Receiver
- (b) Arrest before passing of judgment
- (c) Caveat
- (d) Indigent person

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**Semester End Examination (June, 2018)**

**Subject Code: 6.5 Labour and Industrial Law**

Time: **2:15 Hrs.**

Total Marks: **50**

### 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. 'P' runs a family enterprise 'X' and resides in 'Twikbrook' with his family members 'Q', 'R', 'S' and 'T'. To help their family financially 'S' born on 20<sup>th</sup> May, 2004 along with her brother 'T' born on 17<sup>th</sup> February, 2002 work in establishments 'A2' and 'A3'. Every Sunday seven year old 'R' plays in the nearby park for two hours and then accompanies his mother Q to the market. As on 8<sup>th</sup> June 2018 'T' works from 4:30 pm to 6:30 pm on Wednesday in establishment 'A3'. 'R' after returning from school at 1:30 pm helps 'P' in 'A1' every week from 4:30 pm to 6:00 pm on Wednesday and Thursday. In establishment 'A2' as on 8<sup>th</sup> June, 2018 'S' works for six days a week from 9:15 am to 3:15 pm including interval of rest from 12:15 pm to 1:15 pm and from Tuesday to Saturday 'T' works from 8:30 am to 2:30 pm and on Monday 'T' works from 9:00 pm to 5:00 am including interval of rest from 1:00 am to 2:00 am. On Monday every week 'R' works along with 'P' in 'A1' from 9:30 am to 2:30 pm. No hazardous operations or processes are carried out in establishment 'A2' and 'A3'. The employer of 'A2' on 4<sup>th</sup> January, 2017 was convicted for employing thirteen year old 'V' and sentenced to imprisonment of seven months and fine of Rs. 25,000/-. Examine the above mentioned case in the light of the relevant provisions of law in India. (10)
2. 'A', 'B', 'C' and 'D' are contractors providing contract labourers to establishment 'I', 'II', 'III' and 'IV' respectively to which the Contract Labour (Regulation and Abolition) Act, 1970 applies [herein after referred to as CLRA, 1970]. As per notification dated 21<sup>st</sup> March, 2011 under section 10 of CLRA, 1970, the contract labourers working for eight years in 'II' and 'III' were abolished. The contract labourers of 'II' on 25<sup>th</sup> March 2011 demanded the principal employer to treat them as regular employees. The licensing officer on 2<sup>nd</sup> May, 2018 revoked the licence of 'D'. On 14<sup>th</sup> April 2016 the principal employer of 'III' advertised five 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 20<sup>th</sup> May, 2017 and hence they filed a petition contending the violation of law. 'A' has contravened sections 21 and 23 of CLRA, 1970. The registering officer on 2<sup>nd</sup> June, 2018 revoked the registration of 'IV'.

Explain each of the situations mentioned above in the context of the relevant provisions of law and judicial pronouncement. (10)

3. Examine the concept of 'Industry' as per the principles laid down by the Supreme Court of India in Bangalore Water Supply v. Rajappa AIR 1978 SC 548. In the light of judicial decisions briefly discuss the provisions relating to lockout under the Industrial Disputes Act, 1947. (6+4=10)
4. Discuss the benefits which women employees are entitled to under the Maternity Benefit Act, 1961 in the light of the latest amendment. Briefly explain the duties and the penalties imposed upon the employer under the Equal Remuneration Act, 1976. Substantiate your answer with relevant case laws. (6+4=10)
5. In the context of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 explain the following: (2+4+4=10)
  - (a) Four duties of the Employer
  - (b) Procedure relating to Complaint and Inquiry into complaint of Sexual Harassment
  - (c) Two landmark judgments with facts
6. Write short notes on the following: (5+5=10)
  - (a) Provisions relating to fixation and revision of minimum wages, over-time wages and claims under the Minimum Wages Act, 1948
  - (b) Provisions relating Penalties under the Bonded Labour System (Abolition) Act, 1976

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**Semester End Examination (June, 2018)**

**Subject Code: 6.6 Fundamentals of Intellectual Property Law**

Time: **2:00 Hrs.**

Total Marks: **50**

**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. What do you understand by Infringement of Trade mark? Discuss the test for determining Infringement. When a trade mark is not deemed to be infringed? Discuss with the help of decided cases and specific provisions under the Indian Trade Mark Act.
2. Discuss the ground for determination of Deceptive Similarity in Passing off action. What is the distinction between Passing Off action and Infringement? Discuss with the help of decided cases.
3. Discuss in detail the procedure for registration of trade mark. Explain the absolute and relative ground for refusal of registration of a trade mark.
4. Discuss the various rights and obligations of patentee. Are these rights absolute?
5. Enumerate the categories of Inventions that are non-patentable. Discuss the validity of Section 3(d) of the Patent Act, 1970 with the help of decided case law.
6. Write **any two** from the following:
  - (a) Compulsory Licenses
  - (b) Trade Secrets
  - (c) Copy Right Societies

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