

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
YLM-206 Intellectual and Industrial Property Law-II

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. What are the terms and conditions for issuing compulsory licence under the TRIPS Agreement? Referring to Article 5 A of the Paris Convention, can the non-working of a patent be a ground for compulsory licence and the revocation of the patent? Discuss the Indian law under the Patents Act, 1970 on compulsory licence and non-working while referring to the IPAB decision in Bayer Corporation V. NATCO Pharma Ltd (2013)
2. Highlight the main features of the Madrid System for the international registration of marks. How is Madrid Protocol different from the Madrid Agreement? What were the main changes made by India in the Trade Marks Act, 1999 to implement the Madrid Protocol?
3. What is the rationale for protecting Geographical Indications? What do you understand by "Geographical Indications"? How are they defined in the TRIPS Agreement? Discuss the essentials for registration of a Geographical Indication (GI) and grounds of refusal of GI in India. State the rules for allowing use of registered GI by an authorized user.
4. State the procedure and requirements for filing a patent application. What is the procedure of filing a PCT application? Discuss the Principal grounds of opposition and who can oppose under section 25(1) and 25(2) of the Patents Act Refer to case law.
5. Briefly discuss the pre-requisites for the registration of a 'Trade Mark' and 'service Mark' and grounds of objections to their registration. Do you agree that there is no need of registration of trade mark since the kind and scope of protection available to common law marks and registered trade mark are the same?
6. Write critical notes on any two of the following:
 - a. "Anticipation" and its relevance on patentability.
 - b. Dilution of Trade Mark
 - c. Doha Declaration and access to medicine.

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
YLM-208 Cyber and Information Technology Law

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. "Future of electronic commerce depends on the trust that the transacting parties place in the security of transmission and content of their communications". Discuss
2. "The Proliferation of computers, the social influence of information technology and the ability to store information in digital form have all required Indian Law to be amended to include provisions on the appreciation of digital evidence. In the light of the above statement. Discuss the legal provisions related to digital evidence and its admissibility. Support you answer with case laws.
3. Discuss in detail the copyright issues on the internet. What is the legal remedy available for the infringement of copyright in India. Support your answer with case laws.
4. What is cybercrime? Why is it a source of global concern? Give a critical comment on the legislative and regulatory framework to combat cybercrime in India.
5. Give a critical analysis of the data protection provisions under the Indian Information Technology Act. Support you answer with case laws.
6. Critically comment on the conflict of law situation in determining the internet jurisdiction by analyzing the case laws. Discuss the possible solution to such a conflict of law in the area of internet jurisdiction.

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
YLM-210 Law of Torts and Disaster Management
LM-2019 Law of Specific Torts

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. (a) Critically examine the essentials and constituents of the tort of Negligence with the help of decided case law.

(b) What is medical negligence? What are its essentials as a tort? Discuss the importance of 'Bolam test' in the law relating to Medical Negligence.
2. Discuss the rationale behind the rule of strict liability as laid down by Justice Blackburn in Rylands Vs. Hatcher critically examine the application of the rule in India. Why the Indian courts have evolved the rule of absolute liability.
3. A Defamatory statement constitutes "any intentional false communication, either written or spoken, that harms a person's reputation, decreases the respect, regard or confidence in which a person is held, or induces disparaging, hostile or disagreeable opinion or feelings against a person."

In the light of the above statement discuss the law of defamation as prevailing in India and the United Kingdom.
4. Write notes on the following:
 - (a) Tort of malicious prosecution
 - (b) Remoteness of Damages
5. (a) Discuss the role played by the National Institute of Disaster Management in preventing and managing disaster.
(b) Critically examine the initiatives taken by the legislature and the state in Disaster Management in India.
6. Discuss with the help of Judicial pronouncement the liability of the state for the wrongs committed by its servants in India. Compare the Indian position in this regard with US, UK and France.

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
YLM-211: Law, Media and Censorship

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. 'In this age of Media Explosion, one cannot confine to the boundaries of Traditional Media' Examine the statement with reference to historical perspective of Mass Media Laws.
2. Examine the role of Judiciary in interpreting Freedom of Speech and expression in the era of new scientific development.
3. 'India need media studies that advocates for reforming mass media and strengthen citizen Journalism'. Examine the role of mass media in creating Democratic aspiration and social ordering.
4. Media is channel of communication and cannot be provided with absolute rights and privileges. Examine the ownership patterns of mass media in India.
5. Examine the constitutional restrictions on freedom of speech and Expression. Are they reasonable in the advent of new media.
6. Write short notes on any two of the following.
 - (a) Canada Committee
 - (b) Prasar Bharathi
 - (c) The Abbas Case

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
LM – 2016 Social and Economic Offences

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. “Crime is a natural product of rapid social transition. Proper crime prevention and control measures could be made through a deep study on the influences of various factors like economic and that of social disorganization on crime.”

Examine whether the differential association theory of Edwin Sutherland is relevant in the present context.

2. “Let not the mighty and rich think that courts are their paradise and in the legal arena they are the dominant player.”

In view of the above statement, given by the Apex Court in *Rathinam v. State of Tamil Nadu & Anr.* (2011) SCC 140, point out the attitude of judiciary towards sentencing policy in social and economic offences in India.

3. Write short notes on the following:

- a) “Atrocity” and its prevention under Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.
- b) Social acceptability of white collar crimes.

4. Ms. X, a prostitute aggrieved by the restriction imposed on her by The Immoral Traffic (Prevention) Act, 1956 challenges the constitutional validity on the ground that it is in violation of her fundamental rights specified in Article 19(1)(e) and Article 19(1)(g). Decide.

5. Explain why the traditional canons of criminal law are no longer competent to tackle contemporary public welfare offences.

6. Mr. X who was an employee of a private company, ABC Pvt. Ltd. was arrested for accepting illegal gratification. Decide the liability of Mr. X while scrutinizing the different offences and their scope under Prevention of Corruption Act, 1988.

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
YLM-209 Corporate and White Collar Crime

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. Economic Crimes are more dangerous than any other crime because of their huge economic impact on society as well as individual. Today's era of globalization, the nature and emergence of economic crimes are increasingly high.
Explain the emerge of new kinds of economic crimes in the present era and suggest preventive measures.
2. It is a presumption that the economic offenders look for 'safe heavens' abroad and take shelter in foreign jurisdictions. The criminal Justice System suffers due to their acts of looking for 'safe heavens' and due to lack of the effective institutions to bring them back to India and to punish them.
3. Discuss the different theories of corporate criminal liability. Critically examine the advantages and disadvantages of identification theory vs Aggregation theory.
4. MISCAFE Ltd having place of business was incorporated in New Delhi, in the year 2015. It has commenced its business on 01.10.2015, having 150 members including four promoters/directors, namely, Ms. Ring, Mr. Rang, Mr. Jear acts as managing director from 01.10.2015. on 01.10.2015, the MISCAFE Ltd has decided in its board meeting to raise capital from public through issuing prospectus. MISCAFE Ltd passed a resolution and prepared a prospectus on 01.11.2015. It sent its prospectus to registrar for registration on 01.11.2015. On 12.12.2015, Mr. Rang became insolvent through court order. On 02.02.2016, the company published its prospectus in national news papers which was the same on 02.02.2016 to public there has been huge response and all shares subscribed. One prospective share holder, namely, Ms. Shino has filed a petition before Company Law Board stating that the prospectus is not registered and, therefore, issue is not valid and is also in breach of some of company law provisions.
5. Critically examine the law laid down by Supreme Court of India in A.B. Bhaskara Rao v. CBI (2011)10 SCC 259. In the light of above case, suggest changes required in Prevention of Corruption Act,1988.
6. Answer the following. Each question carries five marks.
 - a. Fraud under Companies Act, 2013
 - b. Corporate tax evasion
 - c. Social Learning Theory
 - d. Crimes and punishment under The Food Safety and Standards Act, 2006
 - e. Curbing Black Money in India.

LL.M./M.C.L. II/IV Term

Faculty of Law

Annual Examination May 2018

YLM – 205: Competition and Consumer Protection Law

LM-2014 Competition and Consumer Law(OC)

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. Recently, the Competition Commission of India imposed penalties upon three airlines for concerted action fixing and revising Fuel Surcharge – a component of freight charges on an information filed by Express Industry Council of India.

Critically examine the order of the Commission. Do you agree that the evidence was sufficient and adequate to return a finding of contravention against the airlines?

2. Discuss the concept of “Relevant Turnover” in light of the decision of the Hon’ble Supreme Court of India in the case of Excel Crop Care Limited Vs. Competition Commission of India & Anr., Civil Appeal No. 2480 of 2014 decided on 08.05.2017. Do you agree with the decision? Give reasons in support of your approach.

3. The Indian Taxi Industry witnessed an unprecedented change with the introduction of domestic cab aggregator, COLA, entering the geographic region of ‘Sylia’ in the year 2011. While COLA owned no cabs, it created an application and invited many drivers and riders to register on its application and book cabs using the same. COLA gave heavy discounts to the riders. Gradually, the market picked up and riders using services of other radio taxi operators like TERU and BEASYCABs started to shift to COLA as the rides were cheaper and could be booked in real time with lesser waiting time. Further, the passengers using other forms of public transportation (like autos, buses etc.) also started to shift to COLA. Seeing the prosperity in the cab aggregators market, a global player, KUBER, entered the ‘Sylvian’ market in the year 2013. Kuber started to penetrate the market with its innovative pricing strategies. It not only gave heavy discounts to the riders but also gave incentives to the drivers make them stick to its platform. COLA noticed that drivers and was able to get some driver back on its platform. Since, drivers and riders could choose either of the services, Cola or Kuber, by installing both the apps on their smartphones, COLA and KUBER had to compete aggressively to attract them to their respective platforms.

Aggrieved by their aggressive pricing strategies, TERU and BEASYCABs approached the Competition Authority and alleged abuse of dominance by COLA based on its high market shares in last 5 years. They also alleged abuse of collective dominance by COLA and KUBER in the relevant market of ‘radio taxi services in Sylia’. Their main allegation was with regard to predatory pricing by COLA and/or COLA and KUBER collectively. On the other hand, COLA and KUBER argued that they are not radio taxi operators but only ‘technology companies. Alternatively, they justified their conduct as competitive pricing strategies aimed at meeting competition in the market.

The respective market shares of the players based on the numbers of Trips during last 5 years are as follows:

(in %age term)

	2011	2012	2013	2014	2015
TERU	50	42	36	14	9
BEASYCABs	30	28	18	5	4
COLA	02	19	35	52	45
KUBER	0	0	5	28	42
Others	18	11	6	1	0

Discuss in the light of the provisions of Competition Act, 2002 and case law.

4. Write short notes on any Two on the following:
 - (a) Predatory Pricing
 - (b) Enterprise
 - (c) Competition Policy
5. Critically examine the salient features of the Consumer Protection Bill, 2018.
6. Write short notes on the following
 - (a) Product Liability
 - (b) Misleading Advertisements

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
LM – 202 Administrative Action & Judicial Review

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. "The legislature seeks to lay down a general rule of conduct or policy to be followed in the generality of cases with lot of discretionary power conferred on the administrative personnel". Comment on the ambit, scope and limitations of discretionary powers of the administration in execution of a legislative policy.
2. Wednesbury principle is nothing but a specific application of time tested principle of reasonableness in the domain of public law. Critically examine the role of courts in controlling the exercise of administrative discretion with the help of wednesbury principle in the light of the above statement.
3. Can there be a judicial review for abdication or dictation of administrative discretion? Analyze in the light of the decided case law on the subject.
4. Courts generally read principles of natural justice into the provisions of a statute and there has always been a requirement of giving reasonable opportunity of being heard before an order is made which would have civil consequences for the parties affected. Nevertheless there are cases where principles of natural justice can be dispensed with. Discuss the exceptions to principles of natural in the light of the above statement, quoting relevant case law.
5. "Bias is a pre-disposition or pre-determination to decide a case in a particular manner irrespective of the evidence on record". How far do you agree with the statement? Critically examine the principles of bias and its exceptions in the light of the above statement and the case law decided on the subject.
6. Write short notes on
 - (a) Principle of proportionality
 - (b) Doctrine of Promissory Estoppel

LL.M.
Faculty of Law
Annual Examination May 2018
LM – 201 Law and Justice in Globalized World

Answer *any four* questions. All questions carry equal marks

Duration 3 hours

Marks 100

1. John Rawls' "Justice as fairness" is a powerful critique of the Utilitarian theory. According to Rawls' justice should be applied to the basic structure of society behind the veil of ignorance. Critically evaluate Rawls's debt to social contract tradition and Immanuel Kant in presenting his views about a just society. Do you agree with his difference principle as an adequate response to inequality? Also comment on Amartya Sen's capabilities approach and his critique of Rawls.
2. The impact of globalization on Indian Polity has been immense. It has opened up new avenues for economic mobility and has led to reduction of poverty. However, at the same time the FDI led growth model has given rise to gender inequality and concentration of wealth in the hands of few. Critically analyze the impact of globalization on three issues: (a) labour movement (b) land issues, and (c) health care sector. Since Indian State has become fully committed to market growth, does it create problems/rift with the constitutional obligation of welfare and justice for the marginalized sections of society?
3. In the neoliberal economic model the individual is seen as responsible for all the choices that S/he makes. The role of state merely remains that of facilitator. In the last two decades Indian policy makers have shown great tilt towards neoliberal economic policy and have encouraged privatization process in the sphere of education, Infrastructure, health care, etc. However the critics of neoliberal policy have argued that polity cannot be modeled on the principles of market. The role of politics and political institution is to uphold rule of law and dispensation of justice.

Critically analyse the impact of neoliberal policy and Indian policy maker's response to the issues of (a) urban poverty and (b) farmer's suicide issue.

4. In the liberal democracy the value of dissent is of paramount importance. Liberal celebrates the idea of constant scrutiny of governmental policies by the press, citizens and opposition party. In the contemporary India it seems that dissent expressed towards governmental policies is interpreted as being against Indian State. In many of the responses there is no clarity of the fact that critiquing government does mean attacking the State. In your view what is the fate of "dissenters" and "Public intellectuals" in contemporary India? Discuss your answer with reference to any two events from recent past where we can witness the clash between freedom of expression and governmental crack down on the same in the name of 'national interest' and 'security of the State'.
5. Discuss the Rohingya Refugee Crisis within the framework of human rights and comment upon the Indian State response to this crisis. Can we make the assumption that human right claim is morally superior to legal claims of sovereignty and citizenship? Discuss your answer from the perspective of (a) State (b) Refugees and (c) Human Rights lawyer.
6. Critically discuss the vexed issue of untouchability and reservation in India in the light of recent agitations by dalits for greater access to land and self respect. In India we have seen assertion by hitherto marginalized groups asserting themselves through democratic means. Does this suggest maturing Indian democracy or does it point towards multiple creases or fissures within the Indian politics which keep erupting periodically. Discuss your answer with relevant examples from the contemporary dalit politics and the position taken by Indian law makers.

LL.M.
Faculty of Law
Annual Examination May 2018
YLM – 203 Air and Space Law

Answer *any four* questions. All questions carry equal marks

Marks 100

Duration 3 hours

1. The Warsaw Convention (1929) was adopted at a time when commercial aviation was in its infancy. Over the years, the expansion of air transportation created a need to harmonize certain rules relating to international carrier by air and to establish a regime for civil liability for air carriers. Critically examine the changes brought about by the subsequent Hague Protocol 1955 and Montreal Convention 1999 in revolutionizing the international aviation liability norms.
2. ICAO assumed a leadership role in developing aviation security policies and measures at the international level and today the enhancement of global aviation security is a key objective of ICAO. Examine the role of ICAO in developing the international air law for ensuring and maintaining aviation security.
3. With the recruitment of the space shuttle, private companies are preparing to assume many of the missions traditionally undertaken by governments and to open outer space to general public.
Do you agree with this statement? Give reasons in support of your answer. Critically evaluate the legal regime governing outer space activities conducted by private entities. Highlight the issues and concerns involved in the same and suggest measures.
4. The Outer Space Treaty 1967 is considered as the Constitution of the international space law regime. In view of the given context you are required to analyse the contribution of this foundational international treaty in the subsequent development of other legal instruments under International Space Law.
5. What do you understand by the phrase "Peaceful Uses of Outer Space"? Discuss the historical background behind Military Uses of Outer Space and of trends in policy and legal responses to space militarization. In the same view, critically analyze the legal debate over space weaponization.
6. Answer *any two* short notes
 - a. Intellectual Property Rights for Outer Space inventions
 - b. Freedom of Air Space v Sovereignty of the Air Space debate
 - c. Crash of China's Tiangong 2 – Legal Issues and Challenges

LL.M./M.C.L. II/IV Term
Faculty of Law
Annual Examination May 2018
LM – 4011 – Techniques of Judicial Control

Duration 3 hours

Marks 100

Answer *any four* questions. All questions carry equal marks

1. Judicial Review is the cornerstone of constitutionalism. It keeps the creature of the Constitution in reasonable confines. It makes the democracy meaningful meaningful. Explain
2. How far the failure to exercise discretion by the administrative authorities is subject to judicial review?
3. The genuine causes and cases of public interest have in fact receded to the background and irresponsible PIL activists all over the country have started to play a major but not a constructive role in the arena of litigation. Comment.
4. H.W.R. Wade & C.F. Forsyth define certiorari in these word, "Certiorari is used to bring up into the High Court the decision of some inferior tribunal or authority in order that it may be investigated. If the decision does not pass the test, it is quashed, that is to say, it is declared completely invalid, so that no one need respect it. Explain
5. What is Judicial activism, restraint and usurpation? Discuss.
6. Write notes on any two of the following.
 - (a) I.R. Coelho Vs. State of Tamil Nadu, AIR 2007 SC861
 - (b) Damages
 - (c) Curative Petition