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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY ASSAM  
B.A.,LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14  
REPEAT EXAMINATION (18 JULY 2014)  
6.1 ADMINISTRATIVE LAW (SIXTH SEMESTER)



MARKS- ONE HUNDRED (100) TIME- THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Discuss in brief four the four basic bricks of the foundation of Administrative Law.
- 1.2 "A single function may have all the three elements – legislative, executive and judicial." Explain the statement. Illustrate your answer suitably.
- 1.3 Discuss in brief the two principles of Natural Justice recognized by the traditional English law.
- 1.4 Whether Administrative Tribunals in India are bound by the decisions of the Supreme Court and the High Courts? Explain the law laid down by the Supreme Court of India in *S.P. Sampat Kumar's case v. Union of India* and others 1987 sec Supl. 734 and *L. Chandra Kumar's case v. Union of India* and others Civil Appeal 1980, 481.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE – I

- 2.1 Discuss in brief the English approach and the American approach in recognizing and defining Administrative Law as a separate branch of legal discipline. Whether the Indian legal system recognizes Administrative Law as a separate branch of legal discipline? Comment.
- 2.2 Discuss in brief the composition and historical development of the *Conseil d' Etat* in France.

2.3 Explain the similarities and dissimilarities between Administrative Law and Constitutional Law.

**MODULE- II**

2.4 Examine the scope of delegated legislation in the US. Illustrate your answer with the help of the US courts in *Panama Refining Co. v. Ryan*, 293 US 388 (1934), popularly known as the *Hot Oil case* and *Schechter Poultry v. United States*, 295 US 495 (1935) popularly known as the *Sick Chicken case*.

2.5 What is "Henry VIII Clause"? Discuss in brief the two types of "Henry VIII Clause". Illustrate your answer suitably with statutory and constitutional provisions in this matter.

2.6 What is an "Omnibus Curative Clause or Ganga Clause"? Whether the defect in the publication of a subordinate legislation can be cured through "Ganga Clauses"? Illustrate your answer suitably.

**MODULE- III**

2.7 "A judge should be impartial and neutral and must be free from bias." Explain the principles regarding rule against personal bias with the help of judgments given in *Cottle v. Cottle*, (1939) 2 All ER 535 (DC) and *State of UP v. Mohd. Noor*, AIR 1985 SC 86.

2.8 What do you understand by "Official Bias"? Illustrate your answer with the help of the Supreme Court's decision in *Gullapalli Nageswara Rao v. A.P.SRTC*, AIR 1959 SC 308, popularly known as *Gullapalli (I)* and *Gullapalli Nageswara Rao v. A.P.SRTC*, AIR 1959 SC 1376, popularly known as *Gullapalli (II)*.

2.9 Explain the "Doctrine of Proportionality". Under what circumstances the Doctrine of Proportionality can be invoked? Illustrate your answer with the help of the law laid down by the Indian Supreme Court in *Hind Construction & Eng. Co. Ltd v. Workman*, AIR 165 SC 917.

**MODULE- IV**

2.10 Define a public corporation as given by the Indian Supreme Court in *S.S Dhanoa v. MCD*, AIR 1985 SC 1395. Discuss the constitutional provision for the creation of public corporations in India.

2.11 "All courts are tribunals but the converse need not necessarily be true". Write seven points of distinction between a court and a tribunal.

2.12 Write a note on the status, functions, appointment and tenure of the *Central Vigilance Commission*.

8x7=56 MARKS

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

3.1 Write a note on the growth of Administrative Law in India. Which are the different sources of Administrative Law in India.

3.2 Write a note on the "Conditional Legislation". Point out the differences between "Conditional Legislation" and "Delegated Legislation". Illustrate your answers with the help of the some of the judgments delivered by the US Supreme Court and the Indian Supreme Court on "Conditional Legislation".

3.3 "Malafide is the last refuge of a losing litigant". Discuss "Malafide" as a ground for controlling administrative discretion. What do you understand by "Malice in fact" and "Malice in law"? Explain the difference between "Malice in fact" and "Malice in law".

3.4 Discuss the constitutional provisions regarding the contractual liability of the Government under the Constitution of India. What are the requirements for such contractual liability and what is the effect of non-compliance with such requirements?

2x14=28 MARKS

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A.,LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14  
REPEAT EXAMINATION (19 JULY 2014)  
6.2 ENVIRONMENTAL LAW (SIXTH SEMESTER)

MARKS- ONE HUNDRED (100)

TIME- THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 What do you mean by the term 'Common Heritage of Mankind'? Give an instance of how the concept is relevant in the Indian legal system.
- 1.2 Explain the concept of a 'Clean Development Mechanism'.
- 1.3 How far Agenda 21 is significant in the protection of environment?
- 1.4 Suggest some suitable means for the democratization of environmental governance in India.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT FROM THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Establish the interrelationship between Articles 14, 19(1) (a), 19(1) (g) and 21 of the Indian Constitution in the context of environment protection.
- 2.2 Discuss the philosophical foundations which attempt to explain the rationale behind environment protection.
- 2.3 How is the Principle of 'Extended Producer Responsibility' applied in the sound management of e-waste in India? Explain it through the existing legal framework.

MODULE- II

- 2.4 Discuss the salient features of the Water (Prevention and Control of Pollution) Act 1974.

- 2.5 Trace the journey of the gradual development of the International Environmental Law from the early 19<sup>th</sup> century till the 21<sup>st</sup> century.
- 2.6 How can you link the nexus between 'Corporate Social Responsibility' and Environmental Protection? Discuss it in the light of relevant legal framework in India.

#### MODULE-III

- 2.7 "The scope of Article 21 of the Indian Constitution has been expanded by injecting the 'right to a clean environment' into its corpus." Throw light on this statement with the help of relevant landmark judicial precedents.
- 2.8 Discuss the tortious liabilities available for environmental pollution in India.
- 2.9 Discuss the general framework of the Basel Convention 1989. What is the position of its implementation in India?

#### MODULE- IV

- 2.10 Give a brief picture about the liability of Multinational Corporations (MNCs) in case of environmental hazards and human rights violation in India.
- 2.11 Define the concept of 'Public Interest Litigation'. How far have Public Interest Litigations served as a tool for preventing water pollution in India? Justify your answer in the light of landmark case laws.
- 2.12 What is the correlation between the 'Principle of Public Participation' and 'Environmental Governance'? Explain some of the International Conventions which carries forward the notion of 'Public Participation'.

8x7=56 MARKS

#### SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 Write critical analytical notes on the following:
- "Doctrine of Public Trust" and the Legal Framework in India
  - The conflict between the sovereign's right to development and the international obligations to respect and implement International Environmental Law.
- 3.2 Attempt legal essays on the following:

- The Principle of Inter-Generational and Intra-Generational Equity and the Indian Legal System
  - The Conflicting Interests of Freedom of Religion and Environmental Protection: A Legal Response in India
- 3.3 Discuss the journey of the transitional shift from the Rule of Strict liability to the Rule of Absolute Liability in India. What is the jurisprudential foundation for this new paradigm shift in the notion of tortious liability?
- 3.4 What were the compelling factors which led to the enactment of the *National Green Tribunal Act of 2010*? Discuss the schematic framework as designed under the *National Green Tribunal Act of 2010*.

2x14=28MARKS

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A.,LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14 (SIXTH SEMESTER)  
REPEAT EXAMINATION (22 JULY 2014)  
6.4 CIVIL PROCEDURE CODE AND LIMITATION

MARKS- ONE HUNDRED (100) TIME- THREE (3) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Explain briefly the meaning and purpose of 'Summons'.
- 1.2 What do you understand by the term 'Cross-decrees'?
- 1.3 Explain briefly the term 'Memorandum of Appeal'
- 1.4 What do you understand by 'Computation of Period of Limitation'?

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 What is a 'Judgment'? Discuss briefly the essentials of a 'Judgment'.
- 2.2 What are the fundamental difference between a 'Decree' and an 'Order'?
- 2.3 "Under the Code of Civil Procedure, civil court has a jurisdiction to try all suits of civil nature unless they are barred". Explain the term 'Suit of Civil Nature' with the help of suitable examples.

MODULE - II

- 2.4 When a court can pass 'ex parte decree'. Discuss the various remedies available to the party against whom the *ex parte* decree has been passed.
- 2.5 What is the object of 'Attachment of Property'? Briefly discuss the property which cannot be attached.
- 2.6 Write a note on 'Summary suits'.

### MODULE – III

- 2.7 When shall an appeal lie to Supreme Court? What are the conditions to be fulfilled to file an appeal to the Supreme Court?
- 2.8 What do you understand by the 'Second Appeal'? Discuss the general principles regarding the second appeal.
- 2.9 Discuss the essential conditions that are to be satisfied before a stay is granted by the court.
- MODULE – IV**
- 2.10 'Every suit instituted, appeal preferred and application made after prescribed period shall be dismissed'. Discuss this statement with the help of legal provisions and the decided case laws by Indian courts.
- 2.11 The 'Limitation Act 1963 provides for extension of time in certain cases'. Discuss.
- 2.12 What is the difference between 'Appeal' and 'Revision'?

**8x7=56 MARKS**

### SECTION THREE

**ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 What are the objects and essential conditions of the doctrine of *res judicata*? Illustrate the principle of constructive *res judicata*. Can an *ex parte* decree act as constructive *res judicata*? Discuss
- 3.2 What do you understand by 'Special Suits'? State the procedure for institution of suits by and against minors or persons of unsound mind.
- 3.3 Who can file an Appeal? Discuss the requirements to present an appeal?
- 3.4 What is 'Sufficient Cause'? Discuss the principles laid down by the Supreme Court while dealing with an appeal or application not preferred within the period of limitation.

**2x14=28 MARKS**

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B.A.,LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14  
REPEAT EXAMINATION (23 JULY 2014)  
6.5 LABOUR AND INDUSTRIAL LAWS (SIXTH SEMESTER)

MARKS- ONE HUNDRED (100) TIME- THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Mention two important rights of a registered Trade Union?
- 1.2 State few Institutions to which the *Payment of Bonus Act, 1965* does not apply?
- 1.3 Define 'wages' as given under *Minimum Wages Act, 1948*.
- 1.4 Discuss the concept of Bonded Labour?

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE – I

- 2.1 Discuss Employers liability to pay compensation arising out of and in the course of employment under the Employees' Compensation Act, 1923?
- 2.2 Explain in detail 'Industry' and 'Industrial Dispute' under the *Industrial Disputes Act, 1947*? Refer to case laws.
- 2.3 Define 'Strike'? What amounts to illegal Strike? Whether an employee is entitled to wages during the period of Strike? Discuss with the help of case laws

MODULE – II

- 2.4 Define Disablement? What is the manner of computation of benefit in case of Disablement?
- 2.5 State the method and manner of Contribution under the *Employee Sate Insurance Act, 1948*?

2.6 Write a comprehensive note on the payment and computation of 'Bonus' under the *Payment of Bonus Act, 1965*

**MODULE – III**

2.7 Write a comprehensive note on the measures for health and safety to be complied by a Factory?

2.8 Write a detailed note on the benefits and allowances payable by an employer under the Maternity Benefit Act, 1965.

2.9 Explain the powers and functions of an Inspector under the *Factories Act, 1948*.

**MODULE – IV**

2.10 State the procedure for certification and appeal under Section 5 and 6 of the *Industrial Employment (Standing Orders) Act, 1946*.

2.11 Discuss the protections given to Migrant labour as provided under *The Inter-State Migrant Workmen Act, 1979*.

2.12 State the National and International initiatives to eradicate Child Labour?

**8X7 = 56 MARKS**

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

3.1 Define Retrenchment? What are the conditions necessary to avail Retrenchment Compensation? What is the method for calculating compensation under Sec 25-F of the *Industrial Disputes Act, 1947*?

3.2 Discuss the various economic Theories of Wages with the help of suitable examples?

3.3 Discuss the scope of women as a labour force with special reference to the unorganised sector.

3.4 Write an explanatory note on the Doctrine of hire and fire.

**2X14 = 28 MARKS**

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

B.A., LL.B. (HONS.) FIVE YEARS INTEGRATED COURSE

ACADEMIC SESSION: 2013-14

REPEAT EXAMINATION (24 JULY 2014)

6.6 FUNDAMENTALS OF THE INTELLECTUAL PROPERTY LAW

MAXIMUM MARKS- ONE HUNDRED (100) TIME DURATION- THREE (3) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS.

ALL QUESTIONS ARE COMPULSORY.

- 1.1 Explain the term 'Anton pillar order'.
- 1.2 Explain the concept of 'National Treatment'
- 1.3 Explain briefly the term 'Association Trademark'.
- 1.4 What do you understand by the term 'Date of Patent'?

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Discuss the three basic principles of the Bern Convention 1886".
- 2.2 Briefly discuss the objectives of Trade-Related Aspects of Intellectual Property Rights (TRIPS).
- 2.3 Write a note on 'Right of Priority' which has been defined in the Paris convention.

MODULE - II

- 2.4 Briefly discuss the principle of 'Lay Observer Test' provided in the Copyright law.
- 2.5 'A person found guilty of infringement of Copyright can also be punished'. Based on this statement, discuss the offences and punishments which are prescribed in the Copyright Act 1957?
- 2.6 Who can proceed to seek a remedy under the Copyright Act 1957?

MODULE - III

- 2.7 Explain the absolute grounds for refusal of registration under the Trademark Act 1999.
- 2.8 Discuss the terms and conditions of assignment of trademark.
- 2.9 Discuss the 'Grounds for Determinations' that have been stated by the Supreme Court in determining the Deceptive Similarity?

MODULE - IV

- 2.10 What are the three important requirements of an invention to qualify for Patent?
- 2.11 Enumerate at least ten categories of inventions which are not patentable.
- 2.12 Discuss the various modes of transfer of patent.

8x7=56 MARKS

SECTION THREE

ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 "The World Intellectual Property Organization (WIPO) became a specialized agency of the United Nations system, with a mandate to administer intellectual property matters recognized by the member States of the UN." Discuss the core activities of the WIPO.
- 3.2 Explain the provisions relating to compulsory licenses with respect to the patents.
- 3.3 Explain the rights and limitations of registered proprietor of a trademark under the Trademark Act 1999.
- 3.4 What are the factors determining for measuring infringement of copyright? Justify your answer with help of decided case laws.

