

Library

NLUA  
NATIONAL LAW UNIVERSITY, ASSAM  
B.A.,LL.B. (Hons.) IV-Year-VIII Semester Academic Year: 2015-2016  
**Repeat Examination (August, 2016)**  
**8.1 PRINCIPLE OF LEGISLATIONS AND INTERPRETATION OF STATUTE**

Time: 2.30 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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**Attempt any five of the following. Question 1 is compulsory. Each question carries (14) equal marks. Answer supported with reasons will be highly appreciated.**

1. In a state having rich traditional base and sound cultural outlook, government comes up with an order according to which person wearing casuals and short dresses are prohibited to enter into government offices. It is the opinion of the government that it is going to protect the culture of the country as all government employees are required to wear the traditional dresses. Further government formulated the said policy by observing the fact of increasing sexual assault cases against women. In one year of the implementation of the said order, it is found that there is a great fall in sexual assault cases against women, and State's tradition start getting appreciation in the world community. The success of the policy is also based on the fact that majority of private organizations also introduced the same in their offices as well. But the said order is also getting criticized by people inside and outside of the country. The majority of people criticizing it belong to the developed, independent and liberal spectrum of the society. How do you analyze the issue? Justify your answer on the basis of your study material and class discussions.
2. "Presumption plays a significant role in law". In light of the aforementioned statement write a note on the importance of presumption. Elaborate your answer with the help of case laws.
3. Discuss the following: **7x2=14 marks**
  - (a) Golden Rule of Interpretation
  - (b) Eiusdem generis
4. Explain the following: **7x2=14 Marks**
  - (a) *Bhagirath v. Delhi Administration*, 1985 2 SCC 653
  - (b) Statute must be read as a whole
5. What do you understand by the term 'Remedial Statutes'? While exemplifying the same write a brief note on the topic. Elaborate your answer with the help of the case laws and relevant examples.
6. S.P. Sathe, in his celebrated work on Judicial Activism stated that, 'Every scholars acknowledge the constructive role of the courts and judges in furthering the will of the people, they also pointed out the dangers of judicial adventurism or excessivism.' What is your understanding of the statement? While writing a critical thought on the same, justify your argument with the help of relevant case laws and class discussions.

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**8.2 TAXATION LAW**

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. Question No. 1 is compulsory. All questions carry equal marks.**

1. Mr. Abubacker, a national from Malaysia visited India for the first time and stayed in Delhi from 20 October 2014 to 15 February 2015. He then went to Mumbai for business and stayed there till 16 May 2015. He returned to Malaysia on the very next day and never returned to India thereafter. He is sought to be assessed by the Income Tax Authorities to which Mr. Abubacker objects. Decide.
2. Elaborate the concept of 'clubbing of income'. Briefly outline the distinction between set-off and carry forward of capital losses.
3. Explain the basic principles of international taxation, with special emphasis on double taxation relief under the Income Tax Act, 1961.
4. Explain the term assessment year and previous year. How the residential status and tax liability of a person is computed? Discuss.
5. The Value Added Tax (VAT) in India is a multi-point tax on value addition which is collected at different stages of sale with a provision for set-off for tax paid at the previous stage. Discuss the importance and advantages of VAT system.
6. *Vodafone International Holdings* case is an important judgement as far as tax law is concerned. Explain in the light of 'transfer' and mode of computation and deductions of companies.

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**8.4 BL2 MERGER AND ACQUISITIONS AND ANTI-TRUST LAWS**

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. What is Merger? Discuss different kinds of Merger.
2. What is Hostile Takeover? Discuss different types of defenses available against Hostile Takeover
3. Section 391 to 394 under the Companies Act, 1956 is a complete code in itself. Comment.
4. Discuss provisions relating to mandatory open offer and voluntary open offer under the SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011.
5. Critically comment on the decision of Competition Commission of India in famous Jet-Etihad Deal.
6. Write short note on the following:
  - (i) Merger of ING Vysya Bank with Kotak Mahindra Bank
  - (ii) Due Diligence in Merger Transaction

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**8.4 CN2 LAW OF WRITS AND LAW RELATING TO ELECTIONS**

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. Discuss the power and functions of the Election Commission of India. Critically analyze the contribution made by the ECI in ensuring free and fair election in the country.
2. Make a critical case comment on the *Lily Thomas vs Union of India & Ors.* Do you think this judgement has brought any positive change in the election system in India?
3. Write shorts note on any two of the following:
  - (a) Section 33A of the Representation of the People Act, 1951.
  - (b) Grounds for filing election petition under the Representation of the People Act, 1951.
  - (c) first-past-the-post system.
4. Habeas Corpus Writ is a bulwark of individual liberty against arbitrary detention. Comment.
5. What is the difference between Writ of Prohibition and Writ of Certiorari?
6. What do you understand by Writ of Mandamus? Can it be issued to Private individuals?

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**8.4 EL2 ENVIRONMENT, TRADE AND HUMAN RIGHTS LAWS**

Time: **2.30 Hrs.**  
Total Marks: **70**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
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**Attempt any five of the following. Each question carries equal marks.**

1. “Various salient features of the WTO process provide an increased concern for emerging trends in the Global Economic Interdependence and Trade effects on Environmental concern” In the light of the aforementioned statements, describe the scope, functions and structure of WTO.
2. “With respect to trade-related environmental issues, the criterion of non-discrimination is the main principle on which the rules of the multilateral trading system works.” Justify the aforementioned statement with reference to the principles of Most Favoured Nation treatment and National treatment with suitable example.
3. Describe the facts and principles involve in Beef Hormone case on Meat and Meat products.
4. Multilateral Environment Agreements from Stockholm to Rio- plus20 have been made with a view to facilitate free economy. Discuss with reference to main principles of Rio declaration 1992.
5. “TRIPS Agreement does not prevent Members States from taking measures to protect public health.” Explain with reference to suitable examples.
6. Describe the obligations and principles concerning technical regulations including conformity test and assessments of conformity procedure under agreement on Technical Barriers to Trade (TBT) with suitable examples.

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

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.
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**Answer any five questions from the following. Question No. 1 is compulsory. All questions carry equal marks.**

1. Mr. Ayub (18 years) and Master Vivek (16 years) were returning from playground on 15 June 1995 at 5.00 PM on a motorbike. At this instance, the tyre of the motorbike bursts and both of them falls to the ground. Upon hearing this sound, the army jawans deployed there mistook the sound of a tyre burst from the motorbike as a bomb attack and began firing indiscriminately in the town. Master Vivek suffers from hearing impairment and unaware of any firing, tries getting up and is killed in the firing. Mr. Ayub, upon seeing this, attempts to run but is also killed. The army jawan who started the firing, is questioned by his senior officers. In the meanwhile, the human rights activists in the locality file a case before the Hon'ble High Court seeking the relief to declare the laws that give immunity to armed forces personnel as unconstitutional. Decide.
2. Explain rights of accused as guaranteed under the Constitution of India, 1950 with case laws. Further narrate the relevance of *Maneka Gandhi's* case in criminal justice administration.
3. Discuss the importance of Justice Jeevan Reddy Committee report (2005) which paved way for deliberations on repealing the major anti-insurgency law in India.
4. Prison administration has been the main pillar of criminal justice system. Comment in the light of various legislations that deal with prison administration in India.
5. Law relating to preventive detention has been well supported by Constitutional and statutory provisions. Deliberate with case laws.
6. Maintenance of "public order" has been though a contentious issue, the Hon'ble Supreme Court of India has categorically defined through its judgments. Relate it to role of police also.

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