

NLUJAA

National Law University and Judicial Academy, Assam

One Year LL.M. Degree Programme, I-Semester (Academic Year: 2018-19)

Semester End Examination (December, 2018)

**Subject Code: 1.4 (CN) Constitutional Law of India and Expanding Horizons
(Optional Paper - I)**

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. (a) "Constitutional conventions provide the flesh which cloths the dry bones of law"
Elucidate the above statement with reference to the Constitution of India.

(b) Explain in brief the significance of Constitutional Law under a written Constitution.
(15+10=25 Marks)
2. Give a brief account of the approaches made by the following doctrine under the regime of the Constitution – (*any three*) (8+8+9=25 Marks)

(a) Doctrine of Constitutional Silence
(b) Doctrine of Implication
(c) Doctrine of Constitutional Morality
(d) Doctrine of Constitutional Trusts
3. Define the Constitutional doctrine of Basic Structure. Explain the journey of evolution of the Basic Structure doctrine under the Constitution of India with the help of case laws. What are the implied limitation over this doctrine? (5+15+5=25 Marks)
4. How far the Constitution of India justifies with strict adherence to the doctrine of Separation of Power? State the concept of Rule of Law in the light of constitutionalism. (15+10=25 Marks)
5. Do you agree that the Indian Judiciary has been guaranteed judicial autonomy under the Constitution? Discuss the implication of judicial activism with special reference to the Expanding horizon of Golden Triangle of the Constitution of India. Is it advisable to maintain some sorts of restrain over the Judiciary from being hyperactive? (5+15+5=25 Marks)

6. *“Just as it is not possible, not to taste honey or poison put on the surface of the tongue, so it is not possible for the government servant dealing with money not to taste it in however small a quantity” – Kautilya*

How far corruption has grabbed the socio-political set-up in India? What are challenges faced by the intelligence agency in dealing with the various scandals in recent years?

(15+10=25 Marks)

7. Whether the modern concept of Democracy has deviated from the divine concept of “popular sovereignty”. What is the nexus between democracy and good governance? Write your answer with reference to the Indian Democratic set-up.

(10+15=25 Marks)

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Semester End Examination (December, 2018)

**Subject Code: 1.4 (BL) Corporate Governance
(Optional Paper - I)**

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. "Independent directors as generally understood are those who, apart from receiving remuneration have no material interest in the company. Expert Committees on corporate governance all over the world suggested the appointment of independent directors in the board in order to strengthen the internal control in case of lack of effective shareholder control."
 - (a) How far the independent director is really independent in a company?
 - (b) What is the process of appointment and removal of independent directors under Companies Act, 2013?
 - (c) Write a note on the compensation of Independent Directors.

10+10+5=25 Marks
2.
 - (a) What are the different Committees within the Board of directors for efficient and smooth functioning of the Company?
 - (b) What are the types of board systems prevalent in the different corporate systems of the world? Which type of board system is prevalent in India?

10+15=25 Marks
3. "*Code of corporate governance enhances the effectiveness of audit in the interests of stockholders and stakeholders and that is why they rely on auditor heavily. An independent auditor can play his role effectively and maintain good governance. They can also remove bias from company's financial reports.*"
 - (a) What is the role and functions of Audit Committee in effective Corporate Governance?
 - (b) What are the types of auditors in a company?

10+15=25 Marks

4. "The shareholders of a company participate in the common goal of carrying out the objectives laid down in the Company's Constitution by providing out necessary capital to the company. Though the shareholders do not participate in the management of the company, but they are entitled to have a say in the corporate governance of the company" In the light of the above statement answer the following questions:

- (a) What is the effect of shareholder's meetings in corporate Governance?
- (b) What are the various disclosures and transparency requirements to be made by the Board of directors in an annual general meeting?

10+15=25 Marks

5. (a) What are the theories which led to the emergence of corporate governance around the world?
- (b) What are the various models of Corporate Governance followed in different corporate systems in the world?

15+10=25 Marks

OR

6. (a) What do you mean by the term Corporate Governance? What are the principles which form the basis of effective corporate governance?
- (b) Write a note on the evolution of Corporate Governance in India.

15+10=25 Marks

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Semester End Examination (December, 2018)

**Subject Code: 1.4 (EL) International Environmental Law
(Optional Paper - I)**

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

1. The history of Climate Change negotiations is a history of endeavours and challenges to bridge the gap of ideological premises and contradictory veracities of a common concern. Elucidate the same in light of United Nations Convention on Climate Change and its developments.
2. The concept of intergenerational equity primarily rests on the equality amongst the existing generations. But, if anything, this entire logic has to be understood in the context of the needs and the present generation, given that the primary causes of ecological degradation and exploitation of the natural resources are to satisfy the needs of the current generation. In the light of this, discuss the significance of sustainable development in the context of both intra and inter-generational rights.
3. "Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord". Discuss the salient features of Antarctic Treaty.
4. Write Short Notes on:
 - (a) International Convention for the Prevention of Pollution from Ships, 1973
 - (b) International Maritime Organization
5. Discuss the key features of these conventions:
 - (a) Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal
 - (b) Bamako Convention on the Ban on the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa
