

NLUJAA

National Law University and Judicial Academy, Assam

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

Mid Semester Examination (October, 2017)

Subject Code: 9.1 Cyber 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. Cyber-crime is not radically different from the concept of conventional crime. Both include conduct whether act or omission, which cause breach of rules of law and counterbalance by the sanction of the State. However there are certain difference between the two. It is relevant to points out these similarities and differences between the two. Explain.

2. Ms. Puja Nair Partner of leading law firm in India while going for vacation for a week, has configured her email account to automatically reply to all incoming email message with the following message-

“Thanks for your email. I am on vacation for a week and will reply your email as soon as I get back”

Mr. Siddharat a law student from law school sends an e-mail regarding internship at Puja Nair firm and receives Pooja’s pre-set message as well as copy of his own message.

Whether the automated communication consider as an acknowledgement of receipt under the Information Technology Act, 2000 if yes then explain with help of case laws and examples.

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

4. Short Note on –

- a) Digital Signature and Electronic Signature.
- b) Power to Adjudicate under Information Technology Act, 2000.

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

Mid Semester Examination (October, 2017)

Subject Code: 9.2 Law of Equity, Trusts, Suit 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 with relevant examples any two of the following:
 - (a) Equality is Equity.
 - (b) Delay defeats equity.
 - (c) Where the equities are equal, the first in time shall prevail.
3. Define trust. When may trust be revoked?
4. What purposes are prohibited for creation of a valid trust? Amit transfers his property in trust in favour of Kishan 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 Amit's children. Is this a valid trust?

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

Mid Semester Examination (October, 2017)

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

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. 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.
2. "An Agreement between an Indian Company and a foreign company incorporated under the laws of Iran with its head office at Terhran was executed". Define validity of above arbitration clause with the help of relevant legal provisions and case laws; further define essential element for International Commercial Arbitration.
3. Critically examine the impact of *Bhatia International Trading Company* case and subsequent cases on conducting of International Commercial Arbitration in India.
4. Write explanatory note on any Two of the following:
 - a) UNICITRAL Model Law
 - b) Forum Shopping
 - c) Distinctive Between Recognition and Enforcement

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

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

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. Civil Service is a professional, permanent and independent part of the Executive, giving the constitution continuity and stability. Critically analyze the given statement with special reference to India and the USA.
2. State the implications and limitations of the “Doctrine of Pleasure”.

A boy was arrested by the police in connection with the investigation of an offence of theft in a village and kept in police custody with his hands tied. On the next day, his body was found by the side of a railway track. After detailed enquiry by the CBI, it was found that it was a case of custodial death. The mother of the deceased seeks action against the police and demands monetary compensation. The State contended that the police action was a sovereign function hence, the question of compensation does not arise. Discuss.

3. Article 311 was almost verbatim lifted from a clause in the GOI Act 1935 whose purpose was to protect British civil servants is often criticized about the dilatory disciplinary proceedings that often seem to make a mockery of any attempt to instill discipline and accountability within the government officials. Explain the given statement and examine it with the help of current Government of Assam’s initiative to combat corrupt civil servants in the state.
4. Analyze the rule making power of the Executive under Article 309 of the Constitution of India. Can it be possible for the Executive to amend the rules retrospectively?

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

Mid Semester Examination (October, 2017)

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

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. With the help of appropriate provisions and judicial pronouncements explain what is Child Pornography?
2. What do you mean by Cyber Defamation? Discuss with the help of case laws. To what extent is an intermediary or Internet Service Provider liable for any third party information, data or communication link made available or hosted by them?
3. What is cyber-squatting? What has been the approach of the judiciary in providing protection to domain names?
4. Write short notes on:
 - (a) Tampering with computer source documents
 - (b) Publishing of information which is obscene in electronic form

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

Mid Semester Examination (October, 2017)

**Subject Code: 9.4/.5 (HR.3) International Humanitarian Law
and Refugee 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.
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Answer any three questions from the following. All questions carry equal marks.

1. Henry Dunant laid down the foundation of modern international humanitarian law resulting in the adoption of the Geneva Convention of 22nd August, 1864 - Discuss. (10)
2. Liber Code's requirement for combatants to wear uniform is relevant to modern warfare - Enumerate. Briefly explain the basic rules of the Liber Code. (4+6=10)
3. Analyze the concept of armed conflict in the context of Geneva Conventions of 12th August, 1949 and the two Additional Protocols of 1977. Who are 'Protected Persons' as per Article 13 of the First Geneva Convention of 12th August, 1949? (6+4=10)
4. Critically examine the scope and potential of Martens Clause as an independent legal norm. (10)

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

Mid Semester Examination (October, 2017)

Subject Code: 9.4/5 (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. Explain the theory of idea-expression dichotomy as applied in Indian Copyright Law.
2. What are the requisite standards of “originality” as laid down in “sweat of the brow principle” and “modicum of creativity”? Illustrate with the help of cases.
3. What do you mean by “fair dealing” under the Copyright Act, 1957. Explain with the help of recent landmark judgments.
4. Write brief note on:
 - (i) R.G. Anand v. M/S. Delux Films (AIR 1978 SC 1613).
 - (ii) Compulsory licence in Copyright Act, 1957.

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

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Subject Code: 9.4/5 (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.

Answer any three questions. It is compulsory to answer the first question. All questions carry equal marks.

1. Judicial settlement involves the reference of disputes to permanent tribunals for a legally binding decision. The International Court of Justice is an embodiment of the same but its jurisdiction is primarily based on the consent of the states. In the light of the same, discuss in details the different methods by which States can invoke the jurisdiction of the International Court of Justice. Further, discuss the grounds of exercise of jurisdiction by the International Court of Justice in three contentious cases. (4+6)
2. Inquiry is a specific institutional arrangement which states may select in order to get some disputed issue to be independently investigated. Discuss in details the inquiries conducted under the procedures established by the 1899 Hague Convention for the Pacific Settlement of International Disputes and 1907 Hague Convention for the Pacific Settlement of International Disputes respectively. 10
3. 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. 10
4. 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. 10
