

**NLUA**  
NATIONAL LAW UNIVERSITY, ASSAM  
B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015  
**Repeat Examination (August, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. The Supreme Court of India in *M.C. Mehta and others v. Union of India & others* (AIR 1987 SC 1086) laid down a more stringent rule than the rule in *Rylands v. Fletcher* (1868) L R 3HL 330. Describe both of these rules and distinguish between them.
2. “Man is both creator and moulder of his environment, which gives him physical sustenance’s and affords him the opportunity of intellectual, moral, social and spiritual growth”. In the light of the aforementioned observation, discuss the anthropocentric approach to environmental ethics.
3. Anamica Industries Pvt. Ltd. discharged untreated trade effluents into an open drain without obtaining the consent of the State Pollution Control Board. A number of notices issued by the board were ignored by the firm and eventually on the basis test sample; the Board prosecuted one of the partners of the firms. Discuss the nature of liability of the partner of the firm for offences committed under Water (Prevention and Control of Pollution) Act 1974.
4. Intergenerational Equity is among the newest norms of International Environmental Law. Discuss the meaning and significance of Intergenerational Equity principle.
5. “In spite of numerous protected areas in India, the wild life is facing many problems in terms of survival by way of habitat loss, human invasion of inviolate spaces and developmental related activities obstructing the natural corridors of migrating animals”. Elucidate the legal provisions under Wildlife Protection Act 1972 with regard to these protected area networks.
6. Critically analyse the process of implementation and follow up as provided under the Environment Impact Assessment Notification, 2011. Substantiate the answer with judicial pronouncements.

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**6.3 INTERNATIONAL LAW**

Time: **2 Hours**  
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. Outline the basic principles of international law. Do you consider that these principles may be treated as *jus cogens* norms in international law. If so, discuss in which of the cases the International Court of Justice reaffirmed the same in its decisions.
2. Third World Approaches to International Law (TWAIL) scholarship offers various models/frameworks for describing the behaviour of a related set of social phenomena, such as Antony Anghie's work on the "colonial origins of international law" and B.S. Chimni's "work on an emerging global state". Based on these frameworks critically assess the TWAIL approaches of international law.
3. Discuss the basis for international law in the light of Natural Law theory and Positivists theory of jurisprudence.
4. Write an analytical essay on the treaty making powers under Indian Constitution by citing relevant cases decided by the Indian judiciary.
5. Traditional international law considers that States alone are the subjects of international law. However, in modern context this notion has changed and many organs are included as subjects of international law. Based on this scenario discuss the status of international organisation in international law by citing ICJ advisory opinion.
6. Self-determination is one of the means to create a statehood in international law, further the principles of self-determination is considered as one of the basic rights of the people in international law. In the light of this situation, discuss the international legal framework with regard to the right to self-determination in international law.

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**Repeat Examination (August, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. a. Explain the consequences of non-appearance of parties. (6 marks)  
b. A files a suit against B. On the date of hearing, A remains absent and the suit is dismissed for default. Advise A about the relief available under the Code of Civil Procedure. (4 marks)
2. Explain the concept of constructive *res judicata* in the light of *State of U.P. v. Nawab Hussain*. Distinguish between *res judicata* and constructive *res judicata*. (5+5 marks)
3. Which court has the jurisdiction to adjudicate upon an application for execution of a decree? Can an execution proceeding be transferred to other court? Discuss the powers and rights of the transferee court. (1+4+5 marks)
4. Discuss the provisions relating to suits by or against Government? What are the circumstances under which service of notice may be exempted? (7+3 marks)
5. Discuss the provisions relating to appeals from original decree and the powers of the appellate Court? (6+4 marks)
6. What is 'Condonation of Delay'? When can a court accept an application for condonation of delay? (3+7 marks)
7. Distinguish between
  - a. Reference and Review (5 marks)
  - b. Appeal and Revision (5 marks)

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B.A., LL.B. (Hons.): III Year – VI Semester: Academic Year: 2014-2015  
**Repeat 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.
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**Answer five questions from the following. All questions carry equal marks.**

1. Discuss the immunities granted to a registered trade union under the Trade Unions Act, 1926 with the help of case laws. Mention four grounds on which registration of a trade union may be withdrawn or cancelled. (7+3=10 marks)
2. Explain the issue of *automatic absorption* of contract labour in the establishment as a consequence of notification under section 10(1) of the Contract Labour (Regulation and Abolition), Act, 1970 in the light of Supreme Court of India's judgment in the *Air India Corpn. v. United Labour Union* 1997 SCC (L&S) 1344 and *Steel Authority of India and Others v. National Waterfront Workers and Others* 2001 SCC (L&S) 1121. (10 marks)
3. Discuss the definition of 'industry' under section 2(j) of the Industrial Disputes Act 1947. Explain the tests laid down in *Bangalore Water Supply v. Rajappa* AIR 1978 SC 548, to determine whether a particular activity is an industry or not? (5+5=10 marks)
4. "Claims against non-payment and imposition of penalties are two important measures for enforcing the right of employees to minimum wages under the Minimum Wages Act, 1948."- Elucidate (5+5=10 marks)
5. Define 'same work or work of similar nature' and explain how the Equal Remuneration Act, 1976 fulfills its objectives. (3+7=10 marks)
6. What are the objectives of the Workmen's Compensation Act, 1923? Explain the grounds on which compensation becomes due and the defences available to the employer. Mention two penalty provisions under the Workmen's Compensation Act. (2+4+3+1=10 marks)

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