

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, X-Semester: Academic Year: 2015-2016
End Semester Examination (June-2016)

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.

1. Critically discuss the status of a child in India. Include Socio-legal insights in your essay. Discuss some of the schemes/policies adopted by the Government of India to protect and promote the well-being of children. **8+6 Marks**
2. The Convention on All Forms of Discrimination against Women, 1979 was aimed at removing the lacunae of the Declaration on Elimination of Discrimination against Women. Provide a brief description of the improvements made and elucidate, in particular, the individual communications procedure as provided for under the Optional Protocol to the Convention on All Forms of Discrimination against Women. **14 Marks**
3. "By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes" is the goal set by the UN SDG (Goal 5.1) for the State Parties. Portray a brief analysis of the Indian laws and policies to achieve that goal and also suggest few measures to achieve the same by 2030. **10+3=13 Marks**
4. India has a women friendly criminal justice administration system. Discuss the special provisions concerning women under both procedural and substantive criminal legislations of India citing relevant legal provisions and judgments. **14 Marks**
5. The Constitution of India, through its various provisions, encapsulate bunch of protective measures for women and children in the form of both Fundamental and Constitutional rights to ensure its Preambular objective of social justice. Make a brief analysis of these provisions citing relevant judicial interpretation on the same. **14 Marks**
6. Write short Note on any three of the followings: **5x3=15 Marks**
 - (a) The Child Labour (Prohibition and Regulation) Act, 1986
 - (b) The Maternity Benefit Act, 1961
 - (c) The Protection of Children from Sexual Offences Act, 2012
 - (d) Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

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10.2 INTERNATIONAL TRADE LAW

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

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

1. Discuss the nature of Contract of International Sale of goods. What are the common problems involved in International sale of goods? Suggest their solutions.
2. Discuss the role of the International Monetary Fund in facilitating global business. How it works in balancing currency exchange?
3. Explain the conditions of issuance of license under the Foreign Trade (Development and Regulation) Act, 1992.
4. Explain the nature of 'Capital Account Transactions' and 'Current Account Transactions'. Distinguish between both.
5. What do you understand by 'Clearance of goods'? Discuss the basic conditions for the Custom clearance of goods for export.
6. Write short note on any two of the followings:
 - (a) Importer Exporter Code Number
 - (b) TRIPS
 - (c) TRIMS
 - (d) Triff and Non-Tariff Barriers

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**10.3 PROFESIONAL LEGAL ETHICS, ACCOUNTANCY AND BENCH
BAR RELATIONS**

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

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

1. Write a detailed note on the Seven Lamps of Advocacy. 'A' assigns a brief to 'B', an advocate and agrees to transfer a plot of 100 square yards in favour of 'B' in lieu of his fee. Is this arrangement valid under law? Decide.
2. What are the qualifications for the enrolment as an advocate under the Advocate Act? How the seniority among advocates is determined? What is the procedure for transfer of enrolment from one state to another state and discuss how disputes regarding seniority are resolved?
3. How the Bar Council of State is constituted? What procedure can be adopted to elect members of Bar Council of India? What do you mean by single transferable vote?
4. What do you understand by Bar-Bench relations? Whether Bar-Bench relations are important in the administration of justice.
5. Can a judge be held liable for committing contempt of court? Whether judges of the lower courts, High Courts and Supreme Court are at par regarding the liability for contempt of court?
6. (a) 'A' an advocate, retains the original title deeds pertaining to certain properties belonging to his client B', as B' has failed to pay his fee. Is 'A' entitled to do so under the law?

(b) A an advocate, while arguing a case before a judge says, "I have no belief in you, I request you to transfer my case to some other court" Is A' guilty of contempt of court?

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End Semester Examination (June-2016)
10.4 CR.4 JUVENILE JUSTICE LAW, CHILD PROTECTION LAWS
AND LAW RELATING TO MENTAL HEALTH

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. Ram a child of 15 years, lured Rita, a girl of 14 years staying in his neighborhood, to come with him to watch a newly released movie with the intention of raping her. He took Rita to a deserted place instead of theatre and raped her. He also threatened her not to tell this to anyone or otherwise he would rape her again and kill her. It has been reported that Ram has tried to rape two other girls of the town. After coming home, Rita narrated this story to her mother, who has reported the matter to police.

Describe the procedure prescribed under Juvenile Justice (Care and Protection of Children) Act, 2015 for trial of Ram.

2. What are the general principles to be followed in administration of Juvenile Justice (Care and Protection of Children) Act, 2015.
3. The Convention on the Rights of the Child was the first instrument to incorporate the complete range of international human rights- including civil, cultural, economic, political and social rights as well as aspects of humanitarian law. Comment.
4. Define following offences created under The POCSO Act, 2012 and also state the punishment provided for them and procedures for recording statement of the child by the Police.
 - (a) Penetrative sexual assault
 - (b) Aggravated penetrative sexual assault
 - (c) Sexual assault
 - (d) Aggravated sexual assault
 - (e) Sexual harassment
5. Write composition, powers and duties of CWC under Juvenile Justice (Care and Protection of Children) Act, 2015.
6. Write a short note giving overview of the following Acts:-
 - (a) Commissions for Protection of Child Rights Act, 2005
 - (b) The Prohibition of Child Marriage Act, 2006

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10.4 BL.4 INVESTMENT MANAGEMENT LAWS AND CORPORATE
SOCIAL RESPONSIBILITY

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. The Consent Clause in Bilateral Investment Treaty (BIT) between Country A and Country B required resort to the host state's domestic courts for 18 months before institution of arbitration at International Centre for Settlement of Investment Disputes (ICSID). Same BIT also contained the following Most Favored Nation Clause: "In all matters subject to this agreement, this treatment shall not be less favorable than that extended by each party to the investments made in its territory by investors of a third country." On the basis of this clause the claimant from Country A relied on BIT between Country B and Country C which does not contain the requirement to seek the redress in the Country B courts for 18 months. Decide whether dispute settlement clause in BIT between Country B and Country C will be applicable in the dispute between claimants of Country A and respondent Country B by virtue of MFN clause in BIT between Country A and Country B stated aforesaid. Critically examine the applicability of MFN clause to dispute settlement clause in the BIT in the light of decisions given by ICSID.
2. Explain the conditions for submission of dispute to the jurisdiction of International Centre for Settlement of Investment Disputes?
3. Explain standard clauses that get negotiated into BITs between countries.
4. The deal between Thomas Cook and Sterling Holidays consisted of following transactions share subscription, share purchase, open offer, open market purchase, merger and demerger. Explain why such a complex transaction was adopted by Thomas Cook and Sterling Holidays?
5. Discuss when an acquirer has to make mandatory open offer and voluntary open offer under SEBI (Substantial Acquisition of Shares and Takeovers) Regulations 1997.
6. Write Note on the Following:
 - i) Fork in the Road Clause
 - ii) Denial of Benefits Clause

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End Semester Examination (June-2016)
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. Discuss the importance of comparative constitutional law to the working of modern democracy. Do you believe that foreign constitutional precedents influence the national courts?
2. Independence of judiciary is an essential feature of both federal and unitary Constitution. Discuss the power and procedure of appointment of judges in India, USA and UK in a comparative manner.
3. Write short notes on any two of the following-
 - a) Amendment of Constitution in USA and India
 - b) Veto power of President
 - c) Principles of common law
4. What do you understand by Parliamentary Form of Government? Compare and contrast it with Presidential form of Government. Which one of these is a responsible government?
5. Write a short note on the Executive Powers of Commonwealth of Australia and compare the same with India and USA.
6. To preserve the basic freedoms of the individual, and to maintain his dignity and personality, the Constitution should be permeated with 'Constitutionalism'; it should have some inbuilt restrictions on the powers conferred by it on governmental organs. Comment and quantify your answers tracing the constitutionalism in at least three jurisdictions.

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End Semester Examination (June-2016)
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. Assess the comparison of two legal system: United States and European Union on Air Quality Standards and Planning Requirements as regards following points:
 - (a) AQLVs versus NAAQSs
 - (b) Emission Reduction Targets
 - (c) Institutional Accountability in the planning process
 - (d) Environmental effectiveness and attainment of targets
2. Analyse the laws and policies in the light of Environmental impact assessment systems of the following:
 - (a) The World Bank v. The European Bank for Reconstruction and Development
 - (b) Germany v. India
3. Briefly write down the legislative analysis of any two of the following :
 - (a) Lacey's Act 1900
 - (b) Migratory Bird Treaty Act 1918
 - (c) African Elephant Conservation Act 1989
4. Compare the water pollution Control Mechanism under the clean Water Act of USA and the Water (Prevention and Control of Pollution) Act of India. Suggest Amendments, if any, in the Water (Prevention and Control of Pollution) Act of India to make it efficacious.
5. Different countries have included different environment related provisions in their constitution. You, as an expert of environment law are asked to prepare the draft of the environment provisions in the draft constitution of the country which is environmentally degraded. What provisions will you include in that draft and why.
6. "The Chapter 8 and 9 of the Tort liability law of the Peoples' Republic of China specifically addresses liability in case of the environmental damages". Discuss the significant features of environment related provisions of this Act. Compare it with that of tort law provisions applicable to environmental matters in India. Should India adopt these provisions in its Legal System? Discuss.

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10.4 IL.4 LAW OF THE SEA

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. Hogsmeade and Gringotts are neighbouring states in the Panasian continent. The Great Sea surrounds Hogsmeade on three sides while Gringotts does not have a sea coast. Hogsmeade and Gringotts entered into a bilateral treaty in order to provide Gringotts access to and from the Great Sea. The states of Shire and Diagon are also in the Panasian continent. They have made a formal complaint to the World Trade Organization against Hogsmeade on the ground that Hogsmeade has violated the Most-favoured Nation (MFN) clause by not giving equal treatment with regard to access to the Great Sea to Shire and Diagon at par with Gringotts. Decide whether the MFN clause can be invoked in this case in the light of the provisions of the United Nations Convention on the Law of the Sea.

Discuss in brief the right of access to and from the sea of land-locked States vis-à-vis the sovereign rights of transit States as provided for under the United Nations Convention on the Law of the Sea.

5+10 Marks

2. The United Nations Convention on the Law of the Sea clearly mandates that archipelagic waters are under the territorial sovereignty of the archipelagic State. Discuss the exceptions attached to this territorial sovereignty of the archipelagic State vis-à-vis the rights of third States.

Further, ships of all States enjoy the right of innocent passage through archipelagic waters as well as passage through the archipelagic sea lanes as mandated by the United Nations Convention on the Law of the Sea. Discuss both the rights in details while discerning the dissimilarities between the two.

5+10 Marks

3. "The Law of Sea Convention, 1982 (LOSC) presents a delicate balance of the interests of various stakeholders. It is, therefore, crucial to maintain that balance in practice and to prevent the scenario of the carefully constructed package deal falling apart through a succession of unilateral interpretations and applications. To this end, the LOSC has adopted an elaborate system for the settlement of disputes in Part XV." Critically justify the above statement in the light of the provisions of law stipulated in the Law of Sea Convention, 1982.

10 Marks

4. The outer limit of the Continental shelf extending beyond 200 nautical miles is determined on the basis of the geological criteria set out in Article 76(4). However due to scientific uncertainties arising out of such criteria the Law of Sea Convention, 1982 established a technical body known as the Commission on the Limits of the Continental Shelf. In view of the above statement answer the following:

- (i) Explain the two formulas which have emerged from the geological criteria set in Article 76(4). **1 1/2 + 1 1/2 = 3 Marks**
- (ii) Examine the role of the Commission on the Limits of the Continental Shelf in determining the outer limits of continental shelf. **6 Marks**
5. Discuss the four steps involved in the process of establishing the outer limits of the Continental Shelf by 200 nautical miles as explained by R. Wolfrum in the article 'The Delimitation of the outer Continental Shelf: Procedural Consideration'. **5 Marks**
6. On the deep sea floor, along chains of volcanic mountains lie thousands of hydrothermal vent formations. These are like underwater hot springs, spouting black clouds of metal sulphides. The metal sulphide particles settling around the vents develop into huge mounds. These are known as Sea-floor Massive Sulphides. They can grow to millions of tonnes in mass. Elaborately discuss the institutional framework of International Sea-bed Authority and the role played by the same to protect the Area as per United Nations Convention on Law of Seas. **10 Marks**
7. The criminal phenomenon of piracy has resurfaced as a major threat to international trade and maritime security and to the freedom of the seas, particularly considering that the relevant acts occur not only on high seas but increasingly on territorial waters. What are the cardinal components in the definition of piracy as per UNCLOS and also discuss the applicable legal framework regarding the issue of piracy. **10 Marks**

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**10.4 CR.4 JUVENILE JUSTICE LAW, CHILD PROTECTION LAWS
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10.4 HL.4 HUMAN RIGHTS AND GLOBALISATION

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. Military Solutions inc, a U.S. based corporation has been providing a range of auxiliary military services in Iraq for monetary considerations since June 2005. Among the services provided by the company include the following:
 - (a) Strategic military advice (both offensive and defensive)
 - (b) Training to military personal
 - (c) Security services (guarding military barracks, installations and working as body guards and security personal for higher level military officials)
 - (d) Combat services (operating as back up soldiers as well as front line combatants during conflicts in need based scenarios)

The staff of company is diverse and has been drawn up from across the globe. They range from former U.S. Marines to Russian military strategists, Australian explosives experts, retired Indian and Bangladeshi military intelligence officials, a former Chinese Red Army Commando, Nigerian warlords, French war journalists among others.

Analyse the above mentioned situation from the perspective of mercenaries, in light of Article 47 of Additional-Protocol I to the Geneva Conventions of 1949 as to whether Private Military Companies (PMC's) and their staff fall under that category? What kind of protection and privileges would these individuals be entitled to? **14 Marks**

2. In 1993, more than 3000 Russian soldiers sold their personal weapons to supplement their meager and erratic wages. In Israel, military officers have sold weapons to Palestinian fighters even with the knowledge that the weapons might be used against them or their colleagues. Privately owned small arms, which constitute sixty percent of the global supply, are a fifth significant source of illicit weaponry in this era of globalization. What are the gaps in the existing Arms Trade Treaty and how the same should be addressed? **14 Marks**
3. 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=14 Marks

4. Manfred Steger traced the development of the phenomenon of globalization in clear terms by stating that “whether globalization constitutes a new phenomenon depends upon how far we are willing to extend the chain of causation that led to the current state of affairs.” Similarly, Joseph Stiglitz has famously dissected the phenomenon of globalization as “Globalization 1.0, 2.0 and 3.0”. In the light of both Steger’s statement and Stiglitz’s analysis, provide a detailed historical sketch of the phenomenon of globalization. **14 Marks**

5. 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.

China and India house the largest number of people living in poverty. Although the two are making huge strides in development, they are still struggling in the area of poverty alleviation. In the light of the same, make an analytical comparison of the Indian and Chinese methods of alleviation of poverty and of their challenges and successes, in particular. **7+7=14 Marks**

6. Write short notes on any two of the following: **7+7=14 Marks**

- (a) Role of Civil society organisations in the evolving concept of human rights in globalised era
- (b) New International Economic Order
- (c) Transboundary movement of wastes and ecological colonialism in the era of globalisation

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