

**NLUJAA**

National Law University and Judicial Academy, Assam

B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

**Special Repeat Examination (October, 2017)**

**Subject Code: 8.1 Principles of Legislation and Interpretation of Statutes**

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.

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

1. "The role of the judge is not to insert a new law into the already existing legislation for it is not for the judges to create a law". From the given statement discuss the relevant concept of interpretation of statute.
2. While interpreting any provision, court used to take the assistance from various other sources. Discuss the importance of internal aids to interpretation.
3. Interpretation is the need of the hour', the statement came true while discussing the provisions of the Indian Constitution. It is the only process which gives the dynamic and progressive nature to the Constitution. Discuss various presumptions/ doctrines, which court should keep in mind while interpreting the provisions of Constitution, especially with reference to Centre-State relationship. Elaborate your answer with case laws available on the topic.
4. What do you understand by Literal Interpretation, analyze its relevance with help of case laws?
5. "The concept of *nocister e socis* is generic while the concept of *ejusdem generis* is more specific". Justify the given statement by comparing and contrasting the concepts of *nocister e socis* and *ejusdem generis* with the help of decided cases.
6. Write notes on:
  - (a) Gemini's Mimansa.
  - (b) Retrospective operation of statute.

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B.A.,LL.B.(Hons.): IV-Year, VIII-Semester (Academic Year: 2017-18)

**Special Repeat Examination (October, 2017)**

**Subject Code: 8.3 Alternative Dispute Resolution System**

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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### 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 decided case laws.

2. “A memorandum of family settlement was entered into between two family groups to manage various businesses and companies under their controls. The memorandum provided for establishment of a “*Dispute Resolution Committee*” where the “parties agree and undertook to abide by all decisions of the committee whether the committee chooses to act as umpire or referee.” Critically examine the above clause whether its fall in the category of arbitration agreement or not? If not then explain with help of relevant legal provision and case laws.
3. Discuss the Concept and object of “*Permanent Lok Adalat*” with help of legal provisions of the Legal Service Authority Act, 1987.
4. Comparatively analyse Conciliation as it is contained in the Arbitration and Conciliation Act of 1996 and the Legal Services Authority Act, 1987. Which of the two are more useful for Indian scenario and why?
5. “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 and features of Fast Track Arbitration with help of relevant provisions of the Act, 1996.

6. Write short notes on the following:

- a) Distinguish between Domestic Award and Foreign Award
- b) Appointment of Arbitrators

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