

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
**One Year LL.M. Degree Programme (Academic Year: 2016-17)**  
**Semester End Examination (May - June, 2017)**  
**Subject Code: 2.1 (IP) Comparative Intellectual Property Rights Regime**

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

**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 Q. No. 1, 2, and 3 are compulsory and answer any one question from the sets of Q. No. 4 and 5 both. All questions carry equal marks.**

1. What are the criteria to bring infringement action in case of a registered trademark under Trade Marks Act, 1999? Discuss what more is necessary to be proved in case of unregistered trade mark so that passing off action may be successful.  
**(10+10)**
2. What are patentable invention and specify those categories of invention which are not patentable?  
**(10+10)**
3. What is Compulsory Licensing? What are grounds on which it can be granted? Critically analyze recent trends in granting compulsory patent licenses in India?  
**(12+8)**
4. What is Collective mark? Highlight the effects of International registration of marks through Madrid system.  
**(8+12)**

OR

How Geographical Indications are provided protection under the TRIPs Agreement? What should be the stand of India at international level to get better protection for geographical indications? Elaborate.  
**(10+10)**

5. What are Domain Names and what do you understand by domain name system? What is the role of domain name in modern commerce?  
**(12+8)**

OR

What are the remedies available in the Design Act, 2000 for infringement of designs? Illustrate with example.  
**(12+8)**

\*\*\*\*\*



**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
One Year LL.M. Degree Programme (Academic Year: 2016-17)  
**Semester End Examination (May - June, 2017)**

**Subject Code: 2.1 (CN) Independence of Judiciary and Changing Contours**

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

**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. "A legal system is the meeting point of the past and the future of its locale. The past explains it, and it foretells the future. A slight variation, however, in the case of the Indian legal system is that its past is limited, compared to its today's endeavor." – Comment.
2. "An independent judiciary is necessary for a free society and a constitutional democracy. It ensures the rule of law, constitutionalism and also the prosperity and stability of a society." – Elucidate.
3. Make a critical comment on the presence and influence of 'Rule of Law' as a necessary attribute of judicial independence in a constitutional democracy along with its relevance in the present era.
4. What do you mean by 'Separation of Powers'? Discuss critically, how the strict assertion of the doctrine of 'separation of powers' is perceived as an obstacle in the implementation of the concept of an independent judiciary?
5. Discuss the significance of the power of 'Judicial Review' as a tool in the hand of the judiciary to retain its sanctity and independence.
6. The concept of judicial independence has contributed a lot to enable the judiciary to function as a kind of super-legislature or super-executive by its novel exercise of judicial activism. Make an assessment of the activeness exhibited by the Indian judiciary that depicts both judicial independence and good governance.

\*\*\*\*\*



**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
One Year LL.M. Degree Programme (Academic Year: 2016-17)  
**Semester End Examination (May - June, 2017)**  
**Subject Code: 2.1 (HRL) International Human Rights**  
**Enforcement Mechanisms**

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

**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 United Nations General Assembly empowered to establish such subsidiary organs as it deemed necessary for the performance of its functions (Article 22 of the UN Charter)." Critically analyse the mandates of the various organs created by UN General Assembly for protection and promotion of human rights and fundamental freedoms. What are the challenges encountered by the General Assembly for protection of human rights in the current burning situation of the world?
2. "The ICJ is not a specialized human rights institution, either in terms of its mandate, its jurisdiction, its procedures, or its personnel. Each of these elements may well limit the Court's future role in the human rights arena. The only contentious cases the ICJ can hear are cases between States. Individuals have no right of direct access... Although there have been a few ICJ decisions significantly contributing to human rights law, but historically they have been a small part of the docket." Critically evaluate the role of the International Court of Justice in protection and enforcement of human rights in the light of the given statement.
3. Make a comparative analysis on the jurisdiction of the International Criminal Court (ICC) and *ad hoc* tribunals – the International Criminal Tribunal for Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). How far these judicial mechanisms could be succeeded in combating of human atrocities? Examine.
4.
  - a) Does the UN Convention on the Rights of Child make a difference?
  - b) Discuss the various approaches adopted by the Commission on the Rights of the Child for protection of the children's rights?
  - c) How does the international community monitor and support progress on the implementation of the Convention?
  - d) What steps do the Committee on the Rights of the Child encourage governments to undertake for better enforcement of the rights of child in the conflict zones?

5. How far the Committee on the Elimination of Discrimination against Women succeeded to monitor the implementation of the rights incorporated in the Convention on the Elimination of All Forms of Discrimination against Women? What special measures are necessary for full realisation of those rights? What role the civil society can play in the CEDAW monitoring process? Explain.
  
6. Analyse the mandates of various human rights enforcement mechanisms incorporated in the African Charter on Human and Peoples' Rights 1986. Examine the attitude of the African countries towards the implementation of the Charter. Do you suggest any recommendations for removal of hindrance standing on the path of its implementation?

\*\*\*\*\*

**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
One Year LL.M. Degree Programme (Academic Year: 2016-17)  
**Semester End Examination (May - June, 2017)**  
**Subject Code: 2.2 (IP) Copyright Laws and New Challenges**

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

**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.

---

**Attempt any Five Questions. Questions 1, 2 & 3 are compulsory. And answer any one question from question no. 4 & 5. All question carry equal marks.**

1. Copyright is a right to stop others from exploiting the work without the consent or assent of the owner of the copyright. Explain Section 14 of the Copyright Act, 1957 with supporting cases. Can a Copyright subsist on any design registered under the Designs Act, 2000?
2. Copyright infringement is a serious problem which the Copyright Act, 1957 seeks to address. Which acts amount to infringement of Copyright? How has the court in India interpreted the 'fair dealing' exception through various case laws? Critically examine and support your answer with relevant cases.
3. What do you mean by Performer's right? What type of Exclusive rights are enjoyed by the performers? How is it different from Moral rights of the performer?
4. Explain the scope and significance of Section 31 B of the Copyright Act, 1957. What are the minimum obligations laid down in the Marrakesh Treaty?

**OR**

Explain the growth of the fundamental principle 'sweat of the brow' to 'modicum of creativity' as applied in Indian Copyright law.

5. Make a critical analysis of the Chancellor, Masters & Scholars of the University of Oxford & Ors Vs. Rameshwari Photocopy Services & Anr. Discuss both the Hon'ble High Court and Supreme Court's view on the main issue.

**OR**

Define the contours of Idea-Expression dichotomy in the Copyright Law. What is the meaning of 'originality'? Substantiate your views with cases.

\*\*\*\*\*





**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
One Year LL.M. Degree Programme (Academic Year: 2016-17)  
**Semester End Examination (May - June, 2017)**  
**Subject Code: 2.2 (CN) Constitution of India and Affirmative Actions**

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

**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 Four out of the First Five and answer any Two from the Short Notes.**

1. By examining the relevant constitutional provisions and in the light of the various theories of justice critically examine whether it is justified to discriminate based on race, caste, sex and religion etc. in matters of public employment or higher education. **20**
2. In the light of the relevant case laws as has been discussed and relevant constitutional provisions, critically analyse the difference between formal and substantive equality and relate the same to the discourse on Affirmative Actions. **20**
3. Critically examine the Kaka Kalelkar Commission report and the Mandal Commission Report on caste as a criterion for determining the social and educational backwardness. Do you think economic criteria should be a factor in determining social backwardness? **20**
4. In the light of the related theories of justice and various relevant case laws as has been discussed, examine the group-subordination idea of equality. Do you think Article 16 (4) is an exception to Article 16 (1) which guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any public office? Discuss, in the light of relevant case laws. **20**
5. With the help of relevant examples critically examine the various arguments for and against affirmative actions as has been discussed. Should meritocracy be the criteria for distributing limited public resources? **20**
6. Short Notes (any two): **(10x4=40)**
  - (i) Creamy Layer should not be excluded from the backward classes
  - (ii) Reservation in promotion and the 77<sup>th</sup> and 85<sup>th</sup> Amendment to the Constitution  
Religion as ground for reservation
  - (iii) Affirmative action for women and children under the constitution of India

\*\*\*\*\*



**NLUA**  
**NATIONAL LAW UNIVERSITY, ASSAM**  
One Year LL.M. Degree Programme (Academic Year: 2016-17)  
**Semester End Examination (May - June, 2017)**  
**Subject Code: 2.2 (HRL) International Humanitarian Law**

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

**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 humanitarian considerations and laws of armed conflict in the ancient Hindu texts have been a powerful motivating force behind the codification of modern international humanitarian law."- Discuss.  

**(20)**
2. "Henry Dunant marked by the traumatic experience of war made essential contribution to the concepts and contents of humanitarian law and herald an era of intellectual foundation for the rebirth of international humanitarian law."- Explain. Discuss briefly the provisions relating to the protection of wounded in armies as stipulated in the 1864 Convention.  

**(12+8=20)**
3. Explain Common Article 3 to the Four Geneva Conventions of 12 August 1949. Enumerate the different categories of prisoners of war and discuss the provisions pertaining to the 'general protection of prisoners of war' as specified in the Convention Relative to the Treatment of Prisoners of War, 12 August 1949.  

**(6+8+6=20)**
4. "Globally, cultural properties are under serious threat of damage and destruction. Armed conflicts as well as local turmoil are exacerbating neglect in many places....wave of iconoclastic cultural property destruction is visible throughout the different regions of the world." In the light of the above statement briefly explain the challenges to the cultural property protection and discuss in detail the legal framework for safeguarding cultural property in times of armed conflict.  

**(6+14=20)**
5. "The international legal framework applicable to the recruitment and participation of children in hostilities is complex. It is based on a variety of international instruments and on customary law." – Analyse.  

**(20)**

6. Under the Four Geneva Conventions of 12 August, 1949 the High Contracting Parties are obliged to respect the Conventions in all circumstances and enact legislation necessary for providing effective penal sanctions against grave breaches and take measures for preventing and suppressing the abuses of emblems. In the context of this statement critically analyze the Geneva Convention Act, 1960 enacted by India.

(20)

\*\*\*\*\*