

# NLUJAA

National Law University and Judicial Academy, Assam

B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

**Semester End Examination (December, 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. What is E-commerce? Briefly describe the role of computers in E-commerce and what are its impact upon society?  
14 Marks
2. Elucidate the position of E-Contracts under the I.T Act, 2000 and discuss its applicability under the provisions of the Indian Contract Act, 1872 with the help of decided cases.  
14 Marks
3. Briefly describe the concept of liabilities of Intermediaries. Discuss its position in the light of Indian and US laws.  
7+7=14 Marks
4. Explain the various types of cybercrimes against Individuals and State. Discuss its remedies with the help of the provisions under the I.T Act 2000 and Indian Penal Code, 1860.  
14 Marks
5. Explain the role of Cyber law in the domain of Intellectual Property with focus on Copyright and Trademark laws.  
14 Marks
6. Write Short Notes on:  
(a) European Convention on Cybercrime  
(b) Online Reputation Management.  
7+7=14 Marks

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

**Semester End Examination (December, 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.
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**Answer any five questions from the following. Question No. 1 is Compulsory. All questions carry equal marks.**

1. Explain the reasons, purpose and effect of registration of a document under the Registration Act, 1908. By analyzing the relevant provisions on compulsory registration of documents of the above Act explain the applicability of the same to Sale by Agreement or General Power of Attorney sales in the light of the relevant case law.

7+7=14 Marks
2. What are the limits of a trustee's discretion to invest Trust Fund in the absence of specific instructions in the trust document? Examine the various disabilities imposed on trustees under the Indian Trust Act, 1882.

4+10=14 Marks
3. Explain the following maxims of equity with relevant illustrations: 7+7=14 Marks
  - (a) Equity Acts in Personam.
  - (b) Where Equities Are Equal, the First in Time Shall Prevail.
4. With relevant examples explain the maxim 'Equity is equality'. Examine the scheme of computation of Court Fees as provided in Section 7 of the Court Fees Act, 1870.

7+7=14 Marks
5. Explain the following incidents in a Trust - 7+7=14 Marks
  - (a) Removal of a Trustee
  - (b) Discharge of a Trustee
6. What are the modes of appointment of a Trustee? When do the trustees get retired from his office?

8+6=14 Marks

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National Law University and Judicial Academy, Assam  
B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

### Semester End Examination (December, 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.
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**Answer any five questions from the following. All questions carry equal marks.**

1. "Public interest litigation is an innovative strategy for the purpose of making human rights meaningful of the large masses of the people and for realization of social and economic entitlements."

In the light of the above statement, explain the multifarious scope of Public interest litigation in India.

14 Marks

2. What is the procedure to be adopted during a PIL proceeding? Under what ground courts held a petition as vexatious although it is filed in larger public interests? Is there any guideline laid down by the Supreme Court to prevent misuse of PIL?

(5+4+5)=14 Marks

3. Write a brief note on the importance of right to access to justice under Indian legal system. Explain the status of 'access to justice as a basic human right' in international perspectives.

8+6=14 Marks

4. Trace the evolution of legal aid movement from the pre-independence period to recent time in India.

14 Marks

5. (a) What is significance of para legal services in respect of legal aid Programme?  
(b) State the salient features of the Legal Service Authorities Act, 1987.

7+7=14 Marks

6. Explain the significance of Lok Adalat in Indian legislative regime. What is procedure for taking cognizance of cases by a Permanent Lok Adalat? Whether the award passed by a Permanent Lok Adalat final or binding on the parties?

(6+6+2)=14 Marks

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

**Semester End Examination (December, 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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**Answer any five questions from the following. All questions carry equal marks.**

1. "In Commercial Arbitration, two Indian parties can choose a foreign seat of arbitration, and such an arrangement would not be in contravention with Section 28 of the Indian Contract Act, 1872" In support of the argument decide when can two Indian parties choose a foreign seat or foreign law, explain with the relevant case laws.
2. "Appointment of arbitrator in India has always been in limelight due to the time taken by the courts in appointing arbitrators. The procedure of appointment of arbitrators by the court is a tedious task due to the existing jurisprudence and the procedure, though time and again it has been emphasised while deciding an application for appointment of an arbitrator the court must confine their enquire to the existence of arbitration agreement." Considering the above statement explain the procedure of appointment arbitrators in India under Indian Arbitration and Conciliation Act.
3. "If the role or status of an arbitrator can be classified as akin to that of an 'independent' contractor, the 'employer' cannot give instructions as to how he is to work or what outcome he is to achieve, the arbitrator is indeed entirely independent and has no client, indeed it is only then that he can act impartially. The closest analogy to the role of an arbitrator is that of a judge." In the light of the above statement explain various consideration which are required to secure the appointment of an independent and impartial arbitrator.
4. Discuss the various prerequisites and case laws on anti-arbitration injunction where injunction orders are passed directing a party not to initiate or continue an arbitration proceedings.
5. Indian approach to investment arbitration took a drastic change after the White Industry Case where India was found violating its obligations towards a foreign investor. Trace the history of Bilateral Investment Treaty Arbitration in India with the help of case laws on BITs.

6. Write explanatory note on the following:
- a) Double Exequatur
  - b) “Public Policy” as ground for refuse of enforcement of an award

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

**Semester End Examination (December, 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 constitutional provisions relating to the establishment of Public Service Commission for the Union and a Public Service Commission for each State. What was the objective behind making Public Service Commission a constitutional body?
2. Discuss in brief the composition of Union Public Service Commission (UPSC). How the Chairman and Members of UPSC are appointed and removed from office. Is Union Public Service Commission (UPSC) an independent body? If yes, how independency is maintained? Answer with the help of decided cases.
3. Explain the Powers and Functions of Union Public Service Commission with special focus on its advisory powers. Whether the Public Service Commission has maintained the high standard of fairness in the selection and appointment of persons to public services?
4. The Tribunals emerged not with the sole promise of speedy, effective, decentralised dispensation of justice but also the expertise and knowledge in specialised areas that was felt to be lacking in the judges of traditional Courts. Discuss.
5. Discuss the constitutional provisions relating to the establishment of Administrative Tribunals in India. State the advantages of tribunals as justice delivery mechanisms to bring out their importance.
6. Critically evaluate **any one** of the following two cases:
  - (a) *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125
  - (b) *Gujarat Urja Vikas Nigam Ltd v. Essar Power Ltd*, (2016) 9 SCC 103

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

**Semester End Examination (December, 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. Elaborate in detail the significance and importance of privacy law in era of pervasive social media platforms.
2. Do you think unregulated use of social media and the evil of mob lynching are somehow overlapping? If yes/ no, kindly provide valid, sound and relevant arguments in support of your answer.
3. Describe in detail the relevant provisions under the Information Technology Act 2000 that deals with cyber-crimes.
4. Are hackers criminals? Discuss in detail how ethical hackers may contribute to the health of the economy of a country?
5. Discuss in detail international convention and treaties pertaining to check the menace of cyber-crimes.
6. Write Notes on:
  - i) Definition of cyber crime
  - ii) Identity theft

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

## Semester End Examination (December, 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. Discuss the following elements of Cartagena Protocol:
  - (a) Advanced Informed Agreement Procedure
  - (b) Biosafety Clearinghouse Mechanism
2. How far the global politics embraces the processes of argument, negotiation, and struggle over joint actions or decisions- most often the decisions of what policies will be adopted by several government institutions as regards cap & trade as well as carbon taxation?
3. Write a reflective essay on how low income state agreement has been produced for contemporary international climate change treaties with special reference to Climate Finance.
4. Discuss the following aspects of Adaptation:
  - (a) NAPA (National Adaptation Programs of Action)
  - (b) National Adaptation Plans
5. Write enviro-legal analysis of:
  - (a) Poznan Strategic Program on Technology Transfer
  - (b) Nationally Appropriate Mitigation Action
6. Write notes on:
  - (a) Producer's Extended Responsibility under e-waste Management Rules 2016
  - (b) Registration procedure under The Batteries (Management and Handling) Rules 2001

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

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

**Subject Code: 9.4/5 (HR.3) International Humanitarian Law and Refugee Law**

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. “International Humanitarian Law (IHL) is increasingly perceived as part of Human Rights Law (HRL) applicable in armed conflict...The separate development of these two branches of international law – IHL and HRL has always limited the influence which they might have had upon each other.” – In the context of the above statement discuss the relationship between IHL and HRL in situations of armed conflict. Substantiate your answer with particular reference to the situation in Syria and Yemen.  
14 Marks
2. “The international legal framework applicable to the recruitment and participation of children in hostilities is complex. It is based on a variety of international instruments and on customary law.”- Analyze this statement in the light of the relevant provisions of International Humanitarian Law and Human Rights law.  
14 Marks
3. Critically analyze whether the female-specific International Humanitarian Law provisions relating to protection of women against sexual violence and protection of pregnant women and mothers of young children are adequate but under-enforced or inadequate, outdated and in need of revision.  
14 Marks
4. “Terrorist acts committed in wartime have a different legal connotation. Violence carried to its extreme is inherent in war; it is also inherent in terrorism”. – In the light of this statement discuss the provisions of International Humanitarian Law which address the challenge of terrorism.  
14 Marks
5. Explain how International Humanitarian Law prohibits the use of means and methods of warfare that are indiscriminate or that cause superfluous injury or unnecessary suffering with particular reference to the Anti-Personnel Mine Ban Convention 1997?  
14 Marks

6. “When an armed conflict begins, there is a pre-existing situation which may involve the presence of aliens endowed with refugee or asylum-seeker status. The status of these persons does not change because there is an armed conflict, or even because the person with such status is a national of one of the belligerent States.”- Elucidate the above statement in the context of the application of provisions pertaining to the protection of refugees under Refugee Law and International Humanitarian Law, including the right of non-refoulement during armed conflicts.

14 Marks

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### Semester End Examination (December, 2019)

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

Time: **2:30 Hrs.**

Total Marks: **70**

#### INSTRUCTIONS:

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

1. 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 shall seek a solution to the dispute. Discuss in detail 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
2. United Nations Convention on the Law of the Sea has an elaborate mechanism for the settlement of disputes. Enumerate the mechanisms available under the Convention and discuss the provisions relating to International Tribunal for the Law of the Sea in details. 4+10=14 Marks
3. Analyze the role played by the relevant organs of the United Nations in securing peaceful settlement of disputes with the help of relevant provisions of the Charter of the United Nations as well as appropriate examples. 14 Marks
4. Critically analyze Dispute Settlement Understanding annexed to the Agreement establishing the World Trade Organization and compare it with the Dispute Settlement mechanism under the General Agreement on Tariffs and Trade regime. 10+4=14 Marks
5. The Executive Directors of the World Bank formulated the Convention on the Settlement of Investment Disputes between States and Nationals of Other States to further the Bank’s objective of promoting international investment. Describe the institution established under it as well as the role played by it in the settlement of investor-state disputes. 6+8=14 Marks
6. Write short notes on the following: 7+7=14 Marks
  - (a) Dispute Settlement under the International Legal Regime governing Space
  - (b) Coercive Means of Dispute Settlement

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B.A., LL.B. (Hons.): V-Year, IX-Semester (Academic Year: 2019-20)

**Semester End Examination (December, 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. *“The idea-expression dichotomy was formulated to ensure that the manifestation of an idea is protected rather than the idea itself.”* In the light of the above lines explain with reasons why Copyright protection is available in form and not in idea. 14 Marks
2. (i) Sita is an Advocate. She took a Xerox copy of a judgement from a reputed Journal without getting consent from the author of the Journal. Explain whether Sita has committed any infringement. 7 Marks  
  
(ii) Anita is a photographer by contract in a Daily Newspaper at Guwahati. The Newspaper Management send her on an assignment to take photograph on behalf of the Newspaper management. Accordingly, she took some photos. But Anita wants to publish the photos independently. Advice Anita. 7 Marks
3. Explain the importance of Marrakesh Treaty in facilitating Access to published works for persons who are blind, visually impaired or otherwise print disabled. Discuss whether this treaty has been successful in helping these special category of people. 14 Marks
4. What is WIPO Copyright Treaty? Discuss its importance in the digital environment. 7+7=14 Marks
5. Briefly compare the position of Trade secrets and confidential information in India and USA in the light of Article 39 of TRIPS. 14 Marks
6. Write Short notes on: 7+7=14 Marks
  - (a) Berne Convention for the Protection of Literary and Artistic Works
  - (b) Doctrine of Fair Dealing

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