

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

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

1. Define Cybersquatting with the help of case laws. Discuss the legal remedies available with the victim of Cybersquatting committed in India?
2. Explain the circumstances in which a complaint can be filed in Registry for deciding domain name dispute. Explain the circumstances with the help of case laws.
3. Who is an Intermediary? Is an Intermediary liable for third party actions under the Information Technology Act, 2000?
4. Discuss the validity of E-Contracts with reference to jurisprudence developed in the United States of America and the United Kingdom.
5. Write short notes on the following:
 - (a) Phishing
 - (b) Skimming
6. Write short notes on the following:
 - (a) Cyber Pornography
 - (b) Cyber Terrorism

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, IX-Semester: Academic Year: 2015-2016
Repeat Examination (January, 2016)
9.3 PUBLIC INTEREST LAWYERING, LEGAL AID AND PARA
LEGAL SERVICES

Time: **2.30Hrs.**
Total Marks: **60**

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

1. Write short notes on any three of the follows: **(4x3=12 Marks)**
 - (i) Lok Adalat
 - (ii) Taluk Legal Service Committee
 - (iii) Right to Legal Aid
 - (iv) Curative Petition
2. The emergence of Public Interest Litigation in India is not only an extension of the rule of *Locus Standi*; it is a weapon to render the Preambler objective – *Justice Krishna Iyer*’
Elucidate the above mentioned statement made by Justice Krishna Iyer with the help of decided cases. **(12 Marks)**
3. “Access to Justice is a basic human right conferred by the common law and exists unless it is taken away under any valid exercise of statutory or Constitutional power by the legislature.” (*Khatri v. State of Bihar*, AIR 1981 SC 928)
Explain the criteria specified by the National Legal Services Authorities Act, 1987 under which a person is eligible to get free legal aid. **(12 Marks)**
4. Discuss (citing leading judgments) the potentiality of Public Interest Litigation as a means to promote and protect gender justice in India. **(12 Marks)**
5. (a). Discuss the salient features of the Legal Services Authorities Act, 1987.
(b). Explain the functions of National Legal Service Authority as mentioned in the Legal Services Authorities Act, 1987. **(6+6= 12 Marks)**
6. “PIL is a weapon which has to be used with great care and circumspection and that the judiciary has to be careful to see that under the guise of redressing a public grievance it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature.” (*State of Himachal Pradesh v. Students’ Parent, Medical College, Shimla* AIR 1985 SC 910)
Do you agree with the above mentioned statement? Give juristic opinion in support of your answer. **(12 Marks)**

* * * * *

NLUA

NATIONAL LAW UNIVERSITY, ASSAM

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

Repeat Examination (January, 2016)

9.4 IL.3 SETTLEMENT OF INTERNATIONAL DISPUTES

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

1. "Mediation cannot be forced on the parties to an international dispute, but only takes place if they consent."- Discuss. What are the functions of meditation? **(8+6=14 marks)**
2. Explain the substantive aspects of negotiation. Comment on the 'attitude of parties' with regard to consultation in the light of provisions of international instrument and judgments of the International Court of Justice (ICJ). **(8+6=14 marks)**
3. Discuss the institutional aspects of Arbitration as a pacific means of settlement of international disputes in the context of composition, rules of procedure and applicable law of arbitral tribunals. Briefly explain on the effect of an arbitral award. **(4+4+3+3=14 marks)**
4. What have been the main reasons for low number of ratifications of the 1979 Moon Agreement? Do you support or oppose the ratification of the 1979 Agreement by major space-faring States? Explain your view points with critical assessment of relevant provisions of applicable international treaties. **(8 marks)**
5. On 11 January 2007, the Peoples' Republic of China successfully conducted an anti-satellite test by using a ground-based medium-range ballistic missile to destroy its weather satellite orbiting in outer space at an altitude of about 800 kilometers. It is estimated that the test resulted into thousands of pieces that were scattered into various orbits ranging from 3,800 to 200 kilometers. According to an expert on orbital debris, this Anti-Satellite [ASAT] test, "is by far the worst satellite fragmentation in the history of the space age, in the past 50 years." This test has caused international alarm. Several States – including Australia, Canada, India, Japan, Taiwan, and the United States– have expressed serious concerns that the test could initiate an arms race in outer space, and that space debris created by the test could pose significant danger to civilian and commercial satellites. Critically analyze relevant provisions of the applicable international treaties that apply to this testing activity with respect its implications (a) for the Earth and outer space environment and (b) for the militarization and weaponization of outer space. **(10 marks)**
6. Short Notes (Any two): **(5+5=10 marks)**
 - a. Resolution 37/92 on Direct Broadcasting by Satellite
 - b. Resolution 41/65 on Remote Sensing of the Earth from Outer Space
 - c. Resolution 47/68 on Principles Relevant to the Use of Nuclear Power Sources (NPS) in Space
 - d. Emissions due to Aviation Sector and UNFCCC

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, IX-Semester: Academic Year: 2015-2016
Repeat Examination (January, 2016)

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

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

1. “The National Mission for Enhanced Energy Efficiency aims to strengthen the market for energy efficiency by creating a conducive regulatory and policy regime.”

In the light of the aforementioned statement of India’s Intended Nationally Determined Contribution, 2015 describe the mitigation and emission reduction strategy for CHG based energy consumption in India.
2. “The parties to the United Nations Framework Convention on Climate Change while fashioning the new international climate change regime at Paris in December 2015 addressed a wide range of legal issues”

In the light of the aforementioned statement, describe the objectives and elements of Paris Agreement 2015. Discuss further its ambitious goal to be undertaken globally before and after 2020 with regards to the mitigation and adaptation of climate change.
3. The U.N Climate Conference at Cancun, Mexico took place in December, 2010 to finalize the Cancun Agreement. Discuss the importance and main features of Cancun Agreement.
4. Discuss the responsibilities of occupier for handling hazardous waste under Oleum Gas Leak case and Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008.
5. Discuss the contravening conducts and their prescribed punishment under the Air (Prevention and Control of Pollution) Act, 1981. Can a corporate entity be punished under the Act? If yes, then describe the provisions under the Act and refer to a decided case.
6. Write short notes on any two of the following:
 - a) Impact of Global Warming in North- East India.
 - b) Mechanism for prevention and control of Water Pollution.
 - c) Sustainable Development Goal 2015 and adaptation of Climate Change.

* * * * *

NLUA

NATIONAL LAW UNIVERSITY, ASSAM

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

Repeat Examination (February, 2016)

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 any five questions from the following. Question 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 of the decision than the decision itself.

1. Answer the following questions-

- (a) "The parties hereby agree exclusively to submit disputes arising hereunder to the High Court of England, Scotland and Wales. In the event that party A so elects, the parties shall execute an arbitration agreement for the resolution of a dispute arising out of or in connection with this contract, to be finally settled before Donald Johnson QC, acting as sole arbitrator, in accordance with the ICC Rules in London."

Identify the difficulties, if any that may be encountered in the application of the above clause in the context of an actual dispute. What is dispute resolution clause? What are the risks posed by dispute resolution clauses?

- (b) "The London Court of International Arbitration (LCIA) India Rule 2010, provides 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 tribunals may cause significance delays in the composition of the tribunal. On the other hand, a three –member tribunal often allows parties to have a greater say in the section of the decision-makers. Arbitration tribunals composed of more than three arbitrators are rare in commercial cases." Comment and discuss "Procedure for the appointment of the Tribunal" under LCIA India Rule, 2010.

2. A Contract between the parties provided for the final settlement of disputes by arbitration in Belgium. However, a dispute arose. An application was made to an English court for interim injunction relief. The other party applies for stay of the proceedings in favour of arbitration. The party approached 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 as 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 Indian Rule, 2010.

3. Critically examine the impact of Bhatia International Trading Company Case in conducting of International Commercial Arbitration in India.
4. A Merger agreement between American Medical Electronic, Inc. (AME) with Othello from Orthofix, In., the determination of the amounts payable to the shareholders pursuant to the contractually specified formulation was entrusted to a Review Committee, the decision of which could be final and binding. If the Review Committee was unable to agree by a majority decision on the correct payout, the matter could be submitted by the Committee to binding arbitration. The Review Committee decided that the appropriate payout was US \$6-million. As per the decided amount that the Committee specified, that its payout determination would be conditional upon submission to and approval by an arbitrator. An arbitrator was appointed and rendered a "*Consent award*", adopting the settlement in its entirety. The AMR shareholder file a suit in Colorado against committee's members and Orthofix for breach of Contract and fiduciary duty. Orthofix approaches to you for legal advice in this matter and also contend that the agreement comes under the preview of "Arbitration Agreement", and Company matters also settled by the Dispute Resolution Mechanism.
5. What are BITs? Explain their significance in resolving disputes. Why are they controversial? Critically evaluate.
6. Write explanatory notes on any two of the following:
 - (a) The Appointment of Arbitrators by the Chief Justice of India Scheme, 1996
 - (b) Role of Arbitration in the International Chamber of Commerce.

* * * * *

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, IX-Semester: Academic Year: 2015-2016
Repeat Examination (February, 2016)

9.4 CR.3 CYBER CRIMES AND INFORMATION TECHNOLOGY 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.
-

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

1. Define 'Computer Hardware' and 'Computer Software. Discuss the kinds of computer software elaborately.
2. Classify the Cybercrimes mentioned under Information Technology Act. Explain various kinds of crimes committed against the Society and Property in cyberspace.
3. Internet domain name can be like an address of a house or street or telephone number. A person can access the 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 in determining to register and read domain name will eliminate the domain disputes.
4. "Internet censorship includes the control or suppression of the publishing or accessing of information on the internet." Explain this statement with special reference to fundamental right to freedom of expression guaranteed under Constitution of India, 1950 and Information Technology Act, 2008.
5. Cybercrime is a collective term encompassing both 'cyber contraventions' and 'cyber offences'. Discuss computer related offences committed by a body corporate and also the exemptions provided under the Information Technology Act, 2008 with decided cases.
6. Write short notes the following:
 - (i) Digital Signatures;
 - (ii) Cybersquatting

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): V-Year, IX-Semester: Academic Year: 2015-2016
Repeat Examination (February, 2016)
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.
-

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

1. The Constitutional safeguards given in Article 311 do not apply to all government servants. Elaborate. Under what circumstances some of the basic principles of natural justice are exempted from Article 311 of the Constitution of India? Explain with the help of decided cases.
2. Discuss the constitutional power and authority of administrative tribunals in India with reference to relevant cases on the law point. Is the decision of the tribunal subject to the writ jurisdiction under Articles 226, 227 and 32 of the Constitution of India? Elaborate.
3. Describe the inter-relationship between Articles 309, 310 and 311 of the Constitution of India. What are the limitations upon the powers of the Parliament and the Legislature under Article 309?
4. Critically analyze the role and functions of Public Service Commissions in India. Suggest measures to bring more efficiency, transparency and integrity in its functioning.
5. It has been said that unless the punishment imposed by the Disciplinary Authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Elaborate on the basis of decided cases.
6. Write short notes on any two of the followings:-
 - (a) Doctrine of pleasure
 - (b) Civil post under the Union or the State
 - (c) Reasonable opportunity of fair hearing

* * * * *

