

NLUJAA

National Law University and Judicial Academy, Assam

One Year LL.M. Degree Programme: II-Semester

(Academic Year: 2022-23)

Semester End Examination (June, 2023)

**Subject Code: 2.1 (BL) International Trade and Competition Law
(Optional Paper - II)**

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.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. One of the most salient changes in the world economy since 1980 has been the move toward freer trade among countries across the globe. Countries as diverse as Mexico, India, Poland, Turkey, Ghana, Morocco, and Spain—not to mention Chile, which moved earlier in the 1970s—have all chosen to liberalize unilaterally their trade policies.¹ In addition, the successful conclusion of the multilateral trade negotiations under the General Agreement on Tariffs and Trade (GATT), the Uruguay Round, in 1994 further liberalized trade among many developed countries and between them and developing ones. This global “rush” to free trade, as Rodrik (1994) has called it, is an anomaly politically.
 - (a) In the light of the above statement what is protectionism and how is it helpful for developing countries.
 - (b) What are the advantages which determine trade policy preferences of countries in the furtherance of international trade?
 - (c) What are the theories of trade policy preferences?
2. According to Paul. A. Samuelson, “International Trade is a mechanism that offers consumption possibility frontiers that can give us more of all the goods that our own domestic production can possibly offer”.
 - (a) In the light of the above statement, describe the nature and evolution of international Trade law?
 - (b) Differentiate International Trade law from International Commercial Law and International Economic Law.
3. (a) Describe the reasons and benefits for the liberalization of trade in services for the furtherance of international trade.

- (b) How is General Agreement on Trade in Services helpful for developing countries? State relevant provisions of GATS in this regard.
 - (c) Why is liberalization of legal services not yet prevalent in our country.
4. (a) Describe the interface of international Trade Law and Competition Law with special reference to India.
- (b) What are the salient features of Competition Act 2002?
5. Write short notes on any **two** of the following:
- (a) Journey from GATT to WTO.
 - (b) Theory of Absolute Advantage.
 - (c) National Treatment Principle of International Trade.

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One Year LL.M. Degree Programme: II-Semester

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Semester End Examination (June, 2023)

**Subject Code: 2.1 (CN) Independence of Judiciary and Changing Contours
(Optional Paper - II)**

Time: 3:00 Hrs.

Total Marks: 100

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. “An independent judiciary is indispensable for a free society and a constitutional democracy. It ensures the rule of law, constitutionalism and also the prosperity and stability of a democracy.”

Elucidate the above statement in the light of the status that the constitutional courts in democratic countries as an independent dispute redressal body citing relevant experiences across the globe.

2. Starting from the United Nation’s Charter, almost all international documents pertaining to the protection and promotion of human rights, inter alia, preaches in particular, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. This indicates that an independent judiciary is indispensable not only for municipal development of citizen’s rights but also for universalization of these rights. On this backdrop, make a brief analysis of the steps taken by the United Nations and other concerned agencies to secure the independence of judiciary in both international and regional level.
3. The Supreme Court of India, applying its innovation and creativity, through different judicial interpretations leave no single chance to make our judiciary free from executive will and domination. Critically evaluate, in the light of the above, the role it has demonstrated in bringing a change especially, in the process of appointment of judges of Supreme Court of India and the transfer and appointment of Judges of the High Courts of India citing past experiences and relevant judicial pronouncements.
4. 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.

5. The guardianship of judiciary, in enforcing the constitution, extends where there is a constitutional litigation concerning rights of the private parties or the governments. Critically analyse, in the light of the above, the enormous duty imposed by the Constitution of India on our constitutional courts as the conscience keeper of the Constitution in this regard indicating the possible grey areas where independence of judiciary is likely to get affected while doing so.

Whether the incidents of allegations (i.e., of corruption and bribery, of misbehavior and sexual harassment etc.) against the Judges of higher judiciary undermines its sentinel value? What role according to you should be played by our judiciary while dealing with such cases? Provide juristic opinion in support of your answer.

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One Year LL.M. Degree Programme: II-Semester

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Semester End Examination (June, 2023)

**Subject Code: 2.1 (HL) International Human Rights Enforcement Mechanisms
(Optional Paper - II)**

Time: 3:00 Hrs.

Total Marks: 100

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Discuss the crucial measures adopted by the UN Security Council under Chapter VII of the UN Charter to discharge its human rights obligations in burning world. Do you think the ongoing conflict between Russia and Ukraine posed a serious question about the credibility of the Security Council? Do you like to suggest any reform of the Council for successful implementation of human rights?
2. “The International Court of Justice is not a specialized human rights court. Nevertheless, the Court has a significant role in the protection and development of human right. ...while, on the one hand, the work of the court has exerted a considerable influence upon the development of the international law of human rights, on the other hand, the development of this branch of law itself has also exerted a considerable influence on the jurisprudence and the caseload of the court. ... which has formed and continues to form and shape our society.”

Critically evaluate the role of the International Court of Justice in protection and promotion of human rights in the current burning world with the help of the above statement. Also, substantiate your answer with the Court’s judgment.

3. Analyse the powers and functions of European Court of Human Rights and Inter- American Court of Human Rights. Evaluate the success of both the Courts in enforcement and promotion of human rights in both the continents.
4. Make a critical assessment on the role of the *ad hoc* International Criminal Tribunal for Yugoslavia and International Criminal Tribunal for Rwanda in the development of international criminal jurisprudence. Discuss the important principles laid down by the *ad hoc* Tribunals through its case laws.

5. What are the grounds of admissibility of cases in the International Criminal Court (ICC)? Evaluate the working of the Principle of Complementarity with the help of various situations where ICC has been exercising its jurisdiction.

OR

6. “Hybrid tribunals are the most effective structure for adjudicating international crimes occurring within a domestic state.”

Amplify the above statement with special focus on Special Tribunal for Sierra Leone, East Timor and Cambodia.

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One Year LL.M. Degree Programme: II-Semester

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Semester End Examination (June, 2023)

**Subject Code: 2.1 (IL) International Dispute Settlement Law
(Optional Paper - II)**

Time: 3:00 Hrs.

Total Marks: 100

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Discuss in detail the dispute settlement mechanism of the World Trade Organization as provided for under the Understanding on Rules and Procedures Governing the Settlement of Disputes annexed to the Agreement establishing the World Trade Organization. Further, compare the same with the dispute settlement mechanism under the General Agreement on Tariffs and Trade. (15+10)
2. Analyze the legal regime governing settlement of disputes under international space law with special emphasis on Convention on International Liability for Damage Caused by Space Objects, 1972. (25)
3. Examine the inquiries conducted under the procedure established by the 1907 Hague Convention for the Pacific Settlement of International Disputes with emphasis on how they deviated from the functions of inquiry commissions. Further, compare mediation and conciliation as methods of settlement of international disputes. (20+05)
4. Elaborate on the methods by which States make themselves amenable to the jurisdiction of the International Court of Justice with the help of appropriate provisions from relevant international instruments. Further, examine the grounds of exercise of jurisdiction by the International Court of Justice in any two contentious cases.
5. Write short notes on: (12.5 +12.5)
 - a. Peace and Security Council of the African Union
 - b. Dispute settlement mechanism under ASEAN

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One Year LL.M. Degree Programme: II-Semester

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Semester End Examination (June, 2023)

**Subject Code: 2.1 (IP) Comparative Intellectual Property Rights Regime
(Optional Paper - II)**

Time: 3:00 Hrs.

Total Marks: 100

INSTRUCTIONS:

1. Read the questions carefully and answer.
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 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. What are the eligible criteria for registering of Patents in India? Draw a comparative analysis with other jurisdictions.
2. 'Ram' works as a journalist with a leading newspaper in India. One of his article in the newspaper became very famous. A leading magazine wanted to include the article for its special issue. Discuss on whom the copyright for the article lie in India. Draw an analysis with other jurisdictions.
3. Distinguish between infringement and passing off under Trademark law. Can both the remedies be availed simultaneously in India. Explain the position in other jurisdictions?
4. Explain exhaustion of IPRs. How many types of exhaustion exists? Which exhaustion principle is followed for copyright, trademark and patents in India?
5. Short notes
 - a. Remedies for infringement under the copyright law.
 - b. Criteria for registering designs under the Designs Act.

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National Law University and Judicial Academy, Assam

One Year LL.M. Degree Programme: II-Semester

(Academic Year: 2022-23)

Semester End Examination (June, 2023)

**Subject Code: 2.2 (BL) Commercial Disputes Resolution Mechanism
(Optional Paper - III)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Explain the role of UNCITRAL in the development of international commercial arbitration with special reference to the UNCITRAL Model Law 1985 and briefly state how it has been adopted in India.
2. What is 'arbitrability'? What are its objective criteria? Explain.
3. The objective of the Arbitration and conciliation Act, 1996 is to provide speedier justice. For achieving this goal, the provisions are provided to ensure non-interference by the court during the proceedings under the act. Explain the above statement in the light of Arbitration & Conciliation Act, 1996.
4. Compare and discuss the role, features and procedure of ICC Arbitration vis-à-vis LCIA Arbitration.
5. Differentiate between ad-hoc and institutional arbitration. Elucidate commercial arbitration in mergers and acquisition with the help of recent case laws.

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National Law University and Judicial Academy, Assam

One Year LL.M. Degree Programme: II-Semester

(Academic Year: 2022-23)

Semester End Examination (June, 2023)

**Subject Code: 2.2 (CN) Constitution of India and Affirmative Actions
(Optional Paper - III)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any four questions from the following. All questions carry equal (25) marks.

1. "...a 'meritorious' candidate is not merely one who is 'talented' or 'successful' but also one whose appointment fulfils the constitutional goals of uplifting members of the SCs and STs and ensuring a diverse and representative administration." (*B.K. Pavithra v. Union of India*, 2019, SC. In the light of the above statement, critically appreciate the Supreme Court's views on the issue of merit over the years and also explain briefly the views of John Rawls on the point of moral desert (opportunity is a reward to those who deserve).
2. "Reservation is a tool of attaining adequate representation and promoting diversity." With the help of the statement, critically examine the arguments of various philosophers relating to fairness of affirmative action.
3. "In the era of high competition, reservation in jobs and higher education need to be rationalized".
 - (a) Critically examine this statement.
 - (b) Why reservation policy needs a relook?
 - (c) Is the reservation policy earmarking a 10% quota for the economically weaker sections of the "general Category" empirically founded and justifiable? Critically analyse.
4. Evaluate the various legislative policies adopted for protection and promotion of Scheduled Tribe and Scheduled Caste community in India.
5. Attempt any **two** from the following:
 - (a) Reservation as a political imperative
 - (b) Substantive equality
 - (c) Aristotlian ideas of distributive justice

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Semester End Examination (June, 2023)

**Subject Code: 2.2 (HL) International Humanitarian Law
(Optional Paper - III)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Critically discuss the history of development of the treaty law relating to the law of armed conflict.
2. (a) Do you agree that the law regulating means and methods of war reflects the idea of humanitarianism? Explain.
(b) What is the relationship between the international human rights law and the law of armed conflict? (13+12=25)
3. Analyze the legal protections afforded to cultural property under International Humanitarian Law (IHL). Discuss the international legal perspective on involvement of children in armed conflict. (13+12=25)
4. Discuss the concept of 'armed conflict not of an international character' under International Humanitarian Law (IHL). Explain the provisions pertaining to protection of 'protected persons' in the occupied territory under International Humanitarian Law (IHL). (10+15=25)
5. Attempt any **two** from the following: (12.5+12.5=25)
 - (a) Write a note on international humanitarian law and terrorism.
 - (b) Command responsibility
 - (c) International Criminal Court

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**Subject Code: 2.2 (IL) Law of International Crimes and Criminal Tribunals
(Optional Paper - III)**

Time: 3:00 Hrs.

Total Marks: 100

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. International Criminal Law is one of the newest and most evolving branches of the discipline of Public International Law. Trace the evolution of the same from the Lieber Code to the Rome Statute in detail. (25)
2. Discuss the exercise of jurisdiction by the International criminal court as well as the grounds of admissibility of a case before the International criminal court. (15+10)
3. Make an analytical comparison of the International Military Tribunals established in the aftermath of the Second World War with the UN Ad-hoc tribunals established in the 1990's on the basis of their respective constituent instruments. (25)
4. Analyze the legal regime governing immunity of heads of state for the commission of international crimes with the help of arrest warrants issued by the International criminal court and decided cases of international as well as municipal courts and tribunals. Further, discuss the concepts of superior responsibility and superior order. (15+10)
5. Genocide is termed as the 'crime of crimes'. Critically analyze the provisions of the Convention on the prevention and punishment of the crime of genocide, 1948. (25)

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Semester End Examination (June, 2023)

**Subject Code: 2.2 (IP) Copyright Laws and New Challenges
(Optional Paper - III)**

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.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Discuss the rights of visually impaired persons to accessible format copies under the Marrakesh Treaty, 2013. What is Indian position in this regard? (10+15)
2. Explain the meaning of 'Author' and 'Owner' under the Copyright Act, 1957. Discuss your views in details on the authorship in a case where (i) the work is created with the assistance of artificial intelligence; and (ii) the work is generated by the artificial intelligence. (10+15)
3. "In the material world, laws are geared to protect the right to equitable remuneration. But life is beyond the material. It is temporal as well. Many of us believe in soul. Moral rights of the author are soul of his works. The author has a right to preserve, protect and nurture his creations through his moral rights."

- Delhi High Court

In the light of above, discuss moral rights of the author with the help of case laws. (25)
4. "An idea is the formulation of thought on a particular subject whereas an expression constitutes the implementation of the said idea." Elucidate the contours of Idea-Expression dichotomy in the Copyright Law with relevant case laws. Also discuss whether copyright subsists in concept. (25)
5. Which acts amount to infringement of copyright under the Copyright Act, 1957? Discuss the remedies available against the infringement of copyrights under the law? (10+15)
6. Write short notes on any **two** of the following: (12.5+12.5)
 - i. *Delhi University photocopy case*
 - ii. Copyright *vis-a-vis* traditional cultural expressions
 - iii. Performer's rights
 - iv. Salient features of WIPO copyright treaty (WCT), 1996
