

NLUJAA
National Law University and Judicial Academy, Assam
B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2018-19)
Mid Semester Examination (October, 2018)
Subject Code: 9.1 Cyber Law

Time: **1:30 Hrs.**
Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. What are 'click-wrap' and browse-wrap' contracts? Explain the legal enforceability issues of such contracts with the help of US case-law.
2. Yoda Music Company has compiled around 15,000 instrumental tracks drawn from different parts of the world into a computer database. The company licensed the database in two versions: customer and commercial. Mr. Zidane bought a customer version from a local music store. There was a notice in the package of the CD which stated that the purchase was governed by the license enclosed inside. Mr. Zidane ignored the license agreement and continued to upload the tracks from the CD on his website. The music company sought an injunction against further dissemination of its database as it was in violation of the license agreement. Mr. Zidane claimed that the full license agreement was not contained in the package.

Can Yoda Music Company claim that this contract is legally enforceable? Explain with the help of relevant case-law.

3. Discuss the liability of intermediaries under the Information Technology Act, 2000. Compare the Indian position with the US law with the help of relevant cases.
4. Write short notes on the following:
 - (a) The scheme of authentication of electronic records under the Information Technology Act, 2000.
 - (b) The concept of cyber trespass as developed in the US.

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

Subject Code: 9.2 Law of Equity, Trusts, Suit Valuation and Registration

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Equity jurisdiction may be divided into three categories namely; exclusive jurisdiction (the creation of new rights), concurrent jurisdiction (the creation of new remedies) and auxiliary jurisdiction (creation of new procedure). Examine the statement with the aid of relevant authorities.
2. Explain with relevant examples any two of the following:
 - (a) Equity imputes an intention to fulfill an obligation.
 - (b) He who seeks equity must do equity.
 - (c) Equity looks on that as done which ought to have been done.
3. What are the different classes and types of trusts? Further, what are the three certainties for the recognition of a trust by law?
4. What are the statutory provisions regarding exercise of rights and duties of trustee under the Indian Trusts Act, 1882? Elaborate.

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

**Subject Code: 9.4/.5 (BL.3) International Commercial Laws
and Arbitration**

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Explain the doctrine of "Group of Companies", can arbitration agreement extend to non-signatories? 10 Marks
2. Discuss the applicability of Part-I of Indian Arbitration and Conciliation Act, 1996 in the light of recent amendments. 10 Marks
3. What is Seat Theory? Also, critically examine the Delocalized Theory. 5+5=10 Marks
4. Write explanatory note on the following: 5+5=10 Marks
 - a) Concept of Arbitrability
 - b) "Commercial" in International Commercial Arbitration

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

**Subject Code: 9.4/5 (CR.3) Cyber Crimes and Information
Technology Laws**

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any three questions from the following. All questions carry equal marks.

1. Elaborate how the explosion and easy access to internet had led to the evolution of new frontiers of crimes. Also, explain how the phenomenon of internet of things had forced big corporate houses and the states to re-look at the dual notion of the convergent and divergent aspects of trade and crime.
2. The upsurge in fake news through the popular social media seems to have dethroned mainstream media. The panama paper leaks, or the Facebook- Cambridge data analytica sacandal, sensitive material being posted on social media and recent cases of mob lynching through social media had upstaged the state machinery thereby snowballing law and order crisis in state(s). This unwelcomed development had thrust the debate of the freedom of expression on social media and the probable human rights violation by the state.

In the light of the given statement discuss the importance and significance of the protection of freedom of speech and expression on social media platform(s). Support your answer on the basis of relevant provisions of law and judicial opinion.

3. Discuss in detail the types of Cyber Crimes as envisaged by the relevant provisions of the Information Technology Act, 2000.
4. Write notes on:
 - (i) Hacking v. phishing;
 - (ii) Cyber stalking v. identity theft.

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2018-19)

Mid Semester Examination (October, 2018)

**Subject Code: 9.4/.5 (EL.3) Climate Change, Environmental Pollution and
Waste Management Laws**

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any three questions from the following. All questions carry equal marks.

1. Discuss the key milestones in the evolution of International Environmental Policy: 20 years of UNFCCC- efforts and achievements.
2. The UNFCCC includes a number of general obligations with respect to adaptation. Discuss the major developments in the entire process of climate negotiation. Bangladesh is only one of many developing countries, each with its own unique set of circumstances and adaptation needs. Highlight the efforts by Friendship NGO that you have watched in the video titled, "Climate Change in Bangladesh and FRIENDSHIP's Adaptation Solution".
3. Climate change mitigation has been a central element in the intergovernmental negotiations carried out under the UNFCCC process. Discuss the workstreams of mitigation vis-à-vis Nationally Appropriate Mitigation Actions (NAMAs).
4. The emergence of and continuing significance of issues related to LULUCF has stimulated cooperation with many organizations and institutions with forestry and agriculture experiences. Elucidate the same under the international framework of climate negotiation.

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Subject Code: 9.4/.5 (CN.3) Service Laws

Time: 1:30 Hrs.

Total Marks: 30

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Critically analyze the development of All India Services under the British Rule in India. Why All India Services are important for the Indian society?
2. "Civil Service is a professional, permanent and independent part of the Executive, giving the constitution continuity and stability." Critically analyze the given statement with special reference to pre and post Constitutional administrative system in India.
3. "The Constitution of India has given the plenary power to the Executive under Article 309 of the Constitution of India to make Rules relating to the recruitment and conditions of All India Service." Critically analyze the extent of executive Rule making power under the said article.
4. State the implications and limitations of the "Doctrine of Pleasure".

A boy was arrested by the police in connection with the investigation of an offence of theft in a village and kept in police custody with his hands tied. On the next day, his body was found by the side of a railway track. After detailed enquiry by the CBI, it was found that it was a case of custodial death. The mother of the deceased seeks action against the police and demands monetary compensation. The State contended that the police action was a sovereign function hence, the question of compensation does not arise. Discuss.

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Mid Semester Examination (October, 2018)

Subject Code: 9.4/5 (IP.3) Law Relating to Copy Rights, Trade Secrets and Confidential Information

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Define the key terms used in the Copyright Act, 1957 namely “author”, “adaptation”, “communication to the public”, “infringing copy” and “literary work”. Confine to the relevant statutory definition.
2. Mere idea is not protected under the Copyright law. Explain the idea-expression dichotomy through important judicial decisions.
3. Is it permissible to photocopy a whole book and distribute to students for educational purpose? Will it be regarded a fair dealing? Elucidate with the help of a landmark case.
4. Write a brief note:
 - a) Four factor fair use test
 - b) Plagiarism
 - c) Intellectual Property Appellate Board

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Subject Code: 9.4/.5 (IL.3) Settlement of International Disputes

Time: **1:30 Hrs.**

Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer three questions. It is compulsory to answer the first question. All questions carry equal marks.

1. The jurisdiction of the International Court of Justice is primarily based on the consent of the states. In the light of the same, discuss in details the different methods by which the jurisdiction of the International Court of Justice can be invoked by States while citing appropriate provisions from relevant international instruments for the same. Further, discuss the grounds of exercise of jurisdiction by the International Court of Justice in three contentious cases.

4+6=10 Marks
2. Discuss the emergence of conciliation as a mechanism for peaceful settlement of disputes among States. Make a comparative analysis of the same vis-à-vis mediation as well as arbitration.

6+2+2=10 Marks
3. Explain in details the inquiries conducted under the procedures established by the 1899 Hague Convention for the Pacific Settlement of International Disputes and 1907 Hague Convention for the Pacific Settlement of International Disputes respectively.

10 Marks
4. Write short notes on:

5+5=10 Marks

 - a) Permanent Court of Arbitration
 - b) Forms of negotiation between States
