

NLUJAA

National Law University and Judicial Academy, Assam

B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

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. *"Case-law is gold in the mine, a few grains of the precious metal to the ton of useless matter, while statute law is coin of the realm ready for immediate use."* - Salmond.

(a) State and explain the advantages of Statute law over Case Law.

(b) Write a comprehensive note on the advantages of Legislation over Customs.

6+4=10 Marks

2. What is meant by 'legislation'? State and explain the different types of legislation.

10 Marks

3. *"A measure of government may be said to be conformable to or dictated by the principle of utility, when in like manner the tendency which it has to augment the happiness of the community is greater than any which it has to diminish it."*- Jeremy Bentham.

Discuss the above statement in the light of Bentham's pleasure and pain theory.

10 Marks

4. With reference to Bentham's views on the objects of criminal law answer the following:

(a) Cases in which punishment should not be inflicted.

(b) Rules of proportion between offences and punishments.

5+5=10 Marks

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

Subject Code: 8.2 Taxation Law

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. Elaborate the canons/ principles of Taxation in detail. What is the concept of equity in Taxation?
2. Describe in detail the relevant constitutional provisions on Taxation.
3. Who are the Income Tax Authorities? Discuss the Powers and Functions of Income Authorities with the help of relevant provisions under the Income Tax Act, 1961.
4. Write Short Notes on:
 - Residential status
 - Impact and Incidence of Taxation

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

Subject Code: 8.3 Alternative Disputes Resolution System

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 succinctly, the various legal provisions that serve as a foundation to Alternative Dispute Resolution Mechanism in India.
2. "The Preamble to the Indian Arbitration Act shows that the object of the Act is to consolidate and amend the law relating to arbitration in India. The law in India is thus based largely on the UNCITRAL model law of arbitration. However, the law must follow not only the principles laid down by the United Nations on arbitration but also all the principles of Indian law including the general principles of Constitutional and Administrative law. Thus the Arbitration and Conciliation Act in India needs to be looked at in reference to both international and principles of Indian law."

In light of the statement quoted above, discuss the salient features of the UNCITRAL model law that provides the foundation of the procedural regime of the Arbitration and Conciliation Act 1996.

3. Discuss the well settled principles of an Arbitration Agreement with the help of appropriate provisions of law.
4. What are the grounds on which a party to an arbitration may apply for interim measures? Discuss with the help of relevant provisions.

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

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

1. Give a brief account of the history and origin of the concept of writ in England.
2. Write a note on the traditional as well as liberalized concept of "Locus standi" in India.
3. What is the extent of Indian Courts to exercise their territorial jurisdiction to issue writs?
4. "The writ jurisdiction being a public law remedy mainly provides for the protection of fundamental rights which are to be enforced against the 'State'."

Elucidates the above statement.

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

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

1. What is a Patent right? Is it mandatory to get a Patent? Describe the three essential criteria for a new invention to qualify patent.
2. Who can apply for Patent? Explain the relevant sections dealing with filing of application, publication, examination and granting of patent.
3. What do you mean by traditional knowledge? Explain the relationship between traditional knowledge and Patent under the Patent Act, 1970.
4. Write brief notes on **any two**:
 - (a) Claims
 - (b) Diamond v. Chakraborty
 - (c) Novartis AG v. Union of India

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

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

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 the evolution of the multilateral trading system from the General Agreement on Tariffs and Trade [GATT] to the World Trade Organization [WTO], commenting on how various aspects of international trade were liberalized in the 8 rounds of trade negotiations, starting from Geneva to Uruguay.
2. The international environmental instruments such as the United Nations Framework Convention on Climate Change [UNFCCC], the Kyoto Protocol, and the Paris Climate Agreement contain certain provisions which may have trade implications. Discuss.
3. Certain WTO Agreements such as the General Agreement on Trade in Services [GATS], the Agreement on the Application of Sanitary and Phytosanitary Measures [SPS Agreement], and the Agreement on Technical Barriers to Trade [TBT Agreement] contain provisions which may relate to the environment. Discuss.
4. Write short notes on:
 - (a) The concept of 'democratic deficit' with regard to the WTO.
 - (b) The work of the WTO Committee on Trade and Environment [CTE] in promoting the concept of 'sustainable development'.

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

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

1. "Corporate restructuring aims at different times for different companies but the single common objective in every restructuring exercise is to eliminate the disadvantages and combine the advantages". Comment on the statement highlighting various needs for undertaking the corporate restructuring.
2. Explain the terms "Compromise" and "Arrangement". Briefly explain the scheme of compromise and arrangement as per Section 203 of Companies Act 2013.
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3. Explain various types of contraction for corporate restructuring. Also draw a distinction between spin off and splits offs.
4. Write a note on merger and acquisition waves and also explain forward and reverse triangular merger.

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

Subject Code: 8.4/5 (HR.2) Human Rights and Criminal Justice System

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

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

1. Explain the principle of 'Legality' in Criminal Justice System. Substantiate with suitable decided cases.
2. Discuss the specific guarantees of right to a fair trial as specified in various international instruments and compare with guarantees provided under Criminal Procedure Code 1973.
3. Analyse the law relating to legal aid and victim compensation in India. Substantiate with suitable decided cases.
4. Preventive Detention Laws violate a host of human rights guaranteed under the Constitution of India. Discuss in relation to powers vested with Police under National Security Act, 1980 and power vested with officers of Armed Forces under Armed Forces (Special Powers) Act, 1958.

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B.A., LL.B. (Hons.): IV-Year, VIII-Semester (Academic Year: 2018-19)

Mid Semester Examination (April, 2019)

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

1. The question whether international organizations are subjects of international law reverberated well into the second half of the twentieth century. Discuss the legal personality of international organizations at both municipal and international 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 Marks
2. "God loves violence, why else would there be so much of it?...There is no moral order. There is just this. Can my violence conquer yours?" – The Warden in a scene from Shutter Island.
"Man is still good. We fight, we kill, we betray one another but we can rebuild. We will, we have to." – Batman a.k.a. Bruce Wayne in a scene from Superman v Batman: Dawn of Justice.
Juxtaposing these two dialogues, discuss the conflicting ideas propagated by liberals and realists apropos international organizations. 10 Marks
3. One of the shortcomings of the League of Nations lay in the absence of clear demarcation of power between its two vital organs, viz. the Assembly and the Council which the United Nations Charter has sought to avoid by providing clear areas of functioning to the General Assembly and the Security Council. In the light of this, discuss the background, validity and provisions of Resolution 377 (V) of November 03, 1950 adopted by the United Nations General Assembly in its 302nd Plenary Meeting. 2+3+5=10 Marks
4. Starting from the Treaty of Paris to the Treaty of Lisbon, the European Union has been through major transitions. Discuss the major changes effected in the European Union by the Treaty of Lisbon. Further, elaborate on the law-making procedure of the European Union. 6+4=10 Marks

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Mid Semester Examination (April, 2019)

**Subject Code: 8.4/5 (CR.2) Administration of Criminal Justice Systems,
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. What do you mean by Bail? How and in what manner it may be granted by which court? Is there any restriction in relation to any kind of offences? If a CJM/CMM granted anticipatory bail, what is its legal effect?
2. Discuss on the observations given by the Supreme Court with respect to female suspects and their interrogation. Support your answer with the landmark judgement given by the Supreme Court in Sheela Barse v. State of Maharashtra (1983)2SCC 96.
3. What are the considerations to be kept in mind at the time of framing of charge with reference to latest case law?
4. Give a critical evaluation of National Security Act, 1980.
