



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM  
B.A., LL.B (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14  
MID-SEMESTER EXAMINATION (07-04-2014)  
6.1 ADMINISTRATIVE LAW (SIXTH SEMESTER)

MARKS- 100 (ONE HUNDRED)      TIME- 3 (THREE) HOURS

**SECTION ONE**

**PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.**

- 1.1 According to I.P. Massey, "There are four basic bricks of the foundation of Administrative Law." Write the four basic bricks of the foundation of Administrative Law.
- 1.2 Define the *Conseil d'Etat*. Which matters can be dealt with by the *Conseil d'Etat*? What are the grounds on which the *Conseil d'Etat* can interfere with the administrative orders?
- 1.3 Explain the concept of "Delegated Legislation". Write the different reasons for the growth of Delegated Legislation. Illustrate your answer with help of a suitable illustration of Delegated Legislation.
- 1.4 What is an "Omnibus Curative Clause" or a "Ganga Clause"? Explain the significance of this clause in Administrative Law.

**4x4=16 MARKS**

**SECTION TWO**

**PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER FOUR QUESTIONS FROM EACH MODULE.**

**MODULE -- I**

- 2.1 "Administrative Law is a law but not a law in the lawyer's sense". Discuss the statement mentioning seven points explaining the nature of the Administrative Law
- 2.2 "The difference between Constitutional Law and Administrative Law is one of degree, convenience and custom rather than of logic and

- principle.” Explain the statement with regard to similarities and dissimilarities between Constitutional Law and Administrative Law.
- 2.3 What is a *French Droit Administratif System*? Discuss the four main characteristics of the *French Droit Administratif System*. Mention Dicey's two main misconceptions about the *French Droit Administratif System*.
- 2.4 What is a 'Red Light Theory' and a 'Green Light Theory'? Mention the eight different modes of control mechanisms of administrative actions.
- 2.5 Discuss in brief the various sources of Administrative Law?

**MODULE - II**

- 2.6 Explain the distinction between legislative functions and judicial functions on the basis of the Time theory and the Applicability theory. Whether the fixing of rates for coffee is a legislative function or a judicial function?
- 2.7 What is a conditional legislation? Discuss the three types of conditional legislation. Distinguish between conditional legislation and delegated legislation.
- 2.8 What are the permissible functions that can be delegated by the legislature to the executive? The Essential Commodities Act, 1955 was made applicable to certain specified commodities but empowered the Central Government to declare any other commodity as an "essential commodity" and to make the Act applicable to such commodity. Whether it is a permissible delegation or not? If yes, justify the reason.
- 2.9 Distinguish between a "Finality Clause" and a "Conclusive Evidence". Illustrate your answer suitably.
- 2.10 What is "Laying on the Table"? What are the effects of "Laying on the Table"? Whether the process of "Laying on the Table" is immune from judicial review?

**8x7=56 MARKS**

**SECTION THREE**  
**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 Trace the growth of Administrative Law in England. Specifically point the impact of Dicey's view and his changed views on the growth of Administrative Law in England. Write the suggestions made by the *Donoghmore Committee* in this regard.
- 3.2 Discuss the principles of "Separation of Powers" under the Constitution of India. Whether the principle of "Separation of Powers" is followed in the *stricto-sensu* under the Constitution of India? Discuss in brief the judicial opinion in this regard.
- 3.3 The maxim "*delegates non-potest delgare*" which means that "a delegate cannot further sub-delegate" is not always applicable in Administrative Law. Under what circumstances is the principle not applicable in regard to sub-delegation of delegated legislation. Explain the principles involving the sub-delegation of legislative, judicial and administrative powers.
- 3.4 What is a "*Henry VIII Clause*"? Discuss the two types of "*Henry VIII Clause*". Why is it called a "*Henry VIII Clause*"? Illustrate your answer with the help of the Indian Supreme Court's decision in *Central Inland Water Transport Corpn. Ltd. v. Brojo Nath Ganguly*, AIR 1986 SC 1571. Which rule was challenged and what decision was given by the Indian Supreme Court in the above leading case?

**2x14=28 MARKS**

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B.A., LL.B (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14  
MID-SEMESTER EXAMINATION (08-04-2014)  
6.2 ENVIRONMENTAL LAW (SIXTH SEMESTER)

MARKS- 100 (ONE HUNDRED)      TIME- 3 (THREE) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 What are the key components of the concept of the "Extended Producer Responsibility"?
- 1.2 Differentiate between the concepts of "*In-Situ*" and "*Ex-Situ*" conservation of biodiversity.
- 1.3 What do you mean by the expression "Prior Informed Consent" as used in the Rotterdam Convention of 1998?
- 1.4 What are the essential ingredients covered under the "Principle of Good Governance" as applied in the area of Sound Management of Environment?

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER FOUR QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Establish the interplay between the concepts of "Anthropogenic Environment" and the "Homeostatic Environment".
- 2.2 Discuss the genesis of the Environmental Protection Laws through the lens of the Philosophical Foundations proposed by different Environmentalists.

- 2.3 Define the term "Ecology". How is the science or ecology relevant in solving environmental issues? Support your answer with the help of a few suitable illustrations.
- 2.4 Give an account of the environment protection mechanism which was found during the Ancient India.
- 2.5 What are the issues relating to the Biomedical Waste Mismanagement in India? Explain in the light of the relevant legal framework in India.

**MODULE- II**

- 2.6 How can you define the term "Climate Change"? Explain the causes and the effect of Climate Change.
- 2.7 Explain the significance of the "Doctrine of Public Trust" in the Environmental Protection Regime. How is the doctrine applied in the Indian context? Cite some examples for the relevant case laws on the subject.
- 2.8 Discuss the issues covered and the mechanism provided under the Kyoto Protocol of 1997. What are the international obligations under the Kyoto Protocol 1997 on the part of the Indian Government?
- 2.9 Define the term 'Biological Diversity'. Discuss some of the key features covered under the Convention on Biological Diversity (CBD) 1992.
- 2.10 Explain as to how the principles in the Stockholm Declaration on the Human Environment, 1972 are reflected in the Indian environmental legal framework.

**8x7=56 MARKS**

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

- 3.1 What is the basic difference between the terminologies of 'Development' and the 'Sustainable Development'? What are the basic components of Sustainable Development? Discuss the various

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Principles of Environment Protection which aims to promote the idea of Sustainable Development. Support your answer with the help of the relevant legal provisions and the case laws in India.

- 3.2 "The Constitution of India imposes the constitutional obligation on the part of the State as well as the citizens to protect and to preserve the environment. This duty necessarily establishes a correlative right on every citizens of India to enforce their rights relating to the environment as contemplated in Article 21 of the Constitution." Analyze the above statement with the help of the relevant constitutional provisions and the judicial trends.
- 3.3 Define the concept of 'Agricultural Genetic Engineering'. What are the issues and concerns relating to the Agricultural Genetic Engineering which poses a potential threat to the idea of Sustainable Development?
- 3.4 What is an 'Electronic Waste'? What are the chief risks associated with the handling and the mismanagement of the hazardous Electronic Waste? Discuss some of the the challenging issues in the effective implementation of the Environmentally Sound Management of the hazardous electronic waste in India. Explain in the light of the relevant legal framework adopted at the international and the national level.

**2x14=28 MARKS**

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 B.A., LL.B (HONS.) FIVE YEARS INTEGRATED COURSE 2009  
 ACADEMIC SESSION: 2013-14  
 MID-SEMESTER EXAMINATION (09-04-2014)  
 6.3 INTERNATIONAL LAW (SIXTH SEMESTER)

MARKS- 100 (ONE HUNDRED) TIME- 3 (THREE) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY

- 1.1 Discuss the contribution of Natural Law Theory for the development of International Law.
- 1.2 Explain the concept of "Self Determination" in International Law
- 1.3 Discuss briefly the importance of the Treaty of Peace of Westphalia in International Law.
- 1.4 Enumerate the basic principles of the Modern International Law.

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT QUESTIONS FROM THE FOLLOWING ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER FOUR QUESTIONS FROM EACH MODULE

MODULE - I

- 2.1 "Modern International Law is the product of Western hegemony and imperialism". Discuss.
- 2.2 Critically evaluate various approaches to the study of International Law.
- 2.3 "The basic purpose of international law is to secure the effective implementation of International Law and realisation of the purposes of the United Nations Charter". What is your opinion? Do the states really adhere to these principles? Evaluate critically.

parts, East Pakistan and West Pakistan, which became a republic in 1956.

The bloodshed accompanying Partition left much bitterness between Pakistan and India, and the two countries have fought many wars over the disputed territory of Kashmir ever since. Tension also developed between the two parts of Pakistan, separated by 1750 km of the Indian Territory. In 1971, the East Pakistan declared itself independent as Bangladesh. The Pakistani army tried to put down the secession with much blood-shed, thereby causing millions of refugees to flee to India. Then India intervened by using military force in support of Bangladesh and its own claims to Kashmir, defeated the Pakistan army, and ensured Bangladeshi independence. In the light of the above situations, answer the following questions analytically:

- 1. When does a new entity become a State and the old State cease to exist?
- 2. Is the new State a continuation of the previous State, or is it entirely distinct?

3.4 In the *Anglo-Norwegian Fisheries Case* (ICJ Reports, 1951), the International Court of Justice explicitly stated that "State Practice must be common, and consistent. The degree of consistency, generality and uniformity of state practice is necessary for the formation of customary international law". Evaluate the Court's findings while dealing with facts and circumstances of the case.

2x14=28 MARKS

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- 2.4 Discuss the Marxist's and Neo-Marxist's understanding of the subject of International law.
- 2.5 What are the sources of International Law? Is Article 38(1) of the Statute of the International Court of Justice an accurate reflection of the sources of International Law in the 21<sup>st</sup> century? If not, what other sources should be included?

**MODULE -II**

- 2.6 On 17 February 2008, the Assembly of Ruritania issued the following declaration: "We, the democratically-elected leaders of our people, hereby declare Ruritania to be an independent and sovereign state." Many states in the international community have since recognised Ruritania as a state, including the most African Union member states and the United States.
- Discuss whether it means that Ruritania is now a state. Is it a recognised entity under International Law?
- 2.7 Immanuel Kant's Theory of International Law defines that International Law and domestic law mechanisms are fundamentally interconnected. Do you agree with this position? Discuss the Immanuel Kant's concepts of International Law.
- 2.8 Why States alone are considered to be the primary subjects of International Law? Discuss the concept of International Legal Personality of a State.
- 2.9 Article 1(2) of the United Nations Charter states that one of the purposes of the United Nations is to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace." The concept of self determination has undergone significant changes since the United Nations Charter came into force. Outline how the concept self determination has developed in the interim and also comment on what it means today?

- 2.10 H.L.A. Hart had critically analysed the concept of Law. He also said something with regard to International Law. How Hart's opinion is relevant for our understanding of the subject of International Law today?

**8x7=56 MARKS**

**SECTION THREE**

**ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS**

- 3.1 "Custom is considered as one of the important sources of International Law". Explain this statement with the help of some of the prominent cases decided by the International Court of Justice. Discuss the process which is required for the formation of customary international law. Also explain the means by which customary international law may change.
- 3.2. The International Court of Justice, while pronouncing its decision in the *Micaragua's Case* (ICJ Reports 1986) made the following observation "There is ... increasing acceptance that the rules of international law are the foundations upon which the rights of states rest, and no longer merely limitations upon states' rights which, in the absence of a rule of law to the contrary, are unlimited. Although there are extensive areas in which international law accords to states a large degree of freedom of action, it is important that freedom is derived from a legal right and not from an assertion of unlimited will and is subject ultimately to regulate within the legal framework of the international community."
- In the light of the above statement, discuss the contribution of the International Court of Justice in the development of International Law. Pakistan came into existence as a result of the *Indian Independence Act* (1947). Following pressure from Mohammad Ali Jinnah as well from the Muslim League for an independent state for Muslims, the Act partitioned Pakistan from India, dividing the new state into two



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B.A., LL.B (HONS.) FIVE YEARS INTEGRATED COURSE  
ACADEMIC SESSION: 2013-14 (SIXTH SEMESTER)  
MID-SEMESTER EXAMINATION (10-04-2014) ASSAM  
6.4 CIVIL PROCEDURE CODE AND LIMITATION

MARKS- 100 (ONE HUNDRED)      TIME- 3 (THREE) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 What is an 'Order'?
- 1.2 Explain the term 'Judgment Debtor'.
- 1.3 What do you understand by the term 'Cause of Action'?
- 1.4 Explain the term 'First Hearing'.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER FOUR QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 What is "Code of Civil Procedure"? What are its functions?
- 2.2 'Mr. A agrees to supply 200 tons of grains to Mr. B of Guwahati at Rs 1000/- per ton on 1<sup>st</sup> January 2014. Mr. A also agrees to supply 200 tons of grains to Mr. C of Guwahati at Rs 1000/- per ton on 1<sup>st</sup> April 2014. Mr. A could not supply the grains to both. Mr. B and Mr. C filed a suit against Mr. A at Guwahati Civil Court'. Whether the suit is maintainable, justify your answer with logical reasons.
- 2.3 What do you understand by the term 'Pleading'? Discuss the basic rules of pleadings.
- 2.4 What are the chief differences between 'Preliminary Decree' and 'Final Decree'?

2.5 What are the considerations that civil courts keep in mind while granting or rejecting an application for amendment of pleadings?

**MODULE – II**

2.6 'A' files an Election petition against 'B' challenging the election of 'B' before an Election Tribunal. After due service of the summons, 'B' files his counter but remains absent. The aforesaid Tribunal conducts the proceedings *ex parte* and adduces the evidence of the petitioner and of the three of his witnesses. 'B' later appears before the Tribunals and seeks permission to participate in the proceedings and to set the clock back. Decide the case with the help of provisions of the statutory law and the decided case laws.

2.7 Discuss the grounds when a court can pass an order for attachment before pronouncing a judgment. Support your answer with the help of the relevant statutory provisions and the decided case laws.

2.8 "Power to grant injunction under Order 39 of the Code of Civil Procedure is extraordinary in nature and its must be exercised in accordance with sound judicial principles." Explain the principles involved.

2.9 "An *ex parte* decree is a decree passed in the absence of the defendant" Discuss with the help of suitable examples.

2.10 What do you understand by the term 'Execution of Decree'? Discuss the powers and duties of the executing court.

**8x7=56 MARKS**

**SECTION THREE**

**PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.**

3.1 What do you mean by the term "*Res Judicata*"? An A.S.I. was dismissed from service by the D.I.G. He challenged the said decisions by filing a writ petition in the High Court on the ground that he was not afforded a reasonable opportunity. The writ petition was dismissed. He then filed a civil suit and raised an additional plea

that he was appointed by the I.G.P. and therefore D.I.G. being lower in rank than the I.G.P. was not competent to pass an order of dismissal against him. In this civil suit, contention of the State is that the suit was barred by *res judicata*. Decide with the help provisions of the statutory law and the decided case laws.

3.2 "It is a fundamental principle well-established that a decree passed by a court without jurisdiction is a nullity, and that its invalidity could be set up whenever and wherever it is sought to be enforced or relied upon, even at the stage of execution and even in collateral proceedings" Explain. Discuss different kinds of jurisdiction used by a civil court.

3.3 Mr. Francis filed a petition for issuing a commission in the District court of Guwahati on the ground that he is a person in an exalted position, being a spiritual head and dignitary of the church, and as such, should not be compelled to appear in court' Decide with reasons and arguments. State the circumstances under which a court may pass order to issue a commission?

3.4 Explain the different stages in the progress of a suit from the time of its institution till its final determination.

**2x14=28 MARKS**

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

B.A., LL.B (HONS.) FIVE YEARS INTEGRATED COURSE

ACADEMIC SESSION: 2013-14

MID-SEMESTER EXAMINATION (11-04-2014)

6.5 LABOUR AND INDUSTRIAL LAWS (SIXTH SEMESTER)

MARKS- 100 (ONE HUNDRED)

TIME- 3 (THREE) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Define 'Industry' as it has been defined under the *Industrial Disputes Act, 1947*. Also state the amended definition as proposed in the case of *Bangalore Water Supply v. A. Rajappa* (AIR 1978 SC 548).
- 1.2 What do you understand by the term 'Lay-Off'? Briefly state the conditions essential for 'Lay-Off'?
- 1.3 Discuss the concept of Principal Employer and Immediate Employer with the help of suitable examples.
- 1.4 Explain the scope and applicability of the *Employee State Insurance Act, 1948*.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER FOUR QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Settlement was reached between the Management and the Employees' Union of AB Corporation, in the course of conciliation proceeding. The Settlement provided for payment of incentive benefit to all workmen, technical officers and staff. When the Settlement was in force, the Management entered into an Agreement with the Technical Employees' Union of the Corporation, reducing the rate of benefit to only the Technical Officers. The Technical Officers challenged this subsequent Agreement and claimed benefit as per the conciliation proceeding.

Management argued that since the Technical Employees' Union was the representative Union, hence it is binding upon them. Matter is referred to the Labour Court u/Sec 18 of the *Industrial Disputes Act, 1947*. Decide.

2.2 Discuss Employers liability to pay compensation arising out of and in the course of employment under the *Employees' Compensation Act, 1923*.

Kumar was employed in a Mill as a weaver. His duty hours commenced from 3 pm to 8 pm. Before starting work, he went to see a friend in another department, where he suffered a heart attack at about 3:20 pm and was immediately taken to hospital. After a month, he was discharged from hospital and died. His wife claims compensation on death. Decide Employers liability.

2.3 Explain the provision relating to Reference of Industrial Disputes under Section 10 of the *Industrial Disputes Act, 1947*.

2.4 Define the term 'Strike'. State the rules prohibiting Illegal Strike with the help of case laws.

In a cement factory, workmen were agitating over the Factories decision of laying off certain class of employees. The management referred the matter for conciliation. The Union proposed to go on a strike from 25<sup>th</sup> April and in pursuance, served upon the Employer a Notice on 1<sup>st</sup> of April. On the 20<sup>th</sup> of April, the Conciliation Officer submitted a report to the Central Government stating its inability to arrive at an agreed settlement. The workman resorted to go-slow as notified. Decide the legality of the Strike.

2.5 Highlight the problems surrounding Trade Unionism in India. Mention the advantages of recognition of a Trade Union.

#### MODULE – II

2.6 Write a note on the Implementation and Enforcement bodies under the *Employee State Insurance Act, 1948*.

2.7 Define the expression 'Disablement'. What is the manner of computation of benefit in case of Disablement?

2.8 Explain the concept of wages – Minimum Wage, Fair Wage and Living Wage. What according to you is best suited in the Indian context?

2.9 State the method and manner of contribution under the *Employee State Insurance Act, 1948*.

2.10 Discuss the principles and procedure in Fixation of minimum rates of wages.

8X7 = 56 MARKS

#### SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

3.1 What do you understand by 'Retrenchment'? What are the conditions necessary to avail Retrenchment Compensation? What is the method for calculating compensation under Sec 25-F of the *Industrial Disputes Act, 1947*?

3.2 Write a brief history of Trade Union in India. State the procedure for registration of a Trade Union.

3.3 Explain in detail the various types of benefits available to an Insured Employee. State the manner and method of computation of benefit.

3.4 Discuss the various economic Theories of Wages with the help of suitable examples.

2X14 = 28 MARKS

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ACADEMIC SESSION: 2013-14 (SIXTH SEMESTER)  
MID-SEMESTER EXAMINATION (12-04-2014)

6.6 FUNDAMENTALS OF THE INTELLECTUAL PROPERTY LAW

MARKS- 100 (ONE HUNDRED)      TIME- 3 (THREE) HOURS

SECTION ONE

ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100  
WORDS. ALL QUESTIONS ARE COMPULSORY

- 1.1 Explain the concept of 'Intellectual Property Rights'?
- 1.2 Enumerate various legislations which are protecting intellectual property rights in India?
- 1.3 What do you understand by the concept of 'Literary Work'?
- 1.4 Explain the term 'First Owner'.

4x4=16 MARKS

SECTION TWO

ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN  
APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER FOUR  
QUESTIONS FROM EACH MODULE

MODULE - I

- 2.1 What do you understand by the term 'Industrial Property'? Discuss its origin and development.
- 2.2 Mr. John from England came to India to conduct some research project. It took three years for him to prepare the Project Report. Now he wishes to publish the aforesaid Project Report. Suggest him where to publish and what legal principles are available for the same.
- 2.3 Briefly discuss the objectives and the core activities of 'World Intellectual Property Organization'.
- 2.4 Discuss the need and main features of the *Universal Copyright Convention*, 1952.

2.5 Discuss the various types of intellectual property rights covered under the *Trade-Related Aspects of Intellectual Property Rights Agreement*.

**MODULE – II**

2.6 “The word ‘original’ does not in this connection mean that the work must be the expression of original or inventive thought. Copyright Acts are not concerned with the origin of ideas, but with the expression of thought; and in the case of ‘literary work,’ with the expression of thought in print or writing. The originality which is required relates to the expression of the thought; but the Act does not require that the expression must be in an original or novel form, but that the work must not be copied from another work - that it should originate from the author.” Give comment with the help of relevant legal provisions and decided cases.

2.7 Mr. Bhagwan invented a ‘Computer Programme’. Suggest him what type of intellectual property has he created and what steps he has to take to protect the same?

2.8 What do you understand by ‘Assignment of Copyright’? Discuss the mode of assignment prescribed under the Act.

2.9 What is the meaning of Infringement of Copyright? When copyright is infringed?

2.10 What types of works are protected under the *Copy Right Act 1957*?

**8x7=56 MARKS**

**SECTION THREE**

**ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS**

3.1 “The *Berne Convention*, 1886 deals with the protection of works and the rights of their authors. It is based on three basic principles and contains a series of provisions determining the minimum protection to be granted, as well as special provisions available to developing countries that want to make use of them”. Discuss.

3.2 “Article 1 of the *TRIPS Agreement*: Members shall give effect to the provisions of this Agreement. Members may, but shall not be obliged to, implement in their law more extensive protection than is required by this Agreement, provided that such protection does not contravene the provisions of this Agreement. Members shall be free to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice.”

Discuss analytically in keeping the object and scheme of *TRIPS Agreement*.

3.3 How does one distinguish between a copy of an idea, which is permitted, and the copy of an expression of the author, which is protected? Justify your answer with help of decided case laws.

3.4 “One of the premier national law university in the country appointed a Professor to teach subject ‘Fundamentals of Intellectual Property Rights’. During that time the Professor wrote a book ‘Law’s Relating to Intellectual Property Rights in India’. The university claimed the ownership on the book on the ground that the book was written during his employment in the university”. Please suggest the professor in this matter as to who is the owner of the Copyright, and discuss the relevant legal provisions applicable in this issue. Briefly discuss the various rights of owner of a Copyright.

**2X14=28**

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