

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Law of Biotechnology & Challenges to Traditional Knowledge
Semester-II (Batch: 2017-18)

LL.M. End Term Examination: May 2018

Date: 09th May, 2018

Duration: 3 Hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

PART-A

Marks

Attempt any 4 questions from Q1-6. Question no. 7 is compulsory.

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|-----|---|------|
| Q.1 | The facts presented before you are from a case in WTO dispute resolution: The case against US Cotton subsidies appears also to question the distinction between amber and green boxes. The objections were raised by Brazil. The rulings of the panel are best summarized by considering the nine elements of the US programs that were the subject of the challenge by Brazil. Five of these elements (direct payments, production flexibility contract payments, market loss assistance payments, counter-cyclical payments and marketing loan payments) relate to the major instruments of farm policy adopted for the "program crops" in the Farm Bills that cover the period 1999-2003. Two more are specific to cotton (Step 2 subsidies and cottonseed payments), and the other two are of more general application (crop insurance and export credit guarantees). After reading the above facts, write a short note on the Agreement on Agriculture. Also suggest the panel a probable answer to the above situation. | (10) |
| Q.2 | 'India is currently amongst the top 12 biotechnology destinations in the world and ranks third in the Asia-Pacific region.' Do you agree with the above statement? Cite your answer with reasons & explain with examples. | (10) |
| Q.3 | What is Biotechnology? What are its different components? Explain in brief the importance of protecting it through law. | (10) |
| Q.4 | Examine various aspects of The Surrogacy (Regulation) Bill, 2016. Give your suggestions to improve its lacunae. | (10) |
| Q.5 | Discuss in brief citing suitable examples the challenges to protection of TK across the globe. How do you see it to be part of IK or <i>vice versa</i> ? | (10) |
| Q.6 | Discuss in brief various legal and ethical issues in patenting of human genetic material by making a comparison of the provisions in EU, US & India. | (10) |

- Q.7 Write short note on (500 words) (15)
- a) Codex Alimentarius
 - b) ITPGRFA
 - c) Clinical Trials

PART-B

- Q.8 Read the following situations and answer the question: (4.5)

Human health is a major growing concern worldwide because of infectious diseases. Biotechnology has played a dynamic role in improving the challenges regarding the human health as it has flexibility to reduce global health differences by the provision of promising technologies. Biotechnology has offered modern medical devices for diagnostic and preventive purposes, which include diagnostic test kits, vaccines and radio-labeled biological therapeutics used for imaging and analysis. Explain in detail the role of Biotechnology in the invention of newer vaccines.

- Q.9 Read the following statement and answer the following question: (3)

Biodiversity loss continues to take place ultimately because its public good value is not fully integrated into decision-making by governments or communities, nor is it captured by markets. This translates into uninformed exploitation and a lack of political will to effectively conserve and regulate the use of biodiversity resources. Linking biodiversity to social and economic development remains an elusive goal of the CBD and the wider conservation community. If this situation is to be rectified then the foundation role of natural ecosystems for human wellbeing – covering a range of supporting, provisioning, regulating and cultural values - needs to be explicitly recognized in the future work of the Convention. By recognizing and communicating the role of biodiversity in delivering ecosystem services, the Convention can offer a natural bridge between the environmental and development sectors. In the coming years, the Convention needs to ensure that biodiversity and the services that flow from it are appropriately recognized, valued and that the costs of not conserving them are well understood by all sectors of government, as already called for in a number of CBD Programmes of Work. What are the strengths and weaknesses (including gaps and inconsistencies, if relevant) of the existing Strategic Plan of the Convention on Biological Diversity?

- Q.10 What is Cartagena Protocol on Biosafety? How does the Protocol address handling, transport, packaging and identification of living modified organisms? (7.5)

Or

What are stem cells? What is the status of stem cell treatment in India as well as globally? Briefly discuss ethical issues in stem cell research. (7.5)
