

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(HONS.): III-YEAR, VI-SEMESTER, ACADEMIC YEAR: 2016-2017
MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 6.1 ENVIRONMENTAL LAW

Time: **1:15 Hrs.**
Total Marks: **20**

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 two questions from the following. All questions carry equal marks.

1. Discuss United Nations Conference on Human Environment. What are the Constitutional as well as legislatives developments that took place in India with reference to it.
2. "All the SDGs come down to education..." – discuss SDG in details with special reference to the importance of education to be achieved.
3. Write Short Note- (**any two**):
 - a) Precautionary Principle.
 - b) Polluter Pays Principle.
 - c) CBDR.

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SUBJECT CODE: 6.2 ADMINISTRATIVE LAW

Time: **1:15 Hrs.**
Total Marks: **20**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any two questions from the following. All questions carry equal marks.

1. Critically analyse the reasons for the development of Administrative Law in modern legal system.
2. (a) What does it mean that India is a country of laws and not of men?
(b) What is the responsibility of judges when their personal opinions are in conflict with the rule of law in the case before them?
(c) How does the majority benefit when minorities are protected by the rule of law.
(d) Give examples of ways that the rule of law has an impact on your life?
3. Some have suggested that having a closer working relationship between the branches of government would end "gridlock" and lead to a more efficient government. Others have argued that the separation of powers was specifically created to "slow down" the pace of government to ensure cool deliberation and not emotional reactions. Critically examine the statement. Does the separation of powers result in reasonable deliberation, or excessive delay?

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SUBJECT CODE: 6.3 INTERNATIONAL LAW

Time: **1:15 Hrs.**
Total Marks: **20**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer two questions from the following. All questions carry equal marks.

1. Mordor is a state situated in the continent of Zarnasia. It shares its borders with Easteros, Braatos, Shire and Rainlands. Mordor is headed by a democratically elected President and has two houses of Parliament. Subsequently, civil war broke out in Mordor, pursuant to which the military junta overthrew the President and established its own government. The states of Easteros and Shire as well as several other states from different continents have refused to give recognition to the new government of Mordor. Discuss the effect of this non-recognition of the new government of Mordor on the recognition accorded to the state of Mordor 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 de jure and de facto recognition of governments.

(4+6)

2. Elucidate the theories governing relationship between international law and municipal law and the processes of application of international law at the municipal level. Discuss the State practice of India regarding the application of international law into municipal law with the help of suitable case laws.

(5+5)

3. One of the major distinctions between international law and municipal law is in terms of their sources. In this background, describe in brief the sources of international law and discuss in details custom as a source of international law with the help of suitable decisions of ICJ, PCIJ and other international tribunals. Further, elucidate on the hierarchy of the sources of international law.

(3+7)

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 6.4 CIVIL PROCEDURE CODE AND LIMITATION

Time: 1:15 Hrs.
Total Marks: 20

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer two questions from the following. All questions carry equal marks.

1. (i) Mr. Sharma files a suit against Mr. Nath for recovery of possession of a flat, on the basis of a sale deed executed by Mr. Nath. The suit was heard and dismissed by a court of competent jurisdiction. After a year Mr. Sharma files a subsequent suit against Mr. Nath on the same cause of action in the same court.

Can the Court try the subsequent suit? State the conditions for the operation of the doctrine of Res Judicata.

(ii) Explain in brief whether the doctrine of Res Judicata would be applicable in the following cases:

- (a) If the previous suit was dismissed for default.
- (b) If the previous suit was decided by a court of Exclusive jurisdiction.
- (c) If there was a compromise or consent decree in the previous suit.
- (d) If the previous suit was decided by a court having no jurisdiction.

(6+4=10 Marks)

2. (a) *The Code of Civil Procedure, 1908* has several provisions which deal with the determination of the forum for the institution of suits. State the provision of law and explain in brief the Courts in which the following cases are to be instituted.

- (i) Suit for redemption of mortgage of immoveable property
- (ii) Amit residing in Delhi publishes a defamatory article on Shashank in Guwahati. Shashank is a resident of Bangalore.

(b) Under what circumstances can the Appellate Court allow an objection as to the territorial or pecuniary jurisdiction of the Court passing a decree.

(c) Differentiate between 'Necessary party' and 'Proper Party' with suitable illustrations.

(4+2+4=10 Marks)

3. (a) Explain in brief the essential elements of a decree.
(b) State any three instances in which a preliminary decree can be passed by a Court of law.
(c) Can a decree be partly preliminary and partly final? Explain with suitable illustrations.

(5+3+2=10 Marks)

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 6.5 LABOUR AND INDUSTRIAL LAW

Time: **1:15 Hrs.**
Total Marks: **20**

INSTRUCTIONS:

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

1. Part III of the Constitution of India has a significant bearing on labour welfare. -
Discuss. Substantiate your answer with relevant case laws. 10

2. The Trade Unions Act, 1926 granted certain immunities to the trade unions to enable them to accomplish their lawful objectives. – Examine the above statement in the light of judicial decisions. (5+5=10)

3. Analyze the concept of 'Industry' as stipulated in the Industrial Disputes Act, 1947 in the light of the landmark decision in Bangalore Water Supply and Sewerage Board v. A. Rajappa AIR 1978 SC 548. Justify whether University is an industry as per the law in India? (7+3=10)

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 6.6 FUNDAMENTALS OF INTELLECTUAL PROPERTY
LAW

Time: **1:15 Hrs.**
Total Marks: **20**

INSTRUCTIONS:

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

1. Define the term 'patent'. Discuss various types of non-patentable inventions.
2. Explain the requirements of provisional and complete specification.
3. Write notes on:
 - (a) Grounds of opposition of patent
 - (b) Tatkal procedure for patenting
