

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A., LL.B. (Hons.): IV Year – VII Semester: Academic Year: 2014-2015
End Semester Examination (November, 2014)

7.4 BL.1 INTERNATIONAL BUSINESS TRANSACTIONS

Time: 2 Hrs. 30 Minutes

Total Marks: 70

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.

Answer five questions from the following. Question No.1 is Compulsory. All questions carry equal marks.

1. Some Armed Non-State Actors from the state of Detholon seize a tour bus containing some of the nationals of Angus and take them to a provincial town which is a rebel stronghold. The Detholon Government announces that it will rescue the tourists, but, after some days, it is apparent that the Government is manifestedly unable to do so. The Angus Government fears for the security of its nationals and mounts a rescue attempt. Although the attempt was successful, two hostages and ten villagers were killed. The Detholon Government protests to the U.N. Security Council at what it considered as Angus's unlawful use of force. The matter is going to be discussed at the forthcoming meeting of the Security Council.

Now you are a legal adviser at Ministry of External Affairs and your External Affairs Minister has to make a statement concerning the legal aspects of the Angus's action. He also requests a memorandum regarding the same. Prepare the Memorandum accordingly while citing the appropriate provisions of the UN Charter and other related state practices which establish principles of International law.

2. "The Convention on the Law of Treaties sets forth the code of rules that will govern the indispensable element in the conduct of foreign affairs, the mechanism without which international intercourse could not exist, much less function." In the light of this statement discuss how the law relating to treaties governs the international relations.

3. "International responsibility may be incurred by direct injury to the rights of a State and also by a wrongful act or omission which causes injury to an alien". In the light of this statement discuss and analyse the important features of the ILC Draft Articles on State Responsibility with help of Suitable Cases decided by the International tribunals.

4. Katania is a small Island country, majority of its population belongs to Ethnic Katanian origin that has been traditionally dominated by its much larger neighbour, Chalsar, which is mainly Christian. Katania is quite unstable because its Katanian government is strongly opposed by its Christian minority population. Religious tensions have increased due to calls by Katanian clerics for the introduction of Katanian religious law throughout Katania. In fact, the possibility of introducing Katanian religious law has been violently opposed by the Christian population and many fear that the country is on the brink of civil war. It is well

known that Chalsar is actively supporting various Katanian Christian rebel groups in terms of finance, training and intelligence. A few weeks back, a Katanian naval vessel which was carrying a shipment of arms was blown up as it docked in Katanian main port, destroying the ship and its cargo and killing several people. It is widely accepted that an operation of this nature is beyond the capacity of the Katanian Christian rebel groups, and evidence strongly suggests Chalsar's involvement.

Based on the above facts, draft a communiqué to the government of Chalsar invoking the principles of state responsibility.

5. Professor Christopher Greenwood Conceded that the "right of humanitarian intervention was based on state practice, but state practice which had evolved in the past 10 years since the end of the Cold War", however Professor Brownlie concluded that "there is very little evidence to support the assertion that a new principle of customary law legitimising humanitarian intervention has crystallised".

Based on the above divergent view points, write your arguments analytically on the concept of "humanitarian intervention".

6. "Sanctions have the character of forcible deprivation of certain possessions, such as life, freedom, economic or other values. They are coercive in so far as they are to be taken even against the will of the subject to whom they are applied, if necessary by the employment of force." In the light of this statement critically evaluate legality of Sanctions in international law and under the UN Charter.

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B.A.,LL.B.(Hons.): IV Year, Academic Year: 2016-2017

End Semester Examination (December-2016)

7.4 BL.1 : International Business Transaction

Time: 2:30 Hrs.
Total Marks: 70

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. Pursuant to a treaty between the Farland and the Nearland, the former introduced a measure regarding importation from the latter motor bikes of certain specification. According to the pact Farland agreed to grant duty free treatment to motor bikes and original parts thereof. Of course the facility of duty free treatment was subjected to two conditions. (1) that the Farland importers must meet the definition of motor bike manufacture under the measure. (2) that the eligible manufacture's local production of motor bikes complied with minimum amount of the Farland Value Added(FVA) and; (3) that its local production must maintain a minimum production-to-sales ratio with respect to bike sales in the Farland. The result of such introduction of measure was to give advantage to the exporters of motor bikes from Nearland to the Farland.

The Republic of Midland, another prominent exporter of the motorbikes, raised its concerns about the trade facility granted by the Farland. Accordingly the Republic of Midland brought legal proceeding before the WTO Panel and argued that the "trade facility" provided by the Farland is inconsistent with the principles of non-discrimination under the GATT 1994. Discuss and decide the case.

2. "Dumping *per se* is not illegal; but it becomes unfair trade practice when dumped products cause material injury to like domestic products". Comment upon this statement highlighting the rationale underlying Anti-Dumping Agreement.
3. Critically evaluate the legal personality, organizational structure and decision making authority of the WTO and its Functions under the GATT, 1994.
4. Discuss the scope and significance of the concept of "Like Product" in anti-dumping measures.

5. What do you understand by External Commercial Borrowings (ECB)? Who are eligible borrowers under the Automatic Route for accessing ECB? Explain with relevant example and laws.
6. Write Short Notes on:
- A) Preference Shares and safeguard for the preference shareholders
 - B) Debenture and Bonds

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NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): IV-Year, VII-Semester: Academic Year: 2015-2016
End Semester Examination (December, 2015)
7.4 BL.1 INTERNATIONAL BUSINESS TRANSACTIONS

Time: **2:30 Hrs.**
Total Marks: **70**

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. Focus on the journey of transmission from GATT to WTO. Discuss the principles of WTO.
2. Explain the nature and objectives of the Foreign Exchange Management Act, 1999. Focus on major differences between FERA and FEMA.
3. What are the basic indicators to establish the case of dumping? What measures are available for curbing the instances of dumping?
4. Explain the meaning and nature of Letters of Credit. How Letters of Credit works to protect the interest of buyers and sellers?
5. What do you mean by INCOTERMS? Explain various categories of INCOTERMS with their definitions and role of the parties therein.
6. Explain with the comparative approach among Hague rules, Hague-Visby rules and Hamburg rules.
7. Discuss the power and functions of the Director General of Foreign Trade under the Foreign Trade Regulation and Development Act, 1992.

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NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): III-Year, VII-Semester: Academic Year: 2016-2017
Mid-Semester Examination (October, 2016)

7.4 BL.1 INTERNATIONAL BUSINESS TRANSACTIONS

Time: 1:30 Hrs.
Total Marks: 30

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

1. Verizon Limited is registered under Companies Act, 1956. Verizon is run by the Mital Group. Verizon has carved a niche in the telecommunication industry. Telephonica Limited (hereinafter referred to as "Telephonica") is popular in the United States of America as the foremost player in the telecommunication industry. On 5th June 2011, the global giant entered into a share subscription agreement with Verizon and subscribed to 40% of its total equity shares. Except Telephonica, there are no other foreign shareholders in Verizon. Indiacom Limited is registered under Companies Act, 1956. Verizon and Indiacom feature in the top 3 market makers in India in the telecommunication industry. Some of the shareholding in Indiacom is as follows – Mr. Francis Desuza (hereinafter referred to as "Mr. Francis") with 24% stake, Mr. Gautam Alija with 3% stake and Mr. Vilas Dottipalli with 9% stake. The remaining 64% shareholding in Indiacom is also held by other resident Indians/resident Indian entities. Altice a company registered as per the laws of France entered the Indian telecommunication market vide a 49% equity shareholding in Indiacom. Altice bought 20% of its 49% equity shareholding from Mr. Francis at INR 500/- per share which was the fair value of the share as per the discounted free cash flow method. As per the terms of the share purchase agreement (the "SPA") executed between Altice and Mr. Francis on 17th May 2011, Altice had the right to exercise an unqualified call option on the 4% of the shares held by Mr. Francis and had also obtained approval from the Foreign Investment & Promotion Board to increase its shareholding in Indiacom upto 55%. After this stake sale, there were several disputes between Mr. Francis and some of the directors of Indiacom. This irreparably damaged the relations between Mr. Francis and Indiacom's management.

In order to maximize the advantages of Mr. Francis's situation and in view of expanding Verizon's presence and name in the Region, Verizon approached Mr. Francis to buy out his 4% stake in Indiacom. Verizon will purchase the 4% shareholding in Indiacom at a price of INR 700 per share thereby valuing Indiacom almost twenty times its current valuation. News of the agreement leaked to the public by reports dated around 13th February 2013. On 14th February 2013, Altice served a notice to Mr. Francis exercising their call option with respect to the 4% shares held by Mr. Francis in Indiacom. A copy of this notice was served on Verizon independently. Disregarding the said notice, Mr. Francis proceeded to transfer his 4% shares to Verizon. The share transfer form (hereinafter referred to as "STF") was sent to Indiacom for registration and entry of the names of the new shareholders into the register of members. On receipt of the STF, a notice was issued for holding a meeting of the Board of Directors of Indiacom (hereinafter referred to as the "Board"). The minutes of the meeting of the Board indicated that the transfer of shares from Mr. Francis to Verizon was rejected. In the Board's opinion, such transfer of shares would violate the present norms under which the FDI is invested in Indiacom. The 49% sectoral cap vide automatic route investment will be breached. For any investment beyond 49% Government approval would be required. Presently, such Government approval is not applied for/taken either by Verizon or by Indiacom.

On the basis of aforesaid facts answer the following questions:

- (i) Whether acquisition of shares by Verizon of Mr. Francis in Indiacom breaches the FDI limits? State the reason of your answer.
 - (ii) Discuss with illustration rules on calculation of downstream investment under FDI Policy 2016.
2. What is FDI under FDI Policy 2016? Explain distinction between debt and equity instruments also rationalize Governments Policy to allow FDI in only equity linked instruments.
3. Discuss salient features of Foreign Exchange Management Act, 1999.
4. Write short note on the following:
 - (i) Global Depository Receipts
 - (ii) Definition of Control under FDI Policy

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