

NLUJAA

National Law University and Judicial Academy, Assam

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

Mid Semester Examination (March - April, 2018)

Subject Code: 8.1 Principles of Legislation and Interpretation of Statutes

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. What do you understand by the idea of Intention of Legislature? It is said that the judges expound and not legislate. Critically assess the said idea in the light of the relevant authorities as has been discussed. (3+7)
2. With the help of relevant case laws and other relevant authorities explain the Literal Rule of Interpretation. What are the various fundamental assumptions behind the application of this rule? Examine the rule applicable in the words that have acquired technical meaning with the help of relevant authorities. (6+4)
3. *“It is very useful rule, in the construction of a statute, to adhere to the ordinary meaning of the words used, and to the grammatical construction, unless that is at variance with the intention of the legislature, to be collected from the statute itself, or leads to manifest absurdity or repugnance, in which case the language maybe varied or modified, so as to avoid such inconvenience, but no further.”*

In the Light of the above quoted remark by Park B, in *Backe v. Smith* (1836) critically examine the relevant general principles of Interpretation with the help of important case laws. (10)

4. What do you understand by the doctrine of *Ut res magis valeat quam pareat*? Discuss the said Rule in the light of the relevant case laws. (10)

NLUJAA

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)
Mid Semester Examination (March - April, 2018)
Subject Code: 8.2 Taxation Law

Time: **1:30 Hrs.**
Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. Mr. X is an Australian National, who comes to India for 102 days every year since last 10 years. Find out his Residential Status for the Assessment Year 2017-18.
10
2. What are the Principles of Taxation advocated by the Kautilya? Discuss Adam Smith's Canons of Taxation.
4+6=10
3. Discuss in brief the various Sources of Direct Tax laws in India. What are the exceptional instances in which the income of Assessee will be taxed in previous year itself?
5+5=10
4. Define the term 'Tax' in Hugh Dalton's words. Discuss the Constitutional Provisions as to Distribution of Taxing Power between Union and States.
2+8=10

NLUJAA

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

Mid Semester Examination (March - April, 2018)

Subject Code: 8.3 Alternative Disputes Resolution System

Time: **1:30 Hrs.**

Total Marks: **30**

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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Question No. 1 is compulsory. All questions carry equal marks.

1. Answer the following Questions:

(A) The Respondent entrusted the work of construction of certain hotels and park to the appellants under an agreement. Thereafter a dispute arose between the respondent and appellants as to the 'payment of amount'. The respondent filed an application under Section 89 of CPC before the trial court praying that the matter should be referred to arbitration. Thereafter the appellants filed a counter application submitting that they were not agreeable for referring the matter to arbitration or any other ADR process under Section 89 of the Code. The trial court mandatorily referred the parties to Arbitration for resolving of the dispute.

The Appellants have filed an appeal before the HC against the order of the trial court which is posted for hearing in next month. Assuming you were the judge of the High Court. Answer the following questions with help of relevant provisions and case laws.

1. Whether reference to ADR process u/s 89 of the code is mandatory? What criteria would you adopt for referring a case to ADR process?
 2. Whether the counter application of respondent submitting that they were not agreeable for referring the matter to arbitration or any other process under Sec. 89 of the code stand justified in light of the provision of Sec. 89 i.e. whether the ADR processes mentioned u/s 89 require mutual consent of the parties?
2. Mr. Mukesh (45) died in a motor accident involving Assam State (Roadway) Transport Corporation bus on 1/1/ 2017. The wife and son of Mukesh, filed a claim petition before the Motor Accidents Claims Tribunal. They sought for compensation of Rs. 10 lakhs. As against the compensation of Rs. 10 lakhs claimed, the Tribunal awarded a compensation of Rs. 4, 44,000. Not being satisfied with the quantum of compensation, Mukesh's wife and son filed an appeal before the High Court of Assam. This appeal was referred to the Lok Adalat organized by the High Court, for settlement. The High Court Lok Adalat took up the case on 3/04/2017. The parties were not present.

Lok Adalat award was as follows: “We propose to increase in the amount of compensation, which is considered just and reasonable in this case. While allowing the appeal, we grant compensation of Rs. 1, 20,000 over and above the amount awarded by the Tribunal to the Mukesh’s wife and his son. If the parties object to the proposed order as above, they may move the High Court within two months for disposal of the appeal on merits according to law.”

Based on the above fact-situation answer the following questions:

- a) Determine the validity of award passed by Lok Adalat? In which court this award can be challenge?
 - b) Can this matter decided by the Permanent Lok Adalat (PLA) under the Legal Service Authority Act, 1987; if no then discuss the legal provisions?
3. What is arbitration Agreement? Discuss the essential elements of Arbitration Agreement under the Arbitration and Conciliation Act, 1996.
4. Short Note on:
- (a) Difference between Arbitration, Conciliation, Mediation and Lok Adalat.
 - (b) Seat of Arbitration and Place of Arbitration

NLUJAA

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

Mid Semester Examination (March - April, 2018)

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

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. What are the essential conditions for patentability under the Patents Act, 1970? Explain 'novelty' and 'anticipation' as a prerequisite for granting patent.
2. Who are the persons entitled to apply for patents? State the essential requisite of both provisional and complete specifications.
3. Plants and animals in whole or any part thereof are not patentable. Elaborate in the light of Section 3 of the Patents Act, 1970.
4. Write short notes on:
 - (a) Patent claims
 - (b) Publication and examination

NLUJAA

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

Mid Semester Examination (March - April, 2018)

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

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

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

1. Discuss in detail the distinct stages of a criminal trial procedure in India.
2. Discuss succinctly the various rights of an accused person under the Constitution of India.
3. Do you think Preventive Detention laws are draconian in nature? Answer with special reference to the National Security Act, 1980.
4. Enumerate the guidelines of the Supreme Court of India on Police in Prakash Singh v Union of India.

OR

Can a presidential order of emergency be judicially reviewed? What are the consequences that follow from the issuance of the proclamation of emergency?

NLUJAA

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

Mid Semester Examination (March - April, 2018)

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

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. What do you mean by Corporate Restructuring? What are the Objectives of the Corporate Restructuring? Why do Companies prefer Inorganic route of growth over organic route?
2+5+3=10
2. Expansion of Business is not the sole form of Corporate Restructuring? Discuss the expansion and contraction form of Corporate Restructuring.
10
3. What do you mean by 'Fast Track Merger'? Discuss the various types of Mergers
4+6=10
4. Discuss the Importance of 'Scheme of Merger' in merger process. Briefly mention the various steps involved in merger process.
4+6=10

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Mid Semester Examination (March - April, 2018)

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

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. Elucidate the legal personality of international organizations at both international as well as domestic levels with the help of suitable decisions and advisory opinions of the Permanent Court of International Justice, International Court of Justice and other international and municipal courts and tribunals. (10)
2. Critically analyze the theories that find expression in the scene containing the dialogue between the protagonist and the warden in the movie 'Shutter Island' whilst providing a comparative analysis of the two as well. (10)
3. While the League found expression in the Wilsonian Fourteen Points, United Nations was the culmination of a long journey in the backdrop the Second World War. Make a comparative analysis of the Covenant of the League of Nations and the Charter of the United Nations. (10)
4. Creating classification resides in the academic psyche as all academic disciplines engage in classification for purposes of organizing knowledge. Discuss in details the various classifications of international organizations. (10)

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

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. What do you mean by International Trade? Discuss the five principles of the World Trade Organisation (WTO) which are the foundation of the multilateral trading system.
2. Discuss briefly the key provisions of the Stockholm and Rio Declaration and their present legal status.
3. What do you mean by Precautionary Principle.? Discuss the judicial approach towards Precautionary Principle in India.
4. Do you think Human Rights are a result of continuous process of evolution? Explain.

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Mid Semester Examination (March - April, 2018)

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

Time: 1:30 Hrs.

Total Marks: 30

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 three questions from the following. All questions carry equal marks.

1. Provide a brief historical sequence of development of Writs under English Common Law system stating its origin and evolution in India.
2. Discuss critically the significance of writ jurisdiction of the Supreme Court under Article 32 of the Constitution of India.
3. "The writ of Habeas Corpus is worth a hundred constitutional articles guaranteeing individual liberty." Explain.
4. Write Short Note:
 - (a) Obsolete Writs
 - (b) Principle of Natural Justice and Writs
