

**Hidayatullah National Law University, Raipur (C.G.)**  
**End Term Examination, Feb-May, 2021**  
**LL.M. (One Year Programme)**  
**Semester-II**  
**Corporate Law - Commercial Arbitration**

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**Instructions**

- Each SACE carries 30 marks.
  - Each SACE should be written in 2500-2800 words exclusive of footnotes/references
  - Font: Arial or Times New Roman
  - Font Size: 12 size
  - Spacing: One and half line spacing
  - 30% Similarity with correct foot notes allowed. The content will be checked by Turnitin
  - Both the SACEs to be submitted in a single PDF.
  - Last date of Submission on or before May 15, 2021 (5:00 PM).
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<http://hnlu.ac.in/hnlu/students/submission/> on or before May 15, 2021 (5:00 PM).
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Name, ID No., Semester and Subject.
- 

**SACE-I**

1. Define International Commercial Arbitration and critically analyse the nature and scope of the international commercial arbitration with reference to the interpretation of the terms international and commercial made by the Supreme Court and High Courts. Also discuss the advantages and disadvantages of international commercial arbitration.

**(Marks 30)**

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**End Term Examination, Feb-May, 2021**  
**LL.M. (One Year Programme)**  
**Semester-II**  
**Corporate Law - Law of Contract-II**

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**SACE-I**

1. “The Indian Contract Act, 1872 under Section 124 provides for indemnity and it gives a narrower interpretation about the insurance contracts. The indemnity contracts only arise out of any loss occurring to the indemnified due to any fault either caused by the indemnifier himself or due to the act of a third party. It does not recognize any other form of loss apart from the ones caused by human conduct. The Law Commission of India, on the contrary, in its 13th report on the Indian Contract Act, 1872 recommended that the understanding of indemnity must be expanded to include within its horizon, insurance contracts too as both the contracts share the same essence, making good the loss of another. It was recommended to include those cases also within the hold of indemnity which happened not only due to human conduct but also other natural causes.”

In the light of above statement, discuss as to how the insurance contracts do not fall under indemnity contracts by advancing your arguments and referring the various decided cases, illustrations and the provisions of the Indian Contract Act, 1872. Also discuss about the liability of indemnifier regarding its commencement only when either the indemnified has actually suffered loss or when there is an apprehension that the indemnified by all chances is likely to suffer it.

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**LL.M. (One Year Programme)**  
**Semester-II**  
**Corporate Law - Law Relating to Securities**

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**SACE-I**

1. Whether a Public Company has an obligation to have its securities listed on recognized Stock Exchange? If so, under what circumstance. Explain the SEBI (ICDR) Regulations-2018 pertaining to IPOs along with the provisions under Securities Laws.

And also Enumerate the following:

- i) Whether SEBI has the power to investigate and adjudicate unlisted companies? If so, what are the situations?
- ii) What are the major amendments that have been brought as an outcome of SAHARA v. SEBI (2012) case and SARADA Scam?
- iii) What is the present status of SAHARA Case and give your comments in this regard?
- iv) Explain the interrelationship between SEBI, RBI and CCI as far as Capital Market is concerned.

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**LL.M. (One Year Programme)**  
**Semester-II**

**Intellectual Property Rights - Geographical Indication and Farmers Rights**

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**SACE-I**

1. The rationale behind protection of Geographical Indication is two-fold: (1) Protection of consumer interests by preventing them from getting deceived by false imitations which are sold in the name of a high-quality, well-reputed good; (2) Protection of producer's interests so as to ensure that their reputation is not damaged due to counterfeit versions sold in the market in the name of their product. With the help of these lines try to elucidate following?
  - A) Relevant International Conventions on law relating to Geographical Indication?
  - B) Brief understanding on National Legislation on Geographical Indication?

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**End Term Examination, Feb-May, 2021**  
**LL.M. (One Year Programme)**  
**Semester-II**  
**Intellectual Property Rights - IPR Issues in Cyber Space and the**  
**Information Technology Act 2000**

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**SACE-I**

1. 10 people, including the son of a famous Marathi actor were arrested in March 2021 for allegedly forging electronic signature and obtaining dormant account details worth Rs 216 crore in several banks with the intention of selling the data.

In light of the above facts, highlight the crimes under Information Technology Act which the 10 arrested people can be charged against.

2. A Nigerian social-media celebrity helped North Korean hackers launder money stolen from an Indian Account holder having account in Maltese bank.

In light of the above facts, discuss the jurisdictional conflicts which might arise due to the crime happening in cyberspace and whether the Nigerian social-media celebrity can be made amenable to Indian Court's Jurisdiction.

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**End Term Examination, Feb-May, 2021**  
**LL.M. (One Year Programme)**  
**Semester-II**  
**Intellectual Property Rights - Law of Patent and Trade Secret**

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**SACE-I**

1. Rationalize your answers in the light of relevant provisions (of the Indian Patent Act) and case laws (if any). **(10 Marks each)**
  - i) The unanswered substantial question of patent law has arisen in India in Monsanto v Nuziveedu case. With regards to, whether an invented Nucleic Acid Sequence (NAS) after being inserted into a seed or plant becomes part of the seed or the plant. If answer is in the affirmative, said invention is not patentable under Section 3(j) of the (Indian) Patents Act 1970, which excludes from patentability, inter alia, plants, seeds, or any part thereof. If answer is in the negative, said invention is patentable since Sections 3 and 4 of the Patents Act do not expressly exclude an invented NAS from patentability. The problem is that the question of patentability of the claimed invention has moved like a pendulum from one court to another but in vain. More than four years have elapsed since the birth of question and a lot of ink has been spilled over it, i.e. pages have been written by the courts in aggregate. As a Patent attorney you are required to critically analyze and provide your justifications on the above said issue.
  - ii) All human beings inhale oxygen and exhale carbon dioxide and inside our body oxygen gets converted into carbon dioxide. How it gets converted looking at our body was unknown, until a year back when one scientist named Mr. Paul tried to go inside the human body and after doing some R&D work, he found out that there is 'Krebs cycle'. By which the oxygen gets attached to the blood, RBC and then how it goes to each cell and how the cells utilize it for burning the food material and during the burning it gets converted into carbon dioxide..again carbon dioxide is carried by the blood where it comes to the lungs and gets released. And then lungs push the carbon dioxide out so entire thing where we have Adenosine Triphosphate (ATP) formation and consumption etc. Now Mr. Paul wants to get a Patent on this observation. You need to answer with valid justification whether Mr. Paul will get the Patent grant.

iii) Mr. X lives in Mumbai and he is a working man, he needs to travel a lot. To avoid humidity and heat Mr. X uses an umbrella but that doesn't stop him from sweating. Mr. X is a curious person in order to solve his problem Mr. X made certain modifications to his umbrella. The modus operandi of an umbrella is that when we open an umbrella there are spokes which are connected together and when it goes to the central part it folds. In the central part where there is the stem of an umbrella in the top roof part inside, Mr. X put a small plastic fan with small blades and the fan has a small motor and Mr. X put a wire in the handle of the umbrella internally. The lower part of the umbrella the curved part he kept a switch with two small batteries for on/off. Now Mr. wants to get a Patent on his invention. You are required to advice Mr. X in the light of the provisions of Indian Patent Act, 1970 whether or not his claim fulfills the Patent requirements.

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**Semester-II**  
**Technology & Law - Cyber Forensics and Cyber Crimes**

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**SACE-I**

1. “There has been a shift in approach of applying traditional criminal laws to instances of computer- related conduct by adoption of computer- specific statutes”.

Critically comment in light of relevant case laws the difficulties faced by the governments in USA, UK and EU in applying traditional criminal laws to the crimes committed by the use of computers. **(Marks 30)**

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**Semester-II**  
**Technology & Law - Social Media & Law**

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**SACE-I**

1. “Data is the oil of 21<sup>st</sup> century, could not be truer that it is today in technology driven world. The paradigm shift from Web 1.0 technologies that enabled simple information sharing and basic two- way transactions to Web 2.0, where literally everyone is / can be a user as well generator of content”. In the light of given statement throw some lights upon the followings:
  - i. Where does right to privacy stand amidst increasing scope of social media and what are the possible expectation of privacy. Discuss the existing and emerging Indian law relating to the privacy with reference to social media.
  - ii. Law relating to Right to forgotten with special reference to GDPR and its scope in India

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**Technology & Law - Telecom Law**

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**SACE-I**

1. “The modern system of communications in India traces its origin to the developments in Britain and also to the policies adopted by the British East India Company.”

Critically evaluate the statement in light of the historical development of the communications law in India. Also explain the relevance of these laws since the coming into force of Constitution of India, 1950. **(Marks 30)**

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