

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A., LL.B. (Hons.): V Year – IX Semester: Academic Year: 2015-2016
Mid Semester Examination (October, 2015)
9.1 AIR AND SPACE LAW/CYBER LAW/INFORMATION
TECHNOLOGY LAW

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. "Laws in India are insufficient to deal with E-Contracts." Analyze the statement in view of different laws governing E-Contracts in the US.
2. Explain "Clickwrap, and Shrinkwrap Contracts". Discuss the approach of courts in the US in enforcing these E-Contracts.
3. Explain different Models of E-Commerce with relevant examples. Discuss respective provisions on protection of privacy, sensitive personal data or information in E-Commerce in India.
4. Write short notes on the following:
 - a. Authentication and Legal Recognition of Electronic Record
 - b. Electronic Signature when considered reliable under the Information Technology Act, 2000

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9.2 LAW OF EQUITY, TRUSTS, SUI JURTI VALUATION AND
REGISTRATION

Time: **1:30 Hrs.**
Total Marks: **30**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any three questions from the following. All questions carry equal marks.

1. Define equity and discuss in brief the history of growth of equity.
2. Explain any two of the following:
 - a) Equity will not suffer a wrong to be without a remedy
 - b) He who seeks equity must do equity
 - c) Equity follows the law
3. Define the Trust. How is a Trust formed? Discuss.
4. What do you understand by revocation of a Trust? When may Trust be revoked?

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9.4 CR.3 CYBER CRIMES AND INFORMATION TECHNOLOGY
LAWS

Time: **1:30 Hrs.**
Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. Define the term Computer Hardware and Computer Software. Discuss the kinds of computer software.
2. Explain the modes of Communication through internet and discuss what are the advantages and disadvantages of these communications.
3. Define the classification of cyber- crimes mentioned under Information Technology Act. Illustrate the Cybercrimes committed against the society and an individual.
4. **Write note on the following:** **(2.5 x 4)**
 - i) Cyber stalking
 - ii) Hacking and Cracking
 - iii) Public Key and Private Key
 - iv) Internet time theft

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**9.4 IP-3 LAW RELATING TO COPY RIGHTS, INDUSTRIAL DESIGNS,
TRADE SECRETS AND TECHNOLOGY TRANSFER**

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. Discuss elaborately the subject matters included with reference to copyright in Berne Convention. How will you determine the durability of copyright in case of literary work according to Indian Copyright Act?
2. Define Adaptation of literary work with the help of *RG Anand v. Delux Films* case and its relevancy in copyright Law. How adaptation of musical works can ensure the protection under copyright Law?
3. Discuss the nature of rights vested in the Copyright holders and explain the position of moral rights even when economic rights are transferred.
4. Discuss about the remedies available against the Infringement of Copyright. Discuss the powers of Police Officers u/s 64 of Indian Copyright Act.

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9.4 CN.3 SERVICE LAWS

Time: **1:30 Hrs.**
Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. Discuss the meaning and scope of doctrine of pleasure under Article 310(1) of the Constitution. What is the underlying rationale of this doctrine? What are the exceptions to this doctrine?
2. “The values of independence, impartiality and integrity are the basic determinants of the Constitutional conceptions of Public Service Commissions and their role and functions.” [Andhra Pradesh Public Service Commission v. Balaji Badhavath, (2009) 5 SSC 1]

Amplify the above observation made by the Supreme Court of India highlighting the recent developments of alleged misconduct of Assam Public Service Commission.

3. Principle of natural justice demands that no civil servant should be condemned without a hearing. Point out the exceptions to the principle as per constitutional provisions and decided cases. What will be the effect of its non-observance upon the order of dismissal and removal?
4. Write short note on any two of the following: (5 each)
 - a) Civil Post
 - b) Civil service reforms
 - c) Parshotam Lal Dhingra v. Union of India (AIR 1958 SC 36:1958 SCR 828)

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9.4 IL.3 SETTLEMENT OF INTERNATIONAL DISPUTES

Time: **1:30 Hrs.**

Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. *“The principle of the peaceful settlement of international disputes is linked to various other principles of international law”* – In the light of the above statement explain briefly the concept of legal disputes under International Law and enumerate the principles stipulated in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations [resolution 2625 (XXV)], 1970 and the Manila Declaration on the Peaceful Settlement of International Disputes (resolution 37/10), 1992. (3+4+3=10)
2. Analyse ‘Negotiation’ as a peaceful means for settlement of disputes with the aid of relevant judicial decisions. (10)
3. *“Air Law offers a striking example of how existing rules can be swiftly adapted to the impressive technological progress and other developments”*. Elucidate the crucial role of International Civil Aviation Organization in this respect. (10)
4. Highlight the cardinal features of the following vis-à-vis liability of air carrier: (10)
 - a. Warsaw Convention, 1929
 - b. Hague Protocol, 1955
 - c. Guadalajara Convention, 1961 and Guatemala Protocol, 1971
 - d. Montreal Convention, 1999

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9.4 BL.3 INTERNATIONAL COMMERCIAL LAWS AND
ARBITRATION

Time: **1:30 Hrs.**
Total Marks: **30**

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 three questions from the following. All questions carry equal marks.

1. A contract involved supplying of knitting machines by an English firm to one firm in Germany. The contract contained arbitration clause. Twelve machines were supplied and twenty-four bills of exchange were received for the price. The German firm honoured six bills and refused to pay the rest alleging fraud. The buyer commenced arbitration proceedings and the British firm instituted legal proceedings in England. The German firm approaches to you as you are working in a Prestigious Law firm in London office as senior counsel having expertise in commercial arbitration.

Advice to the German firm for applying *stay proceedings* before the court and examine whether this agreement fall in category of "Arbitration Agreement" or not.

2. "The Contract clause provided that all disputes or differences of any kind whatsoever would be referred to the Vice-Chairman and Managing Director who had jurisdiction over the work and who would communicate his decision to the parties in writing and his decision shall be final." Critically examine this clause; decide whether this clause comes under the preview of Section 7 of The Indian Arbitration and Conciliation Act, 1996 or not.
3. In relation to the New York Convention, 1956 on International Commercial Arbitration:
 - a) Explain the circumstances under which arbitration awards may be enforced.
 - b) State the grounds on which arbitration decisions and awards may be refused by the courts.
4. Write explanatory note on any Two of the following:
 - a) UNCITRAL
 - b) Distinguish between Domestic Award and Foreign Award
 - c) Arbitration Agreement

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B.A., LL.B. (Hons.): V – Year, IX – Semester: Academic Year: 2015-2016

Mid-Semester Examination (October, 2015)

9.4 EL.3 CLIMATE CHANGE, ENVIRONMENTAL POLLUTION AND WASTE MANAGEMENT LAWS

Time: 1:30 Hrs.

Total Marks: 30

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 three questions from the following. All questions carry equal marks.

1. The ultimate objective of United Nations Framework Convention on Climate Change is to stabilize Green House Gas concentrations in the atmosphere. In order to achieve the above objective all the parties to the convention have made certain commitments. Describe the commitments made by Annex I countries of the UNFCCC 1992. (10)
2. The one of the most important International Law innovations of the Kyoto protocol is its market based instruments commonly referred as the flexibilities. Name various flexibilities under Kyoto protocol. Describe ~~Green~~ ^{Clean} Development Mechanism as a flexibility. What do you mean by voluntary cancellation of certified emission reduction under Kyoto protocol's Clean Development Mechanism? (3+5+2=10)
3. Majuli Tea Company Private Limited discharged untreated trade effluents into municipal drain without fulfilling the conditions of consent order issued by Assam Pollution Control Board. The Board directed its Officer to conduct survey of the area of the Company and to collect samples of trade effluents discharged into municipal drain by the company. The Officer after informing the authorities of the company surveyed and collected sample of trade effluents into two containers. The officer of the board then sent first sample to the scientific laboratory established by the Board for analysis and the second sample to the laboratory recognised by the Board against the wishes of the representative of the company who wanted it to be analysed by Assam Water laboratory. The Board after finding that the analysis of samples of trade effluents of the company were not in conformity with the consent order, moved the court for order to prohibit the company from further discharging the trade effluents and to prosecute the company for the offence of discharging untreated trade effluents into municipal drain.
Decide the case by referring to the relevant provisions of Water (Prevention and Control of Pollution) Act 1974. (10)
4. Discuss the main outcome of any two of the following Conferences of Parties working as the Meeting of the Parties: (5 + 5 = 10)
 - a) Copenhagen Convention
 - b) Durban Convention
 - c) Warsaw Convention
