

NLUJAA

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

Semester End Repeat Examination (February, 2018)

Subject Code: 9.1 Cyber Law

Time: **3:00 Hrs.**

Total Marks: **100**

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. Answer the Following Questions:

- a) *“In the digital age, the traditional manner of transacting business has been obsolete as e-commerce utilizing modern technology has replaced the conventional methods of transacting business.”* Comment. Discuss the various models of e-commerce in India.
- b) Discuss the different kinds of Cyber-Crime under Information Technology Act, 2000 also comment on *Avnish Bajaj case*.

2. A patient admitted in Private Hospital at New Delhi. The entire system was computerized in the hospital. One of employee of the hospital hacked the computer system and modified the data relating to amount of insulin to be injected to a patient as result of which 60mg was modified into 260mg. Nurse injected the same amount of insulin to the patient and he died. Discuss the nature of crime. Distinguish between Cyber Crime and Conventional Crime; What are the punishment for employee under Information Technology Act, 2000 and Rules.

3. Examine the Legal validity of e-contract in India and whether Information Technology Act 2000, address the e-contract or not? If yes, then explain from of e-contact performed through in cyber space.

4. Discuss the Function and power of the State Adjudicating Officer and the Cyber Appellate Tribunal under the Information Technology Act, 2000.

5. Comment on- *JCB India Limited and Ors v. Mr. Abhinav Gupta* FAO (OS) No. 488 and 489/2008.

6. Short Note on –

- (a) Cyber cafe owner’s liability and responsibility.
- (b) Copyright (Computer Software) and Internet.

NLUJAA

National Law University and Judicial Academy, Assam

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

Semester End Repeat Examination (February, 2018)

Subject Code: 9.2 Law of Equity, Trusts, Suit Valuation and Registration

Time: **3:00 Hrs.**

Total Marks: **100**

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. "Equity jurisdiction may be divided into three categories namely; exclusive jurisdiction (the creation of new rights), concurrent jurisdiction (the creation of new remedies) and auxiliary jurisdiction (creation of new procedure)". Examine the above statement with the aid of relevant authorities?
2. Explain any one of the following:
 - a) Equity imputes an intention to fulfill an obligation.
 - b) Delay defeats equity.
 - c) Where the equities are equal, the first in time shall prevail.
3. What purposes are prohibited for creation of a valid trust? Aditya transfers his property in trust in favour of Raman with the direction that the property be used for the business of contraband opium and out of the profit of this business, maintenance may be given to Aditya's children. Is this a valid trust?
4. State the documents whose registration is optional under the Regulation Act, 1908.
5. 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 the three months. Can such document be registered and if so, within what period?
6. What is the effect of non-registration of document required to be registered under the Registration Act, 1908? State whether the Will and Adoption Deed require compulsory registration?

NLUJAA

National Law University and Judicial Academy, Assam

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

Semester End Repeat Examination (February, 2018)

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.
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. Define Public Interest Litigation. Make a critical assessment of the history and evolution of Public Interest Litigation in India.

6+8=14

2. "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.

10+4=14

3. 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.

14

4. Write Short Notes:

7+7=14

- a) State Legal Service Authority
- b) Para Legal Services

5. "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 various statutory provisions relating to legal aid and judicial interpretations of the same in India.

14

6. Critically evaluate the role of Public Interest Litigation as a weapon of promoting and protecting rights of the have-nots' in India.

14

NLUJAA

National Law University and Judicial Academy, Assam

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

Semester End Repeat Examination (February, 2018)

Subject Code: 9.4/.5 (BL.3) International Commercial Laws and Arbitration

Time: **3:00 Hrs.**

Total Marks: **100**

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. 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 work for foreign companies and held legal qualification from the United States. Comment. Discuss principle of nationality requirement with help of the LCIA Rules.
2. Discuss according to provisions of The London Court of International Arbitration (LCIA):
 - a) Procedure for appointment of Arbitral Tribunal
 - b) Conduct of arbitral proceedings.
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.**
4. Discuss the Role of Arbitration in the International Chamber of Commerce.
5. Critically explain the grounds for setting aside an Arbitration Award with special focus on public policy.
6. Write explanatory note on:
 - a) Doctrine of Double Exequatur
 - b) Concept of Arbitrability

NLUJAA

National Law University and Judicial Academy, Assam

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

Semester End Repeat Examination (February, 2018)

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

Time: **3:00 Hrs.**

Total Marks: **100**

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. Define “design” as given in the Designs Act, 2000. What are the grounds of prohibition of registration of certain designs?
2. Discuss the Hague system of international registration and protection of industrial designs.
3. Anything worth copying is worth protecting under the copyright. Ellucidate with the help of decided cases.
4. What do you mean by Trade Secrets and Confidential Information? How can it be protected legally?
5. What amounts to fair dealing under the Copyright Act 1957? Cite the recent judgments on fair dealing.
6. Write short notes on the following:
 - a) Compulsory license under Copyright Act.
 - b) Overlapping between Copyright and Design Acts.

NLUJAA

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

Semester End Repeat Examination (February, 2018)

**Subject Code: 9.4/.5 (CR.3) Cyber Crimes and Information
Technology Laws**

Time: **3:00 Hrs.**

Total Marks: **100**

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. A computer system consists of two major elements: Hardware and Software. Discuss and differentiate between Hardware and Software of a computer.
2. What do you mean by domain name cybersquatting? Discuss the judicial approach towards cybersquatting.
3. Discuss the salient features of the Information Technology Act, 2000.
4. Discuss the essential ingredients and reasons for growing cybercrime.
5. Discuss the provisions relating to appointment of Controller of Certifying authorities. Also state the functions of the Controller of Certifying authorities.
6. Write short notes on:
 - a) Cyber Defamation
 - b) Cyber Terrorism

NLUJAA

National Law University and Judicial Academy, Assam

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

Semester End Repeat Examination (February, 2018)

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

Time: **3:00 Hrs.**

Total Marks: **100**

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. Explain the humanitarian considerations enumerated in the ancient Hindu texts which had motivated the codification of modern international humanitarian law. (20)
2. Discuss the concepts, scope of application and procedural regimes of war crimes and grave breaches. (20)
3. Analyze the international legal framework pertaining to protection of children during hostilities. (20)
4. Explain Common Article 3 to the Four Geneva Conventions of 12 August, 1949. Briefly discuss the provisions relating to general protection of populations against the consequences of war as laid down in the Fourth Geneva Convention of 12 August, 1949. (8+12=20)
5. Discuss the principle obligations created by the Anti-Personnel Mine Ban Convention, 1997. (20)
6. Examine the evolving definition of refugee in contemporary international law. Briefly explain the provisions stipulated in 'Chapter II: Juridical Status' of the Convention Relating to the Status of Refugees, 1951. (10+10=20)

NLUJAA

National Law University and Judicial Academy, Assam
B.A.,LL.B.(Hons.): V-Year, IX-Semester (Academic Year: 2017-18)
Semester End Repeat Examination (February, 2018)
Subject Code: 9.4/.5 (IL.3) Settlement of International Disputes

Time: **3:00 Hrs.**
Total Marks: **100**

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. Elaborate on the procedure relating to arbitration as provided for under the Hague Convention for the Pacific Settlement of International Disputes, 1899 and the Hague Convention for the Pacific Settlement of International Disputes, 1907.
(20)
2. 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 African and American regions.
(10+10)
3. Enumerate the mechanisms available under the United Nations Convention on the Law of the Sea and discuss the provisions relating to International Tribunal for the Law of the Sea in detail.
(5+15)
4. Discuss in detail the institution established under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States as well as the role played by it in the settlement of investor-state disputes.
(10+10)
5. Discuss the mechanism available for settlement of disputes under GATT and under the Dispute Settlement Understanding annexed to the Agreement establishing the World Trade Organization and explain the differences between the two.
(5+10+5)
6. Write short notes on the following: (10+10)
 - (a) Permanent Court of Arbitration
 - (b) Coercive Settlement of Disputes

NLUJAA

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

Semester End Repeat Examination (February, 2018)

Subject Code: 9.4/5 (CN.3) Service Laws

Time: 3:00 Hrs.

Total Marks: 100

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. Discuss the origin and development of civil service system in India.
2. Critically examine the legislative power of the Executive under Article 309 of the Constitution of India.
3. Natural Justice must be observed whenever an official or public body exercises a legal power. Explain the significance of the statement with the help of case laws.
4. Examine the various terms and conditions governing the various categories of public services as incorporated in the Service Laws in India.
5. Discuss the need and functions of Administrative Tribunal in India. Do you think the Tribunal could be able to achieve its designed goals?
6. Write Critical Notes on:
 - a) Powers of Commission of Inquiry
 - b) Indra Sawhney v. Union of India (AIR 1993 SC 477)

OR

Examine the significance of the Doctrine of Pleasure in present Indian Legal System.
