



**THE INDIAN LAW INSTITUTE**  
(Deemed University)  
NEW DELHI

LL.M. (1 YEAR) 1<sup>ST</sup> TRIMESTER END- EXAMINATION  
OCTOBER-2014

PAPER (101) – RESEARCH METHODS AND LEGAL WRITING

**Time: 3 hours**

**Max. Marks: 50**

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

1. What do you mean by legal research? Distinguish between doctrinal and empirical research. Explain the characteristics of multi-disciplinary research.
2. Discuss different tools which a researcher uses in empirical research. Distinguish between interview and questionnaire methods. What are their advantages and disadvantages?
3. Explain the difference between primary and secondary sources. State the importance and use of law library and internet in a doctrinal legal research.
4. What do you mean by a research design? Prepare a research proposal on ‘Supreme Court of India on Constitutional reservations in favour of backward classes of citizens in civil services’.
5. Discuss the essentials of a good legal writing. State the importance of citation, reference and footnoting in legal writing.
6. Explain the difference between deductive and inductive methods in research. How do you write a research report?
7. Write short note on any TWO of the following:
  - a) Relevance of Case Study Method
  - b) Plagiarism
  - c) Editing and proof reading

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PAPER (102) – COMPARATIVE PUBLIC LAW/SYSTEMS OF GOVERNANCE

**Time: 3 hours**

**Max. Marks: 50**

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

1. Constitutional orthodoxy views the courts as interpreters of the Constitution with no power to amend it or to invalidate laws which were valid when enacted. Write a critique on this view.
2. Some comparative constitutional scholars define Indian constitutionalism as ‘unconventional’ since it contains many unorthodox institutes defying conventional definitions of western constitutionalism, as well illustrated by the debates on the controversial nature of Indian federalism or on the Union’s system of government. Discuss.
3. Does Democracy need Constitutionalism? “Constitutionalism is ‘contingently necessary’ for democracy, whereas democracy ‘nourishes and preserves’ constitutionalist discourse.” Discuss.
4. Germany, India and South Africa are said to recognize unconstitutional constitutional change where courts have the power to declare a constitutional amendment unconstitutional – even if that constitutional amendment fulfils the amendment procedures mandated by the constitutional text – if the amendment violates the spirit of the constitution. Explain.
5. According to you, which is the best institution to do constitutional review? Which is highly intellectual, technical and reflexive process - the constitutional courts comprising unelected group of judges (counter-majoritarian institutions) or the elected representatives of the state (populist majoritarian government) who are primarily elected to determine what the constitution must mean. Why?
6. The doctrines of ‘separation of power’ and ‘checks and balances’ are two sides of the same coin. However, one characteristic of the checks and balances system is that it encourage constant tension and conflict between the branches. That conflict, however, is frequently beneficial, and the Constitutions smile upon it.” Comment.

P.T.O.

7. Write short note on any TWO of the following:
- a) Limitations of judicial review
  - b) Constitution – a living organism
  - c) Constitution vis-à-vis Constitutionalism

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PAPER (103) – LAW AND JUSTICE IN A GLOBALIZING WORLD

**Time: 3 hours**

**Max. Marks: 50**

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

1. Define ‘globalization’ and distinguish it from ‘internationalization’. Is globalization a new phenomenon in the world politics? Explain.
2. “Globalization of world politics is a deeply economic affair.” Do you agree? Explain the impact of economic globalization on ‘nation-states’ and their ‘sovereignty’ with special reference to state’s authority to regulate economic activities.
3. In view of the ever growing importance of international treaties, agreements, conventions, etc. in domestic governance, is there a need to democratize the treaty making process in India? If so, does it require a constitutional amendment? Explain.
4. What are values? Are there universal moral values? Is globalization, which is a multidimensional phenomenon, responsible for universalizing certain values? Discuss.
5. Discuss the impact of globalization on judicial process in the light of select decisions of the Supreme Court of India.
6. Explain the problem of development induced displacements in India? Are there any safeguards, under the national or international law regime, available to the displaced persons? Critically examine.
7. Write short note on any TWO of the following:
  - a) Globalization and jobless development
  - b) Cosmopolitanism
  - c) Globalization and trade in natural resources

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# THE INDIAN LAW INSTITUTE

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LL.M. (1 YEAR) 2<sup>ND</sup> TRIMESTER END- EXAMINATION

FEBRUARY-2015

METHODS OF TEACHING, EVALUATION AND SUPERVISION – (LL.M.-161)

**Time: 3 hours**

**Max. Marks: 50**

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

1. “The usual image of the university is that of an ivory tower, divorced from the environment and cut off from the local community in which it operates. A law clinic can help reduce this isolation by making the law school more relevant to the community.” Do you agree with this statement? Why? Examine also the challenges and problems associated with the new trends in legal education.
2. For a teacher at higher education, the pedagogical goal is to teach the students to integrate skills, legal knowledge and ethical decision making with a professional commitment to justice. Substantiate.
3. “Learning comprises of three different dimensions - the cognitive, the emotional and the social. The three-dimensional learning theory suggests that teaching methods and techniques must adjust to context and that the success of teaching techniques or methods may depend on the particular students being taught.” Explain.
4. “There are three main aims of education viz., preparing for social life, developing the individual and engaging with forms of disciplined knowledge.” Keeping the statement how can you plan a curriculum with learning outcomes?
5. State different tools and techniques of evaluation. Explain various types of evaluation present in the contemporary education system with their merits and demerits. According to you which evaluation method is the best and why?
6. In legal field, internship is becoming routine, where students ‘earn nothing and learn little.’ In the light of this statement, analyze the true purpose of compulsory internship and its drawbacks. What are your suggestions to make legal internship more purposeful?
7. Write short notes on any two of the following:
  - i. Client counseling
  - ii. Advantages and disadvantages of placement system
  - iii. Qualities of a law teacher



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LL.M. (1 YEAR) 2<sup>ND</sup> TRIMESTER END- EXAMINATION  
FEBRUARY-2015

GENERAL PRINCIPLES OF CRIMINAL LAW - (LL.M.-111)

**Time: 3 hours**

**Max. Marks: 50**

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

1. “It cannot be assumed that creating a new crime or increasing the maximum punishment will lead in a kind of hydraulic relationship – to a reduction in the incidence of that conduct.” Critically analyze the statement.
2. The principle of *mens rea* must mean that the defendant should be criminally liable only for events or consequences which he intended or knowingly risked. Discuss keeping in mind the relevant IPC provisions.
3. It is very difficult to fix criminal responsibility for crimes committed by the corporations. And the crimes they commit may extend beyond financial crimes and cause bodily injury, disease or even death. Discuss the jurisprudence which has evolved in India as regards corporate criminal liability.
4. Is there a need to revisit the law on insanity? Should the law be augmented by a separate defence of diminished responsibility? Give adequate reasons for your answer.
5. In a joint criminal enterprise, can the defendants be jointly liable for a collateral crime? Answer this question bringing out the distinction, if any, between “in furtherance of” and “in prosecution of” with the aid of case law.
6. Two persons may be guilty of criminal conspiracy even when they would not be guilty of the inchoate crime of attempt if they were acting individually. So it is little baffling as to how a non-criminal conduct of an individual becomes a criminal conduct if someone agrees to it! Comment.
7. Write short note on any TWO of the following:
  - a. Age of responsibility for criminal conduct
  - b. Right of Private Defence of Person
  - c. Conduct element of the offence of abetment



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LL.M. (1 YEAR) 2<sup>ND</sup> TRIMESTER END- EXAMINATION

FEBRUARY-2015

## FUNDAMENTAL RIGHTS, FUNDAMENTAL DUTIES AND DIRECTIVE PRINCIPLES OF STATE POLICY– (LL.M.-121)

**Time: 3 hours**

**Max. Marks: 50**

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

1. Discuss the relevance of defining the term “State” in the Constitution of India. Can a citizen claim a fundamental right against non-state actors?
2. Can the Parliament enact a legislation to ban conversion from one religion to another? Discuss the approach of the Supreme Court in matters relating to administrative and economic aspects of religion?
3. “Even though Article 32 of the Constitution of India does not lay down any limitations on the enforcement of fundamental rights, the courts have evolved certain principles on their own to deny relief to a petitioner.” Discuss in the light of major decisions.
4. “The reliance of the courts on International Instruments has led to expanded interpretation of various fundamental rights.” Discuss.
5. How have the Courts and Parliament tried to synthesize the fundamental rights with the directive principles of state policy? Do you find any shift in judicial interpretation in this area? Refer to constitutional provisions and decided cases.
6. What standards have been laid down by the Supreme Court to decide the reasonableness of a legislative action? Can a restriction be considered to be reasonable even if it imposes a total prohibition? Refer to decided cases.
7. Write short notes on any TWO of the following:
  - (a) Impact of emergency on Fundamental Rights
  - (b) Contemporary Relevance of Ninth Schedule
  - (c) Fundamental Duties of citizens regarding environmental protection

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LL.M. (1 YEAR) 2<sup>ND</sup> TRIMESTER END- EXAMINATION  
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CRIMINAL PROCEDURE – (LL.M.-112)

**Time: 3 hours**

**Max. Marks: 50**

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

1. The right to speedy trial is fundamental for the dispensation of timely justice. Do you agree? What are the challenges for the realization of the right to speedy trial in India?
2. Under the Code of Criminal Procedure, 1973 what are the powers and duties of a police officer during investigation? Do you agree with the opinion of the apex court of India that fair investigation is fundamental to every citizen and the backbone of rule of law? Give reasons.
3. Compare the crime control model and the due process model as regards the presumption of innocence. What are the justifications for the adoption of the presumption of guilt under specific legislations? Do you agree with such justifications?
4. What is anticipatory bail? Is it true that the law on anticipatory bail has evolved through judicial decisions? Explain.
5. What rights are provided to the accused in India? Explain the role of the judiciary in upholding rights of the accused.
6. Critically analyze the components of the right to fair trial in India. Do you think that the requirements of the right to fair trial can be highly burdensome for the criminal justice system in certain circumstances?
7. Write short note on any TWO of the following:
  - i. Registration of FIR
  - ii. Role of Magistrate during investigation
  - iii. Media Trial

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LL.M. (1 YEAR) 2<sup>ND</sup> TRIMESTER END- EXAMINATION

FEBRUARY-2015

CENTRE STATE RELATIONS– (LL.M.-122)

**Time: 3 hours**

**Max. Marks: 50**

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

1. What do you understand by the term federation? Is India a federation in the true sense? Discuss
2. Cooperative federalism needs cooperation not just between Centre and State but also between State and State. Outline the constitutional framework in India and USA on inter-state cooperation.
3. Is the governor merely a centre's agent or as the constitutional head of the state does he have a separate role to play? Discuss the role of the governor in context to article 356 of the Constitution of India.
4. Discuss in brief the provisions on fiscal federalism in India.
5. The powers amongst the state and centre are clearly demarcated under Seventh Schedule of the constitution of India. As per the said scheme, the centre has an upper hand. Explain.
6. For a federalism to succeed, it is imperative that there is close working of centre and the state with regard to administrative matters. How is this achieved in India?
7. Short notes (any two):
  8. Role of judiciary in resolving inter-state river disputes
  9. Pros and cons of the abolition of the Planning Commission
  10. Impact of Emergency on Federal Structure

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LL.M. (1 YEAR) 2<sup>ND</sup> TRIMESTER END- EXAMINATION  
FEBRUARY-2015

SOCIO-ECONOMIC CRIMES: ORIGIN AND DEVELOPMENT – (LL.M.-116)

**Time: 3 hours**

**Max. Marks: 50**

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

1. Critically examine the differences between ‘Traditional Crimes’ and ‘Socio Economic Crimes’. In your opinion is there any need for adopting severe measures for dealing with SECs even to the extent of departing from basic principles of criminal law jurisprudence?
2. Critically analyze the nature and dimensions of the concept of “Privileged Class Deviance”. Examine the concept in the context of “Socio Economic Crimes”.
3. Whether section 31 A of the Narcotic Drugs and Psychotropic Substance Act, 1985 is violative of articles 14 and 21 of the Constitution of India? Critically analyze with case-laws.
4. What are the offences under the Prevention of Corruption Act, 1988. Explain the approach of the Supreme Court in dealing sanction for prosecution under the Act.
5. Compare “the Prevention of Money Laundering Act, 2002” with the Money Laundering legislations existing in other countries. Do you think that the Prevention of Money Laundering Act, 2002 is sufficient to tackle the menace of the crime?
6. One of the main objectives behind the enactment of Food Safety and Standards, Act 2006 is to remove the confusion in the mind of consumers regarding the multiple food laws. Analyse how far the FSSAI Act, 2006 is successful in achieving this objective?
7. Write short notes on any TWO of the following:
  - a) Definition of ‘public servant’ under the Prevention of Corruption Act, 1988
  - b) Santhanam Committee Report on Socio Economic Crimes
  - c) Edwin Sutherland’s Definition of ‘White Collar Crimes’.

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LL.M. (1 YEAR) 2<sup>ND</sup> TRIMESTER END- EXAMINATION

FEBRUARY-2015

GENERAL PRINCIPLES OF ADMINISTRATIVE LAW – (LL.M.-124)

**Time: 3 hours**

**Max. Marks: 50**

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

1. Explain the 'thin' and 'thick' versions of rule of law. Does Constitution of India embody a 'thick' version of rule of law? Elucidate.
2. Whether the classification of administrative functions into 'quasi-legislative', 'quasi-judicial' and 'administrative' has any significance as regards application of principles of natural justice? Discuss in the light of judicial decisions
3. Discuss the position of administrative tribunals in the Indian judicial hierarchy. Do you think the decision of the Supreme Court in *L. Chandra Kumar v. Union of India* [(1997) 3 SCC 261] has led to defeat of the main purpose for which tribunals were established? Critically examine.
4. Explain the extent to which the Constitution of India embodies the principles of separation of powers. Is it critically important to adhere to those principles for the purpose of protecting individual rights, liberties and interest?
5. Explain the constitutional and statutory framework relating to Comptroller and Auditor-General of India.
6. Distinguish between 'ministerial' and 'discretionary' powers with examples. Explain the grounds for judicial review of administrative discretion.
7. Write short notes on any TWO of the following:
  11. Commissions of Inquiry
  12. Judicial review of delegated legislation
  13. Parliamentary Committees on subordinate legislation

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LL.M. (1 YEAR) 3<sup>RD</sup> TRIMESTER END- EXAMINATION  
MAY-2015

LEGAL PROFESSION AND SOCIAL JUSTICE (LL.M.-162)

**Time: 3 hours**

**Max. Marks: 50**

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

1. Being a law teacher aspirant state your goals that you might want to accomplish in teaching law course. What are the teaching strategies, techniques and methods that you would deploy to achieve these goals and why?
2. “Justice is an inherent component of the law and not separate or distinct from it.” Is it a true statement? Substantiate your answer and comment on the relationship between law and justice.
3. In the era of globalisation, how social justice can be achieved in a country like India? Discuss the governmental and individual responsibility in ensuring social justice. How your law school can contribute in enlivening social justice?
4. What are the professional values and advocacy skills that you treat as important for a lawyer? How will you inculcate these skills in your law students?
5. State the relevance of continuing legal education? What are the facilities and institutions available in India to provide CLE for bar, bench and law teachers? Is the existing CLE in India satisfactory? If not what are your suggestions to provide effective and meaningful CLE to various stakeholders?
6. Comment on the contemporary legal education in India? What are your suggestions for legal education reforms in India and to bring a shift from Legal Education to Justice Education.
7. Write short note on any TWO:
  - (a) *Pro bono* Lawyering
  - (b) Client Counselling
  - (c) Role of Law Schools in legal aid activities

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LL.M. (1 YEAR) 3<sup>RD</sup> TRIMESTER END- EXAMINATION  
MAY-2015

COMPARATIVE AND GLOBAL ADMINISTRATIVE LAW (LL.M.-126)

**Time: 3 hours**

**Max. Marks: 50**

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

1. The virtues of the doctrine of separation of powers do not evoke much enthusiasm today. Is it because the doctrine has accepted a harder core of generally accepted meaning or some Constitutions survive adequately without relying on it for substance?
2. Comment on the relevance of French administrative law in the system of modern intensive form of government?
3. The shift of regulatory authority and activity from domestic to global bodies has outstripped traditional domestic and international law mechanisms to ensure that regulatory decision makers are accountable and responsive to those who are affected by their decisions. Comment.
4. "Dicey had a misconception about administrative law. He was concerned more with institutions than values." Do you agree with this statement? Why?
5. Many players in global governance, both governmental and civil, are effective advocates for the interests that they represent, but none can be said to represent the interests of the world as a whole. To be effective, it must be inclusive, dynamic, more democratic than authoritarian, more openly political than bureaucratic, more integrated than specialized and able to span national and sectoral boundaries and interests." While analyzing the statement, state the pros and cons of global governance.
6. Write a critique on the scope of judicial review of administrative action in US and UK.
7. Write short notes on any TWO of the following:
  - (a) *Droit Administratif*
  - (b) Intergovernmental and transnational regulatory authorities in Global Administrative Law
  - (c) A brief comparison of PIL in India and US



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HUMAN RIGHTS AND NATIONAL SECURITY (LL.M.-113)

**Time: 3 hours**

**Max. Marks: 50**

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

1. How is 'terrorist activity' defined in Indian law? Whether glorification of terrorism is punishable? Discuss.
2. Human Rights are available to all individuals against the State to enjoy freedom from tyranny. But it has been observed that many people try to take undue advantage of these rights and use them as a defence to avoid State-action against them for their unlawful activities posing to relevant international instruments, like Convention against Torture, applicable to such situations.
3. Delve upon the purpose and content of the well known enactments passed by the legislature from time to time which authorize and regulate preventive detention in India.
4. Giving an appraisal of the Unlawful Activities (Prevention) Act, 1967, point out its merits and inadequacies from human rights perspective.
5. Discuss the purpose, mandate and mode of operation of the National Investigative Agency. Discuss the provisions that affect the centre state relationship. How can its functioning be made more effective and Human Rights friendly?
6. Enumerate and evaluate the claims about the misuse of Armed Forces (Special Powers) Act, 1958 with reference to reports of human rights enforcement agencies and organizations. Suggest measures to promote its better use with minimum violations.
7. Write short notes on any TWO of the following:
  - (a) Constitutionality of sedition law
  - (b) Terrorism and constitutional mandate
  - (c) Human Rights to advocacy and National Security

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