

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015
End Semester Examination (July, 2015)
6.1 ENVIRONMENTAL LAW

Time: **2 Hours**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 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 Public Trust Doctrine has vast potential and may serve as a touchstone to test executive action with a significant environmental impact. In the light of the aforementioned statement, explain Public Trust Doctrine with reference with reference to decided cases.
2. 165 small scale industrial units are carrying on the business of dyeing and printing works at different parts of the township of Sanganer for the last 50 years or more. They discharge the dirty water consisting of dyes and colors on the public road and municipal drain of the township causing damages to public health. The State Pollution Control Board (SPCB) issued several notices to these units directing them to apply for consent order. They did not apply for consent claiming that they have been conducting their business from the last fifty years without causing pollution and have been providing employment to around 50,000 people in the town. The SPCB directed these industries to be closed down. These industries approached the Supreme Court claiming their Fundamental Rights under Article 19(1) (g) of the Constitution of India has been violated. Decide the case describing the mechanism to prevent and control pollution under the Water (Prevention and Control of Pollution) Act, 1974.
3. The basic issue posed by the environmental crisis is how human beings are manage the world's first technological civilization in which they have power to shape their own future. In the light of the aforementioned statement discuss the salient features of Sustainable Development.
4. Discuss the needs and modes of public participation in environmental decisions making. Refer to decided cases.
5. The history of Climate Change negotiations is a history of endeavours and challenges to bridge the gap of ideological premises and contradictory veracities of a common concern. Elucidate the same in light of United Nations Framework Convention on Climate Change, 1992 (UNFCCC) and its further developments.
6. Discuss the various kinds of forests under the Forest Act, 1927. Also, State the importance of Forest preservation as a contribution to environment protection.

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015
End Semester Examination (July, 2015)
6.2 ADMINISTRATIVE LAW

Time: **2 Hours**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 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) “Audi Alterm Partem” is *sine quo non* of “Fair hearing”. Discuss with the help of decided cases.
(b) An advocate was removed from the rolls of state Bar council on the ground of his professional misconduct, without giving opportunity to defend himself. Examine the validity of his removal. (6+4=10)
2. Briefly discuss the composition, jurisdiction, power and constitutional validity of Central Administrative Tribunal created under Central Administrative Act, 1985. (10)
3. “Right to Information Act, 2005 has set in motion a paradigm shift from the era of secrecy and non-disclosure to transparency and accountability in governance in India.”- Critically analyze the above statement in the context of right to information as a catalyst to mitigate corruption and abuse of power by the authority. (10)
4. “Re Delhi Laws Act AIR 1951 SC 332 is said to be the Bible of delegated legislation”- Elucidate (10)
5. Critically examine A.V.Dicey’s thesis on Rule of Law. (10)
6. “Tenders were invited from registered cafeteria owners for opening of three cafeterias in the Lokpriya Gopinath Bordoloi International Airport by the Airport authorities. Mr. Latik, Airport Director was given power to accept or reject all tenders without assigning reasons. Mr. Latik accepted the highest tender submitted by a tenderer, Mr. Rex, who was not a cafeteria owner. A writ petition was filed against the airport authority by Ms. Shakti who was neither a tenderer nor a cafeteria owner.”
Decide the above case on the issue of locus-standi of Ms. Shakti and elaborate upon the exercise of discretion by the Airport authority. (3+7=10)

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015
End Semester Examination (July, 2015)
6.3 INTERNATIONAL LAW

Time: **2 Hours**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer four questions from the following. Question no.1 and 2 is compulsory and carries 15 marks each (2x15=30). Answer any two questions from question no. 4 to 6 Which carries equal marks

1. Pakistan came into existence as a result of the Indian Independence Act (1947). Following pressure from Jinnah and from the Muslim League for an independent state for Muslims, the Act partitioned Pakistan from India, dividing the new state into two parts, East and West Pakistan, which became a republic in 1956. The bloodshed accompanying Partition left much bitterness between Pakistan and India, and the two countries have fought wars over the disputed territory of Kashmir ever since. Tension also developed between the two parts of Pakistan, separated by 1750 km of Indian Territory. In 1971 East Pakistan declared itself independent as Bangladesh. The Pakistan army quelled the secession with much blood-shed, causing millions of refugees to flee to India. India then intervened militarily in support of Bangladesh and its own claims to Kashmir, defeated the Pakistan army, and ensured Bangladeshi independence.

In the light of above situations answer the following questions analytically

1. When does a new entity become a State and the old State cease to exist?
 2. Is the new State a continuation of the previous State, or entirely distinct?
 3. Is unilateral declaration of independence justified under international law?
 4. How do you consider India's role during the East Pakistan's episode? Is it Humanitarian Intervention or Use of Force which is prohibited under the UN Charter mechanisms?
2. **On 17 February 2008, the Assembly of Kosovo issued the following declaration:** "We, the democratically-elected leaders of our people, hereby declare Kosovo to be an independent and sovereign state." Many states in the international community have since recognised Kosovo as a state, including most EU member states and the United States.

In the light of above situation, discuss the following questions critically:

1. The legal aspects with regard to creation of statehood under International law
2. Self-determination and criteria of Statehood in International law
3. Discuss the necessary components for the constitution of Custom as a source of international law in the light of decided cases of the Permanent Court of International Justice and the International Court of Justice.

4. "International law from historical perspective, especially in the context of the role of Asian and even African countries in its origin and development, there are several questions which have been raised but not satisfactorily answered. From fifteenth century onwards, the Europeans went to Asian countries for their own needs and developed not only active trade and commercial relations, but intimate political relations as well with these independent Asian communities, especially in India and the East Indies. What rules of inter-state conduct applied between these European countries and Asian states? Without some common rules of international law, Europeans could not have survived in Asian countries. And if some rules of international law and comity did apply between them and their relations, did these rules have no influence whatsoever on the emerging international law among European countries during this period?"

Based on observations made by R.P. Anand above, critically examine the Asian and African approaches to International law.

5. Outline the basic principles of International law which brought in force through the decisions given by the International Court of Justice in various cases.
6. Discuss various theories of international law which explains the relationship between International Law and Municipal Law. Discuss India's State practice with regard to effectuation of International Law in Municipal Law.

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015
End Semester Examination (July, 2015)

6.4 CIVIL PROCEDURE CODE AND LIMITATION

Time: 2 Hours
Total Marks: 50

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper. It will be treated as malpractice.
-

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

1. a. What is second appeal? Distinguish between first appeal and second appeal.
b. A enters into an oral agreement with B that she will sell her land to B on the payment of Rs. 50,00,000. However, before the conclusion of a written agreement, A lost her life in a car accident. Thereafter, A's son refused to sell the land to B. This prompted B to approach the court of law but the court of first instance decided against him on the ground that an oral agreement is not valid. B preferred an appeal against this decision but, yet again, it was decided against him. Advise B on whether he can prefer a second appeal with the help of relevant provisions. (6+4)
2. a. Describe the modes of service of summons on the defendant.
b. A has filed a suit against B for recovery of possession of a house which A had rented out to B and B has neither vacated it after the expiry of period as given in the house agreement nor has paid the arrear rent. The officer of the court goes to deliver the summons to B directing him to appear in the court but finds the front door of the house locked. However, he sees B's servant working in the adjoining kitchen garden and serves the summons on B's servant. Decide on the validity of the service of summons along with relevant provisions and case laws. (6+4)
3. Discuss the different modes of execution given under the Code of Civil Procedure. What shall be the mode of execution in a decree for the payment of money? (10)
4. a. Which types of suits are required to be instituted where the subject- matter is situated?
b. G, a seller from Guwahati, enters into a contract for sale of goods with a buyer S, in Shillong for supply of goods at Aizawl. The invoice sent by G to S has a line written on top of it 'subject to Guwahati jurisdiction'. S files a suit against G for damages at Aizawl. Discuss the maintainability of the suit with relevant provisions. (6+4)
5. Explain with illustrations when a party can claim set off or counter claim and distinguish between the two. (10)
6. Discuss the object and scope of Limitation Act, 1963. What are the general principles governing the computation of period of limitation? (5+5)
7. Elaborate on the procedure to transfer a suit from one court to another with the help of relevant provisions and case laws. (10)

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015
End Semester Examination (July, 2015)
6.5 LABOUR LAW AND INDUSTRIAL LAW

Time: **2 Hours**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper. It will be treated as malpractice.
-

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

- 1 An unregistered trade union '*JLX Union*' is not entitled to the rights conferred under the Trade Unions Act, 1926. Explain in detail the provisions which '*JLX Union*' must comply in order to exercise the rights under the Trade Unions Act, 1926. (10)
- 2 "Wherever it is not practicable to abolish the system of contract labour, the Contract Labour (Regulation and Abolition), Act, 1970 provides for the regulation of contract labour"- Discuss. (10)
- 3 Discuss the provisions relating to the employment of young persons under the Factories Act, 1948. Mention briefly four amendments proposed to be introduced by the Factories Act (Amendment), Bill 2014 in the Factories Act, 1948. (6+4=10)
- 4 Analyze the law on prohibition and regulation of child labour in India with the aid of relevant case laws. (10)
- 5 Critically examine the Equal Remuneration Act, 1976 in the light of judicial decisions in India. (10)
- 6 Define an unorganized worker. Explain the provisions relating to social security benefit schemes and the machinery for implementation of schemes under the Unorganized Worker's Social Security Act, 2008. (2+4 +4=10)

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015
End Semester Examination (July, 2015)
6.6 FUNDAMENTALS OF INTELLECTUAL PROPERTY LAW

Time: **2 Hours**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper. It will be treated as malpractice.
-

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

1. Write a note on Trade Related Aspect of Intellectual Property Rights (TRIPS)? Discuss the object and scheme of the TRIPS Agreement.
2. Who can proceed to seek a remedy under *the Copyright Act, 1957*? Briefly discuss the various remedies available under the Act.
3. Explain the term 'Well-Known Trademark'. Explain the factors on which the Registrar has to consider relevant for determining a trade mark as a well-known trade.
4. What is 'passing off'? Critically examine the basic elements of passing off with the help of relevant case laws.
5. Discuss the nature of patent and which rights are conferred on patentee explain with the help of case laws?
6. What constitutes the patent infringement? Explain the reliefs which are available for patentee on infringement of patent?

* * * * *

