

NLUJAA
NATIONAL LAW UNIVERSITY AND JUDICIAL, ASSAM
B.A., LL.B. (Hons.): V-Year, IX-Semester : Academic Year 2016-2017
End Semester Examination (December, 2016)
9.1 : CYBER LAW

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

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 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

- Q. 1: What is E-Commerce? Explain the common e-business models and advantage.
- Q. 2: What are the essentials of valid e-contract? Enumerate different forms of e-contracts.
- Q. 3: Explain the object and salient features of Information Technology Act, 2000
- Q. 4: Explain essential ingredients and reasons of cyber crime.
- Q. 5: What are the provisions which define different types of offences under Information Technology Act, 2000?
- Q. 6: Discuss Trade Mark protection on the Internet and explain with decided cases on domain name cyber-squatting.

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9.2: LAW OF EQUITY

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. "Equity delights in equality." Explain the maxim with any three illustrations and its application in Indian laws. (14 marks)
2. "Vigilantibus, non dormientibus jura subveniunt". Discuss in detail the maxim of equity referred to in the mentioned phrase. (14 marks)
3. A minor fraudulently concealed her age and obtained from her trustees a sum of money to which she was only entitled to on her attaining majority. Subsequently after she became a major, she instituted a suit against the trustees to compel them to pay her again the same money which she had been improperly paid by them when she was a minor.
 - (i) What would be the outcome of the suit?
 - (ii) Discuss the maxim on which the above illustration is based. (2+10=14 marks)
4. Some authorities are of the opinion that "Trust" is historically connected with Roman "Fedei commissum" while others say that it originated and developed in the English legal system from the ancient "Use".
 - (i) What is "Fedei commissum"?
 - (ii) Trace the origin and development of "Trust" under the English law. (2+10=14 marks)
5. (a) State the essential extrinsic and intrinsic conditions necessary for the creation of a valid trust in India with reference to the *Indian Trust Act, 1882*.
(b) State any four basis for the classification of trusts (10+4=14 marks)
6. Write short notes on:
 - (i) Appointment of new trustee under the *Indian Trusts Act, 1882*.
 - (ii) Duties of a Trustee. (7+7=14 marks)

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B.A.,LL.B.(Hons.): V-Year, IX-Semester: Academic Year: 2016-2017
End Semester Examination (December, 2016)
9.4 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. A computer system consists of two major elements: Hardware and Software. Define the computer system. Discuss and differentiate the types of Hardware and Software in a computer system to work.
2. A user who is having computer system linked with Internet can only communicate his information through electronic means. Discuss the modes of communications available to the user for transfer of information through Internet.
3. Cybercrimes have been classified on the basis of the nature and purpose of the offence. Discuss about the cybercrimes against the property and cybercrimes against society.
4. Discuss the Intellectual property available in the Cyberspace. Discuss elaborately with the Domain dispute with the help of *Yahoo Inc. v. Akash Arora and Anr.*
5. "The Central Government can issue the direction if necessary or expedient to do in the interest of the sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence under section 69 of IT Act". In light of above statement discuss the provisions and power under section 69 vested to the Government.
6. Write short notes on the followings:
 - (i) Issuance and Suspension of Digital Certificate
 - (ii) Child Pornography and Obscenity

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9.4 EL.3 : Environmental Law - III

Time: 2:30 Hrs.

Total Marks: 70

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
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Answer any five questions from the following. All questions carry equal marks.

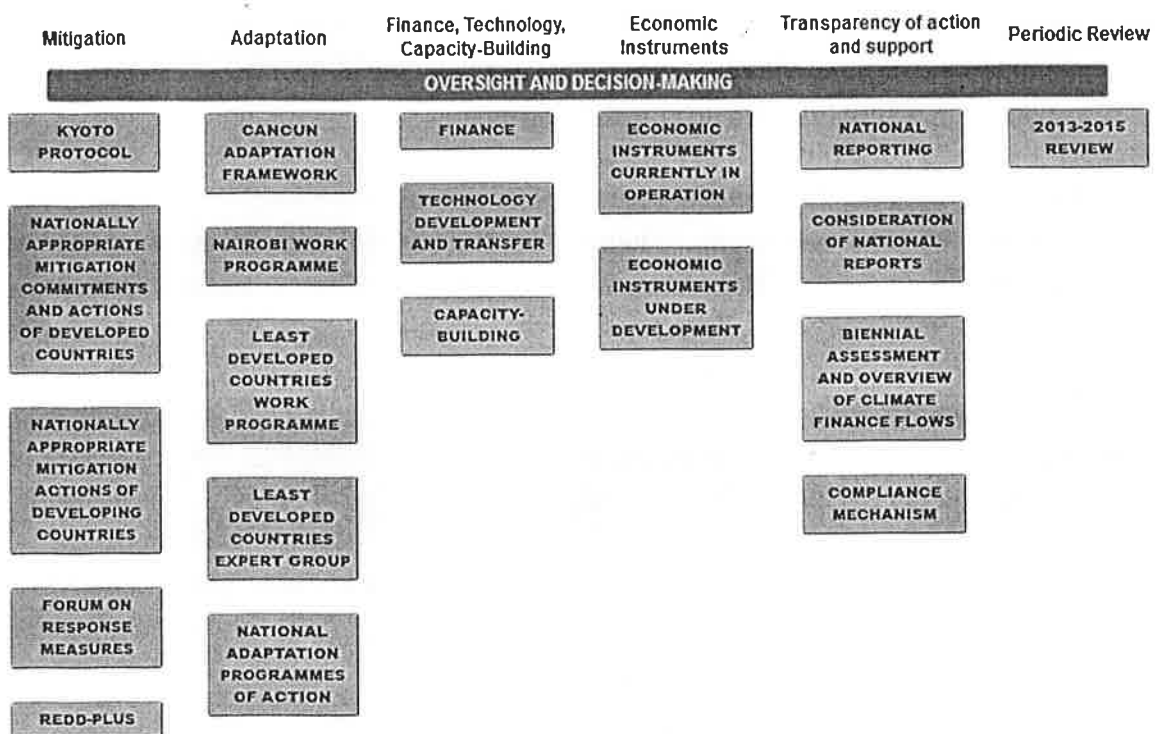


Figure: Oversight and Decision Making flowchart of UNFCCC. Question numbers 1, 2 and 3 are based on the aforementioned flowchart

1. Parties adopted the Cancun Adaptation Framework (CAF) as part of the Cancun Agreements at the 2010 Climate Change Conference in Cancun, Mexico (COP 16/ CMP 6). Discuss the following in the line of CAF:
 - (a) Implementation;
 - (b) Support;

- (c) Institutions;
 - (d) Principles &
 - (e) Stakeholders engagement
2. The financial mechanism is a mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, to developing country Parties to support the implementation of the Convention. Align your discussion on the basis of following variants:
 - (a) Green Climate Fund
 - (b) Global Environmental Facility
 - (c) Special Climate Change Fund
 - (d) Least Developed Countries Fund
 3. Mitigation is essential to meet the UNFCCC's objective of stabilizing GHG concentrations in the atmosphere. Discuss in details, the key aspects of Mitigations, as mentioned below:
 - (a) Action on mitigation: reducing emissions and enhancing sinks.
 - (b) Reporting on national implementation and MRV
 4. Promoting the effective development and transfer of environmentally sound technologies is critical in enabling developing countries to pursue their objectives for sustainable development in a climate-friendly manner. Elucidate the cardinal components of Poznan Work Program on Technology Transfer.
 5. The emergence of and continuing significance of issues related to LULUCF has stimulated cooperation with many organizations and institutions with forestry and agriculture experiences. Discuss the roles of UNFF, CPF AND FAO vis-à-vis the same.
 6. What are the Nine Action Areas of Warsaw International Mechanism? Elaborately discuss them in details.

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9.4 CN3 : 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. Civil service is an indispensable part of the Government in our Constitution. What type of Constitutional safeguards are given to them for their security and independence?
2. Critically examine the appointment, removal, power and functions of a member of Public Service Commission citing the specific provisions of the Constitution.
3. Corruption in public service is a malice which needs strict laws and its enforcement. Discuss the existing legal framework and governmental mechanisms to combat corruption in public servants and the lacunas.
4. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. Critically discuss in the light of Reservation provisions in public employment under the services by citing relevant case laws.
5. What is the significance of doctrine of pleasure enshrined under the Constitution of India? Enumerate the exceptions to this doctrine based on specific Constitutional provisions.
6. Write brief notes on any two of the following-
 - a) Lokpal and Lokayukta
 - b) Central Administrative Tribunal
 - c) Suspension and Removal
 - d) Concept of 'creamy layer'

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End Semester Examination (December-2016)
9.3 PUBLIC INTEREST LAWYERING, LEGAL AID AND PARA LEGAL SERVICES

Time: 2:30 Hrs.
Total Marks: 60

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 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.

1. Write Short Notes: (Any Three) 4 x 3=12
 - a. Taluk Legal Services Committee
 - b. National Legal Aid Fund
 - c. Public Utility Service
 - d. Para Legal Services
2. Define Public Interest Litigation. Make a critical assessment on the history and evolution of Public Interest Litigation in India. 5+7=12
3. "The concept of free and effective legal aid is enshrined in the Constitution of India not as a matter of general obligation but as a matter of right." Elucidate. 12
4. Critically evaluate the role of Public Interest Litigation in bringing probity and transparency in the functioning of the various governmental machineries in India. 12
5. Public Interest Litigation as an effective public grievances redressal mechanism has tremendous scope in India. Specially, in the protection of environment and ecology, PIL has done a lot. Portray a brief sketch on the emergence of the concept of eco-PIL and its specific achievements in India. 12
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. Do you think that the criteria mentioned by the Act are adequate? Provide reason in support of your answer. 8+4=12

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B.A.,LL.B. (Hons.): V-Year, IX-Semester: Academic Year: 2016-2017

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9.4 IL.3 : Settlement of International Disputes

Time: 2:30 Hrs.

Total Marks: 70

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 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 purposes of the United Nations as enshrined in its Charter, *inter alia*, requires the 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. In this background, 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 suitable instances.
2. Conciliation puts third-party intervention on a formal legal footing and institutionalizes it in such way that is comparable but not identical to inquiry or arbitration. Discuss the emergence of conciliation as a mechanism for peaceful settlement of disputes among States.
3. 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. Discuss in detail the means of peaceful settlement of disputes provided for in the constituent instruments of the regional agencies or arrangements present in the European and American regions.
4. The 1947 General Agreement on Tariffs and Trade (GATT) was originally envisaged as a provisional agreement for the liberalisation of tariffs, to be replaced with the establishment of permanent arrangements through a new body called the International Trade Organization (ITO). ITO did not materialize thereby making GATT responsible to undertake several functions including settlement of trade disputes. Discuss the mechanism available under GATT for settlement of disputes as well as under the Dispute Settlement Understanding annexed to the Agreement establishing the World Trade Organization.
5. The United Nations Convention on the Law of the Sea, 1982 has adopted elaborate provisions regarding settlement of disputes which include both general provisions and compulsory procedures. In the light of the compulsory procedures stipulated in the United Nations Convention on the Law of the Sea, 1982 discuss about the organization and jurisdiction of International Tribunal for the Law of Sea (ITLOS).

6. Write short notes on any two of the following:
- a. International Centre for the Settlement of Disputes
 - b. Permanent Court of International Justice
 - c. Settlement of disputes in the African region

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9.4 HL3 : International Humanitarian Law and Refugee Law

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer any five questions in total from the following. Question No. 2 is compulsory. All questions carry equal marks.

1. State the need and importance of humanitarian law focusing the relevance of such law in present scenario.
2. **Problem:** States Alambra, and Christina used to be federal republics of the Socialist Federation of Asthania, but gained independence after the fall of communism in a peaceful transition. The political situation was nevertheless tense after a long history of political rivalry and several previous violent clashes between the groups. State Alambra starts a large military offensive against State Christina, resulting in the occupation of the territory of State Christina within a week. Christina puts up very little armed resistance in the beginning, but a national resistance movement is being set up in the course of a few months. The resistance movement decides to sabotage a large weapons factory, which State Alambra now controls. Four resistance fighters manage to enter the factory during the night. They are dressed in dark clothes, one of them is carrying a revolver, and otherwise they are unarmed. They manage to emplace a bomb in the large production hall, light a fuse and escape the building just before the explosion takes place. The group of resistance fighters are spotted and shot at by State Alambra military guards. Two of the four resistance fighters are killed as they try to escape, the other two are captured. Few days later, State Alambra military police arrests three other members of the resistance group, who did not take part in the sabotage operation.

Questions:

- (a) Was it lawful for State Alambra military forces to shoot the escaping resistance fighters?
- (b) What status should the two captured resistance fighters be given in this situation? Discuss the potential difference between the rules applicable to this situation set out in the 1949 Geneva Conventions, and the 1977 First Additional Protocol to the Geneva Conventions.
- (c) State Alambra is determined to keep the three members of the resistance movement detained for security reasons even if they had not participated in the sabotage

operation. On what legal grounds can State Alambra use to keep the resistance movement members detained?

3. Discuss the status of voluntary “human shields” under international humanitarian law, and explain to what extent a military objective may be lawfully attacked if voluntary “human shields” are present in, or in the vicinity of, that military objective.
4. Discuss the meaning of indiscriminate attacks on the basis of Article 51 (5) (b) of Additional Protocol I to the Geneva Conventions. Give examples of such indiscriminate attacks to support your answer. Explain the legal status of the civilian population in international armed conflicts in general, and explain the impact of Article 51 (3) of Additional Protocol I to the Geneva Conventions.
5. Discuss the various challenges, to compliance with International Humanitarian Law in the context of contemporary warfare. Make a brief analysis on the attitude of the Government of India for implementation of International Humanitarian Law in the country.
6. What are the current challenges of the International Refugee Law? Do you think that the national refugee law for India would benefit the refugee coming to India or will it prove as a roadblock to the future generation?

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End Semester Examination (December, 2016)
**9.4 IP.3 : Law Relating to Copyrights, Industrial Designs,
Trade Secrets and Technology Transfer**

Time: 2:30 Hrs.
Total Marks: 70

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 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. 'It is universally accepted principle that copyright law is not intended to protect ideas themselves'. In light of this statement discuss the 'idea-expression Dichotomy' with the help of case law.
2. "Some rights guaranteed to the author are specified for particular term and some are perpetual in nature". In light of the above statement discuss elaborately the Moral Rights and Performers Rights guaranteed under Indian Copyright Law with the help of case laws.
3. 'The fundamental rule is that the author is the first owner of copyright'. Define and distinguish between 'Author' and 'Owner' with the help of case law.
4. Define the Trade Secret and how will you determine the status of Trade Secret? Discuss about the misappropriation and liability for misappropriation of Trade Secret under respective law.
5. What do you understand by Transfer of Technology? TRIPS Agreement *vis-à-vis* Transfer of Technology.
6. Write Short Note on the following:
 - (a) Adaptation
 - (b) Anton Piller Order

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9.4 BL.3 : International Commercial Laws and Arbitration

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
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Question No.1 is Compulsory All questions carry equal marks.

Q. 1 Answer the following Questions

- a) *“Success of an arbitration proceeding depends upon the underlying arbitration clause.”* Explain with the help of relevant case laws the essential ingredients of an Arbitration Agreement. Also draft a model arbitration clause highlighting the essentials of an arbitration agreement to resolve the dispute through arbitration.

- b) A person who had spent a considerable amount of time in England would not be deemed to be de facto British citizenship in circumstance where he had worked for foreign companies and held legal qualification from the United States. Comment. Discuss the principle of nationality requirement with help of LCIA Rules.

Q. 2 “The London Court of International Arbitration (LCIA) India Rule 2010, advantages associated with the appointment of sole arbitrator. It normally costs less, the person is easier to select and is likely to be able to resolve a dispute more quickly than three or five member tribunals. The selection process in case of multi-member tribunal may cause significant delays in the composition of the tribunal. On the other hand, a three-member tribunal often allows parties to have a greater stay in the section of the decision-makes. Arbitration tribunal composed of more than three arbitrator are rare in commercial cases.” Comment and discuss “Procedure for the appointment of the Tribunal” under LCIA Rules.

Q. 3 The Norwegian Court of Appeal refused recognition of an arbitral award rendered in London on the ground that an exchange of e-mail did not constitute a “written agreement” for the purpose of the New York Convention. Comment.

Q. 4 A cargo of potatoes was carried in an Egyptian company’s ship from Alexandria to Liverpool. The Bill of lading provided that any dispute would be decided in the country where the carrier had his principal place of business, which was Egypt. The allegation was that the cargo was deteriorated when unloaded at destination. The

cargo owner instituted proceeding in England against the ship-owners for damages for breach of contract and for negligence. The carrier pleaded for stay of proceeding. Will he succeed? If No, then give your *Juristic opinion* with help of LCIA Rules.

Q. 5 Discuss the Role of Arbitration in the International Chamber of Commerce.

Q. 6 Write explanatory notes on:

- a) Conduct of Arbitration proceeding under LCIA Rules.
- b) Independence and Impartiality of Arbitrators.
