

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
B.A.,LL.B.(Hons.): V-Year, IX-Semester: Academic Year: 2018-2019
Semester End Repeat Examination (March, 2019)
Subject Code: 9.1 Cyber Law

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

1. Princess Loraine is a very powerful ruler of the Kingdom of The Misty Mountains. She has a lot of enemies owing to her intelligence, managerial capabilities, and use of the most advanced technologies to combat the threats posed by the neighbouring kingdoms. She has installed some of the finest computer systems in her kingdom for use in educational institutions, banks, and other commercial initiatives.

However, a certain newspaper, *The Precious Daily*, run by a man named Smeagol G., based in the Kingdom of The Blue Mountains, published a news piece with the information that Princess Loraine of the Misty Mountains was seen having a private time with the Prince of the Blue Mountains. He published blurred images of the Princess and the Prince in his newspaper.

You are a Legal Advisor in the Ministry of Law at the Kingdom of The Misty Mountains.

(a) Please advise Princess Loraine about the feasibility of pursuing a legal action against Smeagol G., keeping in view the relevant provisions of The Information Technology Act of the Kingdom of The Misty Mountains. It is identical to the Information Technology Act, 2000 of the country of India. Also, mention the relevant case-law.

(b) Discuss in brief, the evolution of the right to privacy in India, starting from the *Kharak Singh* case to the recent *Justice Puttaswamy* case.

2. Porsche had filed an action in rem against 128 domain names that incorporated variations on the registered trademarks "Porsche" and "Boxster". Explain the jurisdictional issues that e-commerce companies such as Porsche may face, *in personam* and *in rem*, with reference to the relevant provisions of the Code of Civil Procedure, 1908, and relevant US case-law.

3. In *Infotech Software Dealers Association v. Union of India*, there was a discussion about software as goods or services. Review the case, discussing the legal issues, and the reasons which led the court to come to a conclusion about the nature of software.

4. Mr. B. Wayne is a Senior Agent with the Cyber Intelligent Unit of the city of Gotham. He is in charge of ensuring that the cyber-crimes committed within the city are either prevented or addressed immediately. He gets a call from an employee with the Oriental Bank of Gotham at 08:15 pm who claimed that a person by the name of "Joker" has stolen all the sensitive personal information belonging to their customers from their

computer systems. After a brief investigation, Mr. Wayne determines that such data was stolen by the means of identity theft and cheating by personation.

You are one of the Legal Advisors in the Ministry of Law and Justice at the city of Gotham. Mr. Wayne consults you and seeks your advice before taking any action against the so-called, "Joker".

Discuss:

- (a) In brief, the types of credit card frauds that can take place by the use of the Internet.
- (b) Whether the Oriental Bank of Gotham can pursue legal action against the perpetrator, with reference to relevant provisions of the Information Technology Act, which is identical to the Information technology Act, 2000 of the country of India.

5. Give an overview of the following:

- (a) Anti-circumvention measures with reference to the WCT, the WPPT, and the Information Technology Act, 2000.
- (b) Trademark infringements via the Internet with reference to Indian cases [at least 4].

6. Differentiate between:

- (a) BOT NETS and Key Loggers
- (b) Deep Packet Inspection and Carnivore Software

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

Semester End Repeat Examination (March, 2019)

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

Time: **3:00 Hrs.**

Total Marks: **100**

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. Write Short Notes:

- a. Status of Clinical Legal Education in India
- b. Lok Adalat

2. Make a critical assessment on the evolution and growth of Public Interest Litigation in India with the help of decided cases.
3. "The Legal Aid is not a matter of charity but it can be claimed as a matter of right."
Amplify the above mentioned statement citing various statutory provisions relating to legal aid in India.
4. Critically evaluate the role of Public Interest Litigation as a weapon of promoting and protecting gender justice in India.
5. Public Interest Litigation has contributed a lot as to the protection of environment and ecology. Portray a brief sketch on the emergence of the concept of eco-PIL and its specific achievements in India.
6. "The persons who satisfy all or any of the criteria specified in Section 12 of the Legal Services Authorities Act, 1987 shall be entitled to receive legal services provided by the concerned Authority." Discuss in detail the criteria so specified and also mention the structure of Authorities established by the said Act.

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

Semester End Repeat Examination (March, 2019)

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

Time: **3:00 Hrs.**

Total Marks: **100**

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. Briefly write about the following:
 - (a) Special Climate Change Fund
 - (b) Adaptation Fund
 - (c) Least Developed Countries Fund
 - (d) Green Climate Fund
2. Write Short Notes on:
 - (a) Guiding Principles and approaches to Capacity Building under the frame of Global Climate Negotiation
 - (b) REDD & REDD+
3. Analyze in details, the areas of divergence and commonalities between Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal & Bamako Convention on the Ban on the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa.
4. "The process of Technology Transfer is of general importance both in terms of protection environment as well as promoting development". Review the detailed landscape of Technology Transfer in the context of Poznan Strategic Programme.
5. Discuss about the key elements of Climate Change negotiation under the frame of Paris Agreement and elaborately discuss about the way forward of all those elements, as adopted under the said Agreement.
6. "The dramatic growth in chemicals production and trade during the past few decades have raised both public and official concern about the potential risks posed by hazardous chemicals and pesticides". What are the key provisions of Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade? Elucidate.