



THE INDIAN LAW INSTITUTE

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NEW DELHI

ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER I – FUNDAMENTALS OF ALTERNATIVE DISPUTE RESOLUTION

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Explain the concept and meaning of Arbitration. Trace the historical developments of Arbitration in India.
2. Define Conciliation. Explain the provisions pertaining to Conciliation under Arbitration and Conciliation (Amendment) Act, 2015.
3. Explain the different strategies of Negotiation. Also discuss the model/s types of negotiation as well as the duties and responsibilities of Negotiator.
4. Explain dispute resolution process through Lok Adalat. Also elucidate the different types of Lok Adalats.
5. List ethical standards that ought to be followed by a mediator/ conciliator.
6. Explain ADR Techniques in the Industrial Disputes Act, 1948 and Workmen's Compensation Act, 1923.
7. How Banking Ombudsman functions? Explain Ombudsman under local self government systems?
8. Write short notes on any TWO of the following:
 - (a) Objectives of Mediation
 - (b) Role of Mediator
 - (c) Plea Bargaining

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER II – INDIAN LAW ON ALTERNATIVE DISPUTE RESOLUTION

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. The Supreme Court in the *State of Karnataka v. Shree Rameshwara Rice Mills* AIR 1987 SC 1359 observed that “Interests of justice and equity require that, where a party to a contract disputes the committing of any breach of conditions, the adjudication should be by an independent person or body and not by the other party to the contract”. Elaborate this observation taking into account of the prevailing Indian law on Alternative Dispute Resolution.
2. Explain the current position of principle of territoriality and jurisdiction in the light of the Constitution Bench judgement in *The BALCO v. Kaiser Aluminium Technical Services Inc.* (2012) 9 SCC 552.
3. Explain the admissibility of “electronic evidence” under Indian Evidence Act and its influence on Alternative Dispute Resolution (ADR) in India?
4. “Under Arbitration proceedings, even though those parties are free to agree on the procedure to be followed by the Arbitral Tribunal, the principles of natural justice cannot be ignored.” Substantiate this statement according to the relevant law.
5. What are the legal concerns involved in ODR system? Does Indian law sufficiently addresses the issue?
6. What is the validity of two-tier arbitration under Indian Arbitration Act, 1996? Explain the same with significant case laws?
7. “When arbitration proceedings are in themselves requiring a judicial process by producing the evidence and giving the parties opportunity of hearing, the whole objective of speedy process as envisaged in arbitration would be futile”. Do you agree? If so, what should be the realm of judicial interference in Arbitral proceedings on “public policy and impartiality of Arbitrators”?
8. Write short notes on any TWO of the following:
 - (a) Conciliation as a mode of dispute resolution system.
 - (b) Difference between Judicial Adjudication and Arbitration
 - (c) Duties of the Arbitrator

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER III – INTERNATIONAL COMMERCIAL ARBITRATION

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Explain the significance and the role of United Nations Commission on International Trade Law (UNCITRAL) in the development of the international commercial arbitration with special reference to the UNCITRAL MODEL LAW 1985.
2. Describe in detail 'Arbitrability' and its 'Objective Criterion' citing the examples of illegality, corruption, bribery vis-a-vis International Commercial Arbitration cases.
3. Very concisely write about the dispute settlement mechanism 'timeframe' in the World Trade Organisation (WTO). A WTO member country 'A' legislated a law and banned logos and distinctive-coloured cigarette packaging citing public health awareness. A group of member WTO countries (exporting cigarettes) alleged violation of the WTO trade principles and made of complained before the WTO Forum. 'Decide' while weighing the grounds taken by both the sides. Also cite the famous WTO case of 2018 on this point.
4. Explain in detail the doctrines of 'Competence-Competence' and 'Separability' in arbitration. What is the doctrine of severability? Is it different from 'separability'?
5. Describe the role of International Chamber of Commerce (ICC), Paris in shaping the international trade. Make special reference to its arbitration rules.
6. Elucidate the various grounds of the refusal of enforcement of a foreign award under the New York Convention, 1958. An award is set aside in country 'A' and is sought to be enforced in country 'B'. Both the said countries 'A' and 'B' are signatories to the New York Convention, 1958 on the enforcement of foreign awards. Could such an award be enforced in a foreign jurisdiction? Explain.
7. Very briefly write about the International Centre for Settlement of Investment Disputes (ICSID). Investor 'I' and country 'C' had an investment agreement but dispute arose due to bank guaranties. In this light of S.25 of the ICSID Convention 'decide' whether the ICSID Tribunal would have jurisdiction. Refer to case laws on this point.
8. Write short notes on any TWO of the following:
 - a. Soleimany v. Soleimany case law;
 - b. The Channel Tunnel case;
 - c. The Alabama Claims Case;
 - d. "Subjective Criteria" of Arbitrability.



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P.G. DIPLOMA IN ALTERNATIVE DISPUTE RESOLUTION PAPER IV – PROCEDURES & OBLIGATIONS IN ADR

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. "All contracts are agreement but all agreements are not contract" comment on this statement?
2. Explain the meaning of past, present and future consideration. Give examples of each of them. Examine the validity of these type of considerations on the parity of Indian Contract Act?
3. (a) Discuss the legal principles relating to communication by post of 'offer', 'acceptance', and 'revocation'.
(b) Write short note on difference between consent and free consent.
4. (a) What do you mean by discharge of contract? Discuss the different ways in which a contract can be discharged?
(b) Discuss the various remedies available for breach of contract?
5. What do you understand by presumptions and how presumption of fact differ from presumption of law?
6. What do you understand by rule of best evidence? Discuss in detail.
7. What is the manner of creation of agency, what are the rights and duties of agents?
8. Write short notes on any TWO of the following:
 - (a) Oral and documentary evidence.
 - (b) Primary and secondary evidence.
 - (c) Burden of proof and onus of proof.
 - (d) Judicial notices and admission.

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT PAPER I – GENERAL PRINCIPLES OF COMPANY LAW-I

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. "Directors are the trustees of the company." Discuss the statement in the light of the legal position of the director *vis-a-vis* the company. What are the various duties and liabilities of a director?
2. Explain the concept laid down in the case of *Solomon v. A. Solomon & Co. Ltd.* (1896). What are the merits and demerits of incorporation of a company?
3. "The memorandum of a company is the charter of its existence." Comment by explaining the various clauses which must be incorporated in the company's memorandum?
4. Define and distinguish between equity and preference shares. What are the provisions of the Companies Act which must be complied with by a company before making a valid allotment of shares?
5. Distinguish between the following:
 - (a) Memorandum of Association and Articles of Association
 - (b) Public Company and Private Company
6. What is "dividend"? Can dividends be paid out of capital of the company? What are the provisions and rules that have to be observed by a company before declaring dividend?
7. How can the company raise funds by borrowing from other companies? State the provisions relating to it. What are the restrictions imposed on the borrowing powers of the Board of Directors?
8. Write Short Note on any TWO of the following:
 - (a) One Person Company
 - (b) Doctrine of *Indoor Management*
 - (c) Investor Protection in India

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT PAPER II – GENERAL PRINCIPLES OF COMPANY LAW – II

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Explain the concept of Corporate Governance and its relevance. Which provisions of the Companies Act 2013 contain requirements relating to corporate governance?
2. What is the rule laid down in the case of *Foss v. Harbottle* [1843] 2 Hare 461? Examine the rule of 'supremacy of the majority of shareholders' as applied in managing a company. Are there any exceptions to this rule? If so, explain.
3. What are the statutory provisions relating to the Extra-ordinary General Meeting? How is it different from Annual General meeting? Elucidate.
4. How is National Company Law Tribunal (NCLT) adjudicating the claims relating to companies? Discuss its jurisdiction, powers and functions under the Insolvency and Bankruptcy Code 2016.
5. What are the different ways in which the business of the company maybe wound up? Explain the detailed procedure as provided by the relevant statutes.
6. Explain the difference between 'Inspection' and 'Investigation' under the provisions of the Companies Act 2013. When anyd Central Government order investigation into the affairs of the company?
7. Who can be appointed as the auditor of the company? What are the statutory rights and duties of an auditor? Explain the role of audit committee in a company.
8. Write Short Notes on any TWO of the following :
 - (a) Class Action Suits.
 - (b) Resolutions of the Company.
 - (c) Financial Statement of a company
 - (d) Reconstruction and amalgamation of a company



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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT PAPER III – BUSINESS LAW AND REGULATION OF BUSINESS

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Discuss the effects of industrialisation policy in the Indian Economy.
2. Explain the term consideration and state the exceptions to the rule – “No consideration, no contract”.
3. Explain the concept of Dishonour of Cheques? What procedure should be followed by the holder of dishonoured cheque?
4. What are the activities which are presumed to have an appreciable adverse effect on competition? Discuss.
5. Discuss the objectives of Limited Liability Partnership Act. Explain the distinguishing features of Limited Liability Partnership?
6. Who can be appointed as Arbitrator? State the provisions of law relating to the appointment of arbitrators.
7. Discuss the relevance of Polluter Pay's and Precautionary Principle as applicable in environmental law with reference to judicial pronouncements.
8. Write short notes on any TWO of the following:
 - (a) Objectives of National Green Tribunal Act 2010
 - (b) Doctrine of Caveat Emptor
 - (c) 'Consumer' under Consumer Protection Act, 1986

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ANNUAL EXAMINATION – APRIL 2019

P.G. DIPLOMA IN CORPORATE LAW AND MANAGEMENT

PAPER IV – THEORY AND PRACTICE OF MANAGEMENT

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Explain the nature and scope of Authority, Responsibility, Power and Accountability. Briefly discuss the difference between Authority and Power.
2. Why do people resist change? Suggest measures to overcome resistance to change?
3. 'A more complete theory of Motivation recognises that an individual works to fulfil a variety of needs'. Critically examine this statement.
4. What is Leadership? What is the need for Leadership? Discuss the different styles of Leadership?
5. Discuss the reasons of various types of conflicts in an organisation? Suggest measure to resolve intergroup conflicts?
6. "Management is the coordination of all resources through the process of planning, organising, staffing, directing and controlling in order to attain stated objectives." Comment on the above statement and describe the function of management.
7. "Social Responsibility of business is an exercise in balancing the objectives of the society on the one hand and the objectives of the business on the other". Discuss.
8. Write short notes on any TWO of the following:
 - (a) Barriers of Communication
 - (b) Project Organisation
 - (c) Management Control

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN CORPORATE LAWS AND MANAGEMENT PAPER V – BOOK KEEPING AND ACCOUNTANCY

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. 'Detection and prevention of errors and frauds is the main objective of auditing'. Explain the duties of an auditor in this regard.
2. What is the nature of financial accounting principles? Enumerate briefly their main characteristics.
3. What are the main advantages derived from the installation of a costing system in a company?
4. From the following balances extracted from the books of M/s S L Bhansali, prepare a Trading and Profit and Loss Account for the year ended March 2018 and a Balance Sheet as on that date.

Particulars	Amount (Debit) ₹	Amount (Credit) ₹
Capital		₹ 3,00,000
Sales and Sales Returns	₹ 10,000	₹ 5,00,000
Purchase and Purchase Returns	₹ 3,00,000	₹ 10,000
Opening Stock	₹ 40,000	
Land and Buildings	₹ 3,20,000	
Plants and Buildings	₹ 1,00,000	
Wages	₹ 20,000	
Furniture	₹ 50,000	
Salaries	₹ 30,000	
Debtors and Creditors	₹ 77,000	₹ 2,00,000
Insurance Premium	₹ 3,000	
Bills Payable		₹ 30,000
Investments	₹ 50,000	
General Expenses	₹ 10,000	
Cash in Hand	₹ 10,000	
Cash in Bank	₹ 20,000	
Total	₹ 10,40,000	₹ 10,40,000

Additional information:

- (i) Closing inventory was valued at ₹ 90,000/-
- (ii) Depreciate Buildings by ₹ 25,000/- Plant and Machinery @ 10%
- (iii) Create reserve for discount ₹ 1,000/- on Sundry Debtors
- (iv) Outstanding salaries for ₹ 5,000/-
- (v) Insurance prepaid for ₹ 500/-

P.T.O.

5. (a) Illustrate Golden Rules of Accounting.
- (b) The annual carrying cost of material 'X' is ₹ 3.6 per unit and its total carrying cost is ₹ 9,000 per annum. What would be the economic order quantity for material 'X' if there is no safety stock of material 'X'?
6. (a) X Ltd. bought a machinery for ₹ 3,00,000 on 1st April 2016. On more machinery was purchased on 1st October, 2016 costing ₹ 2,00,000. On 1st July, 2017, a new machinery for ₹ 1,00,000 was added to the existing machinery. On 1st January, 2018, one third of the machinery which was installed on 1st April, 2016 was sold for ₹ 30,000. Show the Machinery Account in the books of the Company. The rate of depreciation is 10% on reducing balance method. The accounting period ends on 31st December each year.
- (b) Define Hire Purchase System. Differentiate it from Instalment System.

OR

On January 1, 2019 Raman commenced business with ₹ 20,000/- Cash, ₹ 50,000/- with Bank, ₹ 51,000/- with Furniture & Fixture and ₹ 10,000/- with Liability.

January 5, 2019 he deposited cash ₹ 10,000/- in Bank.

January 10, 2019 he withdrew from Bank for personal uses ₹ 5,000/-.

January 15, 2019 paid ₹ 1,500/- to labours.

Pass Journal entries for the above transactions in the books of Raman.

7. Savita Garments Ltd. invited applications for 20000 shares of ₹ 100 each payable ₹ 30 on application, ₹ 40 on allotment (including premium) and ₹ 40 on final call. The issue was oversubscribed and applications were received for 36000 shares. The basis of allotment was as follows:

i) To applicants for 15000 shares	15000 shares
ii) To applicants for 2500 shares	nil
iii) To applicants for 18500 shares	5000 shares

Excess application money was adjusted against the sums due on allotment and final call in compliance with the provisions of the Companies Act. All the moneys were duly received except the final call on 1050 shares from the applicants belonging to full allotment category. Underwriting commission amounted to ₹ 30,000. Give journal entries to record above transaction and show the balance sheet of the company with relevant information only.

OR

Prepare Cost Sheet from the following information:

Raw Materials purchased	₹ 2,00,000/-
Opening stock of Raw Materials	₹ 3,20,000/-
Closing Balance of Raw Materials	₹ 1,60,000/-
Direct Expenses	₹ 40,000/-
Direct Wages	50% of Material used
Factory Overhead	100% of Prime Cost
Office Overhead	40 per unit
Units Produced	4000
Units sold	3000
Selling and Distribution Overhead	80 per unit
Profit	25% of Sales

P.T.O.

8. Write short note on any FOUR of the following:

- (a) IFRS
- (b) ESOP
- (c) Compensating Error
- (d) Opportunity Cost
- (e) Intangible Asset
- (f) BRS

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN CYBER LAW

PAPER I –BASICS OF THE COMPUTER AND CYBER WORLD

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Fill in the blanks:

- (a) Cryptanalysis is the science of _____.
- (b) Peer-to-Peer network is also called _____.
- (c) The process of locating the operating system _____.
- (d) MBR stands for _____.
- (e) Enumeration is used to gather more _____.
- (f) _____ is a computer system that is set up to act as a decoy to lure cyber attackers.
- (g) Hexadecimal convert of decimal number 768 is _____.
- (h) Example of Forensic Tool Kit is _____.
- (i) Packets are the _____ that carry the data.
- (j) _____ is assurance that a specific user performed a specific transaction.

- 2. What are the hashes? Differentiate between MD5 and SHA-2. How hashes are used in digital forensic?
- 3. Define Computer Architecture. Write in details about functions of ALU, Control Unit and Registers.
- 4. What is Cloud and different type of Service Models in Cloud? How it is different from traditional computing? Write a detailed note on virtualization and different type of virtualization software available.
- 5. What is network topology? Write a note on Ring, Mesh and Star topologies. Write differences between Router, Switch and Bridge.
- 6. What do you understand by Public key cryptography? Explain the concept and relevance of digital signatures. What are different level of digital signatures available to users/ organizations.
- 7. What is RAID? Give a detailed note on RAID 3 and 10. Write a note about hardware based and software based RAID configuration.
- 8. Write short note on any TWO of the following:
 - (a) IPv6
 - (b) OSI Layer
 - (c) Disk Imaging
 - (d) Pillars of Cryptography

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN CYBER LAW

PAPER II – REGULATORY FRAMEWORK OF THE CYBER WORLD

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. What is meant by an online contract? Discuss various types of online contracts in practice in cyberspace.
2. Define the term 'access' with respect to the Information Technology Act, 2000. How is digital access different from ordinary access to any device?
3. What is meant by an 'intermediary'? Explain the protection available to an intermediary under the IT Act, 2000 with help of decided cases.
4. What remedies are available in IT Act, 2000 to a person who has suffered damage to his computer or his data by the negligence of another. Explain the adjudication mechanism of such claims under the Act.
5. What are the provisions on interpretation and monitoring of information shared through any computer resource in the IT Act, 2000? On what grounds can interception of digital communication be ordered?
6. AB has a savings account with XYZ Bank with online banking facility. On one day he discovers that his account was accessed unauthorisedly by someone and an amount of ₹ 80,000 was transferred to some offshore bank account.

What remedies are available to AB in this situation? Can he hold the bank liable for the loss suffered by him. Explain with help of statutory provisions and decided cases.

7. What is meant by 'breach of privacy' under the IT Act, 2000? What remedies are available to a person who has suffered 'breach of privacy'?
8. Write short notes on any TWO of the following:
 - a) Computer Network
 - b) Digital Signature
 - c) Computer

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P.G. DIPLOMA IN CYBER LAW

PAPER III – INTELLECTUAL PROPERTY RIGHTS IN THE CYBER
WORLD

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Discuss the international conventions related to copyright issues in cyberspace.
2. Analyse the application of Berne Convention with regards to copyright issue in cyberspace.
3. Discuss the copyright protection to the multimedia programme in digital technology.
4. Unlike many developed countries, in India we have no Domain Name Protection Law. How cases relating to cyber squatting are decided under Trade Mark Act, 1989.
5. Discuss whether the concept of caching memory and deep linking is in violation of copyright law. Highlight cases if any.
6. Discuss the online dispute resolution policy of ICANN in resolving the domain name disputes.
7. Highlight the salient feature of Design Act 2000. Discuss the overlap concept of Design and Copyright.
8. Discuss any TWO of the following:
 - a) Business method patenting
 - b) Software patenting
 - c) P2P Sharing

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P.G. DIPLOMA IN CYBER LAW

PAPER IV – ELECTRONIC COMMERCE

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Explain the changing notion of mailbox rule with regard to communication of offer and acceptance in E-contracts from Indian Contract Act?
2. "The Information Technology Act, 2000 is not data or privacy protection legislation *per se* and it does not lay down any specific data protection or privacy principles. However the consumer can have different legal recourse if privacy right is infringed". Comment
3. How did the Delhi High Court's judgment in *Avnish Bajaj v. State (N.C.T.) of Delhi* (2005) 3 CompLJ 364 led to Intermediary guidelines and safe harbour privilege to intermediary and it enjoys under IT Act, 2000?
4. Do you think the worldwide nature of ecommerce transaction muddles the issue of 'jurisdiction' which is a principle tenet of taxation? If so, explain the problems of tax evasion and double taxation issues in cyber space.
5. How is the transition from traditional notion of commerce to E-commerce pave the way for online dispute resolutions?
6. What is the role of RBI as a regulator in dealing with legal issues pertaining to Mobile Banking? Elaborate with examples.
7. How far encryption, digital signature and secure hypertext transfer addressed privacy and confidentiality in online transactions?
8. Write short note on any TWO of the following:
 - a) Software as a product
 - b) *Bitcoin* as an innovative payment network
 - d) Framing of Service condition and Disclaimers in E-commerce websites

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P.G. DIPLOMA IN CYBER LAW

PAPER V – INFORMATION TECHNOLOGY ACT, 2000

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. A user visits the website of a company M/s. ABC Ltd. for booking a travel ticket. While he was booking the ticket, he got a popup message which encourages the user to download the application on the mobile and book the ticket from the said application and the user would be entitled to extra discount. The user downloads the application and while downloading, it asks for consent of the user to access the content, contracts, messages and other data in the mobile. In this reference, discuss the provisions of the Information Technology Act and Rules made there under which provides for the obligations of the M/s. ABC Company to be covered in Privacy Policy. Also discuss the criminal / civil remedies available to the user in case M/s. ABC Ltd. share the personal sensitive data of the user with the third parties without the consent of the user.
2. Mr. X, a client of the bank, got a call from the unknown person who tells Mr. X that he is representative of his bank and also confirm his bank account and the balance there and thereafter unknown person ask his personal sensitive information in order to provide a new ATM Card. Mr. X believing his representation to be true, provide the details and also share the OTP message which the unknown person tells that it has been sent for authentication. However, within few minutes, a number of transactions were executed in his bank account illegally. Kindly explain what are the criminal and civil remedies available to Mr. X. As a representative of the Mr. X, how would you pursue the remedies and in which forums. Whether Mr. X can sue the bank? Specify the relevant provisions wherever applicable.
3. M/s. XYZ Ltd. was selling the prohibited narcotics drug online from a website www.xyz.com. The website www.xyz.com is owned by an another company M/s. ABC Ltd. wherein two directors of M/s. XYZ Ltd. are also directors. The police register the case against M/s. XYZ Ltd. under the provision of NDPS Act and also made M/s. ABC Ltd. liable for conspiracy. M/s. ABC Ltd. claims that it is an intermediary and seeks immunity from prosecution U/s 79 of the Information Technology Act. Elucidate whether M/s. ABC Ltd. qualifies as intermediary and entitled to protection U/s 79 of the Information Technology Act. What would be the liability of M/s. ABC Ltd. and its directors with reference U/s 85 of the Information Technology Act.
4. Mr. A creates a fake account on the Facebook representing himself to be Mr. B. A lot of offensive content was published on the Facebook Page by him against Mr. C. Mr. C files the complaints with policy. Police refuses to register the case on the ground that the offence falls U/s 66A of the Information Technology Act which has been declared unconstitutional by Supreme Court in the judgment 'Shreya Singhal Vs UOI'.

P.T.O.

Discuss the provision of Section 66A and the grounds on which it has been declared unconstitutional by Supreme Court. What are the alternative remedies available to a victim of such misconduct? Whether any other offence apart from Section 66A is made out under the provision of Information Technology Act. Refer relevant provisions of law.

5. M/s. MNC Ltd. has a registered office at Delhi and have a branch office at Mumbai. One of their employee, Mr. Z steal the data from the company office at Mumbai and sell the same to Mr. Y at a throw away prices at Bangalore. After selling the stolen data, Mr. Z goes to his home town at UP. Kindly explain -
 - (a) What are the offences made out against Mr. Y or Mr. Z under the provision of Information Technology Act?
 - (b) What are the alternatives jurisdiction available to M/s. MNC Ltd. to pursue the criminal and civil remedies under the provision of Information Technology Act?
6. Mr. X, a resident of Delhi, is running a child pornography website, www.xxx.com. The said website has been run with a place of business at US and the domain name has been registered from the US address and the server is also located at US. Mr. Y, a resident of Delhi, while surfing the commercial website www.abc.com get a promotional popup message of making friends and when he click on the message, it takes to the pornographic website www.xxx.com. Mr. Y files the complaint of publishing child pornographic website against Mr. X with the police. Discuss-
 - (a) What are the offences which are made out against Mr. X, www.abc.com or Mr. Y?
 - (b) Mr. X Claim that the police at Delhi does not have any jurisdiction to prosecute him as the business is located at US. Whether Mr. X would succeed?

Discuss the relevant provisions wherever applicable.

7. What is the regulatory framework under the Information Technology Act for the criminal, civil or dispute relating to certifying authorities? Specify the remedies available to a person before the CCA, Adjudicating Officer, Criminal Courts, High court and Supreme Court.
8. Comment on any TWO of the following:
 - (a) Powers of the government under the Information Technology Act 2000.
 - (b) Admissibility of electronic evidence under the Indian Evidence Act 1872.
 - (c) Digital Signature and Secure Digital Signature
 - (d) Secure Digital Signature and Secure Electronic Record

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P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW PAPER I – GENERAL REGIME OF INTELLECTUAL PROPERTY LAW

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Discuss the theories in support of jurisprudence of intellectual property rights.
2. Discuss the salient feature of Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, visually Impaired or Otherwise Print Disabled.
3. What do you understand by globalisation of intellectual property rights? Discuss the effect of globalisation of IPR.
4. Discuss the enforcement mechanism introduced by Trade Related to Intellectual Property Rights (TRIPs) of WTO.
5. Discuss how traditional knowledge are protected under Indian Intellectual Property Rights jurisprudence.
6. Discuss how abuse of dominance has been taken care by the USA and EU competition laws.
7. Discuss the recognised mode of transfer of copyright as per the Indian Copyright Act.
8. Discuss and differentiate between any TWO of the following:
 - a) Geographical Indication and Plant varieties and Farmers Right, Act
 - b) Copyright and Trademark
 - c) Patents and Trade Secrets

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ANNUAL EXAMINATION-APRIL 2019

P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW
PAPER II – LAW OF COPYRIGHT AND RELATED RIGHTS

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. The Copyright Act, 1957 deals with Authors Special Rights. Explain these rights with the help of International Conventions and landmark cases. Also, highlight the difference between economic rights and moral rights?
2. In *Chancellor, Masters and Scholars of the University of the University of Oxford v. Rameshwari Photocopy Services*, the Hon'ble High Court of Delhi has broadened the scope of Doctrine of Fair Dealing with respect to educational purposes. Explain this doctrine in Indian context along with the provisions dealing with the Right to Photocopy explaining the scope of this doctrine.
3. What is the difference between "authorship" and "ownership" under the Copyright Act? Explain while discussing different modes of transfer of Copyright as prescribed under the Act.
4. What are the pre-requisites of Copyright? Explain *Idea Expression Dichotomy* by referring to the law laid down by courts.
5. What are the different types of International Conventions dealing with the rights of Performers and Broadcasting Organizations? Explain along with the provisions laid down under the Copyright Act, 1957.
6. "Copyright means the exclusive right subject to the provisions of this Act....." Discuss in light of Exclusive Economic Rights available to the copyright owner.
7. What are the provisions mentioned under the Copyright Act for the protection of copyrighted work in the Digital Environment? Explain in context of International Conventions dealing with the same.
8. Write short note on any TWO of the following:
 - (a) WIPO
 - (b) Infringement of Copyright
 - (c) Doctrine of Exhaustion



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ANNUAL EXAMINATION – APRIL 2019

P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW PAPER III – LAW OF PATENTS, TRADE SECRETS AND RELATED RIGHTS

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Discuss the legality of Parallel Imports in India under the Patents Act, 1970.
2. What is genetic cloning? Is it permissible under TRIPS? What is the Indian Position relating to it?
3. Explain the methodology of International Patent Classification?
4. Discuss compulsory licensing of Patents with the help of cases.
5. How are Trade Secrets protected internationally? What are the advantages of trade secret over other IPRs?
6. What are the civil and criminal remedies available for infringement of Patents in India?
7. What are the principle features of Paris Convention? What is the status of applicability of Paris Convention after coming of TRIPS Agreement under WTO?
8. Write short notes on any TWO of the following:
 - (a) Intellectual Property Appellate Board
 - (b) Utility Patents
 - (c) Convention on Biodiversity with respect to Patents



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PAPER IV – LAW OF TRADEMARKS, DESIGNS AND UNFAIR COMPETITION

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

1. Discuss the main efforts made through treaties to achieve international trademark harmonization.
2. Discuss the legal issues involved in comparative advertising.
3. Define Passing off with a detailed discussion of caselaw.
4. What is cyber squatting? How are disputes of domain names decided?
5. Explain the Doctrine of Dilution. What are the circumstances under which protection against dilution is available under Trademarks Act, 1999?
6. Discuss the relative grounds of refusal of a trademark. How can a trademark be granted despite a relative ground of refusal?
7. Comment upon conflict of Trademarks with Geographical Indications.
8. Write short notes on any TWO of the following:
 - (a) Well known trademarks
 - (b) Parallel import
 - (c) Unfair competition

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P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS LAW

Paper V – INDUSTRIAL DESIGNS, GEOGRAPHICAL INDICATIONS AND
LAYOUT-DESIGNS OF INTEGRATED CIRCUITS

Time: 3 hours

Max. Marks: 100

Answer any Five questions. All questions carry equal marks.

Wherever applicable, please justify answers by citing relevant cases laws and statutory provisions.

1. What is an Industrial Design? Explain in detail the criteria for registrability of an industrial design in India.
2. Discuss the procedure for registration and cancellation of Designs in India.
3. Copyright protection versus Design protection: where does one end and the other begin?
4. What is a Geographical Indication (GI)? Explain with suitable examples. Is GI different from Indication of Source and Appellation of Origin?
5. Who can register a GI and what are the benefits of registering a GI? How long does GI protection last and how are the rights enforced?
6. Discuss the subject matter of protection under the Semiconductor Integrated Layout Design Act, 2000. Explain the duration and effect of registration.
7. Discuss the provisions relating to assignment and transmission under the Semiconductor Integrated Layout Design Act, 2000.
8. Write short note on any TWO of the following:
 - (a) TRIPS and GI
 - (b) Copyright on registration of designs, its effects and duration
 - (c) Piracy of registered design and remedies
 - (d) Special provisions relating to Trade mark and prior users under GI Act

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