

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(HONS.): IV-YEAR, VIII-SEMESTER, ACADEMIC YEAR: 2016-2017
MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.1 PRINCIPLES OF LEGISLATION AND THE
INTERPRETATION OF STATUTES

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

1. Interpretation is one of the most important aspect of the Law. It is the way through which one can assure the supply of a fresh air into our legal environment. It is the task of eliciting meaning from the language in accordance with human understanding. This is the reason Stanley Fish has argued that, *the interpretative assumptions are the bridge between a statutory text and our grasp of its meaning*. The point is well proved by the Supreme Court while interpreting Article 21 in cases of A.K. Gopalan and Maneka Gandhi. In the light of the aforementioned statements critically discuss the role and significance of Interpretation. What are the cautions that one has to keep in mind while interpreting? Elaborate your answer with the help of the readings circulated and discussed on the topic.
2. 'Statute must be read as a whole' is the one of the general principle to be followed while interpreting of interpretation of statutes. Discuss the said principle with the help of the relevant case laws and examples.
3. Write a note on principle of Ejusdem Generis. Elaborate your answer with the help of the case laws.
4. Philosophy and Interpretation are closely related to each other. In other words philosophy always provides the ground for interpretative discourse. In the light of the statement discuss the methods of philosophy and there significance in Interpretation of statutes.

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.2 TAXATION LAW

Time: **1:30 Hrs.**
Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Discuss the canons of Taxation with specific reference to the contribution of Adam Smith.
2. Discuss the relevant Constitutional provisions of Taxation. What is the difference between the Tax and the Fee.
3. What are the powers and functions of Income Tax Authorities? Explain with the help of relevant provisions under Income Tax Act, 1961.
4. Explain any **two** of the following under the Income Tax Act, 1961-
 - A) Perquisite.
 - B) Profits in lieu of salary.
 - C) Annual value.

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.3 ALTERNATIVE DISPUTES RESOLUTION SYSTEM

Time: **1:30 Hrs.**
Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Mr. Mukesh (45) died in a motor accident involving Assam State (Roadway) Transport Corporation bus on 1/1/ 2016. The wife and son of Mukesh, filed a claim petition before the Motor Accidents Claims Tribunal. They sought for compensation of Rs. 10 lakhs. As against the compensation of Rs. 10 lakhs claimed, the Tribunal awarded a compensation of Rs. 4, 44,000. Not being satisfied with the quantum of compensation, Mukesh's wife and son filed an appeal before the High Court of Assam. This appeal was referred to the Lok Adalat organized by the High Court, for settlement. The High Court Lok Adalat took up the case on 3/04/2016. The parties were not present.

Lok Adalat award was as follows: "We propose to increase in the amount of compensation, which is considered just and reasonable in this case. While allowing the appeal, we grant compensation of Rs. 1, 20,000 over and above the amount awarded by the Tribunal to the Mukesh's wife and his son. If the parties object to the proposed order as above, they may move the High Court within two months for disposal of the appeal on merits according to law."

Based on the above fact-situation answer the following questions:

- a) Whether this award by the Lok Adalat valid as per the Legal Services Authorities Act. 1987.
 - b) Whether the Lok Adalat award could be challenged before a High Court?
2. "If section 89 is to be read and required to be implemented in its literal sense, it will be a Trial Judge's nightmare". *Afcons infrastructure and Ors. v. Cherian Verkey Construction and Ors* [2010 (8) SCC 24].

Explain the rationale behind this observation by Supreme Court of India and discuss the role played by the Supreme Court in providing clarity regarding implementation of Section 89 of Civil Procedure Code, 1908.

3. "An Agreement between an Indian company and a foreign company incorporated under the laws of Iran with its head office at Terhran was executed". Define validity of above arbitration clause with the help of relevant legal provisions; further define essential element for International Commercial Arbitration with help of relevant case laws. Examine whether this agreement fall in category of International Commercial Arbitration agreement or not?

4. **Write explanatory note on:**

- a) Constitutional Aspect of ADR (with relevant other legal provisions)
- b) Advantage and Disadvantage of Arbitration

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.4 (IL.2) LAW OF INTERNATIONAL ORGANISATIONS

Time: 1:30 Hrs.
Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. The First World War served as a rude jolt to the world that it was in dire need of guaranteed peace and security and one of Woodrow Wilson's Fourteen Points suggested the best way to achieve it *i.e.* by organizing the states. This idea led to the birth of the League of Nations. Despite its many successes, the outbreak of the Second World War brought to the forefront the failure of the League to serve its purpose and renewed initiatives were undertaken to establish a stronger institution which culminated in the United Nations. In this background, 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. (10)
2. In the scenes containing the dialogue between the protagonist and the warden in the movie 'Shutter Island' and between the characters of Wonder Woman and Batman in the movie 'Batman v Superman Dawn Of Justice', the conundrum between the liberal and realist theories of international organizations finds a revealing appearance. Critically analyze both the theories whilst providing a comparative analysis of the two as well. (10)
3. International organizations are generally counted among the subjects of international law, together with states, individuals and some other entities as well. However, the question whether international organizations are subjects of international law reverberated well into the second half of the twentieth century. Discuss the legal personality of international organizations at both international as well as domestic levels with the help of suitable decisions and advisory opinions of the Permanent Court of International Justice, International Court of Justice and other international and municipal courts and tribunals. (10)
4. That each international organization is unique, based on its own constituent document and influenced by peculiar political configurations is an apt observation about international organizations made by Brownlie. However, creating classification resides in the academic psyche as all academic disciplines engage in classification for purposes of organizing knowledge. Discuss in details the various classifications of international organizations. (10)

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.4 (BL.2) MERGERS, ACQUISITIONS AND ANTI - TRUST
LAWS

Time: **1:30 Hrs.**
Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. What do you understand by the concept of “Mergers” in business law? Discuss the various types of Mergers?
2. Describe the various provisions and procedures governing Compromise, Arrangement and Amalgamations under Companies Act of 2013?
3. What do you understand by Corporate Restructuring?
4. How funds are raised by the public and private companies? Answer with reference to the Companies Act of 2013?

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.4 (CN.2) LAW OF WRITS AND LAW RELATING TO
ELECTIONS

Time: **1:30 Hrs.**
Total Marks: **30**

INSTRUCTIONS:

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

1. Discuss the requirements for the issue of the writ of Habeas Corpus and Mandamus.
2. Discuss succinctly 'Compensatory Jurisprudence' in India with the help of decided case laws
3. Explain Public Interest Litigation with the help of decided case laws. Why do the courts depart from the traditional concept of *locus standi* in Public Interest Litigation?
4. Discuss the importance of Constitutional remedies? Explain Articles 32 and 226 of the Constitution of India in support of your answer.

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.4 (HL.2) Human Rights and Criminal Justice Systems

Time: 1:30 Hrs.
Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. "Human rights law and standards applicable to the pre-trial phase aim at striking balance between the public interest in the due investigation and prosecution of crimes and the protection of the rights of the accused." In the light of the above statement discuss the international legal standards relating to 'surveillance, search and seizure' and 'arrest and detention in police custody'. Mention two challenges to the protection of human rights in pre-trial detention.
(4+4+2=10)
2. Discuss the legal safeguards and implementation provisions pertaining to non-custodial measures stipulated in the Tokyo Rules.
(5+ 5=10)
3. For protection of human rights in criminal justice system, the Code of Conduct for Law Enforcement Officials require that the police in performing their duty uphold the human rights of all persons.- Explain
(10)
4. Answer the following in view of the provisions incorporated in the Body of Principles for the protection of All Persons under any Form of Detention or Imprisonment:
 - (i) 'Detained person' and 'Imprisoned person' (2)
 - (ii) Principle 16 and Principle 18 (4+4=8)

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.4 (CR.2) CRIMINAL LAW

Time: 1:30 Hrs.
Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Pen down a comprehensive legislative analysis of Terrorist and Disruptive Activities (Prevention) Act, 1987 with some relevant case laws.
2. Short notes (any two):
 - (i) Gill Doctrine and Khalistan Movement.
 - (ii) POTA- A tool of political expediency.
 - (iii) Punishments under UAPA 2012.
3. Write down the salient features of Unlawful Activities Prevention Act 1967 and UAPA (Amendment) Act, 2012.
4. Elucidate a comparative legislative analysis of TADA, POTA and UAPA (In order to avoid a lengthy answer, only highlight the major differences/improvements in a chronological order within a tabular frame).

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MID SEMESTER EXAMINATION (APRIL - 2017)
SUBJECT CODE: 8.4 (IP. 2) LAW RELATING TO PATENTS AND DESIGNS

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

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

1. Write briefly on any two of the following. Please substantiate your answer with appropriate reasons: (5x2=10)
 - a) Utilitarian theory of Intellectual Property.
 - b) Historical development of WIPO
 - c) Social planning theory of Intellectual Property.

2. Explain in detail the concept of property and its kinds according to jurisprudence. Explain the concept of intellectual property under WIPO? (5x2=10)

3. Human gene mapping, cloning etc. are developments of the recent past. Scientists claim the use of these techniques will do wonders in uprooting life threatening diseases. On the other hand, activists question the legality and morality of such process. Critically examine the above situation in light of the IPR regime, especially Patents law in general. (10)

4. Discuss the basic principles of Paris Convention, 1883 and Berne Convention, 1886. (5x2=10)

~~S.A. (II-2) on paper only~~