

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): III-Year, VI-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 6.1 Environmental Law

Time: **2:00 Hrs.**
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.
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Answer any five questions from the following. All questions carry equal marks.

1. "The Water (Prevention and Control of Pollution) Act, 1974 has constituted State Pollution Control Board and conferred various powers to prevent and control pollution of water. In the light of afore-mentioned statement describe the powers of the State Board and its mechanism to prevent and control of water pollution under the Act.
2. Describe the evolution of right to pollution free environment by implementing the two fold fundamental duties created under 42nd Constitutional Amendment Act, 1976. Refer to decided cases.
3. Describe the Doctrine of Public Trust as the viable judicial tool for the protection and preservation of environment under Indian Legal Regime. Refer to decided cases.
4. The journey of Indian hazardous and solid waste management laws reflect that in 2016 a number of rules have emerged under section 3,8 and 25 of Environment (Protection) Act, 1986 to comprehensively control and prevent environmental degradation. Submit the list of rules which have been enacted in 2016 and make a study of one of the such rules.
5. Describe the law relating to the trade and commerce in Wildlife, Animal Articles and Trophies in India. Do you agree that India prohibits trans-boundary trade in Ivory? Support your answer with decided case law.
6. Describe the salient features of the Environment (Protection) Act, 1986. Does it provide for deterrent punishment to those who endanger human environment, safety and health?

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Semester End Examination (May - June, 2017)
Subject Code: 6.2 Administrative Law

Time: **2:00 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. "Administrative law is an instrument to fight against the administrative authoritarianism through the instrumentality of courts." Critically evaluate the given statement.
2. Why is it important to not concentrate too much power in one branch of government? Give examples of what might happen if there were too much power in the hand of one branch of the government. Give examples of when it might be necessary for one branch to exercise more power than another branch.
3. "Doctrine of excessive delegation serves a useful function ... It can be used as a safety valve in the functioning of modern parliamentary system in a developing country." Amplify the given statement with special reference to India.
4. "*Audi alterm partem*" is *sine quo non* of "fair hearing". Explicate the given statement with the help of decided case laws.
'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
5. Central Vigilance Commission (CVC) was set up by the government to propagate the principle of zero tolerance on corruption. Examine the various steps adopted by the CVC to combat corruption in the India. Evaluate the outcomes of these steps and also assess the effectiveness of CVC.
6. Distinguish between:
 - a) Discretionary Power and Arbitrary Power
 - b) Conditional Legislation and Subordinate Legislation

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B.A.,LL.B.(Hons.): III-Year, VI-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 6.3 International Law

Time: **2:00 Hrs.**
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.
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Answer any five questions from the following. All questions carry equal marks.

1. *Aut dedere aut judicare* i.e. either extradite or prosecute has governed the law of extradition from times immemorial. Discuss in details the concept of extradition as well as the different principles that have to be satisfied in fulfillment of the process of extradition. (4+6)
2. There are very few areas in International Law that are as contested as the concept of jurisdiction. Discuss in details the different principles governing criminal jurisdiction under International Law. (10)
3. Westeros, Highgarden, Rivendell and Winterfell are neighbouring states. The river Brandywine flows through all the states. The four states met at Shire and entered into a treaty with regard to sharing water of the river Brandywine. Westeros made a reservation stating that they shall not abide by the treaty during the period of droughts in their state. Highgarden accepted the reservation while Rivendell objected to it. Winterfell had initially objected to it but later withdrew the objection. Decide on the obligations of Westeros as against Highgarden, Rivendell and Winterfell 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.*" Elaborate as provided under the Vienna Convention on the Law of Treaties, 1969. (6+4)
4. While presenting the Millennium Report to the United Nations General, 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 this background, discuss the international legal status of responsibility to protect. (10)

5. Two brothers, Dean and Sam are US citizens. Sam is a diplomatic officer at the US Embassy in Paris, France. Dean lives with him in Paris and is pursuing his graduate studies at a local university. Dean and his friend Billy, a US citizen, are alleged to have sexually assaulted a female student at a fraternity party. Discuss the criminal liability of Dean and Billy 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)
6. Discuss the international regime governing *jus ad bellum* as well as the exceptions to the same. Critically analyze whether the said regime has been able to serve its purpose of maintaining international peace and security. (7+3)

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B.A.,LL.B.(Hons.): III-Year, VI-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 6.4 Civil Procedure Code and Limitation

Time: **2:00 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. Anil, Amar and Gitika are partners of a partnership firm. Gitika files a suit for dissolution of partnership.
 - a) Who is the Necessary party in the instant suit ? Distinguish between Necessary Party and Proper Party. Support your answer with suitable illustrations.
 - b) Explain Order 1 Rule 1 and 3 of *The Code of Civil Procedure, 1908*.
(5+5=10)
2. "No suit shall be defeated by reason of mis-joinder or non-joinder of parties....."
 - a) State the Order and Rule in *The Code of Civil Procedure, 1908* which deals with the above provision. What is the remedy available to a party if an objection on the ground of Mis-joinder of plaintiffs is taken and the Court finds it to be well founded?
 - b) Discuss in detail the various kinds of Mis-joinder possible in a suit.
(5+5=10)
3. Anil and Sunil sue John for Rs. 25,000. John claims set off for a debt of Rs. 10,000 due to him alone from Anil.
 - a) Will John succeed in his claim against Anil? Give reasons for your answer, with relevant provisions of law.
 - b) Distinguish between Counter claim and Set-off.
 - c) State and explain with relevant provisions of law the circumstances under which a Court can reject a plaint.
(2+4+4=10)
4. A suit was instituted by Mr. Sarma against Mr. Chatterjee. The summons were duly served on Mr. Chatterjee and the next date fixed before the Court was 13/04/17. What are the consequences in the suit in the following circumstances when the case is called out in the

Court on 13/04/17? Give reasons and support your answer with appropriate provisions of law.

- a) If both Mr. Sarma and Mr. Chatterjee do not appear when the suit is called out.
- b) If Mr. Chatterjee appears, but Mr. Sarma does not appear when the suit is called out.
- c) If Mr. Sarma appears, but Mr. Chatterjee does not appear when the suit is called out.
- d) Discuss Order IX Rule 13 of *The Code of Civil Procedure*, 1908.

(1+1+1+7=10)

5. Mr. Bora is the owner of a plot of land in Guwahati. On 3/5/17, he saw Mr. Das along with some construction workers on his land and they were making arrangements for digging a deep tube well on the said plot of land. When Mr. Bora confronted Mr. Das about his presence on his land, Mr Das said that he had purchased the land and was going to build a house on it. Mr. Bora subsequently files a Title suit against Mr. Das.

In the light of the circumstances given above answer the following questions.

- a) What is the legal remedy available to Mr. Bora to immediately prevent Mr. Das from further construction on his plot of land.
- b) Discuss the circumstances that Mr. Bora must prove in his case so that a Court may grant him a temporary injunction. State the three principles laid down regarding the use of discretion by the Court while granting injunctions.
- c) What are the consequences that Mr. Das will face if the Court passes an order of temporary injunction against him, but he continues to construct on the said plot of land.
- d) State the remedy available to Mr. Bora if the Court refuses to grant injunction order.

(1+5+2+2=10)

6. Write short notes on:

- a) Amendment of pleadings
- b) Different kinds of Admission
- c) Settlement of issues

(5+2.5+2.5=10)

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B.A.,LL.B.(Hons.): III-Year, VI-Semester (Academic Year: 2016-17)

Semester End Examination (May - June, 2017)

Subject Code: 6.5 Labour and Industrial Law

Time: 2:15 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. On 2nd June, 2017 because of incessant rain there was flood in the city 'T'. 'T' has six industrial establishments – 'A', 'B', 'C', 'D', 'E' and 'F'. Industry 'B' has contravened Section 22 of the Industrial Disputes Act, 1947. Trade Union of workmen of 'D' wants to apply for registration of their Union and in this regard they are seeking your assistance to know about Sections 4, 5 and 6 of the Trade Unions Act, 1926. The workers of industry 'E' reached their place of work at 9:00 am (appointed time) on 2nd June, 2017. After signing in the muster rolls they entered their industrial unit and were shocked to see that the floor of their unit was inundated rendering it difficult to start any work. The workers waited to be given some work till 11:10 am but the employer of 'E' failed to provide them with any employment. As directed by the employer of 'E', one of the workers named 'P' reported for work in the second shift but was not provided any employment. On 30th May, 2017 the management of industry 'B' declared a lockout against which the employees on 2nd June, 2017 resorted to strike. In view of the above, discuss each of the situations in the context of the provisions under labour and industrial law in India.

(10)

2. A family comprising of 'J', 'F', 'L', 'M' and 'N' residing in Ulubari are economically dependent upon their own family enterprise 'Z'. On Sunday 'L' helps her mother 'J' in household activities. Establishments 'W' and 'O' do not carry on any hazardous operations or processes. As the family is facing financial hardship, both fourteen year old 'M' and fifteen year old 'N' are working in an establishment 'W'. 'M' works seven days a week from 9:00 am to 4:00 pm. 'N' is made to work from 7:00 pm to 6:00 am on Monday and Tuesday and from Wednesday to Saturday he works from 10:00 am to 4:00 pm. From Monday to Wednesday every week, six year old 'L' helps her father 'F' in running 'Z' after returning from school and on Thursday and Friday she works in 'Z' from 10:00 am to 3:00 pm. Two days a week from 5:00 pm to 8:00 pm 'M' works in establishment 'O'. Examine the above mentioned case in the light of the relevant provisions of law in India.

(10)

3. 'Q', 'R', 'S' and 'T' are establishments to which the Contract Labour (Regulation and Abolition) Act, 1970 applies and all the four establishments have employed contract labourers through the Contractors 'U', 'V', 'W', 'X' respectively. Except 'Q', the other three establishments on 30th June 2010 had registered as per the requirements of the said Act. As per notification under Section 10 of the said Act, the contract labourers working for six years in 'S' were abolished. On 2nd June, 2017 the registration of 'R' was revoked by the Registering Officer. The demand of the abolished contract labourers to be absorbed as regular employees was rejected by the principal employer of 'S'. There is non-compliance of Section 21 of the said Act by the contractor 'X' who has provided contract labourers to establishment 'T'. Explain each of the situations mentioned above in the context of the relevant provisions of law and judicial pronouncement.

(10)

4. "On the commencement of the Bonded Labour System (Abolition) Act 1976, the liability to repay bonded debt stands extinguished." – Discuss. What are the penalties prescribed under the Bonded Labour System (Abolition) Act, 1976?

(5+5=10)

5. Analyze the Maternity Benefit Act, 1961 in view of the recent amendments?

(10)

6. Explain the following in the context of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:

(3+7=10)

a. Sexual Harassment

b. Procedure relating to Complaint and Inquiry into complaint of Sexual Harassment

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Semester End Examination (May - June, 2017)
Subject Code: 6.6 Fundamentals of Intellectual Property Law

Time: **2:00 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. Elucidate the importance of international agreements in developing uniform laws relating to intellectual property rights in the light of its interference in the sovereign power of nation states.
2. Trace the development of the law of patents in India since Uruguay round of talks leading to TRIPS Agreements. Are these developments in consonance with the constitutional values especially the social justice?
3. Describe the interface between trademarks and competition law.
4. Examine the copyright law relating to internet activities referring to the latest case law.
5. Critically consider the developments in the law relating to geographical indications in India in conserving the rich pluralistic heritage of the country.
6. Write critical notes on:
 - a) Legal regime of traditional knowledge
 - b) Rights of farmers in the Protection of Plant Varieties and Farmers Rights Act.
