

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
B.A.,LL.B.,(Hons.): III-Year, VI-Semester: Academic Year: 2015-2016  
**End Semester Examination (June-2016)**  
**6.1 ENVIRONMENTAL LAW**

Time: **2 Hrs.**  
Total Marks: **50**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
  2. No clarification shall be sought on the question paper.
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**Answer any five questions from the following. All questions carry equal marks.**

1. Elaborate the procedures with respect to the followings and support them with case laws:
  - a) Sample collection of effluents under Water (Prevention and Control of Pollution) Act, 1974
  - b) Power to declare Air Pollution Control Area under Air (Prevention and Control of Pollution) Act, 1981
2. With respect to Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, elaborate the procedures with respect to the following:
  - a) Responsibilities of the Occupier for handling of Hazardous Wastes
  - b) Procedure for Recycling, Reprocessing or Reuse of hazardous Wastes
  - c) Treatment, Storage and Disposal Facility for hazardous wastes
  - d) Packaging, Labelling and Transport of Hazardous Wastes
3. The Supreme Court of India made it clear that director/managers who were responsible for causing the pollution would be liable under Environment Protection Act, 1986.
  - a) Which is the provision of this enactment that deals with the offences by companies and government departments and what does it incorporate?
  - b) What is the penalty for contravention of the provisions of this enactment? Cite relevant case laws and provisions to answer the same.
4. What do you understand by prior permission under the Bio diversity Act 2002? Describe how the Act regulates access to biological resources of India by a non-citizen, citizen and a registered Indian Company
5.
  - a) What measures are required to be taken to compensate for the loss of forest land and to restore the ecology of the region in case of conversion of Forest land for non-forestry purposes.
  - b) A mining company applied for grant of lease of forest land for mining purposes in hilly- regions in the state of Assam. The Government of Assam suo moto refused to grant the lease of forest land. Is the Government of Assam justified in its action? Discuss with reference to a decided case.

- 6 a) "Hunting of Wild animals is strictly prohibited in India." With reference to the aforementioned statement describe the purposes and the circumstances under hunting can be permitted under the Wildlife Act of 1972.
- b) A owned a house and landed property in an area which was declared as a wildlife sanctuary. The Collector while settling the claims over the rights of the persons of the area did not deliberate upon his rights. Discuss the rights and duties, if any, of A.

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**6.2 ADMINISTRATIVE LAW**

Time: **2 Hrs.**  
Total Marks: **50**

**INSTRUCTIONS:**

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

1. Discuss the doctrine of Separation of Powers as developed by French Jurist Montesquieu. Discuss the functioning of Separation of Powers in the U.S.A. and India. Discuss the place of Separation of Powers in Administrative Law. **3+5+2 =10 Marks**
2. Enumerate briefly the circumstances under which the Delegated Legislation may be held invalid on the grounds of Substantive *Ultra vires* in India by referring to decided case laws. **10 Marks**
3. "Judges like Caesar's wife should be above suspicion". Amplify the above statement in the context of rule against bias in India and in the U.K with the help of decided cases. **10 Marks**
4. Narrate briefly the basic purpose of Judicial review of Administrative Actions. Discuss briefly the grounds to be fulfilled for granting the Writ of Certiorari and also state the grounds on which it can be refused by the Court. **2+6+2=10 Marks**
5. Write exhaustive note on any two of the followings: **2x5 =10 Marks**
  - (a) *Droit Administratif*
  - (b) Reasoned decisions and
  - (c) Domestic Tribunals
6. Illustratively discuss whether the R.T.I. Act, 2005 has further strengthened the concept of open Government by institutionalising transparency and accountability in Indian governance. Answer suitably by giving your cogent reasons.  
Whether the Judiciary come under the purview of the R.T.I Act ? Answer suitably with the help of decided cases. **7 + 3 =10 Marks**

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**6.3 INTERNATIONAL LAW**

Time: **2 Hrs.**  
Total Marks: **50**

**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. Volantis is a state situated in the continent of Raphasia. It shares its borders with Westeros, Braavos, Dothraki and Stormlands. Volantis is headed by a democratically elected President and has two houses of Parliament. Subsequently, civil war broke out in Volantis, pursuant to which the military junta overthrew the President and established its own government. The states of Westeros and Dothraki as well as several other states from different continents have refused to give recognition to the new government of Volantis. Discuss the effect of this non-recognition of the new government of Volantis on the recognition accorded to the state of Volantis in the light of established state practice.

Further, discuss in details the concept of recognition in the light of its theories as well as the legal effects of recognition. **4+6=10 Marks**

2. The General Treaty for Renunciation of War (Kellogg-Briand Pact) was the first instrument to outlaw jus ad bellum whereby parties to it agreed to seek a peaceful solution to all disputes arising. However, World War II broke out in complete disregard of the Treaty thereby popularizing the phrase that "treaties never stop wars". Discuss the subsequent international regime governing jus ad bellum and elucidate upon the exceptions to the same. **4+6 =10 Marks**

3. Two sisters, Elsa and Anna are Indian citizens. Elsa is a diplomatic officer at the Indian Embassy in Paris, France. Anna lives with her in Paris and is pursuing her doctoral studies at a local university. Anna and her friend Kristoff, a US citizen, were involved in a road accident in which a family of four lost their lives. Discuss the criminal liability of Anna and Kristoff in the light of the relevant international instruments.

Further, discuss the concept of *persona non grata* under the Vienna Convention on Diplomatic Relations and Vienna Convention on Consular Relations. **6+4=10 Marks**

4. While presenting the Millennium Report to the United Nations General Assembly, the then Secretary General Kofi Annan addressed the issue of humanitarian intervention. While addressing the concerns of critics, he put a poignant question "If humanitarian intervention is an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica - to gross and systematic violations of human rights that offend every precept of our common humanity? Which should prevail - sovereignty or humanity?" In the light of the above statement, discuss the legality of humanitarian intervention and the subsequent concept of responsibility to protect. Further, analyse the need for the shift from the concept of humanitarian intervention to that of responsibility to protect. **7+3=10 Marks**

5. Mordor, Gondor, Rivendell and Hobbiton are neighbouring states. The river Sayuri flows through all the states. The four states met at Erebor and entered into a treaty with regard to sharing the power generated by the hydroelectric project situated on the river Sayuri. Mordor made a reservation stating that they shall not abide by the treaty during the period of droughts in their state. Gondor accepted the reservation while Rivendell objected to it. Hobbiton had initially objected to it but they later withdrew their objection. Decide on the obligations of Mordor as against Gondor, Rivendell and Hobbiton with regard to the water sharing treaty in accordance with the provisions of the Vienna Convention on the Law of Treaties, 1969.

*“Pacta tertiis nec nocent nec prosunt.”* A treaty does not create either obligations or rights for a third State without its consent. Elaborate as provided under the Vienna Convention on the Law of Treaties, 1969. **6+4=10 Marks**

6. “The very idea that States commit crime is a fiction. Crimes are always committed by persons. Men who exercised great power cannot be allowed to shift their responsibility on the fictional state which cannot be produced for trial.” In the light of the above statement of the International Military Tribunal at Nuremberg, elucidate the concept of individual criminal responsibility as contained in subsequent international criminal law instruments while discerning the differences between them. **7+3=10 Marks**

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**End Semester Examination (June-2016)**  
**6.4 CIVIL PROCEDURE CODE AND LIMITATION**

Time: **2 Hrs.**  
Total Marks: **50**

**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 territorial jurisdiction of the courts. A who resides at Delhi entered a contract with B at Mumbai for supply of certain goods at Kolkata where B resides and carries on business. At the time of entering in contract, it was agreed upon between A and B that in case any dispute regarding payment or delivery of goods arises, the suit will be filed only in Bangalore court B failed to make payment of the goods. A files a suit at Bangalore for recovery of money. B alleges that Bangalore court has no jurisdiction to decide the suit. Is the plea of B maintainable?
2. What is the scope of compromise in a civil suit? Describe (a) Whether a compromise can contain property which is not the subject matter of the suit? (b) How far principle of estoppel applies? And (c) under what circumstances, prior permission of the court is required for entering into a compromise?
3. Who is entitled to file a pauper suit? State the procedure for filing such suits? Can a defendant be allowed to defend in form a pauperis? A' presented an application for leave to sue in form a pauperis but A 'dies pending the hearing of the application. Can the application be continued by 'B" who is legal representative of "A"? Give reasons.
4. What are the ingredients for granting injunction? Can an injunction be granted in the following:
  - i) to stay the proceeding for the recovery of any dues recoverable as land revenue
  - ii) to restrain any election
  - iii) in any matter where a reference can be made to the Chancellor of a university under any enactment.
5. An execution court can neither go behind the decree nor question its legality or correctness. Is there any exception to this rule? If so, what? A property is sold in execution of a decree and is purchased by a bonafide stranger. The decree is subsequently set aside in appeal. An application is made thereafter by the judgement debtor for setting aside the sale. What orders should be passed on such application?
6. Can a court enlarge the period of limitation prescribed for suit, appeal or application? While going to the court for filing a suit 'A' meets with an accident. As a consequence thereof A remains unconscious for fifteen days. The period of limitation for filing the suit expires during this period. Can 'A' claim extension of time?





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**6.5 LABOUR AND INDUSTRIAL LAW**

Time: **2 Hrs.**  
Total Marks: **50**

**INSTRUCTIONS:**

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

1. (a) Discuss the provisions for legal protection of young persons with regard to their employment in factories under the Factories Act, 1948? **6 Marks**  
(b) "Z" and "X" are two sisters living in Guwahati. On 17<sup>th</sup> February, 2014 "Z" who is fourteen years old after working in factory 'P1' from 9:00 am to 3:00 pm went to work in another factory 'Q1' on the same day from 5:00 pm to 9:30 pm without the knowledge of her parents. "X" who is sixteen years old after being granted the certificate of fitness worked in factory 'P1' on 17<sup>th</sup> February, 2014 from 11:30 am to 11:00 pm. On 18<sup>th</sup> February, 2014 "X" knowingly gave her certificate of fitness to be used by her friend "A". Decide the above in the light of the relevant provisions of the Factories Act, 1948. **4 Marks**
2. The then Chief Justice of India Mr. M.H. Beg in Bangalore Water Supply and Sewerage Board v. A. Rajappa AIR 1978 SC 548 had observed that "We cannot forget that we have to determine the meaning of the term 'industry' in the context of and for the purpose of matter provided for in the Industrial Disputes Act only". In the light of this statement explain elaborately "the Judicial Code of Industrial principles" laid down in the above case. **10 Marks**
3. Examine the concept of 'trade dispute' and the legal provision relating to 'criminal immunity' under the Trade Unions Act, 1926. Substantiate your answer with judicial decisions. **5+5=10 Marks**
4. Analyze Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 relating to 'prohibition of employment of contract labour' with particular reference to the landmark judgments of the Supreme Court of India. Explain briefly sections 7 to 9 under the Contract Labour (Regulation and Abolition) Act, 1970. **7+3=10 Marks**
5. Answer the following in the context of the relevant provisions of law:
  - (i) Prohibition of strikes and lockouts under Industrial Disputes Act, 1947 **(3)**
  - (ii) General obligations of Occupier under the Factories Act, 1948 **(3)**
  - (iii) 'Remuneration' and 'Same work or work of similar nature' under the Equal Remuneration Act, 1976 **(2+2)**
6. "Labour Policy in India has undergone a tremendous change since independence from 'self-reliance' to 'tripartism' approach"- Explain. Briefly discuss the principle of 'social security' in furthering the goal of labour welfare in India. **6+4=10 Marks**



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End Semester Examination (June-2016)

6.6 FUNDAMENTAL OF INTELLECTUAL PROPERTY LAW

Time: 2 Hrs.

Total Marks: 50

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
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**Answer any five questions from the following. Question no. 1 is compulsory. All questions carry equal marks.**

1. 'Mr. Soyam having Copy Right over his 'Autobiography-SOHEED' written in Bengali language and published in 1996 by Kolita Publishing, Kolkata which paid him handsome amount of royalty on becoming very popular and sold his work for worth Rs. 2 lac. The Autobiography was translated in Hindi by abridging into Drama by Rama Chobey published by Dube Publishing Allahabad in 1998 which motivated the minds of younger generation and became popular. A friend of Rama Chobey who was a Film Director came to know about the popularity of Drama and visited along with his scriptwriter and music composer with intention of Adaptation into Film on 10-05-2010 but Rama did not agree for particular songs and role of actor which was slightly changed. After one year on 12-05-2011 Mr. Chakraborty released his album composed of song 'SOHEED' which was depicted the Autobiography in a derogatory manner and invited some disputes. On 12-10-2013 Mr. Sippy released his film titled 'FREEDOM' with consent of Kolita Publishing which in the opinion of viewers of the film is the copy of Autobiography of 'Soyam' and reputation of Mr. Soyam is appreciated but has resentment on the songs fixed and composed by Chakraborty. The Heir of Soyam filed suit for an Injunction against Mr. Sippy on Film 'FREEDOM'; for infringement of copyright and damages for lowering the image of Soyam. Comment on the following:

**4+4+2=10 Marks**

- (i) Discuss the rights of Author over his Autobiography and Heirs.
  - (ii) Also discuss the principle of Abridgement and Adapation.
  - (iii) Will the Moral Rights continues with Author and will heirs succeed in claiming damages against Mr. Sippy and Chakraborty for defamation?
2. "The Universal Copyright Convention did not abrogate any other multilateral or bilateral conventions or arrangements between two or more member states". Discuss and differentiate the provisions of Berne Convention and Universal Copyright Convention with regards to the features of copyright protection.
  3. "Main objective of Paris Convention is the protection of Industrial Property". Discuss and explain the type of patents and conditions to be satisfied for an invention to be patented.
  - 4 Copyright is a type of right that protects original literary, Artistic, Musical and Dramatic work of the author with exclusive rights to their works. In the light of aforesaid statement, discuss the remedies available to the author for infringement of copyright.
  5. There are certain "Exclusive Rights" conferred on the patentee. Discuss these Rights u/s 48 and the limitations on these Rights granted to the patentee under the Indian Patent Act.
  6. "Trademarks is the conveyor of image, quality and the value of the products". Discuss the good trademark and grounds upon which an application to register a trademark may be refused.

