

NATIONAL LAW UNIVERSITY, DELHI

B.A.LLB.(Hons.): V-YEAR, IX-SEMESTER

Mid-Semester Examinations, October-2016

Paper 9.1: International Trade Law

Time: 2.00 Hours

Total Marks: 20

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 except your Roll No.
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All questions carry EQUAL Marks

- Q.1 England and Portugal were producing both wine and cloth. In England, to produce one gallon of wine, 200 labourers were required and to produce one yard of cloth 150 labourers were required. In Portugal, to produce one gallon of wine, 300 labourers were required and to produce one yard of cloth, 350 labourers are required.

Analyse the above situation from the stand point of Adam Smith and Ricardo to find out whether the trade is advantageous to both the States.

- Q.2 India wants to encourage the production of automobiles by Indian entrepreneurs without foreign collaboration. All such entrepreneurs are allowed to import certain parts paying full duties from time to time. The home countries of these foreign subsidiaries challenge the measure of Indian Government under Article 1 of the GATT. Prepare a brief for the Government of India.
- Q.3 Country A is producing motor bikes of 1000cc capacity and they are sold only in the domestic market. In the neighbouring country B, motor cycle of 100cc capacity and also of higher capacity are manufactured. The government of A issues an order that no motor bike having the capacity above 100cc shall be sold in A. The reason given in the order was that the higher capacity bikes cause road accidents. Prepare a brief for A and also for B.
- Q.4(a) What is the principle of destination? Discuss the rationale underlying this principle and also the relevant provisions of the GATT dealing with this principle.
(b) Distinguish between like products and directly competitive and substitutable products.
- Q.5 Compare the majority and minority view of the Appellate Body in the EC-Asbestos case, highlighting the criteria for determining the likeness of products.

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Paper 9.2: Judicial Process and Interpretation of Statutes

Time: 2.00 Hours

Total Marks: 20

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PART-A (JUDICIAL PROCESS)

- Q.1 "Judges would do well to keep before them as a living faith that a choice of methods is theirs in the shaping of their judgments". Justice Cardozo. **(3 Marks)**

What are the methods which he suggests for judges in shaping their judgments. **(½ Mark)**

- Q.2 "Law must be stable and yet it cannot stand still". Roscoe Pound. Discuss. **(2 Marks)**
"The Mystery of change and motion still vexes the minds of men". Justice Cardozo. Discuss.

(½ Mark)
What are the causes for uncertainties in law? **(½ Mark)**

- Q.3 "We have not yet laid down for our judges the underlying and controlling principles that are to shape the manner of their judging". Justice Cardozo. **(2 Marks)**

How the judges while exercising their judicial discretion deal with the question of facts and questions of law?
What are the judicial techniques adopted in the judicial process? **(½ Mark)**

- Q.4 In the light of Justice Cardozo's observations that "Good will always remain the foundation on which new structures will be built".

State how our Supreme Court of India has laid down the foundation for our Constitution of India and the Indian Legal System? Refer to landmark decisions of the Supreme Court. **(2 Marks)**

PART-B (INTERPRETATION OF STATUTES)

- Q.5 "Interpretation must depend on the text and the content. They are bases of interpretation. One may well say, if the text is the texture, context is what gives the colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the contextual. A statute is best interpreted when we know why it was enacted."

This was held in *Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd.* and others (1987) 1 SCC 424. Chinnappa Reddy and Khalid J.J. Illustrate the above statement with suitable examples. **(4 Marks)**

- Q.6 "The court only interprets the law, it cannot legislate it." Explain this rule of interpretation with the help of case laws. **(2 Marks)**

OR

Explain how Jaimineo's rule of interpretation still holds good.

- Q.7 "Legislative intent is primarily to be found out from the language used, that is from what has been said and from what has not been said."

On the basis of the above statement explain the rule of interpretation relating to the above statement.

(3 Marks)