

Library

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
**B.A., LL.B. (Hons.): III-Year, VI-Semester Academic Year: 2015-2016**  
**Repeat Examination (August-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.
  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. Discuss the scope and object of the Environment (Protection) Act, 1986 with relevant case laws. How does it control environmental variables?
2. A factory in a particular locality is polluting the environment of the locality by the emission of smoke and other effluents. It creates health problems and causes different types of diseases to the people in the locality in its vicinity. The people of the locality wants to take an effective remedial measures to protect the locality and its inhabitants from the hazardous emissions of smoke and other poisonous effluents. Discuss the legal remedies available for the people.
3. Describe the constitution, powers, functions and jurisdiction of the Central and State Pollution Control Boards for prevention and control of water pollution.
4. Describe the provisions relating to trade or commerce in wild animals, animal article and trophies under the Wildlife (Protection) Act 1972.
5. Describe the various types of forests and prohibited activities in each of these forests under the Forest Act 1927.
6. "The NBA and the SBB shall consult the BMC's while taking any decision relating to the triple objectives of Biodiversity Act 2002". Critically evaluate the aforementioned statement by referring to powers and functions of NBA, SBB and BMC.

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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 scope, importance and the contributory factors leading to the growth of Administrative Law in India. Discuss the impact of liberalisation, privatisation and globalisation tremendously increasing the functions of the administration as facilitator, regulator and provider etc. in India. **6+4 =10 Marks**
2. Explain and illustrate the term Delegated Legislation. Discuss the important reasons necessitating the Legislatures to delegate legislative functions to the administrative authorities. Whether essential legislative powers of the Legislatures can be delegated? Discuss elaborately with the help of decided cases. **6+4=10 Marks**
3. Discuss briefly the exceptions to the Principles of Natural Justice in India by referring to important case laws. **10 Marks**
4. Attempt a narrative on the functioning of the Administrative Tribunals and power of the court to exercise Judicial Review over the Administrative Tribunals with the help of decided case laws. **10 Marks**
5. Discuss the basic purpose of Judicial Review. Discuss the grounds for granting the Writ of Mandamus with the help of decided cases and also state when the writ can be refused by the Court. **2+6+2=10 Marks**
6. Write exhaustive notes on any two of the following: **2x5 =10 Marks**
  - a) Rule of Law
  - b) Public accountability,
  - c) Constitutional safeguards to Civil Servants.

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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. Discuss in detail the concept of recognition in the light of its theories as well as the legal effects of recognition. **2+5+3=10 Marks**
2. Discuss the international regime governing *jus ad bellum* and elucidate upon 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=10 Marks**
3. Rhaegar is an employee of the diplomatic mission of Australia in India. He has been accused of raping a woman in New Delhi. Pursuant to the allegations and preliminary investigation by the police, the Government of India has declared him as *persona non grata*. However, the Government of Australia has neither recalled the person concerned nor terminated his functions with the mission. Decide whether he can be prosecuted for the offence of rape in India in the light of the Vienna Convention on Diplomatic Relations, 1961.  
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. "To those for whom the greatest threat to the future of the international order is the use of force in the absence of a Security Council mandate, one might ask...in the context of Rwanda: if in those dark days and hours leading up to the genocide a coalition of states had been prepared to act in defence of the Tutsi population, but did not receive prompt Security Council authorization, should such a coalition have stood aside and allowed the horror to unfold?" Discuss the concept of responsibility to protect in the light of the above stated words of Kofi Annan. **10 Marks**

5. Andalasia and Zion are sovereign and neighbouring nations. The river Crystalwater flows through both their territories. In order to solve their water sharing disputes, the two States enter into a bilateral treaty wherein they agreed on a water sharing arrangement. The opposition party in Andalasia protested against the treaty citing that Andalasia was at a loss due to the provisions of the treaty. It later emerged that Zion had bribed the foreign minister of Andalasia who had represented Andalasia during the bilateral talks into accepting provisions that were more beneficial to Zion. Decide on the validity of the treaty in the light 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. Discuss the concept of individual criminal responsibility as contained in international criminal law instruments while discerning the differences between them. **7+3=10 Marks**

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**6.4 CIVIL PROCEDURE CODE AND LIMITATION**

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 territorial jurisdiction of courts. A resides at Bhopal, B at Indore and C' at Lucknow. A, B and C being together at Kolkata, B and C make a joint promissory note payable on demand and deliver it to A. Where can A sue B and C for the amount of the promissory note?
2. What is substituted service? When can it be ordered and how can be effected? Discuss with reference to the provisions of the Code of Civil Procedure.
3. What will be the effect of death of the parties on the continuation of the suit? Discuss with the help of statutory provisions.
4. Does an application for review of judgement lie in a case where the judgement is rendered erroneous by reason of amendment made in a statutory provision with retrospective effect? Is an application for review of a reviewed judgement possible? Give reasons.
5. How does the law of limitation affect the right of a minor? Substantiate your answer by giving illustrations. X owed Rs. 25000 to Y on a bond which fell due on 1st January, 2013. Y died in an accident on 30<sup>th</sup> June,,2015 without having brought any suit, and was succeeded by his son Z of 12 years of age. Is Z entitled to any extension of time because of his minority?
6. What is a counter-claim with reference to Civil Procedure Code? Whether it can be filed at any stage of suit or appeal also? Can it be directed against a co-defendant?

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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. Explain the law relating to Strike under the Industrial Disputes Act, 1947 in the light of decided case laws. Write three differences between strike and lockout. **7+3=10 Marks**
2. Analyse briefly the legal provisions relating to registration and licensing as stipulated in the Contract Labour (Regulation and Abolition) Act, 1970. State four principles of law relating to contract labour system in India as laid down in the *Steel Authority of India Ltd. v. National Uniform Waterfront Workers 2001 SCC (L&S) 1121*. **3+3+4=10 Marks**
3. Examine the concept of 'trade dispute' and 'workmen' under the Trade Unions Act, 1926. Substantiate your answer with judicial decisions. **7+3=10 Marks**
4. The Factories Act, 1948 contains various provisions regarding measures to be adopted by the occupiers of the factory to maintain the health of the workers. Explain. **10 Marks**
5. Social security and social equity are two important principles of labour legislations in India. Discuss. **7+3=10 Marks**
6. Answer the following in the context of the relevant provisions of law: **5+5=10 Marks**
  - (i) Civil immunity under the Trade Union Act, 1926
  - (ii) Employment of young persons under the Factories Act, 1948

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**6.6 FUNDAMENTAL OF INTELLECTUAL PROPERTY 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. WIPO is an inter-governmental organization that became in 1974 as one of the specialized agency of the United Nation. Paris Convention and Berne Convention both have provided the establishment of an 'International Bureau'. Discuss about the main objectives of WIPO and its organs.
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. Discuss the meaning and the concept of copyright. Define the subject matters of Literary work mentioned in Indian Copyright Act.
4. Paris Convention is meant for protection of industrial property. Discuss substantive provisions for protection of Industrial Property amongst the contracting states.
5. Explain the protection of Moral rights of the Authors under Indian Copy Right Law. Discuss the objections raised by the author and the brief arguments advanced in case of *Mannu Bhandari v. Kala Vikas Picturers (P) Ltd.*
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.

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