

**NLUA**  
NATIONAL LAW UNIVERSITY, ASSAM  
B.A., LL.B. (Hons.): IV Year – VIII Semester: Academic Year: 2014-2015  
**Repeat Examination (August, 2015)**  
**8.1 PRINCIPLES OF LEGISLATION AND INTERPRETATION OF  
STATUTES**

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

1. What do you mean by term 'Interpretation', discuss its significant in modern day. Elaborate your answer in the light of various case laws and examples?
2. Briefly explain the three key rules of Interpretation, further specifically elaborate the 'Mischief Rule' of Interpretation. Discuss its significance in India.
3. Do you agree with the statement that, 'Legislation is the first hand source of Law'? Further in the light of the statement discuss the principles of 'Internal Aid' of interpretation.
4. Constitution is the Law of the Land, hence in order to compete with the gradual changes and circumstances, it has to be of progressive and dynamic. In the light of statement discuss the various provisions of constitutional interpretation.
5. Critically explain the following:
  - a. ejusdem generis
  - b. noscitur a sociis
6. Discuss the few general rules of presumption. Elaborate the same in the light of various examples and case laws.

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Repeat Examination (August, 2015)  
**8.2 TAXATION LAW**

Time: 2 Hrs. 30 Minutes  
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. Animations Africa (P) Ltd (AAPL) entered into an agreement with Animations Telecommunications Ltd (ATL), whereby ATL shall provide all administrative services relating to marketing, finance, human resources to AAPL for lesser cost. Decide the matter as Commissioner of Income Tax (Appeals).
2. 'Where a person transfers any asset to any other person with a right to revoke the transfer, all income accruing to the transferee from the asset shall be included in the total income of the transferor.' Explain this statement with provisions relating to clubbing of income under the Indian Income Tax Act, 1961.
3. Discuss the kinds and procedure of registration of dealers. Further, discuss the consequences of failure to get registered by a dealer under Assam VAT Act, 2003. Discuss the kinds of return and types of assessment under Wealth Tax Act, 1957.
4. There is a distinction between Permanent Establishment (PE) and Associated Enterprises (AE). Deliberate on how these entities lead to computation of tax in India especially when an enterprise is engaged in transfer pricing.
5. Explain 'transfer' and 'transactions not amounting to transfer' under the Heads of Income capital gains.
6. Explain any two of the following concepts under Income Tax Act, 1961:
  - (i) Residential Status
  - (ii) Charge of Income
  - (iii) Scope of Total Income

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**8.4 IL.2 LAW OF INTERNATIONAL ORGANISATIONS**

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

1. “In 1949, the International Court of Justice in its advisory opinion in the case concerning the “Reparation for Injuries Suffered in the Service of the United Nations” considered that the functions and rights conferred to the United Nations by its constituent instruments were such that they necessarily implied the attribution of international personality to the organisation.” In the light of this situation, write an analytical essay on the legal personality of the international organisations in international law.
2. “Lockerbie incident has raised number of questions about the nature and extent of the Security Council’s powers under the Chapter VII of the UN Charter. However, the questions relating to judicial scrutiny and judicial review of the UN Security Council’s resolutions by the International Court of Justice remain a crucial importance for the constitutional system of the United Nations.” Based on this scenario discuss critically the relationship between the International Court of Justice and the Security Council in the light of the Lockerbie Case.
3. “For Marxists, contemporary international organisations reflect, legitimize and promote global capitalism. International Financial Institutions, such as the World Bank and the IMF are mechanisms of capitalist domination. They pry open markets, forcing privatization and encouraging foreign investment. MNCs entangle societies in a malignant web of dependency that causes underdevelopment and a gross mal-distribution of wealth within and between societies.” “Further B.S. Chimni, argues that the evolving global state formation may therefore be described as having an imperial character.” In the light of above observations, discuss the Marxist perspectives on international organisations.
4. Discuss analytically the classification, role and functions of international organisation. Give a critical assessment of the future of international organisations.
5. Write an essay on the regional organisations and their contribution to the development of law of international organisations.
6. Why do we need international financial institutions such as IMF, World Bank and WTO in international arena? What is the role of the IMF, World Bank and WTO in contemporary world politics? Are these institutions considered as agents of contemporary global economic crisis or are they playing the role of a catalyst in contemporary economic governance? Discuss critically the relationship between international financial institutions and WTO.

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**Repeat Examination (August, 2015)**  
**8.4 CN.2 LAW OF WRITS AND LAW RELATING TO ELECTIONS**

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

1. Trace the origin and development of prerogative writs in England. Discuss the nature and scope of Writ jurisdiction of High Courts during the Pre-Constitutional and Post Constitutional periods in India. Do you think that the High Courts under the Constitution of India have been exercising more powers than the Supreme Court of India in the matter of Writ jurisdiction? Discuss in elaborately the difference of power of Writ jurisdiction between the High Courts and the Supreme Court of India.
2. Critically discuss Article 32 of the Constitution of India. Whether Article 32 is an effective mechanism for enforcement of Fundamental Rights of the People? Illustrate your answer by discussing the role of the apex court in protecting the Fundamental Rights of the people for infraction as the supreme interpreter, protector and guardian of the supremacy of the Constitution in the discharge of their avowed constitutional duties, responsibilities and obligations.
3. Enumerate briefly the necessary conditions to be fulfilled for the issuance of the Writ of Quo Warranto and the grounds for its rejection. Discuss briefly the case of *Kashinath G. Jalmi v. The Speaker, AIR 1993 SC 1873* and the decision of the Apex court in the case.
4. The Supreme Court of India directs the Election Commission to call for information on affidavit by issuing necessary order declaring the criminal antecedents of a candidate. Discuss the constitutional validity of such order in the light of the decided case laws.
5. Critically analyse the impact of criminalisation of politics on free and fair election in a democracy. State the legislative and judicial measures in this regard.
6. Trace the origin and development of Political Party System in India. Discuss its contribution to the democratic processes in India. Have the Regional Political parties made any significant impact within the political systems?

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**Repeat Examination (August, 2015)**  
**8.4 BL.2 MERGERS, ACQUISITIONS AND ANTI-TRUST LAWS**

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

1. What do you mean by merger of a company? Discuss various kinds of merger
2. What do you mean by takeover of the company? Discuss various kinds of takeover
3. Discuss the role of courts in approving a scheme of re-construction or re-structuring under Section 391-394 of the Companies Act, 1956 based on decided cases from the standpoint of shareholders, creditors and employees.
4. What are the obligations of 'Acquirer' under Security and Exchange Board of India (substantial Acquisition of Shares and Takeovers) Regulations, 2011?
5. What do you mean by the terms 'Demergers, Reverse Merger, Demerged Company and Resulting Company'?
6. 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.
7. Discuss the facts, issues involved and opinion given by the CCI in the following cases, also comment on observation made by CCI in the following cases:
  - a) Relay B.V.. (Diageo) and United spirits Limited
  - b) JET Airways (India) Limited and Etihad Airways PJSC

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**8.4 IP.2 LAW RELATING TO PATENTS AND DESIGNS**

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

1. Dr. Sandeep Kulkarni has an opinion that he has invented a new medicine which will cure blood Cholesterol. Dr. Sandeep wants to patent his invention, so he was going through the procedure for filing the patent. While going through the procedure and the Form No.1, he has many doubts, but initially he seeks your expert opinion on the following issues;
  - a. Can anyone file his patent application? (2 marks)
  - b. Whether he should file the Provisional Specification or Complete Specification in the list of attachment with Form No. 1 and why? What is the difference between the Provisional Specification and Complete Specification? (8 marks)
  - c. If he files the patent application, will he be able to prevent others to use his invention or file infringement suit? (4 marks)
2. Discuss the influence of TRIPS Agreement on Indian Patent Law. Briefly discuss the various amendments made to the Indian Patent law to comply with TRIPS Agreement. (7+7 marks)
3. What constitute Patent infringement? Discuss the jurisdiction of courts in patent infringement cases. Briefly discuss the guidelines laid down by Supreme Court of India to determine infringement of Patent.
4. What are the defenses available against patent infringement? Justify your answer with the help of decided case laws.
5. Discuss the impact of Section 3(d) of *the Patent Act, 1970* on Indian Pharmaceutical industry. Justify your answer with the help of decided case laws.
6. "Mere functional component with no appeal to the eye cannot be registered as a design - design should be capable of being applied to an article in such a way that the article to which it had been applied will show to the eye a particular shape, configuration, pattern or ornament." Discuss with the help of relevant provisions and decided case laws.

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**8.4 CR.2 ADMINISTRATION OF CRIMINAL JUSTICE SYSTEMS,  
NATIONAL SECURITY LAWS, INSURGENCY MOVEMENTS AND  
TERRORISM**

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.

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**Answer five questions from the following. Q. No. 1 is compulsory and answer any four questions from question no. 2 to 6. All questions carry equal marks.**

1. In Chattisgarh, a group of tribal youngsters above the age of 18 years were temporarily appointed as police officers by the State of Chattisgarh in the year 2007. Mr. Kishwar, a member of the group, was killed in a clash with extremists group. His sister is your client who is demanding compensation for Mr. Kishwar before the court of law. Explain with provisions and case laws.
2. Distinguish between “maintenance of security of State” and “public order” as discussed by the Hon’ble Supreme Court of India in various case laws. Discuss in the light of the debate on National Security versus Human Rights of individuals.
3. There are blanket provisions/bar on jurisdiction clause in few criminal law legislations which deal with ‘disturbed areas’. Explain this statement vis-à-vis violation of criminal law jurisprudence.
4. The institutions that administer criminal justice are categorised as police, courts and prison. Elaborate on how significant are these institutions in forming part of procedural criminal legal system.
5. The history of anti-terrorism laws in India and their implementation reaffirms their repressive nature. Enumerate.
6. Discuss the rights and duties of a police officer under the Police Act, 1961. Also, mention the penalties imposed in case of neglect of duty by a police officer.

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