

END TERM EXAMINATION

EIGHTH SEMESTER [LLB] NOVEMBER 2020

Paper Code: LLB-402

Subject: Intellectual Property Rights

Time: 2 Hours

Maximum Marks: 75

Note: Attempt any three questions. All questions carry equal marks.

- Q1 ~~X started a law journal~~, by selecting the important judgments of the High Courts and the Supreme Court and reproducing them with the head notes in the journal. Y, too, came up with the same judgments in his journal along with the head notes copied from X's journal. X filed a suit for infringement of copyright against Y. The contention of Y was that there is no copyright in judgments as they do not fall within the ambit of original literary work and are in public domain. On the other hand, X claimed copyright in the head notes and editing the judgments. Decide. Substantiate your reasoning with relevant provisions of the Copyright Act, 1957 and the relevant case laws.
- Q2 Comment on the exception to copyright infringement. Explain 'fair dealing' with relevant statutory provisions.
- Q3 Explain the content and scope of any three International Treaties or Agreement on law of Trade Marks.
- ~~Q4~~ Distinguish between trademark infringement and passing off referring to suitable provisions in the statute and decided case laws.
- Q5 Discuss the procedure of filing an application for the patent and granting the same under the Patents Act, 1970.
- Q6 Explain the purpose, grounds and procedure of granting Patent Compulsory License.
- Q7 Define "Design" under the Designs Act, 2000. What are the prohibitions for registration of an industrial design under the Act? Refer to the relevant provisions and judicial pronouncements.
- Q8 Discuss the procedure to register an industrial design under the Designs Act, 2000. What is the effect of registration? For how long the protection is granted and what are the grounds of cancellation of a design under the Designs Act, 2000? Substantiate your answer with relevant provisions of the Act.

END TERM EXAMINATION

EIGHTH SEMESTER [LLB] NOVEMBER 2020

Paper Code: LLB-404

Subject: Labour Law-II

(2014 Batch onwards)

Time: 2 Hours

Maximum Marks: 75

Note: Attempt any three questions. All questions carry equal marks.

- Q1 Write short note on the following:
- (a) Discuss the concept of "Fair wages" under the Minimum Wages Act, 1984.
 - (b) Explain the concept of wages under the Payment of Wages Act, 1936.
 - (c) Discuss the concept of annual leave with wages under the Factories Act, 1948.
 - (d) Explain the concept of notional extension of employment under the Employees' Compensation Act, 1923.
- Q2 Critically evaluate the factors to be taken into consideration while fixing the rate of wages under the Minimum Wages Act, 1948. Also discuss the judicial approach to the issue of fixing minimum wages.
- Q3 Discuss the prescribed procedure and its rationality of fixing and revising minimum wages under the Minimum Wages Act, 1948.
- Q4 Explain the obligations of employer and rights of the employee under the Payment of Wages Act, 1936.
- Q5 Elaborate on the time of wages and deductions from the wages of employee by the employer allowed under the Payment of Wages act, 1936.
- Q6 Elaborate the concept of Factory. Discuss the rules regarding the approval, licensing and registration of factories under the Factories Act, 1948?
- Q7 Discuss the employability of the young children and women in the factories. What kinds of safeguards are needed to be taken into consideration if any, under the Factories Act.
- Q8 Discuss the meaning of accident and its consequences on employer as per the Employee's Compensation Act, 1923. In what cases the employer is not liable to pay any compensation to the employee.
- Q9 Discuss the concept of permanent total disablement and permanent partial disablement. What is the amount of compensation provided in the above category of cases.

END TERM EXAMINATION

EIGHTH SEMESTER [LLB] NOVEMBER 2020

Paper Code: LLB-406

Subject: Interpretation of Statutes
(Batch-2014 Onwards)

Time: 2 Hours

Maximum Marks: 75

Note: Attempt any three questions. All questions carry equal marks.

- Q1 Write short notes on the following:
- (a) Statute is the master and not the servant of the judgment: Explain the statement.
 - (b) Differentiate between proviso, exception and saving clause.
 - (c) *Noscitur a sociis*
 - (d) Non obstante clause
 - (e) Mandatory and direct provisions in Statutes.
- Q2 (a) "The key to opening of every law is the reason and the spirit of the law". Explain the above statement with the help of decided case laws.
(b) What is statutory law? Discuss the role played by the court in Interpretation of statutory law.
- Q3 (a) "Of all the internal aids, Preamble is said to be the most important aid". Do you concur with this statement? Explain with the help of relevant case laws on the issue.
(b) Is Preamble a part of the Act? Give reasons and decided cases to support your answer.
- Q4 (a) Enumerate the various parts of the statute. How far they are useful in the interpretation of the statutes?
(b) Discuss prospective and retrospective operations of the Statute in detail.
- Q5 What cannons of interpretation the Indian Judiciary adopts while interpreting the Indian Constitution? Elucidate.
- Q6 What do you mean by external aids of interpretation? What is the relevance of these external aids?
(i) Constituent Assembly debates
(ii) Text books and legislative history
- Q7 Critically examine the rule laid down in Heydon's case in England as far which as 1584 is a second rule of construction of statute and is equally applicable to the construction of statutes in India. Discuss the rule in detail with reference to foreign as well as Indian judgments.
- Q8 "Rule of literal construction is known as a safer rule of construction". Explain with reason. Why is it said that at the very first instance the courts should resort to this rule of construction, before it proceeds further to try other rules. Elucidate.

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END TERM EXAMINATION

EIGHTH SEMESTER [LLE] NOVEMBER 2020

Paper Code: LLB-408

Subject: International Trade Law

Time: 2 Hours

Maximum Marks: 75

Note: Attempt any three questions. All question carry equal marks.

- Q1 Discuss the relevance of theories on International Trade. Explain the important theories on International Trade Law.
- Q2 What are the sources of International Trade Law. Highlight the principles of International Trade Law.
- Q3 Discuss the significance of dispute settlement mechanism in International Trade Law. What is the procedure of dispute settlement mechanism under WTO.
- Q4 Elaborate the significant changes from GATT 1947 to GATT 1995 under WTO. What are the exceptions under GATT 1995?
- Q5 Explain the concept and impact of dumping in International Trade. Discuss the anti-dumping measures introduced in WTO with the help of Indian case laws.
- Q6 Discuss the category of services which are permitted for trade under International Trade Law. What are the safeguards provided under the Agreement on Trade in Services (GATS).
- Q7 Critically analyse the relationship between trade and environment. Discuss the relevant provisions and agreement through which WTO maintains the balance between these two concepts.
- Q8 Examine the agenda of Doha Development Agenda of WTO. What are their implications on International Trade Law.

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END TERM EXAMINATION

EIGHTH SEMESTER [LLB] NOVEMBER 2020

Paper Code: LLB-410 (b)

Subject: Election Law

(Batch-2014 Onwards)

Time: 2 Hours

Maximum Marks: 75

Note: Attempt any three questions.

- Q1 Write short notes on the following: (25)
- Electoral offence and corrupt practice.
 - Distinction between qualification and disqualification.
 - Change in composition of Election Commission.
- Q2 Who can file an election petition? Who are the necessary parties to such petition and what are the consequences of non-joinder of such parties? (25)
- Q3 Explain the power and functions of Election Commission of India for conducting 'free and fair' Elections. Substantiate your answer with help of case law. (25)
- Q4 Critically examine the statutory provisions relating to disqualification on the ground of defection under the tenth Schedule of the Constitution with help of case law. (25)
- Q5 Explain the term 'Office of Profit' under the government as used in Article 102(1)(a) and Article 191(1)(a) of the Constitution of India. (25)
- Discuss whether the following persons are disqualified for holding office of profit:
- Vice-Chancellor of a Central University.
 - Teachers in a primary school run by Municipal Corporation.
- Q6 What are the grounds of rejection of a nomination under the R.P. Act, 1951? What are the consequences of improper rejection and improper acceptance of a nomination? (25)
- Q7 Discuss the ambit of voters' right to know the antecedents of candidates at elections in India. What are the consequences for 'furnishing of wrong information' or 'suppression of some material information' by the candidate in his nomination paper? (25)
- Q8 Write short note on: (25)
- Undue influence as a corrupt practice affecting election.
 - Bribery as Corrupt Practice.

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