

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, IX-Semester: Academic Year: 2015-2016
End Semester Examination (November, 2015)
9.1CYBER 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.

1. What is a domain name? Explain how the function of domain name is similar with trademark in the light of provisions of Trade Marks Act, 1999 and various judicial decisions.
2. Write Short Notes on the following:
 - A. ICANN Uniform Dispute Resolution Policy
 - B. 'IPR issues in Hyperlinking and Metatagging'
3. Analyze different tests laid down by the courts in the United States of America and the United Kingdom to determine jurisdiction in internet related cases.
4. Discuss various kinds of cyber-crimes and its punishment for commission of such crime under the Information Technology (Amendment) Act, 2008.
5. Discuss the offence of Cyber Pornography under the Information Technology Act, 2000. Also discuss the liability of company in the light of Section 85 of Information Technology Act, 2000 and Bazeem.com case.
6. Explain the circumstances in which an intermediary is exempted from liability for the contents posted by the third party on the website of intermediary.

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End Semester Examination (December, 2015)
9.2 LAW OF EQUITY, TRUSTS, SUI 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. Equity fulfills the common law, although it does not endeavor to displace it with a moral code. Explain.
2. Explain any two of the following:
 - a) Equity acts in personam
 - b) Where there is equal equity, the law shall prevail.
 - c) Equity looks on that as done which ought to have been done.
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 on B's request, the trust property to B's husband C. C becomes insolvent and B request A to make the loan. Whether A can refuse to make it?
4. Calculate the court fee in the following cases and also explain the method of calculation with provisions of law;
 - (a) A files the suit for setting aside the attachment of his property worth Rs. One lakh. The property was attached for non-payment of government revenue of Rs. five lakhs.
 - (b) Suit filed by the tenant, who was disposed by the landlord in illegal manner. The tenant filed the suit for the possession of tenanted premises against the landlord and another person to whom the premises was let out after dispossessing the tenant. The rate of rent was Rs. 5000/-p.m.
5. (a) What are the objects of the Indian Registration Act ? State the places where documents effecting immovable property be presented for registration under the said Act.
(b) Amar executes a sale deed of a house in favour of Akbar. The house is situated at Nagaon. Amar want to get the sale deed registered at Guwahati. Can he do so?
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 2005 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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End Semester Examination (December, 2015)
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.
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Answer any five questions from the following. All questions carry equal marks.

1. Write Short Notes: (Any Three) (4x3=12)
 - a. Permanent Lok Adalat
 - b. Para Legal Service
 - c. Public Interest Lawyering
 - d. Amicus curiae
2. Discuss the evolution and growth of Public Interest Litigation in India with the help of decided cases. (12)
3. "The Legal Aid is not a matter of charity but it can be claimed as a matter of right."
Amplify the above mentioned statement citing statutory provisions relating to legal aid in India. (12)
4. Elucidate the role of Public Interest Litigation as a weapon of promoting and protecting the rights of have not's in India. (12)
5. a. State the objective and legislative intent for the enactment of *The Legal Services Authorities Act, 1987* and mention the various statutory legal service authorities established by the said Act.
b. Elaborate the various modes of legal services as provided in exercise of powers conferred by Section 29 of the Legal Services Authorities Act, 1987 Act. (6+6=12)
6. "The persons who satisfy all or any of the criteria specified in Section 12 of the Legal Services Authorities Act, 1987 Act shall be entitled to receive legal services provided by the concerned authority." Discuss in detail the criteria so specified. (12)

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9.4 CN.3 SERVICE LAWS

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. Discuss the jurisdiction, powers and authority of the Administrative Tribunal. Under what circumstances can the government servants appeal before the Central Administrative Tribunal against the final decision in any disciplinary proceeding?
2. Examine the scope and effect of Articles 309, 310 and 311 upon one other. What are the main purposes of these constitutional provisions?
3. Are the employees of statutory corporations such as the LIC, ONGC, SBI etc. entitled to the protection of Article 311 of the Constitution? Cite relevant cases to substantiate your point.
4. What is the implication of L. Chandra Kumar v. Union of India (1997) on the powers of tribunals in India?
5. Define "misbehavior" in the context of Article 317 of the Constitution. Refer to some important references made by the President to the Supreme Court on this.
6. Write short notes on any two of the following:-
 - a) Composition and qualification of members of Central Administrative Tribunal
 - b) Censure and warning
 - c) Suspension and Dismissal

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9.4 CR.3 CYBER CRIME AND INFORMATION TECHNOLOGY 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. 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. Cybercrimes have been classified on the basis of the nature and purpose of the offence. Discuss the cybercrimes against the property and cybercrimes against society.
3. Internet domain name can be like an address of a house or street or telephone number. A person can access a website with the same name from any part of the globe. Discuss the Cyber Squatting and how principles laid down by *Hiralal Parbhudas v. M/s Ganesh Trading Co.* case with reference to registration and reading domain name will eliminate the domain disputes.
4. "The amendment to the Information Technology Act, 2000 was made in 2008, whose main objective was specifically towards obtaining cyber security." Elaborate this statement with reference to confidentiality in data protection, online privacy rights and cyber terrorism with decided cases or instances.
5. One of the objectives of the Information Technology (Amendment) Act, 2008 is to ensure non-publishing or non-transmission of obscene material/information online. Narrate the link between cyber obscenity and combating cyber obscenity with decided case laws as well as the provisions under the Indian Penal Code, 1860.
6. Write notes the following:
 - (i) Digital Signatures;
 - (ii) Electronic Governance.

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**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. Examine the meaning of “literary work” under the Indian Copyright Act. Is it necessary under the Copyright Act of India that a “work” should be expressed in print or in writing for enabling it to claim Copyright protection? Discuss.
2. Authorship and ownership have long been closely intertwined in copyright law. Discuss the ownership of copyright defined under section 17 of Copyright Act and exceptions to the provision as explained. Also discuss contentions distinguished by the court in *Najma Heptulla v. Orient Longman Ltd.* AIR 1989 Delhi 63 for settlement of conflict of ownership.
3. Copyright is the exclusive right which is given by the Government to the owner of the original work. The owner of the work may grant any interest in his copyrighted work to some other person through licensing. Sometimes non-voluntary licenses are necessary in India in the public interest. Discuss, define and distinguish between the Compulsory Licensing and Statutory Licenses under Copyright Law.
4. The digitization of the works is one of the prime causes that led to unauthorized copying of the literary work which has made it quite easy and has resulted in huge loss to authors. Discuss the impact of Copyright (Amendment) Act 2012 which deals with technological protection measures and purpose of Digital Millennium Copyright Act.
5. Define Trade Secret and how will you determine the status of Trade Secret? Discuss the concept of misappropriation and liability for misappropriation of Trade Secret under respective law.
6. What do you understand by Transfer of Technology? TRIPS Agreement vis-à-vis Transfer of Technology.

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9.4 BL.3 INTERNATIONAL COMMERCIAL LAW 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.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer five questions from the following. Q. No.1 is Compulsory. All questions carry equal marks.

Answers should be precise, supported by the relevant provisions and appropriate decisions. If the answer to a particular question depends on additional facts or foundations not provided, candidates must describe how they are related. Credit will be given for the reasoning for the decision than the decision itself.

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 agree to refer the dispute to arbitration. However, the parties are unable to reach a consensus on the appointment of arbitrator. Moreover, Metro AG contends that the claim itself is hopelessly time-barred. What remedies does Metal Impacts have? Who should decide Metro AG's argument of a time barred claim in the context of *SBP v Patel Engineering* decision of the Indian Supreme Court?

2. Mr. Raghav Joshi and Mr. Prem Joshi were partners in a partnership firm dealing with construction business. The partnership agreement has a clause for dispute resolution as provided below:

"If during the continuance of the partnership or at any time afterwards any dispute touching the partnership arises between the partners, the same shall be mutually decided by the partners or shall be referred for arbitration if the parties so determine."

Mr. Raghav and Mr. Prem Joshi had a dispute related to partnership. Mr. Raghav wants the dispute to be referred to arbitration based on the above-mentioned agreement. Based on the above situation, explain whether the clause mentioned above is valid or not under the Arbitration and Conciliation Act. Substantiate the arguments with the help of decided case laws. Define International Commercial Arbitration under Arbitration and Conciliation Act, 1996.

3. "The decision of the Supreme Court in *BALCD v. Kaiser Aluminum* has hauled Indian arbitration jurisprudence out of the Dark Ages". Critically examine.

4. Answer the following Questions:

- a) The arbitration between Reteitalia Spa (Italy) and Lagardere SCA (France), the parties were at odds over whether a contract for the sale of shares in the French Television channel, La Cinq, was void for legal impossibility. As a result of the acquisition, Reteitalia's holding would have exceeded the maximum twenty-five per cent threshold permitted under the applicable French Law. The three member arbitration panel dismissed Lagardere's request for the recognition of an option in its favor to sell the shares because it concluded that the parties' agreements was indeed invalid. Decide in the light of Dispute Resolution Mechanism in Merger and Acquisitions of company.
- b) A 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. Discuss "The Request for Arbitration" with the help of The London Court of International Arbitration (LCIA) India Rules and Indian Arbitration and Conciliation Act.

5. What are BITs? Explain their significance in resolving disputes. Why are they controversial? Critically evaluate.

6. Write explanatory notes on:

- a) The Appointment of Arbitrators by the Chief Justice of India Scheme, 1996
- b) Role of Arbitration in the International Chamber of Commerce.

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