

NATIONAL LAW UNIVERSITY DELHI

LL.M. (Professional), Semester-II (Batch of 2021)

End Semester Assessment (Online), April-2022

Paper: Fundamentals of Law

Total Marks: 70

Instructions:

1. Attempt **any five** questions.
 2. No clarification shall be sought on the question paper.
 3. Support your answers with relevant provisions of law and relevant case law.
 4. Word limit is mentioned in the questions. Please limit your answers to the word limit.
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Q.1 Examine the following in detail: **(Marks 2*7=14) (Approx. 1400-1500 each part)**

- a. Key conceptual differences between different kinds of intellectual property rights. **(7 Marks)**
- b. Major differences between Lockean and Hegelian theories of Intellectual Property. **(7 Marks)**

Q.2 Attempt any two from the following: **(Marks 2*7=14) (Approx. 1400-1500 each part)**

- a. With Reference to the case of “ICICI Bank Ltd. v. Official Liquidator of APS Star Industries Ltd., (2010) 10 SCC 1”, explain.
 - (i) What all are comprised as the banking business?
 - (ii) Whether assignment of debts amount to trading prohibited as business for banks?
- b. Write a case note on the NAFED vs Alimenta S.A. decided on 22 April, 2020 by the Supreme Court of India, with special reference to the issues of Force Majeure/Excuse from Performance.
- c. With Reference to the case of ‘Superintendence Co. of India (P) Ltd. v Krishan Murgal, AIR 1980 SC 1717, write a note on Negative covenants u/s 27 of the Indian Contract Act, 1872.

Q.3 Discuss the following two questions: **(Marks 2*7=14) (Approx. 1400-1500 each part)**

- a. Does India subscribe to the concept of mandatory ADR under various relevant legislations? Give reasons for your answer. **(7 Marks)**
- b. Do you think that various methods of ADR can achieve the goal of speedy, cost effective and efficient resolution of disputes? Give reasons for your answer. **(7 Marks)**

Q.4 Critically discuss the following: **(Marks 2*7=14) (Approx. 1400-1500 each part)**

- a. Critically examine judicial trends on determination of pure administrative actions with civil consequences across the globe?
- b. Critically evaluate codification or non- codification of fundamentals of administrative law in India?

P.T.O.

Q.5 Answer the following:

a. Elaborate on the fundamentals of the Environmental Law.

(Marks 8) (Approx. 1600 words)

b. Elucidate 1-2 key differences vis- a- vis each of the other branches of law that you have perused through in this semester.

(Marks 6) (Approx. 1200-1300 words)

Q.6 Answer the following:

(Marks 2*7=14) (Approx. 1400-1500 each part)

a. Critically evaluate the nature and basis of International Law from the perspective of Third World scholars.

b. State A and B have brought a territorial dispute between them to the International Court of Justice wherein A claims that there is a treaty on the subject which should be relied upon by the Court. The state of B argues that it signed but never ratified the particular treaty so reliance upon it is misplaced. Based on the above factual situation assess the sources of International Law with specific reference to Treaty as a source of International Law [Article 38(1) (a) of the Statute of the ICJ] and decide the matter.