

**NLUJAA**

National Law University and Judicial Academy, Assam  
B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2018-19)  
**Semester End Examination (February, 2019)**  
**Subject Code: 9.1 Cyber Law**

Time: **2:30 Hrs.**  
Total Marks: **70**

**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 five questions from the following. All questions carry equal marks.**

1. The Kingdom of the North is a very advanced country in the continent of Westeros when it comes to internet and technology. The elections in the North take place through the use of the Internet, and the payment of the fees and banking transactions happen through the use of this medium. The rival country, the Kingdom of the Vale, saw their rise to power as a threat.

In January 2018, the Kingdom of the North was subjected to a series of Distributed Denial of Service attacks resulting in disruption of mobile phone networks, internet connections, and electric power installed in grids, airports, and railways, over a span of 24 hours. As a result of these attacks, there were a few plane crashes, train accidents, and deaths of people in some hospitals whose life support system depended on electricity from the power grid. These attacks were attributed to hacker gangs in the Kingdom of the Vale. The newspaper, *The Westeros Weekly*, carried a news item on the unhappiness of the Vale with the rise to power of the North. The Kingdom of the North's Computer Emergency Response Team [CERT] hires you as a cyber law expert.

- (a) Provide an overview of at least 3 instances wherein governments of other countries have been subjected to such attacks.
- (b) What can the Kingdom of the North do, to ensure that the perpetrators of these crimes are brought to justice? Explain with the help of the provisions of the Information Technology Act of the Kingdom of the North which is identical to the Information Technology Act, 2000 of the country of India, and relevant case-law.

6+8=14 Marks

2. BlackBerry had a strong reputation among corporate professionals based in India because of its advanced use of encryption technology in its email services. However, it had encountered certain problems with the Government of India which felt that militants could use the BlackBerry's secure network to plot terror attacks without fear of being monitored. Explain the provision dealing with encryption under the Information Technology Act, 2000, and discuss whether the concerns of the Government of India are valid in light of the relevant provisions of the IT Act.

4+10=14 Marks

3. In *Shreya Singhal v. Union of India*, Section 66A of the Information Technology Act, 2000, was declared as unconstitutional in light of the freedom of speech and expression. Review the case, discussing the legal issues, and explain how the Supreme Court of India came to such a conclusion.

14 Marks

4. Ms. B. Lestrage is a model railway hobbyist who manages and contributes to an open source project, the Hogwarts Model Railroad Interface project [HMRI]. This software is distributed under a Death Eater License [DEL]. The users of this software have to comply with certain attribution requirements. However, a certain Mr. S. Black took this software and included it within his proprietary software. He did not comply with the attribution requirements such as (a) references to the COPYING file, and (b) a description of how the files or computer code had been changed from the original source code. Ms. Lestrage is now seeking a preliminary injunction against the defendant for infringement of copyright for failure to observe the terms of the DEL. You are the Judge of the court and you are to decide on the legal validity of the claims of Ms. Lestrage.

- (a) Give an overview of the 10 features of an open source license as per the Open Source Definition.  
(b) Explain with the help of relevant case-law whether Ms. Lestrage can sue Mr. Black for copyright infringement. DEL is identical to Artistic License version 1 [ALv1].

5+9=14 Marks

5. The *European Data Protection Directive* lays down certain principles for the collection, processing, and storage of data while also providing for the criteria for determining whether the data processing is legitimate.

- (a) Explain the principles with reference to Article 6 of the Directive.  
(b) Explain the criteria with reference to Article 7 of the Directive.

7+7=14 Marks

6. Differentiate between:

7+7=14 Marks

- (a) Phishing and Pharming  
(b) Data Encryption Standard [DES] and Advanced Encryption Standard [AES]

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

**Semester End Examination (February, 2019)**

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

Time: 2:30 Hrs.

Total Marks: 70

**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 five questions from the following. All questions carry equal marks.**

1. Equity fulfils the common law, although it does not endeavor to displace it with a moral code. Explain.
2. Explain any two of the following:
  - (a) Equity acts in personam.
  - (b) Where there is equal equity, the law shall prevail.
  - (c) Equity looks on that as done which ought to have been done.
3. What are the duties of a trustee under the Indian Trusts Act, 1882? 'A' a trustee for 'B' and her children, is directed by the author of the trust to lend on B's request, the trust property to B's husband C. C becomes insolvent and B request A to make the loan. Whether 'A' can refuse to make it?
4. What do you understand by suit valuation? Distinguish between Suit Valuation Act, 1887 and Court Fees Act, 1870. A widow claims possession of a house in a joint family property and Rupees 5000/- as arrears of maintenance. The value of house is five Lakhs. On what amount is the court fees payable?
5. What are the objects of the Indian Registration Act, 1908? State the places where documents effecting moveable and immovable property be presented for registration under the said Act.
6. Discuss the remedies available to a person who has been refused to register a document by a sub-registrar. Can registration of documents be refused on the ground of under valuation for stamp duty? 'A' sells a house to 'B' by a written document in 2009 and delivers possession thereof to B. But the document is not registered. After one year, 'A' sues 'B' to take back possession of the house on the ground that because of non-registration, the document has no validity. Will A succeed?

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

**Semester End Examination (February, 2019)**

**Subject Code: 9.3 Public Interest Lawyering, Legal Aid and  
Para Legal Services**

Time: **2:30 Hrs.**

Total Marks: **70**

**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 five questions from the following. All questions carry equal marks.**

1. What is public interest lawyering? What is clinical legal education? What is the status of clinical legal education in India as per the UNDP Report? Does the practice of clinical legal education as adopted by different law schools of our country able to do public interest lawyering? Provide reason in support of your answer. 4+3+3+4=14 Marks
2. Make an analysis of the development of Public Interest Litigation indicating the reasons for its growth as a potent weapon in the hands of 'have-nots' to fight against the violation of their fundamental rights in India. 8+6=14 Marks
3. Public Interest Litigation though emerged as a highly effective weapon in the armory of judiciary to do complete justice however, with the passage of time it has been witnessed that the judiciary while exercising this novel jurisdiction transgressed in to the spheres reserved for other two organs. Make a critical estimate of such transgression and its effects on the judiciary with the help of decided cases. 14 Marks
4. Access to justice, since long, has secured a significant place in the realm of rights under both international and municipal law. The recognition of access to justice as an independent right is also regarded as crucial to the enjoyment of all other legal rights. In the light of the above, provide a brief analysis of the presence of 'access to justice' or 'legal aid' as an unenumerated fundamental right under the Constitution of India stating the judicial response in this regard. 14 Marks
5. (a) State the salient features of the Legal Services Authorities Act, 1987. How far these features are reflected under the scheme of the Act? 2+5=7 Marks  
  
(b) Who can organize Lok Adalats? State the jurisdiction and powers of Lok Adalats as provide by the Legal Services Authorities Act, 1987. Is the decisions given by the Lok

Adalats Final? Cite relevant provisions of the Legal Services Authorities Act, 1987 and judicial decisions in support of your answer. 1+4+2=7 Marks

6. Write Short Notes on: 7+7=14 Marks
- (a) Legal Aid Funds under the Legal Services Authorities Act, 1987
  - (b) National Legal Service Authority

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

**Semester End Examination (February, 2019)**

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

Time: 2:30 Hrs.

Total Marks: 70

**INSTRUCTIONS:**

1. Read the questions carefully and answer.
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  3. Do not write anything on the question paper. It will be treated as malpractice.
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**Answer any five questions from the following. All questions carry equal marks.**

1. "Almost all leading institutional rules contain limitations on the nationality of sole and presiding arbitrators. These limitations are designed to implement one of the basic objectives of international arbitration, being to provide an internationally-neutral means of resolving disputes between parties from different countries". Comment on the nationality requirement as per LCIA Rules. Also discuss the requirement as regards the qualifications/background of the arbitrator with the help of a case law.
2. When and to which extent can the national courts interfere with the arbitration proceedings?
3. In relation to New York Convention, 1956 on International Commercial Arbitration
  - (a) Explain the circumstances under which arbitration award may be enforced
  - (b) State the grounds on which arbitration awards may be refused
4. "Norwegian court of Appeal refused to recognize arbitral award rendered in London on the ground that an exchange of emails did not constitute a "written agreement" for the purpose of New York Convention". Comment on necessary requirement for a valid arbitration agreement.
5. Give a brief account of MNF clause in Bilateral Investment Treaties, and discuss whether arbitral jurisdiction under BIT may be based on MFN clause.
6. Write explanatory note on:
  - (a) Double Exequatur
  - (b) Ad-hoc and Institutional Arbitration

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National Law University and Judicial Academy, Assam  
B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2018-19)

**Semester End Examination (February, 2019)**

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

Time: 2:30 Hrs.

Total Marks: 70

**INSTRUCTIONS:**

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

1. From the perspective of socio- legal researcher explain how states are forced to re-look at the dual notion of the convergent and divergent aspects of trade and crime.

2. "The recent mob lynching and other hate crimes in Assam and other parts of the country on the basis of fake news had set the tone for the need for regulation of freedom of speech and expression on social media platforms".

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. Do you think the areas of Cyber Crimes as envisaged by the relevant provisions of the Information Technology Act, 2000 are sufficient in addressing the menace of Cyber Crime in India?
4. The Supreme of India had recently struck down S. 66A of the IT Act, elaborate the positive as well as negative implications of the judgment.
5. Elaborate in detail the concept of "Hacking". Also, how ethical hackers may contribute to the health of the economy of a country?
6. In an era of digital economy discuss in detail the importance and significance of international sharing of data and cooperation for checking the menace of economic crimes.

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

**Semester End Examination (February, 2019)**

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

Time: **2:30 Hrs.**

Total Marks: **70**

**INSTRUCTIONS:**

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

1. How is the intractability of global decision making around issues of climate finance to be understood and to be explained? What are the stumbling blocks and parallel tracks that inhibit decision making in global climate <sup>finance</sup> framework?
2. Evaluate the final report by the Technology Executive Committee on Poznan Strategic Programme on Technology Transfer.
3. Write Short Notes on:
  - (a) Reducing Emissions from Deforestation and Forest Degradation
  - (b) Durban Forum on Capacity Building
4. It is believed that the Paris Agreement focused on top down methods to agree mechanisms for holding governments accountable to reaching their targets. Discuss the key features and draw your critical legal analysis of the said agreement in details.
5. Can the Basel Convention adequately safeguard the interests of the world's poor in the international trade of hazardous waste? Discuss the major flaws in the said convention and relate the same with the Bamako Convention of African Union.
6. Write Short Notes on:
  - (a) Principle of Prior Informed Consent under Rotterdam Convention
  - (b) Illegal Trafficking of Waste & North-South Trade in Hazardous Wastes

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**Semester End Examination (February, 2019)**  
**Subject Code: 9.4/5 (CN.3) Service Laws**

Time: **2:30 Hrs.**  
Total Marks: **70**

**INSTRUCTIONS:**

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

1. Discuss the relation of <sup>Art.</sup> 309 with <sup>Art.</sup> 246 read with VII schedule. Critically examine the legislative power of the Executive under Article 309 of the Constitution of India.
2. "Applicability of doctrine of pleasure is subject to rule of law."
  - (a) Discuss the given statement with reference to the constitutional provision.
  - (b) Whether the pleasure can be fettered by legislation?
  - (c) Whether the pleasure of the Government can be fettered by contract?
  - (d) Whether the pleasure under Article 310(1) can be delegated?
3. Does a person with criminal record eligible to become civil servant in India? Discuss the issue with the help of the Supreme Court judgment – *State of West Bengal & Ors. Vs. Nazrul Islam*, 13 October, 2011. Can a man who is being accused of civil/criminal marital related cases become a public servant? Advance your argument with the help of Apex court verdict.
4. "Union Public Service Commission (UPSC) is an independent constitutional body. It is concerned with recruitment of the all India services and central services-group A and B."

Discuss how far the UPSC could <sup>be</sup> able to discharge its constitutional duties independently and impartially- above political and individual influence? Examine the need of reforms of Indian Civil Service System with the help of First and Second Administrative Reform Commission recommendations.

5. "The Central Bureau of Investigation (CBI) is the premier investigative agency in the country today, with a dual responsibility to investigate grievous cases and provide leadership and direction in fighting corruption to the Police force across the country."

How far the recent crisis within the premier anti-corruption agency in the country has affected in diligently discharging its duties and confidence of the people on it? Do you

think reform is necessary to correct the current system? Advance your answer with reasonable arguments.

OR

Discuss the various steps followed in a departmental proceedings instituted against a public servant.

6. Discuss the need and functions of Administrative Tribunal in India. Do you think the Tribunal could be able to achieve its designed goals?

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

**Semester End Examination (February, 2019)**

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

**Time: 2:30 Hrs.**

**Total Marks: 70**

**INSTRUCTIONS:**

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

1. One of the purposes of the United Nations is to seek settlement of international disputes, which might lead to a breach of peace, by peaceful means and in conformity with the principles of justice and international law. Discuss the role played by the organs of the United Nations in the fulfillment of this purpose with the help of relevant provisions of the Charter of the United Nations as well as appropriate examples.

14 Marks
2. United Nations Convention on the Law of the Sea has an intricate mechanism for dispute settlement. Enumerate the mechanisms available under UNCLOS and discuss the provisions relating to International Tribunal for the Law of the Sea in details along with suitable cases.

4+10=14 Marks
3. Chapter VIII of the Charter of the United Nations provides for "resort to regional agencies or arrangements" among the peaceful means by which States parties to a dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall seek a solution to the dispute. Elaborate on the means of peaceful settlement of disputes provided for in the constituent instruments of the regional agencies or arrangements present in Africa.

14 Marks
4. Convention on the Settlement of Investment Disputes between States and Nationals of Other States is a multilateral treaty formulated by the Executive Directors of the World Bank to further the Bank's objective of promoting international investment. Describe the different legal regimes utilized by the institution established under the Convention in the settlement of investor-state disputes.

14 Marks
5. Critically analyze the Dispute Settlement Understanding annexed to the Agreement establishing the World Trade Organization and enumerate its pros and cons.

14 Marks

6. Write short notes on the following:

7+7=14 Marks

(a) Coercive Settlement of Disputes under International Law

(b) Dispute Settlement under the International Legal Regime governing Space

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

**Semester End Examination (February, 2019)**

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

Time: **2:30 Hrs.**

Total Marks: **70**

**INSTRUCTIONS:**

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

1. Why is Copyright regarded as one of the most important branch of IPR? What do you mean by Copyright and how it can be registered? Is the right of an 'Author' different from that of an 'Owner' of a copyrighted work? Use illustrations and cases if necessary to explain your points.
2. Originality is the hallmark of Copyright law. However 'Original' doesn't mean that work has to be totally new or novel. Elucidate clearly the pre-requisite of Originality for the purpose of Copyright. Is there any difference between Original and Creative? Refer to suitable cases to support your answer.
3. In the age of cut throat competition in trade and business every company wants to safeguard their trade related valuable knowledge and information from their competitors. This has given rise to the growing importance of law on Trade Secrets and Confidential Information all over the world. Explain the position of India and USA on Trade Secrets and Confidential Information and judicial pronouncements on the matter.
4. The defense of "fair dealing" initially originated and emanated as a doctrine of equity which allows the use of certain copyrightable works, which would otherwise have been prohibited and would have amounted to infringement of copyright. The main idea behind this doctrine is to prevent the stagnation of the growth of creativity for whose progress the Copyright law has been designed. Critically examine the statement in the light of Copyright Act, 1957 and decided cases.
5. (a) How can you apply doctrine of breach of trust or confidence in case of Trade Secrets and Confidential Information?  
  
(b) What type of civil remedies are available for infringement of Copyright? Which Court has the jurisdiction in Copyright infringement cases?

6. Write short notes on **any two** of the following:
- (a) Salient features of Copyright Amendment 2012
  - (b) Registration and Functions of Copyright Society
  - (c) R.G. Anand v. M/S. Delux Films (AIR 1978 SC 1613)

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