

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

Time: **1 Hr. 15 Minutes**
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. It is said that the concern of preservation of environment commences with the Stockholm declaration of 1972. But if one studies the history of environmental law thoroughly, the Ancient Literature is replete with provisions to preserve environment from degradation. Describe briefly the environmental concerns under Ancient Indian Literature.
2. The court have used the provisions of Article 48 A and 51 A (g) to spell out a fundamental right to wholesome environment by applying various approaches. Describe the approaches applied by the courts in India to evolve a fundamental right to wholesome environment as part of the fundamental right to life.
3. What do you mean by internationalisation of cost of pollution? Describe the recognition and development of polluter pays principle under Indian legal system.

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6.2 ADMINISTRATIVE LAW

Time: **1 Hr. 15 Minutes**

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. “The doctrine of separation of powers has no place in strict sense in Indian Constitution, but the functions of different organs of the Government have been sufficiently differentiated, so that one organ of the Government could not usurp the function of another”. In the context of the above statement explain the doctrine of separation of powers in practice in India and substantiate the answer with landmark decisions of the Apex judiciary in India. (10 Marks)
2. “If one draws two circles of administrative law and constitutional law, at a certain place they may overlap and this area may be termed as the ‘watershed’ in the administrative law”. Discuss elaborately the above statement in the context of India. (10 Marks)
3. Explain the concept of ‘Administrative Discretion’? Discuss the judicial control mechanism in India at the stage of delegation of administrative discretion with the help of relevant case laws. (2 + 8 Marks)

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Mid Semester Examination (March, 2015)
6.3 INTERNATIONAL LAW

Time: **1 Hr. 15 Minutes**
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. Historians of international law like JHW Verzijl describes: “Now there is one truth that is not open to denial or even to doubt, namely that the actual body of international law, as it stands today, not only is the product of the conscious activity of the European mind, but also has drawn its vital essence from a common source of beliefs, and in both of these aspects it is mainly of Western European origin”.

Based on this argument and discussions which took place in the class, how do you consider the origin and status of international law? Is international law truly universal or imperial and hegemonic?

2. In so far International law is an ideological construct and possesses a distinct form it also has an independent history. As Engels pointed out that “every ideology once it has arisen, develops in connection with the given concept material further, otherwise it would not be an ideology, that is, occupation with thoughts as with independent entities, developing independently and subject only to their own laws”.

Based on the above proposition, discuss the Marxist approaches to international law which is inextricably related to its theory of international relations whose essence is in the final analysis determined by the manner in which states are internally organised.

3. B. S. Chimni theorizes the TWAIL in explicit terms by arguing that the process of globalization has had deleterious effect on the welfare of third world people , further he argues that international law today threatens to reduce the meaning of democracy to electing representatives who, irrespective of their ideological affiliations, are compelled to pursue the same social and economic policies and even international human rights discourse is being manipulated to further legitimize neo-liberal goals. However, he says that “unfortunately TWAIL has neither been able to effectively critique neo-liberal international law or project an alternative vision of international law.” Discuss.

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6.4 CIVIL PROCEDURE CODE AND LIMITATION

Time: 1 Hr. 15 Minutes

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

1. (6+4 Marks)
 - (a) Discuss the concept of '*res judicata*' and distinguish it from the concept of '*res subjudice*'.
 - (b) Explain the terms 'Fact in Issues' and 'Relevant Facts'

2. (6+4 Marks)
 - (a) Discuss the various Jurisdictions available under *The Code of Civil Procedure, 1908*. Discuss where the appeal lies if the value of the suit is Six Lakh and above.
 - (b) When a court can issue summons under Order-V of *The Code of Civil Procedure, 1908*. When can the party be ordered to appear in person?

3. Explain the term 'Amendment of Pleading'? Whether leave to amend may be granted at any stage of the proceedings? What are the considerations that civil courts keep in mind while granting or rejecting an application for amendment of pleadings? (3+3+4 Marks)

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B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015
Mid Semester Examination (March, 2015)
6.5 LABOUR AND INDUSTRIAL LAW

Time: **1 Hr. 15 Minutes**

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.

1. Define 'Industrial Dispute' as interpreted by the Supreme Court of India. Discuss the difference between Individual Dispute and Industrial Disputes. (6+ 4 Marks)
2. "The trade unions after registration under the Trade Unions Act, 1926 are granted various rights so that they may be able to take appropriate actions for the attainment of objectives for which they are formed". Discuss (10 Marks)
3. "The Factories Act, 1948 introduced significant changes thereby amending and consolidating the law relating to labour in factories". Discuss (10 Marks)

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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.
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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?

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