

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 8.1 Principles of Legislation and Interpretation of Statutes

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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Question No. 1 is compulsory. All Questions carry equal marks.

1. Legal profession is known to be a royal profession. Everyone who wants to become law graduate, tries to do it from a reputed law school. National Law Schools are probably one good example for that. These law schools are dominated by economically sound spectrum of society, and the fact is evident from the fee structure of these schools. In these conditions it become difficult for economically weak students to pay the huge fees, especially where they don't have any supportive measure. Further geographic location also serves as the disadvantage, as majority of students of reputed law schools are from metro and advanced cities of the country. Students belonging to disadvantaged positions usually face many problems (including language etc.) after their entry into the law schools. In such a situation, don't you think that it is unfair to set a common platform for competition? This unfairness is there from entry to exit level in those schools. What is your rationale to the problem? As a student of Interpretation, how do you interpret term 'equality' and 'fairness' in a given context. Elaborate and support your answer with the help of the Rawlsian concept of justice.
2. Literal rule of interpretation is supposed to be the primary and fundamental rule of interpretation. Discuss the purpose and significance of the said rule. Further, do you really believe that while following the same one can facilitate the process of justice? Support your answer with the help of case laws.
3. It is stated by various constitutional experts and scholars that, Indian Constitution is the most evolving and dynamic document. Do you agree with the statement? Further, discuss the methods of interpreting the constitution, are they important in achieving the harmonious construction?
4. What do you mean by presumption and how is it relevant in interpretation? While stating the pros and cons of the presumption discuss its important principles. Elaborate your answer with the help of the case laws.

5. Write a short note on the following:

(a) Delegatus non potest delegare

(b) Nocitur a sociis

6. Write a note on the aids of interpretation. How it is relevant in interpretation? Elaborate your answer with the help of the case laws and examples.

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 8.2 Taxation Law

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

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. **“With GST, we intend to bring in uniformity in taxes. The message is clear that the ‘consumer is the king’. If we utilize man, machine, material, money and minute (time), we will not need any other policy for economic advancement,”**- explain the importance and impact of GST on Indian Economy.
2. Discuss ‘Capital Gains’ in details with the help of specific provisions under the Income Tax Act, 1961.
3. **‘Residential status of an assessee is important in determining the scope of income on which income tax has to be paid in India’**- explain the Residential and Non- Residential status of an assessee under the Income Tax Act, 1961.
4. Analyse the GST Amendment Bill, 2017 in the light of specific provisions under Indian Constitution.
5. Discuss chargeability of wealth tax under the Wealth Tax Act, 1957 along with the categories of persons liable and exempted from wealth tax under the Act.
6. Explain any two of the following concepts:
 - (a) Kautilyan principles of Taxation
 - (b) Transfer pricing and International Taxation
 - (c) Set off and Carry forward of losses.

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 8.3 Alternative Dispute Resolution System

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

INSTRUCTIONS:

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Answer any five questions from the following. All questions carry equal marks.

Answers should be precise, supported by the relevant provisions and appropriate decisions. If the answer to a particular question depends on additional facts or foundations not provided, candidates must describe how they are related. Credit will be given for the reasoning for the decision than the decision itself.

1. Mr. Raghav Joshi and Mr. Prem Joshi were partners in a partnership firm dealing with construction business. The partnership agreement has a clause for dispute resolution as provided below:

“If during the continuance of the partnership or at any time afterwards any dispute touching the partnership arises between the partners, the same shall be mutually decided by the partners or shall be referred for arbitration if the parties so determine.”

Mr. Raghav and Mr. Prem Joshi had a dispute related to partnership. Mr. Raghav wants the dispute to be referred to arbitration based on the above-mentioned agreement. Based on the above fact situation, explain whether the clause mentioned above is valid or not under the Arbitration and Conciliation Act, 1996. Substantiate the arguments with the help of case laws.

2. Answer the following Questions: (7 x 2 = 14)

(a) “Fast Track Arbitration is the method of accelerating the disposition of arbitration cases in an effort to settle the matter in short time as far as practicable.” Comment. Explain the concept, features, of Fast Track Arbitration with help of relevant provisions of the Act, 1996.

(b) Comment “*Salem Advocate Bar Association v. Union of India*”, AIR 2005 S.C.3353

3. Answer the following Questions:

(7 x 2 = 14)

(a) “An interview is usually the first step taken by a lawyer in handling any legal matter. It is the first and most important fact-finding exercise which enables the lawyer to ascertain a good overview of the facts and issues of the client’s problem or requirements. It is also the beginning of a working relationship between lawyer and client in which both parties need to develop confidence and trust in each other if the lawyer’s work is to be carried out effectively”. Comment.

(b) “The act of negotiation requires very specific skills that fall essentially within the field of communication rather than law, because what is needed is an ability to seize and interpret perceptions and to read between the lines.” – Comment.

4. An alcoholic seeking legal assistance in gaining the return of his children who are in the custody of a state agency. He tells how some “crazy” caseworker accused him of physically abusing the children. The alcoholic also blames the grandmother for both the way which she raised the alcoholic and her current interference in family life. According to the client, other people are responsible for all of the pressures which cause the alcoholic to drink. Some have tried to influence the alcoholic to stop drinking, but somehow that is not possible for any length of time. The alcoholic approached you, as a working senior lawyer; to get the children returned. Give legal advice (both side) to that person and how to conduct the counseling in this above case.

5. Describe the procedure for appointment of Arbitration (amended provisions) as per Indian Arbitration and Conciliation Act, 1996.

6. Write short notes on the following:

a) The Appointment of Arbitration by Chief Justice of India Scheme, 1996

b) Different Types(form)of Arbitration

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 8.4 (BL.2) Mergers, Acquisitions and Anti-Trust Laws

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

INSTRUCTIONS:

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Answer any five questions from the following. All questions carry equal marks.

1. Discuss about the open offer process under SEBI (Substantial Acquisition of shares and Takeovers) Regulations, 2011? Discuss about the exemption from open offer obligation?
2. What do you understand by Takeover Defenses? Explain various types of Takeover Defenses with special reference to the Indian context.
3. Explain about Mergers in the banking industry with reference to case laws.
4. What Constitutes Combination under Section 5 of the Competition Act, 2002? Discuss Combinations exempted from mandatory notification to CCI under the Competition Act 2002; and the Competition Commission of India (Procedure in regard to the transaction of business relating to Combinations) Regulations 2011.
5. Discuss the law of Mergers and Acquisitions in reference to the Companies Act of 2013 with case laws.
6. Critically Comment on the following case laws:-
 - (a) JET Airways (India) Limited and Etihad Airways PJSC
 - (b) Sterlite Indal Case

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject: 8.4 (HL.2) Human Rights and Criminal Justice System

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

INSTRUCTIONS:

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Answer any five questions from the following. All questions carry equal marks.

1. "The fairness of a State's criminal justice system is often the standard upon which the fairness of its entire justice system is judged...Trial proceedings are the most public element of the criminal justice process and therefore their fair and effective functioning is essential to maintain public confidence in the administration of justice. Human rights standards in this area set out a range of specific minimum guarantees."- In the light of the above statement discuss comprehensively the specific guarantees of the right to a fair trial as stipulated in various international instruments.

(14)
2. "Crime is increasingly transnational in nature and there is a need to ensure that child victims of crime receive equivalent protection in all countries." Analyze the statement in view of the international standards and the legal measures adopted in India within its criminal justice system for protection of child victims of sexual offences.

(8+6=14)
3. Discuss briefly the fundamental perspectives and provisions relating to management of juvenile facilities as stipulated in the United Nations Rules for the Protection of Juveniles Deprived of their liberty. Explain the procedure in relation to children in conflict with law as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

(8+6=14)
4. Analyze the law relating to legal aid and victim compensation in India and substantiate your answer with judicial decisions.

(14)
5. "True the Constitution of India itself invests the State with the powers to make laws to detain preventively for reasons enumerated in Schedule VII Lists. But the power to make laws, as any other law, is subject to Part III of the Constitution. It is a constitutional imperative that not only procedural safeguards in preventive detention cases...must be provided...but the act itself must cater to the conditions and grounds which justify such detention." - Critically discuss the above statement in the light of judicial decisions.

(14)

6. "The involuntary administration of certain scientific techniques, namely narcoanalysis, polygraph examination and the Brain Electrical Activation Profile (BEAP) test for the purpose of improving investigation efforts in criminal cases. This issue has received considerable attention since it involves tensions between 'the desirability of efficient investigation and the preservation of individual liberties.'" Analyze the above statement in the light of the Selvi & Ors v. State Of Karnataka & Anr AIR 2010 SC 1974.

(14)

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject: 8.4 (CR.2) Administration of Criminal Justice Systems, National Security Laws, Insurgency Movements and Terrorism

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

INSTRUCTIONS:

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Answer any five questions from the following. All questions carry equal marks.

1. Critically evaluate the Armed Forces (Special Powers Act), 1958.
2. Briefly discuss the historical backdrop of Maoist movements in India and the Supreme Court's decision on the constitutional validity of *Salwa Judum*.
3. A striking feature of the National Security Act is that the government can detain a person for as long as it wishes to. This is made possible by the powers of the government to continue to detain a person even after the expiry or revocation of the original detention order on the plea that fresh grounds of detention have arisen. Critically evaluate.
4. Draw a comparative legislative analysis of TADA, POTA and UAPA (1967 & amendments).
5. How far has National Investigation Agency been empowered by law to combat terrorism in India? Discuss the same by highlighting the salient features of National Investigation Agency Act, 2008.
6. What are the laws in India relating to firearms and critically discuss the features of the same. Do you think India should sign Arms Trade Treaty? Justify your stand on the basis of legal arguments.

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Semester End Examination (May - June, 2017)
Subject Code: 8.4 (CN.2) Law of Writs and Law Relating to Elections

Time: **2:30 Hrs.**

Total Marks: **70**

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Answer any five questions from the following. All questions carry equal marks.

1. What do you mean by Constitutional Remedies? Discuss the importance of Constitutional Remedies in safeguarding our fundamental rights with the help of appropriate provisions from the Constitution of India.
2. What do you mean by Compensation? Discuss the approach of the judiciary towards compensation in India.
3. Public Interest Litigation is different from private litigation, therefore if the technical rules of procedure applicable to the private litigation applied to public interest litigation also, it would be counterproductive. Hence the courts have developed new procedural norms to suit the requirements of this strategy.

In the light of the above statement discuss how Public Interest Litigation is different from private litigation with the help of relevant case laws.

4. Discuss the nature of funding, expenditure and transparency and disclosure regulations in ensuring free and fair elections in India with the help of readings and various class discussions.
5. Discuss the composition and functions of the Election Commission of India.
6. What do you mean by corrupt practices in elections? Explain with the help relevant legal provisions.

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 8.4 (IP.2) Law Relating to Patents and Designs

Time: 2:30 Hrs.
Total Marks: 70

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Answer any five questions from the following. All questions carry equal marks.

1. Critically analyse "Labour Theory of Intellectual Property" and its relevance in the Indian Context.
2. Critically analyse the change in the Indian patent regime after the Patent Amendment Act of 2005?
3. Discuss the significance of Compulsory Licensing as a tool in the hand of the Developing Countries in order to provide medicines to its people? Discuss in light of the Pharmaceutical Industry in India.
4. Discuss the Powers and Functions of the Controller of patents under the Patents Act, 1970 with relevant provisions. What are the remedies available in case a person is aggrieved with such an order?
5. What are the Patentability requirements for a product to be patented in India? Explain with the help of relevant provisions of the Patent Act, 1970 with suitable case laws.
6. Write short notes on:-
 - a) Patent Filing Procedure in India
 - b) Patent Co-operation Treaty, 1970 under patent Rules, 2003 (India)

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 8.4 (IL.2) Law of International Organizations

Time: **2:30 Hrs.**

Total Marks: **70**

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Answer any five questions from the following. All questions carry equal marks.

1. Saul Goodman is the Chief of Mission for the United Nations High Commissioner for Refugees (UNHCR) in India and the Maldives. He lives with his wife, and two children in New Delhi, India. While returning from the UN Summit on Addressing Large Movements of Refugees and Migrants held at the General Assembly in New York on September 19, 2016, he was apprehended at the John F. Kennedy International Airport at New York and his personal baggage was seized under suspicion that he was carrying narcotic drugs above the permissible limit. Decide on the validity of the actions of the Airport Authorities in the light of Mr. Goodman's privileges and immunities under the relevant international instruments.

Further, discuss the concept of *laissez passer* as provided under the relevant international instruments relating to immunity of international organizations.

(10+4)

2. The Bretton Woods Conference was unsuccessful in establishing the ITO. GATT was meant to fill the void created by the failure to establish ITO. However, GATT in the course of time gave way to WTO. Trace the journey from GATT to WTO and discuss the dispute settlement mechanism under the WTO regime.

(7+7)

3. Metropolis and Gotham are sovereign and neighboring states in the Andalusian continent. They are rich in oil and natural gas. Oil and Petroleum Organization (OPO) is a regional organization with mandate to handle oil related matters in the continent of Andalusia. In order to strengthen their oil and natural gas industry, the two States entered into a bilateral treaty wherein they agreed on an oil sharing arrangement. Later, the OPO also acceded to the treaty and established its headquarters in both the countries. The opposition party in Gotham protested against the treaty citing that Gotham was at a loss due to the provisions of the treaty. It later emerged that Metropolis had bribed the foreign minister of Gotham who had represented Gotham during the bilateral talks into accepting provisions that were

more beneficial to Metropolis. Decide on the validity of the treaty in the light of the relevant international instruments.

Further, discuss the different grounds on which a treaty may be invalidated.

(10+4)

4. There is no ambiguity in the statements asserting that the impact of non-governmental organizations at both the domestic and international levels have been widely noted, recognized and accepted. Discuss the impact and influence of non-governmental organizations on international organizations as well as their international legal status.

(14)

5. The Council of Europe proudly calls itself the conscience of Europe. It is concerned with promotion and protection of human rights in the European region, *inter alia*. Discuss in details the structure, functioning and execution of judgment of the European Court of Human Rights which is entrusted with the job of dealing with human rights violations in the European region in the light of the European Convention on Human Rights and its Protocols.

(14)

6. Write short notes on (any two):

(7+7)

- a. Structural Adjustment Programmes
- b. BREXIT
- c. Organization of American States
