

## NLUJAA

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

**Semester End Examination (June, 2019)**

**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. Discuss the enumerated powers of State Pollution Control Board vis-à-vis The Air (Prevention and Control of Pollution) Act, 1981 along with relevant case laws.
2. Short notes on:
  - (a) Categories of forests, enshrined under Indian Forest Act, 1927
  - (b) Authorities constituted under Wildlife Protection Act, 1972
3. Indian Judiciary has not only played a pivotal role in a manner to interpret the forest laws to protect the forest and environment but it also has shown judicial activism by entertaining public interest litigations under the Constitution of India. Discuss the landmark and noteworthy case laws of Indian Courts on forest conservation.
4. What are the objectives of Environment (Protection) Act, 1986? In addition, also discuss the powers of the Central Government, envisaged under the said legislation.
5. "Historically, the relationship between tribal communities in India and forests was characterized by co-existence and these communities were considered integral to the survival and sustainability of the ecological system. This symbiotic relationship was acknowledged and crystallised as customary rights over forest produce. But these rights were not recognised and recorded by the government while consolidating state forests during the colonial period as well as in independent India". Critically appraise the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 in the light of the given statement.
6. Discuss the essential elements of climate change under the United Nations Framework of Climate Change.

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**Semester End Examination (June, 2019)**

**Subject Code: 6.2 Administrative 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 five questions from the following. Question No. 6 is compulsory. All questions carry equal marks.**

1. "The definitions propounded by different jurists of administrative law are neither complete nor satisfactory, either they are too broad or too short". In the light of the above statement discuss the nature and scope of Administrative Law.
2. "The British Constitution is founded on the 'Rule of Law', and administrative law is the area where this principle is to be seen in its most active operation."  
Amplify the given statement.
3. Discuss the ways in which courts in India have controlled the discretionary powers of administrative authorities on the touchstone of Fundamental Rights. Substantiate your answer with appropriate case laws.
4. "Excessive delegation of legislative powers to the executive defeats the purpose of the separation of powers doctrine and may threaten the rule of law by allowing the executive branch to subject the law to its capricious will."  
Critically evaluate the given statement with the help of decided cases.
5. "The 'docket explosion' the courts in India are facing is a matter of great concern. Administrative Tribunals can be seen as the means to achieve the end that is the expeditious disposal of cases."

Discuss the reason for the creation of Administrative Tribunal. What kind of jurisdictions the Tribunal can exercise? Do you think the Tribunal could achieve the said objective? Advance your arguments with the help of given statement.

6. (a) 'X' was dismissed from the government service on the ground that he was convicted for an offence of theft. He challenges the dismissal on the ground that he was not given an opportunity of hearing. Decide the case.

(b) 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. Give them the legal advice.

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B.A., LL.B. (Hons.): III-Year, VI-Semester (Academic Year: 2018-19)  
**Semester End Examination (June, 2019)**  
**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.
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. George Cooper Sr. was a member of the diplomatic staff at the High Commission of Canada located in Chanakyapuri, New Delhi. He resided in a rented accommodation alongwith his wife Mary and three children, George Jr., Sheldon and Missy. Things started to turn sour between Mr. and Mrs. Cooper, once Mary caught air of her husband's affair with one of his female colleagues at the Canadian High Commission. Following a heated argument one day, George Sr. ended up strangling Mary to death. Sheldon and Missy were witnesses to this horror and in order to hide his trail, George Sr. ended up choking them to death as well. George Jr., unbeknownst to his father, had witnessed the tragedy unfold and ended up going to the police where he lodged a complaint against his father. Discuss the culpability of George Cooper Sr. in the light of the relevant international instruments and national legislation.

Further, discuss the concept of persona non grata citing appropriate provisions from relevant international instruments.

7+3=10 Marks

2. Briefly describe the exceptions to the *jus ad bellum* regime established under the aegis of the United Nations. Elucidate on the legal validity of anticipatory self-defence in the light of relevant international instruments, international customary law as well as decisions of international courts and tribunals.

4+6=10 Marks

3. Discuss the different stages of treaty making as provided under relevant international instruments. Further, discuss in details "*pacta tertiis nec noscent nes prosunt*".

6+4=10 Marks

4. In the light of the tragic dilemma faced by former United Nations Secretary General Kofi Annan, trace the journey from "Humanitarian Intervention" to "Responsibility to Protect". Further, differentiate between the two concepts in terms of their recognized legal status under international law.

7+3=10 Marks

5. The people of Mordor, an autonomous province in the state of Gondor, had been pursuing their right to self-determination for almost thirty years. Although peaceful negotiations were being held at regular intervals, a section of the self-determination activists started to believe otherwise. Since the majority of people residing in Mordor were not supportive of their views, the said activists shifted base to a neighbouring country Shire. They hatched a plot to bomb the aircraft in which the President of Gondor was scheduled to travel after attending an international summit held in Shire. The plan was successfully executed as the aircraft exploded mid-air resulting in the death of all aboard including the President of Gondor. However, the wreckage fell over a village in the state of Hobbiton causing loss of life and property. Discuss the claims of Gondor, Shire and Hobbiton to exercise jurisdiction in the instant matter on the basis of principles of criminal jurisdiction recognized under international law.

Further, elaborate on universal jurisdiction in details citing relevant municipal statutes of various countries as well as international and municipal judicial decisions.

6+4=10 Marks

6. Write short notes on:

5+5=10 Marks

- (a) Judicial means of settlement of international disputes  
(b) Reparations under “Articles on Responsibility of States for Internationally Wrongful Acts”

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**Semester End Examination (June, 2019)**

**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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  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 is meant by jurisdiction of the Civil Court? Explain the various kinds of jurisdiction with the help of decided cases. How jurisdictional errors are cured under the Civil Procedure Code?
2. Define 'Pleading' and state its rules in brief? Explain when the court permits or does not permit the amendment in the pleadings.
3. With the help of decided cases state the circumstances in which second appeal lies. Also discuss various powers of an appellate court.
4. Explain the following terms: (a) Reference, (b) Review, (c) Revision.
5. What are the questions which can be determined by the court of execution? Whether the executing court can go behind the decree?
6. Write short notes on **any two** of the following:
  - (a) Effect of Fraud on the period of limitation
  - (b) Arrest and Attachment before judgment
  - (c) Interpleader Suit
  - (d) Set-off

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**Semester End Examination (June, 2019)**  
**Subject Code: 6.5 Labour and Industrial 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. (a) Write a note on the definition of workman under the Industrial Disputes Act, 1947.  
  
(b) What are the important conditions to be fulfilled before a person is termed as a workman? Support your answer with relevant case laws.
2. What are the types of funds generated in a trade union ? What are the civil and criminal immunities under the Trade Unions Act, 1926 ? Who enjoys the immunities ?
3. (a) What do you mean by the term wages under the Payment of Wages Act, 1936 ? What are the deductions made by the employer under this Act ?  
  
(b) What are the powers of the inspectors for the purpose of enforcing compliance with the provisions of this Act ?
4. (a) Explain in brief the calculation of bonus under the Payment of Bonus Act, 1965 ?  
  
(b) What is the minimum and maximum bonus received by an employee under this Act ?
5. (a) What is liability of the employer for paying compensation under Employees Compensation Act, 1923 ?  
  
(b) Define in brief partial disablement and total disablement under this Act ?
6. Write short notes on **any two** of the following:  
(a) Lay off  
(b) Retrenchment  
(c) Trade Union

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B.A., LL.B. (Hons.): III-Year, VI-Semester (Academic Year: 2018-19)

**Semester End Examination (June, 2019)**

**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.
  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. Explain the detail procedure for registration of trade mark. What are the absolute and relative grounds for refusal of trade mark? Discuss with the help of the relevant provisions under the Trademark Act, 1999.
2. Explain passing off. What are the grounds for determination of deceptive similarity in Passing off action? Elaborate the distinction between infringement and passing off. Discuss with the help of decided cases and specific provisions under the Trade Mark Act.
3. What are the criteria of patentability under the Patent Act, 1970 (as amended in 2005)? Enumerate the categories of Inventions those are non-patentable. Discuss the validity of Section 3(d) of the Act with the help of decided case law.
4. Describe the grounds for granting compulsory licenses in India. How far compulsory licensing is effective in checking monopoly of pharmaceutical patents? Give your opinion.
5. Elaborate the procedure for registration of Assignment and License in reference to the transfer of patent in India. State the conditions that are not to be imposed in an agreement of license.
6. Write Short Notes on:
  - Copyright Societies
  - Author's special rights

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