

NLUJAA

National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): V-Year, X-Semester (Academic Year: 2018-19)

Semester End Examination (June, 2019)

Subject Code: 10.1 Law Relating to Child and Woman

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.

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

1. Do you think the idea that “woman is an equal partner of man” had been achieved in the 21st Century?
Support your answer on the basis of contemporary issues and challenges that had become so prominent in the last one decade. 14 Marks

2. In recent developments in the Supreme Court, the Supreme Court had declared that intercourse with bride under 18 years of age tantamount to rape, yet in another judgment it had decriminalized adultery. At the root of these judgments is the notion of protection and preservation of the dignity of woman as per constitutional mandates.

Critically examine the above statement and discuss the concepts and issues that were debated in the decided cases from the perspective of women empowerment. 14 Marks

3. In the *Navtej Johar’s* case Justice Indu Malhotra penned an emotional apology to the LGBT community for the 157 years of exploitation yet in the *Sabrimala* judgment she dissented against the majority judgment on the ground that constitutional morality and faith are two distinct phenomena.

In the light of the given statement elaborate how constitutional values and morals are the guiding factor when it comes to women and gender related issues? 14 Marks

4. Discuss analytically the various provisions of law that reflect the multiple variations and complexities in the definition of a child in India. 14 Marks
5. Discuss briefly the various enactments and legal provisions that provide for a foundation of procedural regime of Adoption in India. 14 Marks
6. Discuss the salient features of the Protection of Children from Sexual Offences Act, 2012. 14 Marks

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B.A., LL.B. (Hons.): V-Year, X-Semester (Academic Year: 2018-19)

Semester End Examination (June, 2019)

Subject Code: 10.2 International Trade 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) "The Bretton Woods system of monetary management established the rules for commercial and financial relations among the world's major industrial states in the mid-20th century. The Bretton Woods system was the first example of a fully negotiated monetary order intended to govern monetary relations among independent nation-states." In the light of the above statement, write a note on the importance of international financial institutions in shaping international trade and govern monetary relations among different countries.

(b) Compare the basic functions and objective of International Bank for Reconstruction and Development (IBRD) and Multilateral Investment Guarantee Agency (MIGA).
2. Write a note on the importance and emergence of international Intellectual Property Rights. What are the basic principles?
3. (a) "The GATT 1947 was an international agreement, i.e., a document setting out the rules for conducting international trade, and an international organization created later to support the agreement." In the light of the above statement, write briefly on the basic on the functions and the basic objectives of GATT.

(b) Comment on the participation of developing countries in GATT. Does the advantages of international institutions outweigh the disadvantages or vice versa?
4. Why is the liberalization of services in international trade important? What are the benefits of liberalization of services in the light of General Agreement on Trade in Services (GATS)?
5. Define Most Favoured Nation Clause and National Treatment as important fundamentals of international trade.

6. Write short notes **any two** of the following:
- (a) International Financial Corporation
 - (b) International Development Association
 - (c) International Economics.

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B.A., LL.B. (Hons.): V-Year, X-Semester (Academic Year: 2018-19)

Semester End Examination (June, 2019)

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

1. (a) *Senior Advocates shall, in the matter of their practice, be subject to such restrictions as the Bar Council of India may, in the interests of the legal profession, prescribe.*
State and explain the restrictions imposed on Senior Advocates as prescribed in *The Advocates Act, 1961*.

(b) Discuss the scope of the 'Right to practice' the profession of law in India.
7+7=14 Marks
2. (i) Explain in brief what is meant by "Contempt of court" with reference to *The Contempt of Courts Act, 1971*.
(ii) State the exceptions to the law of contempt.
7+7=14 Marks
3. What is meant by "Professional misconduct" in the profession of law? Explain in detail with reference to relevant case laws, five instances that would amount professional misconduct by an enrolled advocate in India. 14 Marks
4. The Bar Council of India has laid down certain rules regarding the standards of professional conduct and etiquette to be maintained by the Advocates with respect to duties of an Advocate towards the Client. Discuss. 14 Marks
5. *The working of an efficient judicial system is based on a balanced Bar-Bench relationship.*

Explain the terms 'the Bar' and 'the Bench'. State the duties of an Advocate towards the Courts.

14 Marks

6. Explain the procedure to be followed by the State Bar Council after it receives a complaint alleging misconduct of an Advocate.

14 Marks

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B.A., LL.B. (Hons.): V-Year, X-Semester (Academic Year: 2018-19)

Semester End Examination (June, 2019)

**Subject Code: 10.4/5 (CR.4) Juvenile Justice Law, Child Protection Laws
and Law 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. "The Juvenile Justice Law in India has been highly debated in the aftermath of the Nirbhaya case".

In the light of above statement critically evaluate the debatable provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. "All Children to be in Conflict with Law (CICL) to be treated in a manner that promotes the child's sense of dignity and worth". Discuss.
3. Discuss in brief the International Law and Guiding Principles in Juvenile Justice. To what extent the Indian law has recognised International Law and Guiding Principles in the administration of juvenile justice in the Country.
4. Describe in brief the Constitution, Powers, Functions and Responsibilities of the Juvenile Justice Board under the Juvenile Justice (Care and Protection of Children) Act, 2015.
5. Discuss in brief the salient features of the Protection of Children from Sexual Offences Act, 2012 (POCSO). How far the POCSO Act is effective to curb the sexual offences against children?
6. Write short notes on **any two** of the following:
 - (a) Child Welfare Committee
 - (b) Rehabilitation and Social Integration of Juveniles
 - (c) Determination of Juvenility
 - (d) Observation Homes.

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B.A., LL.B. (Hons.): V-Year, X-Semester (Academic Year: 2018-19)

Semester End Examination (June, 2019)

Subject Code: 10.4/5 (EL.4) Comparative Environmental 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. Compare the Environment Impact Assessment laws of USA and Canada.
2. What are the keystone Federal Water Pollution and Water Quality Laws of Canada?
3. Discuss the Animal Welfare laws of United States of America.
4. Write Short Notes on:
 - (a) Canadian Biodiversity Strategy
 - (b) Aichi Targets
5. Discuss the cardinal features of the Basic Act on Biodiversity of Japan.
6. Compare the Disaster Management Laws of USA & Japan.

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B.A., LL.B. (Hons.): V-Year, X-Semester (Academic Year: 2018-19)

Semester End Examination (June, 2019)

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.
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. *Hans Kelsen* opined that a constitution without supremacy has a little relevance. Supremacy of the constitution is also a *sine qua non* to treat it as a 'Higher Law'. In order to have that supremacy a constitution must possess some qualities reflecting its sanctity as a 'Higher Law'. Discuss briefly, in the light of the above, about the indicators of constitutional supremacy citing examples from different democratic constitutions of the world.

14 Marks

2. Democracy permits the nation's citizens to manage the affairs of their government either directly or through elected representatives. In almost all prevailing democracies the fundamental aspects of constitutional design as to the governance of the country is the choice between presidential and parliamentary forms of government. There also exists a hybrid system that combines some aspects of both the forms of governments. Make a critical analysis, in the light of the above, of the functional diversities of both presidential and parliamentary forms of government indicating the merits of a hybrid system as indicated above. Cite provisions from different constitutional democracies of the world in support of your answer.

10+4=14 Marks

3. "A State is a complex of hierarchically organized capacities available for the exercise of political power or the implementation of political programs; a constitution, by contrast, defines a horizontal association of citizens by laying down some basic constitutional rights to free them and for their equal treatment." – Explain.

14 Marks

4. Discuss briefly about the power of the legislature to amend the constitutions of USA, Australia and South Africa. Is the process of amending the Constitution of India is similar to that of these constitutional democracies? Provide your estimation with a comparative analysis of the same citing constitutional and judicial limitation (if any).

10+4=14 Marks

5. Comparative study of constitutional law, *inter alia*, has immensely contributed a lot in the constitutional design, re-design and framing of constitutional provisions throughout the Globe. Portray a brief sketch of such contribution of the comparative study of constitutional law highlighting India's experience in this regard.

14 Marks

6. Write short note:

7+7=14 Marks

- (a) Horizontal Application of Constitutional Rights
(b) Types and Kinds of Constitutions

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Semester End Examination (June, 2019)

**Subject Code: 10.4/5 (IP.4) Intellectual Property Rights Law
(Biodiversity Act, Traditional Knowledge/TCES & PPVFRA, 2001)**

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. Discuss the composition, jurisdiction and powers of National Green Tribunal as provided in the National Green Tribunal Act, 2010. In a landmark order passed on April 17 2015, the National Green Tribunal issued an interim ban on rat-hole coal mining and transportation of the mineral in the Meghalaya. Critically analyze the role of NGT in cases on biological diversity and environmental protection.
2. What are the registerable varieties of plant under the Protection of Plant Varieties and Farmers' Rights Act, 2001? Who are entitled to make application for registration under the Act? Elaborate the Farmer's right enshrined in the Act and comment on the recent PepsiCo case against the potato farmers of Gujarat.
3. What are the procedures for determination of benefit sharing by the Authority? Enumerate the rights of communities on any plant variety registered under the PPVFRA, 2001.
4. Discuss the salient features of the Biological Diversity Act, 2002. What type of penalties are prescribed under the Act?
5. How is access to biological resources and associated traditional knowledge regulated under the Biological Diversity Rules, 2004? Enumerate all the procedures related to it.
6. Write a brief note on **any three**:
 - (a) Extant variety
 - (b) National Biodiversity Fund and National Gene Fund
 - (c) Traditional Knowledge and bio-piracy
 - (d) Utility of People's Biodiversity Register

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Semester End Examination (June, 2019)

**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. Read the case and answer the question:

PepsiCo does not simply produce soda drinks, it also owns dozens of other snack brands including Frito-Lay, Gatorade, Tropicana and Quaker. PepsiCo also includes Lipton, Aquafina, Sabra Hummus, and others. Many of these popular snack foods contains conflict palm oil.

Conflict palm oil, is a term used to describe palm oil that has been sourced from industrial palm oil plantation. According to data by some NGO's, PepsiCo uses more than 450,000 metric tons of conflict palm oil each year in its products. The production of conflict palm oil causes rainforest and peatland destruction, species extinction, greenhouse gas emission and human right abuses.

Worldwide there have been reports that PepsiCo's practices greatly deplete groundwater resources and pollutants degrade the quality of water in local communities. PepsiCo owns Aquafina, which produces bottled water and contributes to the enormous amount of plastic waste and unsustainable depletion of groundwater supply caused by bottled water production.

PepsiCo CEO on her visit to India detailed how PepsiCo had created two lakhs jobs and announced doubling investment in India. One of the noted environmentalists of India in her interview with BBC stated that. "PepsiCo has in fact, destroyed livelihoods in cottage industry and artisanal processing sector. For example. 50,000 women in Bikaner made handmade Bhujia. Today PepsiCo makes industrially processed Bhujia and 50,000 women's livelihood has been destroyed. If one adds livelihood lost by such destruction we are talking of millions thrown in ocean of unemployment".

Question – PepsiCo India has been accused of destroying livelihoods in cottage industry and artisanal processing sector. To rebuild its trust with the communities, PepsiCo India wants to carry out community development activities by adhering to the legal mandate of executing Section 135 of Company’s Act 2013. In this context Pepsi Co India wants you to explain to them the key features of Section 135 of CA 2013, Schedule VII and other related provisions.

2. Section 8 of Companies Act, (CA, 2013) are exempted to suffix Limited/ Private Limited with the name of the company. What is the significance of this exemption? Does it affect their limited liability? Explain various forms for undertaking CSR activities.
3. X who is registered as an Intermediary fails to enter into an agreement with his client and hence penalized by SEBI under section 15B of the SEBI Act. Advise Mr. X as to what remedies are available to him against the order of SEBI.
4. SEBI acts as watchdog for all capital market participants with an objective of providing such an environment for the financial market enthusiasts that facilitates efficient and smooth working of the securities market to ensure above objective SEBI has some primary functions, explain those functions in detail.
5. “A derivative is a product whose value is derived from the value of an underlying asset, index or reference rate.” In the light of above statement define derivatives and explain various types of derivatives.
6. Distinguish between the following:
 - (a) Lien on Shares and Forfeiture of Shares
 - (b) Transfer of Shares and Transmission of Shares

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B.A., LL.B. (Hons.): V-Year, X-Semester (Academic Year: 2018-19)

Semester End Examination (June, 2019)

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

1. Although several treaties relating to conservation of marine species were concluded in the nineteenth and the early twentieth century, it was only after the Second World War that conservation of marine living resources became a subject of multilateral treaties concluded between States. Discuss the species specific approach of the legal framework for conservation of marine living resources as laid down under the United Nations Convention on the Law of the Sea. 14 Marks
2. Exclusive Economic Zone is one such area where rights are enjoyed by both coastal and third states. Discuss in details the jurisdiction exercised by coastal States over the EEZ as well as the freedoms enjoyed by third states as established under the United Nations Convention on the Law of the Sea. 7+7=14 Marks
3. "Having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United states, subject to its jurisdiction and control . . ."

- Harry S. Truman, President of United States of America (1945)

The Truman Proclamation set in course a chain of events which culminated into the legal regime governing continental shelf. Elaborate on the criteria for determining the outer limits of continental shelf beyond 200 nautical miles set out by the United Nations Convention on the Law of the Sea alongwith illustrative diagrams. 14 Marks
4. Although MARPOL 73/78 concluded under the auspices of the International Maritime Organization regulates marine pollution, the United Nations Convention on the Law of the Sea also contains a legal framework governing the same. Briefly discuss the sources of marine pollution identified by the said Convention.
Further, discuss the regulation of vessel source marine pollution by flag States, coastal States and port States as provided for under the said Convention. 6+8=14 Marks

5. The principle of the freedom of the high seas was established in the early nineteenth century. Enumerate the freedoms enjoyed by states on the high seas as provided for under the United Nations Convention on the Law of the Sea. Further, discuss in details the exceptions to the exclusive jurisdiction of flag States over vessels on the high seas.

4+10=14 Marks

6. Write short notes on:

7+7=14 Marks

- (a) International Seabed Authority
(b) Piracy on the high seas
