

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
(Re-registered)

Time: **3:00 Hrs.**
Total Marks: **100**

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. Interpretation is important part of the law, it provides the breath to the statutes. Discuss the philosophical methods of interpretation while commenting upon the said proposition.
2. Write a note on the three rules of interpretation. Elaborate your answer with the help of land mark case laws.
3. Nocistur a soiis and ejusdem generis are two important principles of interpretation. Discuss the same with help of the relevant case laws.
4. Presumption are like 'unruly horse', while commenting upon the said phrase discuss the important principles of presumption.
5. Write an essay on Justice and Interpretation. How they are related to each other. Elaborate your answer with the help of constitutional case laws related to part III of the Ind-Constitution.
6. Discuss the Doctrine of pith and substance. How it is important in constitutional interpretation.

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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 (Re-registered)

Time: **3:00 Hrs.**
Total Marks: **100**

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. What is Tax? Discuss the classifications of Tax. What are the differences between the Tax and Fee.
2. Explain the Residential and Non- Residential status of an assessee under the Income Tax Act, 1961.
3. 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.
4. Indian Constitution carries certain specific provisions relating to Taxation. Discuss the relevant Constitutional provisions of Taxation as referred in the Indian Constitution.
5. Discuss Transfer pricing with its special provisions relating to Avoidance of Tax.
6. Short Notes: (**answer any two**)-
 - (a) Cannons of Taxation.
 - (b) Income Tax Authorities.
 - (c) GST Amendment Bill, 2017.

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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
[Re-registered]

Time: **3:00 Hrs.**
Total Marks: **100**

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. "Success of an arbitration proceeding depends upon the underlying arbitration clause." Explain with the help of relevant case laws the essential ingredients of an Arbitration Agreement. Also draft a model arbitration clause highlighting the essentials of an arbitration agreement to resolve the dispute through arbitration.
2. Role of *Lok Adalat* is making inexpensive, efficacious and speedy justice accessible to the public. The Government provides free legal aid to the needy. Comment. Discuss the Concept and object of "*Permanent Lok Adalat*" with the help of legal provisions provided on the Legal Service Authorities Act, 1987.
3. "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.
4. "The basic aim of conciliation is that there should be settlement between the parties and no party should feel aggrieved instead of lose and win situation, there should be win-win situation for both the parties." In the light of above statement discuss how conciliation is better than other alternative modes of dispute resolution? Explain conciliation procedure with help of legal provisions of the Act, 1996.
5. Critically explain the grounds for setting aside an Arbitration Award with special focus on Public Policy.
6. Write short notes on the following:
 - a) Distinguish between Domestic Award and Foreign Award
 - b) Appointment of Arbitrators

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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
[Re-registered]

Time: **3:00 Hrs.**
Total Marks: **100**

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 provisions relating to Mandatory open offer and voluntary open offer under the SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011?
2. What is Merger? Discuss different kinds of Merger?
3. Discuss the process of raising of funds by a private and public company in reference to the Companies Act of 2013.
4. Discuss the role of NCLT in the Process of Mergers and Amalgamations under the Companies Act of 2013.
5. What do you understand by Takeover of a company? Discuss the Takeover Defenses with illustrations.
6. Critically Comment on the decision of the Competition Commission of India in the famous Jet Etihad Deal.

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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
[Re-registered]

Time: **3:00 Hrs.**
Total Marks: **100**

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. Eddard Stark is the Chief of Country Office, UNICEF India. He lives with his wife, Catelyn Stark and five children in New Delhi, India. While returning from the 32nd Regular Session of the United Nations Human Rights Council, he and his wife were apprehended at the John F. Kennedy International Airport at New York and his wife's personal baggage was seized under suspicion that she was carrying narcotic drugs above the permissible limit. Decide on the validity of the actions of the Airport Authorities in the light of Mr. Stark'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 organisations. (15+5)

2. The First World War jolted the world leaders to the idea that the planet was in dire need of guaranteed peace and security and the best way to achieve it was by organizing the states. This idea culminated into the formation of the League of Nations. However, the outbreak of the Second World War evidenced the failure of the League to serve its purpose and renewed initiatives were undertaken to establish a stronger institution thereby establishing the United Nations. In the light of the same, trace the journey from the Covenant of the League of Nations to the Charter of the United Nations while making a comparative analysis of the two. (20)
3. There is no ambiguity to the statements that the impact of non-governmental organisations at both the domestic and international levels have been widely noted, recognized and accepted. However, these acclamations are mostly based on anecdotal evidence and non-scientific assessment of their work and impact. In the light of the same, discuss the mechanisms available to ascertain the impact and influence of non-governmental organisations. (20)

4. States have tended to compartmentalize their legal commitments, as WTO members on the one hand and as States parties to human rights treaties, on the other. The general assumption also heavily leans towards the view that trade obligations and human rights obligations never cross paths. However, it is noticeable that several World Trade Organisation agreements have severe human rights implications. In the light of the above, discuss the human rights implications of such World Trade Organisation agreements.

Further, discuss the dispute settlement mechanism under the WTO regime with the help of decided cases involving human rights connotation.

(10+10)

5. Metropolis and Gotham are sovereign and neighbouring states in the Genovian 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 Genovia. 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 coerced 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 methods of expressing consent to be bound by the treaty. (15+5)

6. Write short notes on (any two): (10+10)
- European Union
 - Structural Adjustment Programmes
 - UN Programmes and Funds and UN Specialized Agencies
