

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B. (Hons.): V Year, X Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject: 10.1 Law Relating to Child and Women

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.

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

1. Critically discuss the historical development and the objects of the Convention on Elimination of All Forms of Discrimination against Women, 1979 stating its municipal improvement in India.
2. “*Beti Bachao, Beti Padhao*” is the call given by the government of India in conformity with UNCRC to eliminate sexual discrimination, child illiteracy and child abuse in India. Provide a brief sketch of the development of child rights movement that has led to the current state of affairs both at international and municipal level along with an analysis of the functioning of the Right of Children to Free and Compulsory Education Act, 2009 in this regard.
3. A child is said to be the future of a nation. Realizing this, India has adopted a child friendly criminal justice administration system. Critically examine, the special provisions concerning children under both procedural and substantive criminal law of India citing relevant legal provisions and judgments.
4. The Constitution of India, through its various provisions, encapsulates bunch of protective measures for women and children in the form of both Fundamental and Constitutional rights to ensure the *Preambular* objective of *Social Justice*. Make a brief analysis of these provisions citing relevant judicial interpretation.
5. Make a critical assessment of the Prohibition of Child Marriage Act, 2006 stating its constitutional validity, object and features.
6. Short Note:
 - a. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
 - b. The Maternity Benefit Act, 1961

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NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 10.2 International Trade Law

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. Prof. Schwarzenberger, "*International Trade Law is a branch of public international law that encompassed such matters as the ownership and exploitation of natural resources, the production and distribution of goods, invisible economic and financial transactions and currency and finance*". In the light of above statement, give a conceptual analysis of International Trade Law.
2. (a) What is the scope and importance of Intellectual Property Rights in International Trade Regime?
(b) Elaborate on domestic implementation of International Intellectual Property Rights Law in India?
3. (a) Why is the liberalization of services significant in the present age of globalization? Answer in the light of the conception of General Agreement in Trade in Services (GATS).
(b) What is the current status of liberalization of legal services in India?
4. Elaborate on nature and scope of the General Agreement in Trade in Services (GATS)? What are different modes of trade in services?
5. What are the theories on which the development of international trade law is based? Support your answer with appropriate examples.
6. Are the developing countries really benefited by the present functioning of International Financial Institutions? Elaborate on the structure and functioning of International Monetary Fund.

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 10.3 Professional Legal Ethics, Accountancy and Bench-Bar Relations

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. It is said that the word ethics etymologically means 'character' or that which relates to it, as distinct from what relates to the intellect. It is further said that ethics is science of morals and morals are the practice of ethics. Is there a distinction between professional conduct and professional ethics? Explain.
2. Explain the duty of the advocate to desist from placing before the court unsound arguments, incorrect pleadings, not citing adverse judgement, with reference to the duty of the advocate towards promotion of Rule of Law and Fairness.
3. How the Advocates (Amendment) Bill, 2017 is going to affect the constitution of State Bar Councils and the Bar Council of India? Explain.
4. Elucidate with reference to decided cases the meaning and scope of the words, "professional or other misconduct" occurring in sub-section (1) of section 35 of Advocate Act, 1961.
5. The provisions of the Advocates (Amendment) Bill, 2017 will take away the freedom of lawyers to act fearlessly in the court proceedings and thereby directly affecting the fundamental rights of the citizen of India which are sought to be protected by the advocates in court. Lawyer is never interested in any matter personally. He is essentially concerned with the protection or vindication of the fundamental, constitutional and other statutory rights of the citizen. Comment.
6. An advertisement No. 5 of 2014 dated 08.11.2014 was published for one post of Assistant Professor in Department of Law, Sezpur University, Assam. Six candidates including 'A' and 'B' appeared for the interview before the Selection Committee on 17.11.2015. 'B' was finally selected for the said post. 'A' challenged the selection of 'B' and filed a Writ Petition No. 827 of 2016 entitled 'A' Vs. Sezpur, University claiming that it was completely illegal and arbitrary and was not tenable in the eyes of law and deserves to be quashed by the Hon'ble High Court. The High Court passed an interim order dated 29.05.2016 by which it was directed that the appointment of 'B' will be subject to the decision of Writ Petition and "during this period no exercise for confirmation should be undertaken". The said writ petition is still pending before the High Court. As the order dated 29.05.2016, passed by High Court was well in knowledge of the Head of the Law Department, Sezpur University,

but despite that he started steps for the confirmation of 'B' on the post of Assistant Professor and the proforma for the confirmation was forwarded to the higher authorities of the University bearing his signature dated 01.12.2016. The Head of the Department was having full knowledge of order dated 29.05.2016, but he willfully disobeyed and deliberately violated the order passed by the High Court. 'A' filed Contempt Application No. 957 of 2017 under Section 12 of the Contempt of Courts Act, 1971 in the High Court but it was dismissed by the learned Single Judge of the High Court on 23.02.2017. Now, 'A' files an Special Leave Petition in the Supreme Court against the order dated 23.02.2017 passed by the High Court of Guwahati in Contempt Application No. 957 of 2017. Decide.

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NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 10.4 (IL.4) International Law

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. Write down the detailed genesis of United Nations Convention on Law of Seas.
2. Write Notes on (any two):
 - a. Right to innocent passage
 - b. Rights of the coastal states
 - c. Rights of landlocked states
3. What are principles governing Area? Elaborate the specific and general provisions as regards international institutions, states and international seabed authority under UNCLOS.
4. Write the composition, powers and functions of the following:
 - a. The Assembly- under ISA
 - b. The Council
 - c. Finance and economic commission as well as legal and technology commission
5. Discuss about the Conservation and Management of the Living Resources of the High Seas under UNCLOS.
6. Briefly discuss:
 - a. Demarcation of Maritime Zones
 - b. Exclusive Economic Zones

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 10.4 (CR.4) Juvenile Justice Law, Child Protection Laws
and Laws Relating to Mental Health

Time: **2:30 Hrs.**
Total Marks: **70**

INSTRUCTIONS:

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

1. Trace the historical evolution of Juvenile Justice Law in India.
2. Discuss in detail the contribution of *Sheela Barse* in the development and transformation of Juvenile Justice India.
3. Elucidate the narrative of the social influence and the inter-relation of juvenile delinquency and peers pressure.
4. The intricate issue of mental health of juvenile offender is pertinent in understanding the root of the problem of juvenile delinquency. In this regard elucidate the importance and significance of the study of mental health of juveniles.
5. Discuss the legal procedure and justice mechanism for juvenile delinquency in India.
6. In the recent cases where juveniles have been found to be involved in brutal criminal activities involving rape, murder, do you think that the concept of *militia supplet aetatem* i.e. malice supply the age, should be applicable to juvenile delinquents in India?

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 10.4 (EL.4) Comparative Environmental 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. Discuss the salient features of United States of America's Clean Air Act.
2. Discuss the historical background of major Environmental legislations in China and draw a comparative analysis of pollution related laws of China and India (Highlight the key agencies created by the legislations of these countries and offences/punishments in contravention of the same).
3. Pen down a comparative legal analysis of Disaster Management Laws of India- USA and Japan.
4. Discuss the animal welfare laws/laws against cruelty of animals in United States of America.
5. Write down a critical evaluation of James May and Erin Daly's article titled, "Comparative Environmental Constitutionalism".
6. Write down the legislative analysis of:
 - a) Migratory Bird Treaty Act, 1918
 - b) African Elephant Conservation Act, 1989

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject: 10.4 (CN.4.) Comparative Constitutional Law

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. "Constitutionalism is sometimes regarded as a synonym for limited government. On some accounts, this doctrine is associated in its turn with minimal or less government. But that is only one interpretation and by no means the most prominent. A more representative general definition would be that constitutionalism seeks to prevent arbitrary government." – Elucidate.
2. Critically discuss the power of the Parliament to amend the Constitution of India. Whether the process of amending the Constitution of India is similar to that of other constitutional democracies? Give your estimation with a comparative analysis of the amending process of the Constitutions of USA, UK, Australia and Switzerland.
3. The independence of judiciary as an institution and the independence of individual judges have to go hand in hand as the independence of the judiciary as an institution is not possible without the independence of the individual judges. Therefore, utmost care should be taken in appointing a judge, especially in higher judiciary. Make a brief analysis of the constitutional provisions and practices that govern the appointment of judges of higher judiciary in India.
4. Discuss the significance of the 'power of the judiciary to review all legislative and executive actions' as a protection in the hands of the judiciary to retain constitutionalism and good governance.
5. "A State is a complex of hierarchically organized capacities available for the exercise of political power or the implementation of political programs; a Constitution, by contrast, defines a horizontal association of citizens by laying down the fundamental rights that free and equal founders mutually grant each other." – Comment.
6. Short Note:
 - a. Civil Liberty
 - b. Separation of Powers

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject: 10.4 (BL.4) Investment Management Laws and
Corporate Social Responsibility

Time: **2:30 Hrs.**
Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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 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. "Corporate Social Responsibility and Sustainability is a company's commitment to its stakeholders to conduct business in an economically, socially and environmentally sustainable manner that is transparent and ethical." How does Corporate Social Responsibility affect human rights and sustainability? Support your answer by focusing on Indian Corporate sector.
2. What do you mean by listing of securities? What are the salient features of laws governing securities in India?
3. "The Indian Capital Market is undergoing structural transformation since liberalization." Write about the evolution of Indian Capital Market as well as its recent developments.
4. Write short notes on any two:
 - a) Securities and Exchange Board of India (SEBI)
 - b) The International Centre for Settlement of Investment Disputes(ICSID)
 - c) Significance of Underwriting
5. What are the advantages and disadvantages of Foreign Direct Investment? What are the protections for foreign investors in India?
6. "Despite the major role of treaties, customary rules of international law play a significant role in investment disputes, prominently to fill gaps in existing treaty law and interpret the particular treaty provisions in light of customary law." Explain the linkage between customary rules of international investment and other sources of international investment law.

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 10.4 (IP.4) International Intellectual Property 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.
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Answer any five questions from the following. All questions carry equal marks.

1. *“Intellectual property rights grant a degree of exclusivity to the owners, necessarily restricting access of others to the same. On the other hand, anti-trust law seeks to promote competition and increase access to the market. There is a seemingly inherent conflict between the two. Yet, there is increasing opinion that the two realms can, not only co-exist but also complement each other.”* **Comment.**
2. Cosmogenerics Co., is the producer of mechanical, electrical and electronics appliances as well as cosmetics, and files an application for obtaining trademark registration for the “smell of strawberries” for some of its products. It describes the mark as “smell of strawberries” and claims that the fragrance is stable and durable, that it is capable of creating olfactory memory. Application is filed in UK and India. Explain whether it can be registered, (India-UK)?
3. “The test for determining infringement of a dramatic work/cinematograph film is not appropriate for determining infringement of copyright in computer program”- Critically **Comment.**
4. Answer the following Questions:
 - a) Explain the criteria for registration of plant variety under the Protection of Plant Varieties and Farmer's Rights Act. Examine the position under UPOV Convention.
 - b) Tata Auto Ltd. has filed application for registration of the shape and configuration of the "Nano" car. They also seek to get protection for the shape of the mirror, door, steering, upholstery, knob of the gear rod and bonnet. Examine whether these shapes and configuration will be registered under the Designs Act.
5. Answer the following Questions:
 - a) “Tata Co. has obtained registration for the trademark ‘Coorg Coffee’. The coffee grower’s Association of Coorg (Mercara) has filed application for obtaining GI protection for the coorg coffee. Tata Co apprehends cancellation of its trademarks

consequent to grant of GI status. Do you think the trademark will be cancelled?

Comment

b) Explain the defensive and positive protection of traditional knowledge.

6. Write explanatory notes on:

a) The WIPO Copyright Treaty (WCT)

b) Procedure for obtaining GI registration in India

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B.A.,LL.B.(Hons.): V-Year, X-Semester (Academic Year: 2016-17)
Semester End Examination (May - June, 2017)
Subject Code: 10.4 (HR.4) Human Rights and Globalization

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. State is seen not only as the protector of human rights but also as its greatest violator. However, the earlier notion that States alone are capable of violating human rights stands changed in the face of rise of powerful non-state actors and increasing instances of human rights violations being committed by them. Discuss how multi-national companies and individuals can be made responsible for the violation of human rights. (7+7)
2. Thomas Pogge famously theorized severe poverty as a violation of human rights despite the absence of international human rights instruments stating so in explicit terms. Discuss how severe poverty amounts to gross violation of human rights in the light of international human rights instruments, UN subsidiary organs and other relevant mechanisms. (14)
3. Thomas Pogge has termed health as a global public good. Discuss health as a human right and the impact of globalization on the realization of the same. Further, discuss the judicial interpretations of the right to health in India in the light of decided cases. (7+7)
4. Ecological globalization is one of the most important dimensions of globalization. Discuss the regime on climate change starting from UNFCCC to Paris Agreement and the impact of globalization on the same. (14)
5. IMF and World Bank had laughed off their obligations towards their human rights initially. However, they succumbed to increasing civil society and public pressure. Discuss the human rights dimensions of these Bretton Woods institutions in the light of SAP's, HIPC and PRSP. (14)
6. Write short notes on (any two): (7+7)
 - a. Cultural Globalization
 - b. Corporate Social Responsibility
 - c. Food Security, Food Sovereignty and Food Aid
