

**NLUJAA**

National Law University and Judicial Academy, Assam  
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2017-18)

**Semester End Examination (December, 2017)**

**Subject Code: (BL) 1.4 Corporate Governance**

Time: **3:00 Hrs.**

Total Marks: **100**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

---

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

1. Ball Points Ltd. possesses patent on certain types of ball pens and refills. It has given license to company Marco for the sale of these pens on royalty sharing basis. Marco being a licensee has entered into an agreement with licensor, the Ball Points, which inter alia provides that Marco shall keep all necessary books of accounts relating to sale or distribution of patented articles containing true and complete entries and shall, whenever required, produce such books of accounts and such other information as may be necessary or appropriate, to the auditors of Ball Points in order to facilitate the assessment of the amount of royalties to be paid or payable by Marco. While carrying out the audit for the year 2011-12, the auditors of Ball Points ascertained that there were recorded in the books of Marco sales of three types of refills which were categories as Type A, Type B and Type C. Marco included in its returns the details of Type A, which belonged to the Ball Point whereas type B and type C were not included as they were unpatented products. The auditors asked for further information regarding Type Band C in the form of specification or description in order to satisfy himself that they were not patents articles. Marco refused to divulge more by saying that they were not patented articles and that Marco was liable to disclose information only with regard to patented articles. Ball Point asks Marco that this is breach of contract which is denied by Marco. Ball Point seeks your opinion regarding the rights and duties of auditors in company and also discuss while not raising any issue relating to fraud or mistake by the auditors. (The Companies Act, 2013)
2. Answer the following Questions:
  - (a) What is the new economic theory of the corporation? What are its implications? How does this theory visualize the role and rights of shareholders?
  - (b) Explain the three justifications of stakeholder theory?
3. Merger is usually a process of negotiation involved between the two companies prior to the combination taking place. In an acquisition the negotiation process does not necessarily take place. Comment in light of new companies act, 2013.

4. Explain the concept of “independent director” and compare his position vis-a-vis executive and other non-executive directors in relation to their functions, powers and duties (The Companies Act, 2013). Your answer should be from the perspective of corporate governance issues. It should also examine critically the relevant legal provisions, if any, and case law.
5. (a) What is corporate social responsibility? What is its theoretical basis? Argue for and against corporate social responsibility? (The Companies Act, 2013)
- (b) Short Note on:
  - (i) Significance of Corporate Governance in India
  - (ii) Meetings under New Companies Act, 2013

\*\*\*\*\*

**NLUJAA**

National Law University and Judicial Academy, Assam  
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2017-18)

**Semester End Examination (December, 2017)**

**Subject Code: (CN) 1.4 Constitutional Law of India and  
Expanding Horizons**

Time: **3:00 Hrs.**  
Total Marks: **100**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
  2. Unnecessary queries on the Question Paper shall not be entertained.
  3. Do not write anything on the question paper. It will be treated as malpractice.
- 

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

1. 'With the emergence of the concept of basic structure, India has invented the second Constitution for itself'. Critically elucidate the role and limitations of basic structure concept. How far the basic structure doctrine has recognized in different legal systems in the world.
2. Constitution sans Constitutionalism leads to anarchy?—Examine this statement in view of need for Constitutionalism in a present-day legal system. How far the principle of constitutionalism is incorporated in the textual base of the Indian Constitution?
3. Examine the importance of the doctrine of Rule of Law as propounded by Dicey in the English Legal System. Do you think that the Indian Constitution is based on this principle? Substantiate your answer with reasonable arguments.
4. "In Indian politics money and muscle are the main factors that influence voter and demand for candidates with criminal reputations, showing that voters prefer them not despite their dubious record but because of it."

Amplify the given statement. How far there is Criminalization and Politicization of Crime in India? Is the Constitution of India and the Law provide any remedy? Discuss.

5. Examine in detail the power to review public law, exercised by the Supreme Court and High Courts in India through various types of writs.

\*\*\*\*\*



**NLUJAA**

National Law University and Judicial Academy, Assam  
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2017-18)

**Semester End Examination (December, 2017)**

**Subject Code: (HR) 1.4 International and Regional Perspective of  
Human Rights Law**

Time: **3:00 Hrs.**

Total Marks: **100**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
  2. Unnecessary queries on the Question Paper shall not be entertained.
  3. Do not write anything on the question paper. It will be treated as malpractice.
- 

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

1. "I also took part in the day before yesterday's huge mass killing...When the first truckload (of victims) arrived my hand was slightly trembling when shooting, but one gets used to this. When the tenth load arrived I was already aiming more calmly and shoot securely at the many women, children and infants... Infants were flying in a wide circle through the air and we shot them still in flight, before they fell into the pit and into the water. Let's get rid of this scum that tossed all of Europe into the war..."-Walter Mattner, October 5, 1941.

Examine the human rights scenario with the help of above statement since 1933 to 1950.

2. Make a comparative assessment between the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Which is more significant in the current world scenario? Discuss in the light of recent disturbances in Asia, Africa and South America. Highlight some case laws which give references of these two codes.
3. The UN General Assembly Resolution 1514(XV) of 1960 states that self-determination as the right of people "to freely determine their political status and freely pursue their economic, social and cultural development". However, it does state: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with" the Charter. Justify the struggle for the right to self – determination with the help of above statements considering the contemporary political environment.
4. Make a comparative assessment on the powers and functions of the European Court of Human Rights and the Inter-American Court of Human Rights.
5. Evaluate critically the rights incorporated in the African Charter of Human and People's Rights and their enforcement mechanisms under the Charter.

\*\*\*\*\*



**NLUJAA**

National Law University and Judicial Academy, Assam  
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2017-18)

**Semester End Examination (December, 2017)**

**Subject Code: (EL) 1.4 International Environmental Law**

Time: **3:00 Hrs.**

Total Marks: **100**

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
3. Do not write anything on the question paper. It will be treated as malpractice.

---

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

1. The evils of human activities particularly in the last two centuries and especially during the last several decades have caused deliberate damage to the environment and the biosphere. Discuss the international legal framework on Species Conservation.
2. Apart from the various Conventions with a focus on protection of species, there have been attempts internationally emphasizing the protection of habitats within which the various species exists. Discuss the salient features of key international legal instruments on habitat conservation.
3. The introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hinders marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities. Discuss the international legal framework on Marine Conservation.
4. Concern for the environment first began to appear on the international agenda during the early twentieth century with the conclusion of a number of international conventions. Earlier attempts to develop international environmental law focused on the conservation of wildlife, i. e. fisheries, birds, and seals and to a limited extent, the protection of rivers and seas. Discuss the history and development of International Environmental Law.
5. The legally binding Convention on Biological Diversity (CBD) is the first major step taken by humankind for the conservation of all biological resources, their sustainable use, and equitable (also fair) sharing of benefits arising from such use. Critically appraise the CBD.

\*\*\*\*\*





## NLUJAA

National Law University and Judicial Academy, Assam  
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2017-18)  
**Semester End Examination (December, 2017)**  
**Subject Code: (IP) 1.4 Intellectual Property Law and Policy**

Time: **3:00 Hrs.**  
Total Marks: **100**

### **INSTRUCTIONS:**

1. Read the questions carefully and answer.
  2. Unnecessary queries on the Question Paper shall not be entertained.
  3. Do not write anything on the question paper. It will be treated as malpractice.
- 

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

1. Copyright subsists in original literary, dramatic, musical, artistic works etc. Critically define the term 'original' citing relevant cases. Explain the principle of fair dealing under the Copyright Act, 1957 with reference to reproduction of a copyrighted work by a teacher or a pupil in the course of instruction.
2. "The trade marks which are devoid of any distinctive character, that is to say, not capable of distinguishing the goods or services of one person from those of another person shall not be registered." Examine the statement with the help of relevant provisions and cases. Explain the concept of 'trademark dilution' in relation to infringement of registered trademarks.
3. What are the essential pre requisites for granting a patent? Is there any difference between provisional specification and complete specification? An invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components is not a patentable invention. Elaborate succinctly.
4. The Designs Act, 2000 had made some pivotal amendments in the Design Act, 1911. Point out the changes made. There are specific grounds of prohibition of registration of certain designs, do you agree that those grounds can become the reason for cancellation of registration under Section 19 of the Act? Cite relevant cases to substantiate your point.
5. Write short notes on all the following:
  - (a) Donoghue v. Allied Newspapers, Ltd. (1937) 3 Ch.D.503
  - (b) Madrid Agreement and Protocol
  - (c) Bolar exemption in the patent Act, 1970
  - (d) Paris Convention and Hague Agreement

\*\*\*\*\*

