

**NLUJAA**

National Law University and Judicial Academy, Assam

B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.1 Principles of Legislation and Interpretation of Statutes**

**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. Critically examine how Veronica Dougherty, in her work 'Literalism and Limits of absurdity', defines and identifies the absurdity rule? How does she reconcile absurdity rule with the twin principles of rule of law i.e. predictability of the law and coherence of the legal system? (6+8)
2. Explain the different criticisms raised by Max Radin on the idea of existence of legislative intent. Do you think Reed Dickerson is successfully able to answer and reject the said criticisms? How does Dickerson differentiate between Legislative intent and Legislative purpose? (5+6+3)
3. What are Internal aids to construction of a Statute? With the help of relevant case laws examine the importance of long title and preamble in finding the intention of the legislature. (4+10)
4. Explain the assumption behind the type of construction applicable in taxing and penal statutes with the help of relevant authorities and case laws. What do you mean by beneficial construction? (10+4)
5. With the help of relevant case laws and authorities examine the relative importance of provisos, exceptions and saving clauses as a guide to the interpretation of statutes. (14)
6. Short Notes: Attempt any two (All carry seven marks each)
  - (a) Harmonious construction
  - (b) Statement of objects and reasons as an aid to construction of statutes
  - (c) Importance of later statutes as an aid to construction

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.2 Taxation 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. What are the authorities provided under Income Tax Act, 1961? Discuss the Powers and Functions of these authorities along with the relevant provisions. 4+10
2. (i) What are the Basic Principles of taxation which leads to double taxation? Discuss the relevant provisions as to double taxation under Income Tax Act, 1961. 7  
  
(ii) What do you mean by Tax Heaven Jurisdictions? Discuss the factors to be considered while determining whether a country is tax heaven or not? 7
3. Write Short Note: (Any Two) 7+7=14
  - i) Permanent Establishment and Resident of Contracting State
  - ii) Transfer Pricing and Arm's Length Price
  - iii) Advance Tax and Advance Ruling
4. Discuss the basis of charge of tax under Salary head of income. What are the incomes that are included in salary? Mention some of the taxable and tax-free perquisites under Income Tax Act, 1961. 4+6+4=14
5. What are the essential conditions for taxing income under 'Income from House Property' head? Discuss the relevant provisions as to method of determination of annual value of house property. What are the deductions that are allowed under section 24 of Income Tax Act, 1961? 4+7+3=14
6. Explain the Concept of 'Input Tax Credit' under Goods and Services Tax. Discuss the constitutional provisions which are added or amended by the Goods and Services Act, 2017. 4+10=14

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

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

**Subject Code: 8.3 Alternative Dispute Resolution System**

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. Explain International Commercial Arbitration and also critically examine the impact of Bhatia International Trading Company Case in conducting of International Commercial Arbitration in India.
2. "The act of client counseling requires very specific skills that fall essentially within the field of communication rather than law, because what is needed is an ability to seize and interpret perceptions and to be read between the lines." In the light of the aforementioned statement, describe the process of client counseling and interviewing.
3. A service agreement was entered into between an Indian and a USA Parties. One of the clause in agreement stated that in the event of the dispute between the parties it shall be referred to arbitration at London and government laws shall be Indian Arbitration and Conciliation Act, 1996. When the dispute arose between them, proceedings were commenced at London and award was passed by the tribunal in favour of Indian party. USA challenges the validity of the award and contended that the award passed by the tribunal is not a foreign award. Can foreign party challenge the award passed by arbitral tribunal? Draw difference between Domestic award and foreign award with help of relevant provisions and case laws.
4. Discuss meaning, historical development, techniques and advantages of Online Disputes Resolution System.
5. Discuss the definition, elements and strategies of Business Negotiations as a tool of Alternative Disputes Settlement Resolution System.
6. Discuss the process of conciliation. Elucidate the distinction between mediation, conciliation and Lok Adalat.

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.4/5 (BL.2) Mergers, Acquisitions and Antitrust Laws**

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. What do you mean by Combinations as defined under the Competition Act, 2002? What are the threshold limits with respect to combinations which make it mandatory for enterprises to notify to Competition Commission of India? Discuss the various factors that Competition Commission of India should consider while checking whether a combination is having Appreciable Adverse Effect on Competition or not?  
3+4+7=14
2. 'A dominant position in itself is not illegal. However, abuse of Dominance is'. In light of this statement discuss the relevant provisions and case laws as to Abuse of Dominant Position under The Competition Act, 2002. 14
3. Briefly discuss facts, issues involved and findings made by Appropriate Authorities in following cases: (Any Two) 7+7=14
  - (i) JET Airways (India) Ltd. and Etihad Airways PJSC
  - (ii) Relay B.V.(Diageo) and United Spirit Limited
  - (iii) LPG Cylinder's Case
4. What constitutes the 'Control' and 'Persons acting in concert'? Discuss the 'Open Offer Process' under SEBI (Substantial Acquisition of Shares and Takeover) Regulations, 2011. 6+8=14
5. Explain the Concept of Takeovers. Discuss the various types of Takeover defenses. 14
6. What do you understand by corporate Restructuring? Briefly discuss the motives for which corporate entities enters into various forms of corporate restructuring. 14





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National Law University and Judicial Academy, Assam

B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.4/5 (CR.2) Administration of Criminal Justice Systems,  
National Security Laws, Insurgency Movements and Terrorism**

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. With the help of decided case laws, discuss the various rights guaranteed to an accused under the Constitution of India.
2. "India's national security laws operate outside effective constitutional checks and balances and this fosters human rights abuses and diminishes the scope of constitutional rights".

In the light of the above statement discuss the characteristic features/issues that cut across the legislations of MISA, TADA, POTA, NSA and UAPA.

3. Discuss succinctly, the theories of punishment. What approach do you think is best suited to address the issue of growing crimes against women in India today and why?
4. What do you mean by Insurgency? Opine on the difference between insurgency and terrorism by putting special emphasis on the major analytical variables of insurgency.
5. Make a critical review of the Armed Forces Special Powers Act, 1958 and human rights violations in North East India.
6. Discuss in detail the various stages of a criminal trial procedure in India.

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.4/.5 (CN.2) Law of Writs and Law Relating to Elections**

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. In India, most of the Fundamental Rights are enforceable through writs against the 'state and its instrumentalities'. The judiciary from time to time depending upon the facts and circumstances arising in a case held various authorities/institutions as 'state and its instrumentalities' for the instant purpose. Provide a brief analysis, with the help of such judicial pronouncements, of the development of the concept of 'state' stating its requirements.
2. The prerogative writ of Mandamus issued originally by a superior court to compel a lower court or a government officer to perform mandatory or purely ministerial duties correctly in England has been transformed under the constitutional scheme in India to a 'writ of command' for enforcement of legal and fundamental rights. Portrait a brief sketch on the development of the writ of Mandamus in India highlighting its importance and expanding horizons.
3. Discuss in brief about the parameters to be checked by higher judiciary in India for the issuance of the writ of certiorari and the writ of prohibition stating the distinction between the two kinds of writs citing relevant judicial pronouncements.
4. The hallmark of a true democracy is its ability to withstand the expectation of the subjects and provide them with governance that is clean in its spirit, iron in strength and an epitome of stability. Judiciary, as a watchdog, has responsibility in this regard to check abuse of the democratic processes. Make a critical evaluation of the role of higher judiciary in bringing electoral reforms in India.
5. There are few institutions in a democracy that are vital to the maintenance of democratic temper and rule of law. Election Commission is one of such institutions on which the task of protecting the noble edifice of democracy rests. Make a critical assessment, in the light of the above, of the status, powers and functions of the Election Commission of India as vested on it by the Constitution and other laws.

6. Write Short Notes on the following:

(a) Writs and Alternative Remedy

(b) 'Corrupt Practices' under the Representation of Peoples Act, 1951

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.4/5 (IL.2) Law of International Organizations**

Time: **2:30 Hrs.**

Total Marks: **70**

### INSTRUCTIONS:

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

1. Carlos Solis Goodman is the Chief of Mission for the United Nations High Commissioner for Refugees (UNHCR) in India and the Maldives. He lives with his wife Gabriella, and two children in New Delhi, India. While returning from the UN Summit on Addressing Large Movements of Refugees and Migrants held at the General Assembly in New York on September 19, 2016, he was apprehended at the John F. Kennedy International Airport at New York and his personal baggage was seized under suspicion that he was carrying narcotic drugs above the permissible limit. Decide on the validity of the actions of the Airport Authorities in the light of Mr. Goodman's privileges and immunities under the relevant international instruments.

Further, discuss the concept of *laissez passer* as provided under the relevant international instruments relating to immunity of international organizations.

(10+4)

2. Discuss the international legal status of non-governmental organizations and the mechanisms available to ascertain the impact and influence of non-governmental organizations.

(7+7)

3. The Bretton Woods Conference was unsuccessful in establishing the ITO. GATT was meant to fill the void created by the failure to establish ITO. However, pursuant to the Uruguay rounds, GATT gave way to WTO. Discuss the dispute settlement mechanism under GATT as well as the WTO regime and differentiate between the two.

(6+6+2)

4. Gondor and Mordor are sovereign and neighbouring states in the Narnian continent. They are rich in oil and natural gas. Oil and Petroleum Organization (OPO) is a regional organization with mandate to handle oil related matters in the continent of Narnia. In order to strengthen their oil and natural gas industry, the two States entered into a bilateral

treaty wherein they agreed on an oil sharing arrangement. Later, the OPO also acceded to the treaty and established its headquarters in both the countries. The opposition party in Mordor protested against the treaty citing that Mordor was at a loss due to the provisions of the treaty. It later emerged that Gondor had defrauded the foreign minister of Mordor who had represented Mordor during the bilateral talks into accepting provisions that were more beneficial to Gondor. Decide on the validity of the treaty in the light of the relevant international instruments. Further, discuss the different grounds on which a treaty may be suspended or terminated.

(10+4)

5. European Union is well known for enactment of laws that are applicable on its member states uniformly. Discuss the law making procedure in the European Union.

Further, the Lisbon Treaty added important provisions to the TEU including that on withdrawal procedure by member states from the EU. Describe in detail BREXIT in this background.

(6+8)

6. Write short notes on the following:

(7+7)

- (a) Special Drawing Rights and Structural Adjustment Programmes
- (b) European Court of Human Rights

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.4/5 (IP.2) Law Relating to Patents and Designs**

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. Mr. Smith, a foreigner claims to be the true and first inventor of a new form of a known chemical substance used for curing breast cancer which is said to be of higher efficacy compared to the known substance. It is also claimed that the new drug will drastically reduce the span of treatment substantially even in case of a terminally ill patient. Mr. Smith files for a patent in India and post publication the patent application is opposed by Bio life Co. an Indian corporation who held a patent on related drug contended that mere "discovery" of a "new form" of a "known substance" do not result in increased efficacy of that substance are therefore not patentable. Whether the invention qualifies for the test of novelty and inventiveness for the alleged product? Describe the essential conditions for granting patent as per the relevant provisions of the Patent Act, 1970 and decide the given problem by citing related cases in support.
2. Patents are granted to encourage inventions and to secure that the inventions are worked in India on a commercial scale and to the fullest extent that is reasonably practicable without undue delay. Elaborate it in the light of compulsory licences provision of Indian Patent Act. Can the patent be revoked for non-working?
3. Enumerate all the grounds of opposition both pre and post grant against the grant of patent by the Controller. What is the main function of Opposition Board?
4. Industrial design play a pivotal role in trade and commerce in influencing the decision of users or buyers of any article. Elaborate in the light of the Designs Act, 2000. What type of designs are prohibited from registration? What amounts to piracy of a registered design?
5. U.S. Courts have long recognized that a product or process which does not literally infringe a patent can nevertheless infringe under the 'doctrine of Equivalence' if it is equivalent to the claimed invention. Elucidate further by referring to Indian judicial exposition on doctrine of Equivalence. Describe triple-identity test applied by the courts.

6. Attempt any two of the following:
- (a) Doctrine of first sale or exhaustion principle
  - (b) Hague system for international registration of design
  - (c) Patent Cooperation Treaty

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

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

**Subject Code: 8.4/5 (EL.2) Environment, Trade and Human Rights Laws**

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. Summarize the key provisions of the Stockholm Declaration, 1972 and the Rio Declaration, 1992 and their present legal significance.
2. "The fundamental obligation in the International Covenant on Economic Social and Cultural Rights is for the states parties to 'take steps' towards realizing the rights enumerated in the ICESCR. Although this wording falls short of requiring the government to 'guarantee' economic, social and cultural rights it is a positive undertaking that has both the continuing effect: the government cannot be inactive, nor just refrain from taking steps that would otherwise result in violation of the ICESCR."

In the light of the above statement discuss how the ICESCR has made the state parties adhere to the minimum core obligations in guaranteeing Rights to Food to the people of their countries.

3. Briefly trace the historical developments that mark the gradual inclusion of environmental interests in Multi-Lateral Trading System under General Agreement on Tariffs and Trade and World Trade Organization.
4. "The most significant improvement of the WTO over the GATT, 1947 is its Dispute Settlement Understanding." Describe role played and procedure applied by Dispute Settlement Board, Panel and Appellate Body.
5. Discuss the facts and principles in "United States; Import prohibition on certain Shrimps and Shrimp Products" adopted on 6<sup>th</sup> November, 1998 (WT/DS 58/AB/R/1998).
6. "The SPS Agreement under WTO seeks to lay down minimum Sanitary and Phytosanitary standards that the member countries must achieve in order to ensure safety of life and health of humans, plants and animals." In the light of aforementioned statement, discuss the following:

- (a) What do you understand by SPS Measures?
- (b) What are the rights and obligations of Member Countries under SPS Agreement?
- (c) What is the meaning of Harmonization and Equivalence?
- (d) How to determine the appropriate level of SPS Measure?

(3.5x4=14)

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