

NLUJAA

National Law University and Judicial Academy, Assam
B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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.

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

1. The Cyber-attack on sensitive national information infrastructure are rapidly emerging as one of the most alarming international security threats, and could be considered as most serious cybercrime of global concern. Such attack may have a great potential impact to the global economy, international security and the critical information infrastructures of all nations. Discuss the International developments (global initiative) on cyber laws; discuss the Government of India's initiative for national cyber security with reference to Information Technology Act, 2000.
2. Mr. Vijay Ninwane Civil Engineer in multinational company at Abu Dhabi. He received a mail by "X" saying that she is interested in him. Both of them exchange photos, erotic stories etc. "X" introduced her friends F1, F2, F3, F4. Mr. Vijay could not meet "X" as promised as result of which she committed suicide. Then Vijay received mail from WWW.KOLKATTA POLIC.COM and WWW.CBI HQ.COM alleging that he is responsible for her death and he would be prosecuted for the same. Then Vijay contacted F1 for help. F1 coaxed Vijay to have a lawyer and she will help him get a lawyer. Accordingly F1 fixed meeting with Mr. Vijay and Mr. Pranab Mitra, of Mitra and Mitra Associates and made him believe that they are the leading lawyers. Mr. Vijay paid total fees Rs. 70 Lakhs (Rs. 1.19 crore as per investigating officer). During the investigation by government agencies revealed that there is no girl by name "X" and "F1" and others are also fictitious persons created by one single man named Mr. Pranab Mitra, General Manager of the firm. On the basis of above facts decide according to Informational Technology Act, 2000.
 - (a) Can Mr. Vijay takes criminal action against Mr. Pranab Mitra in India for cheating? If yes then decide applicable legal provision for crime done by Mr. Pranab Mitra.
 - (b) Define the Computer Assisted Cyber Crimes and Computer Oriented Cyber Crimes; and how Information Technology Act, 2000 address these crimes; in light of above facts?

3. Mr. Jogesh Kwatra an employee of the plaintiff company started sending defamatory emails to his employers and different subsidiaries of the company all over the world. The plaintiff files a suit for permanent injunction restraint the defendant from posting such defamatory remarks. Mr. Jogesh contention that- Freedom of speech and expression is one of the fundamental rights facilitated under article 19 (1) (a) in the Constitution of India. It is one of the fundamental human rights largely recognized worldwide. Other side the defendant says that- defamatory materials are dealt with adequate sternness as these are thought to be directly conflicting with a person's right to privacy - another tacit yet fundamental human right facilitated in the Constitution of India. The right to privacy signifies a person's right to maintain the image he/she portrays to the society, right to "be let alone" and right to dignity and life.

This matter is listed before Single Bench of High Court and you are the judge for the same. Decide in the light of legal provisions of IT Act and relevant case laws.

4. The Plaintiff file a suit for permanent injunction and damages against the www.Bhadas4media.com (social networking site), a website that claimed to be a news portal. The plaintiff in its application submitted that the defendant have been carrying out false and malicious propaganda against the plaintiff by publishing defamatory statement on social media against him. It was alleged that these defendants are not publishing any kind of news on their website but are just ridiculing the plaintiff by carrying the malicious campaign against him. Decide. Discuss the liability of Internet service provider (ISPs) and Intermediary in India.
5. Short Note on –
- (a) Controversy between Trade Mark and Domain Name in cyber world.
 - (b) Copyright (Computer Software) and Internet.

Q.6 Answer the following questions:

- (a) Fundamental Requirement of an Online Contract in India.
- (b) Define legal validity of online contract in India and UNICITRAL Model law of e-Commerce.

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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. All questions carry equal marks.

1. Explain with relevant examples any two of the following:
 - (a) Equity imputes an intention to fulfill an obligation.
 - (b) Equity will not suffer a wrong to be without a remedy.
 - (c) Equity looks on that as done which ought to have been done.
2. Solve the following giving reasons:
 - (a) A minor girl fraudulently concealed her age and obtained from her trustee a sum of money to which she was entitled only on coming of age. Subsequently, when she became a major, she instituted a suit against the trustee to compel him to pay over again the money which had been improperly paid by him to her during her minority.
 - (b) A husband covenants with the trustee of his settlement to pay to him Rs. 5 Lakhs to be laid out by him in purchase of land in a particular area at Guwahati. He, in fact, never paid that sum, but after marriage purchased land at Guwahati in his own name for Rs. 5 Lakhs. He died and could not bring the land into settlement.
3. (a) What are the duties of a trustee under the Indian Trusts Act, 1882 ?
 - (b) A, a trustee for B and her children, is directed by the author of the trust to lend in B's request, the trust property to B's husband C. C became insolvent and B request A to make the loan. Whether A can refuse to make it?
4. (a) What do ^{you} understand by suit valuation? Distinguish between Suit Valuation Act, 1887 and Court Fees Act, 1870.
 - (b) 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. (a) What are the objects of the Indian Registration Act, 1908? State the places where documents effecting immovable property be presented for registration under the said Act.
- (b) A document was executed by several persons at different times. The person in whose favour such execution was made, presented the document for re-registration after expiry of three months. Can such document be registered and if so, within what period?
6. (a) 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?
- (b) Ajit sells a house to Baljit by a written document in 2009 and delivers possession thereof to Baljit. But the document is not registered. After one year, Ajit sues Baljit to take back possession of the house on the ground that because of non-registration, the document has no validity. Will Ajit succeed?

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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 do you mean by Public Interest Lawyering? What role(s) an advocate and a law student can play to provide Public Interest Lawyering to the society?
4+5+5=14
2. Make a critical estimate on the role of Public Interest Litigation as a potent weapon in bringing probity and transparency in the government mechanisms in India.
14
3. "Public Interest Litigation has been proved as a highly effective weapon in the armoury of judiciary for conferring *Justice* to the *Little Indians*. It is a unique phenomenon in the Indian procedural jurisprudence that has no parallel in the world and has acquired a big significance in the modern legal concerns. However, with the passage of time, it has been witnessed that petitions have been filed under the guise of PIL for corporate gain, political advantage or personal interest." Comment.
14
4. Access to justice, since long, has secured a significant place in the realm of rights under both international and municipal law. At the present juncture, recognition of access to justice as an independent right is regarded as crucial to the enjoyment of all other legal rights. Portrait a brief analysis of the presence of 'access to justice' as a human right in the international law and as a fundamental right under the Constitution of India.
14
5. (a) What is Lok Adalat? Is there any difference between a Lok Adalat and a Permanent Lok Adalat? Is there any condition precedent to be followed by a party intending to bring their disputes in Lok Adalat?
2+2+3=7

(b) Discuss in brief the composition and functions of National Legal Service Authority.

3+4=7

6. Write Short Notes on:

7+7=14

(a) Clinical Legal Education

(b) Public Utility Services

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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. Metal Impacts Limited and Metro AG Limited enter into a contract which contains a dispute resolution clause providing for *ad hoc arbitration* in Chennai by a sole arbitrator. When disputes arise between the parties, Metal Impacts files a suit before the City Civil Judge in Bangalore alleging fraud and breach of contract on the part of Metro AG. Metro AG is keen to avoid submitting the dispute to the courts. What remedies does it have and what can it do to avoid the jurisdiction of the civil court? What arguments can Metal Impacts make to establish that the suit is maintainable?

In the above case, after much discussion, the parties agreed to refer the dispute to arbitration. However, the parties are unable to reach a consensus on the arbitrator who should be appointed. Moreover, Metro AG contends that the claim itself is hopelessly time-barred. What remedies does Metal Impacts have? *Decide*

2. The Contract between the parties provided for the final settlement of dispute by arbitration in Belgium. A dispute arose. An application was made to an English court for interim injunction relief. The other party applies for stay of the proceeding in favour of arbitration. One of the party approached to you; working as Senior Associate in "Arbitration Attorney & Associates" which is a leading international law firm in India comprising over 350 professionals, with offices in India and well as England providing legal advice and service to international & domestic clients. Give legal advice to the party for granting *interim measure* according to LCIA.
3. "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 Arbitral Tribunal” under LCIA Rules.

4. 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**
5. Discuss the Role of Arbitration in the International Chamber of Commerce (ICC).
6. Critically explain the grounds for setting aside an *arbitral award* with special focus on Public Policy.

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)
Semester End Examination (December, 2017)
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. "One of the basic components of Indian governance planning is the concept of an unbiased, honest, efficient and valiant civil service which is the core of the Executive whether it is All India Services or the other Civil Services, which form the stable structure and support of Indian Administration System."
With the help of given statement discuss the importance and responsibilities of civil servant in Indian democratic system.
2. "Recruitment of civil servants has to be neutral, unbiased and free from prejudices of any kind. To ensure objectivity and impartiality in recruitment, an independent and expert authority is required which is known as the institution of public service commission."
Critically evaluate the significance and functions of public service commission. Do you think the public service commission is free from personal and political influence? Advance your arguments with the help of authentic examples.
3. Examine the reasons for the growth of administrative adjudication and state the powers and functions of Administrative Tribunal.
4. Discuss the various categories of public services and their terms of conditions in India.
5. Examine the implications and significance of the principle of '*Audi Alteram Partem*' with respect to Article 311(2) of the Constitution of India.
6. Judicial review is a protection and not a weapon. Discuss the grounds for judicial control of administrative powers.

OR

Discuss: (a) Salient features of the Doctrine of Pleasure in United Kingdom

(b) Presidential Reference under Article 143 of the Constitution on removal of Chairman and members of the Public Service Commission.

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

**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. With the help of case laws discuss what is online defamation? Discuss the liability of Internet Service Providers for third party information.
2. What is obscenity? Discuss with the help of judicial approach with special reference to Child Pornography.
3. Discuss the salient features of the Information Technology Act, 2000.
4. Discuss the provisions relating to appointment of Controller of Certifying authorities. Also discuss in detail the functions of the Controller of Certifying authorities.
5. Discuss the composition of Cyber Appellate Tribunal. Also discuss the qualification for appointment as Chairperson and Members of Cyber Appellate Tribunal.
6. Write short notes on:
 - (a) Right to Privacy in Cyber space.
 - (b) Cyber Terrorism.

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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.
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. Critically examine the relationship between the international human rights law and international humanitarian law in the context of the international recognition of the complimentary application of these two legal regimes.
(14)
2. Who are Prisoners of War as per Article 4 of the Third Geneva Convention of 12 August, 1949? 'X', a belligerent has been captured by the armed forces of the enemy state 'ZY'. 'X' claims protection under the Third Geneva Convention of 12 August, 1949. However 'ZY' has expressed doubt as to the status of 'X'. Determine what status is to be accorded to 'X' and what protections would ensue from the status accorded. Justify your answer with legal provisions.
(6+8=14)
3. "International Humanitarian law recognises that children, as a category, require specific rules which address their particular needs in times of armed conflict. In this regard a dual approach has been taken by the International Humanitarian law to deal with the needs of children in hostilities. Firstly it provides for rules and mechanism to protect children from effects of combat operations. Secondly it seeks to prevent the involvement of children in hostilities." – In the context of the above statement analyze the international legal framework applicable to the recruitment and participation of children in hostilities.
(14)
4. Valerie Oosterveld in the article 'Feminist Debates on Civilian Women and International Humanitarian Law' has considered the "resulting debate as to whether female-specific International Humanitarian Law (IHL) provisions are adequate but underforced, or inadequate, outdated and in need of revision" from two approaches. Oosterveld regards one approach as the enforcement school and the other as the revision school. Elucidate the arguments advocated by both the schools in respect of the specific protections within

the International Humanitarian Law for 'civilian women against sexual violence' and 'pregnant women and mother of young children'.

(7+7=14)

5. "Legal basis for adoption of national measures by States Parties is set forth in Article IV of the Biological Weapons Convention which mandates that each State Party in accordance with its constitutional processes is to adopt necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, retention, transfer or use of biological weapons by anyone under its jurisdiction."- Explain the legal measures undertaken in India to materialize its commitment to prevent proliferation of weapons of mass destruction. Discuss briefly the challenges encountered and initiatives adopted at the international level for the implementation of the Biological Weapons Convention.

(6+8=14)

6. "The principle of Non-Refoulement is considered as the back-bone of the international protection system toward refugees and asylum seekers and is institutionalized into various national as well as international instruments. However it is recognised that there may be certain legitimate exceptions to the principle."- Critically analyze the above statement.

(14)

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

Subject Code: 9.4/5 (IP.3) Law Relating to Copy Rights, Industrial Designs, Trade Secrets and Technology Transfer

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. Mr. Anand an Indian businessman manufacturing and marketing of figured and wired glass sheets since 1981. He claimed to be the originator of new and original industrial designs, applied by mechanical process to glass sheets. Anand had applied to the Controller of Patents and Designs for registration of the said design in class 25-01. And the said design was duly registered on 5.11.2002 and was to remain valid for a period of 10 years from the date of its registration. Mr. Anand claimed the exclusive right over the said design on the glass sheets. He marketed the glass sheets of the said design under the name of Diamond Square and that became popular amongst the customers soon after its launch in the market. But in the meanwhile the Delta Co. started imitating the said registered design, as a result thereof Mr. Anand was constrained to file a suit against Delta Co. in the District Court. In order to counter-blast the suit, Delta Co filed an application under Section 19 of the Act of 2000 before the Controller of Patents & Designs for cancellation of registration of the Design mainly on the ground that the design has already been previously published in India and abroad and on the ground that the design was not new or original. As against this Mr. Anand filed an affidavit stating that the German Company has been engaged in the manufacture of engraving rollers and no other goods and it was contended that the company was not engaged in manufacture of the goods other than engraving rollers. And that the French Co never manufactured engraved glass sheets by using engraved rollers. Anand's Design Registration was cancelled by the Assistant Controller. Decide as per the relevant provisions of the Design Act and the decided cases.
2. Explain the International legal framework for registration and protection of industrial designs in other convention countries.
3. Doctrine of sweat of the brow and minimum degree of creativity is the fundamental principle of copyright law. Elucidate with the help of decided cases.

4. Unlike USA, India does not have an exclusive law for the protection of Trade Secrets and Confidential Information. Is there any difference between the two terms as per the TRIPS provision? What is the approach of Indian courts in this regard?
5. How does the Copyright law of India define a legitimate or bonafide fair use of a work from a malafide blatant copy of the work? Explain with decided cases.
6. Write short notes on the following:
 - (a) Idea-Expression dichotomy.
 - (b) Overlapping between Copyright Act and Design Act.

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B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)

Semester End Examination (December, 2017)

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. 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 Asian regions.
(7+7)
2. 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 ITO that did not materialize. GATT had to undertake several functions including settlement of trade disputes. However, it was replaced by WTO. Discuss the mechanism available for settlement of disputes under the Dispute Settlement Understanding annexed to the Agreement establishing the World Trade Organization with the help of the *United States – Import Prohibition of Certain Shrimp and Shrimp Products* case.
(10+4)
3. The Hague Convention for the Pacific Settlement of International Disputes, 1899 was followed by the Hague Convention for the Pacific Settlement of International Disputes, 1907. Both the Conventions have elaborate procedures relating to arbitration. Discuss the given provisions as well as the differences, if any.
(14)
4. 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)

5. 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 institution established under it as well as the role played by it in the settlement of investor-state disputes.

(6+8)

6. Write Short Notes on the following:

(7+7)

(a) Special Arbitration Tribunal under UNCLOS

(b) Permanent Court of Arbitration
