

NLUJAA

National Law University and Judicial Academy, Assam

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

Semester End Examination (June, 2019)

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.

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

1. (a) What do understand by 'interpretation of statute'?

(b) "When the literal interpretation leads to absurdity, repugnance or inconvenience, the Court may modify the meaning to find out the intention of the Legislature". Elucidate the statement with the help of relevant rule of interpretation.

4+10=14 Marks
2. Discuss the internal aids to the interpretation of statutes. 14 Marks
3. Explain application of the following rules of interpretation: 7x2=14 Marks
(a) Same words have same meaning
(b) *Ut res magis valet quam pareat*
4. "It is assumed that when the legislature gives something by one hand it does not take away the same by the other". Explain. 14 Marks
5. How does 'Noscitur a sociis' and 'Ejusdem generis' helps in finding out the true intention of the legislature? 7+7=14 Marks
6. (a) Write briefly on application of "Doctrine of Pith and Substance" and "Doctrine of Repugnancy" in the interpretation of Constitution.

(b) When the statutes are said to be in *pari materia*?

10+4=14 Marks

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

Semester End Examination (June, 2019)

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. Explain the provisions of Income – tax Act regarding the set off and carry forward and set off of losses under different heads of income.
2. What is Annual value? How income under the head **Income from House Property** is calculated? What are the allowable deductions under this head of income? Discuss in detail with the help of the provisions under the Income Tax Act.
3. Discuss the concept and history of Indirect Taxation in India. Which are the Acts and Rules passed by the Parliament to implement GST?
4. *'GST is one of the most significant tax reforms in the history of India'*-

In view of the above statement explain the need and benefits of Goods and Service Tax. What are the significant features of **dual GST model** in India? Which are the commodities proposed to be kept outside the purview of GST?

5. Explain the Modern Principles of Taxation in detail. Discuss the limitations and significance of the Benefit Principle in the contemporary tax structure in India.
6. Write Short Notes on:
 - Transfer Pricing.
 - GSTN (Goods and Service Tax Network).

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

Semester End Examination (June, 2019)

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. Discuss succinctly, the various legal provisions that serve as a foundation to Alternative Dispute resolution Mechanism in India.
2. Critically analyse the efficacy of the existing Alternative Dispute Resolution framework in India with the help of the reading **ALTERNATE TO ALTERNATIVES, CRITICAL REVIEW OF THE CLAIMS OF ADR.**
3. Discuss the composition of Lok Adalat. Also discuss how does a Lok Adalat take cognizance and determine pending cases.
4. How does a court take recourse against and set aside an arbitral award? Discuss with the help of relevant legal provision.
5. What are the conditions for enforcement of foreign awards? Explain with the help of appropriate provisions.
6. Write short notes on **any two**:
 - a) Jurisdiction of Arbitral Tribunals
 - b) Role of Conciliator
 - c) International Commercial Arbitration

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

Semester End Examination (June, 2019)

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

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. The International Monetary Fund as well as the World Bank continued to disavow their human rights responsibilities until they yielded to mounting international opinion that pointed otherwise. Discuss in details the structure of both the institutions that resulted in their apathy towards human rights as well as the initiatives undertaken by them to remedy the same. 7+7=14 Marks
2. Elaborate on the legal status of non-governmental organizations under the aegis of the United Nations. Further, discuss the impact and influence exerted by non-governmental organizations on international organizations and international conferences. 14 Marks
3. The Council of Europe takes great pride in being the conscience of Europe as it is concerned with promotion and protection of human rights in the European region, *inter alia*. Discuss in details the structure, functioning and execution of judgment of the European Court of Human Rights which is entrusted with the job of dealing with human rights violations in the European region in the light of the relevant international instruments. 5+5+4=14 Marks
4. Gotham and Metropolis are sovereign and neighbouring states in the Narnian continent. They are rich in coal. Narnian Coal and Steel Organization (NCSO) is a regional organization with mandate to handle coal related matters in the continent of Narnia. In order to strengthen their coal industry, the two States entered into a bilateral treaty. Later, the NCSO also acceded to the treaty and established its headquarters in both the countries. However, NCSO subsequently declared that its consent had been expressed in violation of the rules of the organization regarding competence to conclude treaties. 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 and terminated. 7+7=14 Marks

5. Although the Havana Conference decided to establish the International Trade Organization, it did not materialize which led to the temporary arrangement called General Agreement on Tariff and Trade to continue for a lot longer than originally devised. Trace the journey from General Agreement on Tariff and Trade to the establishment of the World Trade Organization. Further, elaborate on the principles of trade established under GATT and continued by WTO. 8+6=14 Marks

6. Write short notes on: 7+7=14 Marks
(a) Immunities enjoyed by employees of UN Specialized Agencies
(b) Organization of American States (OAS)

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

Semester End Examination (June, 2019)

**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. Article 19 of the Constitution of India lays down the freedoms but they are not absolute. Comment.
2. Discuss the procedure to be followed after a person is arrested by the police. Also discuss when an accused may be remanded to judicial custody and police custody, with reference to the provisions contained in the Code of Criminal Procedure, 1973.
3. Detention of a person without trial being draconian in nature, state the basic safeguards provided by the Constitution of India against any law providing for preventive detention.
4. Enumerate and evaluate the claims about the misuse of Armed Forces (Special Powers) Act, 1958 with reference to reports of human rights enforcement agencies and organizations. Suggest measures to promote its better use with minimum violations.
5. Giving an appraisal of the Unlawful Activities (Prevention) Act, 1967, point out its merits and inadequacies from human rights perspective.
6. Write short notes on the following:
 - (a) Constitutionality of Sedition Law
 - (b) Terrorism and National Security

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

Semester End Examination (June, 2019)

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.

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

1. Read the case and answer the question:

XYZ Co. is a leading manufacturer of heavy and medium commercial vehicles, XYZ Co. enters into an agreement with dealers in regard to sale of its vehicles.

The Agreement contains following clauses:

- Clause 1 of the agreement provides that a dealer shall buy from the regional sales office of the company a new diesel truck for resale within the territory described in accordance with the provisions of the agreement.
- Clause 2 provides that the agreement shall not preclude the company from entering into any dealership agreement with any other person or persons within the said territory.
- Clause 3 prohibits the dealer from selling the vehicles directly or indirectly outside the territory specified in the agreement.
- Clause 4 provides that the dealer shall maintain an organization for the sale of the vehicles in accordance with the directions of the appellant.
- Clause 5 prohibits the dealer from handling or selling vehicles manufactured or supplied by any other company.

Question - A complaint is made to CCI in regard to the above clauses of the agreement as being anti-competitive in nature. XYZ Co. has pleaded under section 19(3) of Competition Act, 2002 as the clauses do not impede competition in the market. Analyse whether the agreement is anti-competitive in nature or not.

2. In detail discuss two rules of interpretation of Anti-competitive agreements with the help of relevant case laws. Also discuss the position of the two rules of interpretation under the Competition Act, 2002.

3. What is abuse of dominance position under Competition Act, 2002? Explain with help of relevant provisions and case laws.
4. Explain in detail Merger in Public Interest and Fast Track Mergers with the help of relevant provisions of Companies Act, 2013.
5. “Cartelization is a serious offence under Competition Act – Cartelization is when enterprise collude to fix prices, indulge in big rigging or shares or customers”. Discuss the essential ingredients of a cartel under Competition Act, 2002 with a help of a decided case law.
6. Write a short note on:
 - (a) Bid Rigging
 - (b) Exclusive Supply Agreement

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

Semester End Examination (June, 2019)

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

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. 'Custodial violence has become a routine police practice in India.' Comment with the help of decided cases and guidelines issued by NHRC.
2. 'Plea Bargaining' has not taken off well in Indian Criminal System. Critically analyse and suggest remedies for its improvement.
3. The international standards relating to the rights of persons accused in criminal trial are assured in India both by the Constitution of India and the Criminal Procedure Code. Evaluate.
4. What is 'Principle of Legality'? How far this principle could be applied in International Criminal System. Critically analyse with help of suitable cases.
5. 'Since World War II, no court has prosecuted a case of Aggression. However, the Rome Statute offers at least a possibility that the ICC will one day enforce this crime.' Critically evaluate the case of Antonio Cassese.
6. Write explanatory notes on:
 - (a) Mixed or Hybrid Tribunals.
 - (b) Transnational Crimes.

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Semester End Examination (June, 2019)

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.
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. Define the purposes for which a writ may be issued by the Courts. What is the nature of Writ Jurisdiction of High Court under Article 226 of the Constitution of India?
6+8=14 Marks
2. (a) Whether adherence to the Principles of Natural Justice is necessary in case of Writ Jurisdiction. Give your opinion.
(b) What does the Court do when there is some 'Alternative Remedy' available to the petitioner for the infringement of legal rights?
7+7=14 Marks
3. Write in brief about the significance of Election in a Democracy. What are qualifications of voters mentioned in the Constitution of India and the Representation of People Act, 1950?
7+7=14 Marks
4. Explain the term 'Corrupt Practices' with reference to the Representation of People Act, 1951. How does the criminalization of politics pollute the process of free and fair election?
5+9=14 Marks
5. What are objects of the Representation of Peoples Act, 1950? Write provisions relating to preparation of Electoral Roll under the Act.
4+10=14 Marks
6. Explain the nature of power exercised by the High Court to hear Election Petition.
14 Marks

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

Semester End Examination (June, 2019)

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.
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 is an industrial design and how to protect them? What is excluded from 'design' under Sec. 2 (d) of the Designs Act, 2000? State the pre-requisite of a design under the Act. What is the duration of copyright on design? How a design search can be made before applying for registration?
2. Patents are granted to encourage inventions and to secure that the inventions are worked in India on a commercial scale. Is the importation of the patented article same as working of inventions in India? Critically analyze with the help of decided cases.
3. State the grounds for granting compulsory licenses in the Patents Act, 1970. On what terms and conditions the Controller shall settle the compulsory license?
4. What are the grounds of defense against suit for infringement? Is the parallel import considered as an infringement of patent?
5. Anirudh goes to New York and buys 5 Nos. of patented grass cutter from an authorized dealer for US \$ 1000 each and brings it to India and sells to his neighbor for US \$ 1500 each. The cost of the same grass cutter in India was coming to US \$ 2000 per piece. An Indian authorized dealer informs the patent proprietor about Anirudh's act and suit for infringement is filed against the later. The Defendant contends that doctrine of first sale or exhaustion is applicable against the plaintiff (patentee). Decide in the light of Indian position.
6. Write a brief note on **any three**:
 - (a) Patent Cooperation Treaty
 - (b) Hague system
 - (c) Claims in complete specification
 - (d) Traditional knowledge and patent

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

Semester End Examination (June, 2019)

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.
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. The country of Aeon is a very powerful developed country. It seeks to fight the cause of climate injustice by improving its renewable energy sector. The country of Quiet is a rapidly emerging developing country which has set ambitious targets to achieve its climate change objectives by 2030. However, certain domestic content requirements maintained by the Quiet disturbed the Aeon.

On 3rd May 2017, the Aeon requested consultations with the Quiet concerning certain measures of the Quiet relating to domestic content requirements under the Helios Harnessing Programme [“HHP”] for solar cells and solar modules. On 25th May 2017, the Aeon requested for the establishment of the WTO Panel.

- (a) Can the Aeon claim violations of the GATT by the Quiet? Briefly discuss the arguments from both sides.
 - (b) As a Legal Consultant with the Panel and the Appellate Body, provide reasons either supporting or rejecting the claims of the Aeon, relying upon relevant case-law.
2. “The relationship between human rights and the environment has been much debated over the past few decades, supported by UNEP, OHCHR and the Human Rights Council-appointed Special Rapporteur, specifically the identification of positive, mutually reinforcing links between the fields of law and policy.”
 - (a) Briefly discuss the human rights implications of climate change as highlighted in the UNEP Report, and
 - (b) Elucidate upon the role of the governments and the private actors to respond to such problems.
 3. “In order to examine the subject of environmental human rights, it is necessary to locate it in its historical and philosophical contexts. A relevant environmental philosophy is a prerequisite for understanding our ecological problems and their potential solutions.”

- (a) Briefly discuss the evolution of the human rights instruments focusing upon the three generations of rights, and
 - (b) Elaborate upon the relationship between human rights and the environment.
4. The Wise is a country which is home to an endangered species of bakune. The products of the commonly-found fish species, snitches, are traded with several countries. The Wise became aware of the practice of the fishermen hurting the bakune while catching the snitches. The Wise Environmental Protection Agency mandated the use of the Bakune Excluder Auto Devices [“BEADS”] while catching the snitches by virtue of Section 403 of the Wise Public Law. However, some of the trading partners of the Wise were not very happy with such a move.

On 8th May 2018, the Raging, the Ghis, the Merees, and the Swamp, requested consultations with the Wise concerning a ban on importation of snitch and snitch products from these complainants imposed by the Wise. On 30th May 2018, the complainants requested for the establishment of the WTO Panel.

- (a) Discuss the arguments put forth by the respondent and the complainants in brief.
 - (b) As one of the Members of the Appellate Body, decide upon the claims of the parties, citing relevant case-law.
5. “In its resolution 28/11, the Human Rights Council recognized the ongoing need to clarify some aspects of the human rights obligations relating to the environment... In this connection, the Special Rapporteur submitted a report on framework principles on human rights and the environment to the 37th session of the Council.”

Briefly discuss the 16 framework principles with the help of relevant examples.

6. Write Short Notes on:
- (a) ‘Environmental Protection’ versus ‘Green Protectionism’
 - (b) WTO as a platform for dealing with labour issues
