



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER-2013

LL.M. 2/3 YEAR, 1ST SEMESTER

COMPARATIVE JURISPRUDENCE

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Give a descriptive view of the main popular theories of justice analyzing their features and explain the fitness of egalitarian approach in a libertarian atmosphere.
2. Critically examine the policy of accepting caste as a standard for constitutional equalization and explain to what extent the class and race have been accepted as a criterion along with caste.
3. "Though the feministic approach in law making has taken precedence upon the other perspectives, the results are only reflective of patterns of excesses against them and not a real change in attitudes." Examine the statement critically.
4. What was the historical process that advanced and strengthened the sovereignty of the state and the liberty of the people in Europe against the then prevailing obscurantism?
5. How can the basic needs be fulfilled in India amidst its problems of insufficient infrastructure, least trained workers and inadequate facilities for livelihood? Refer to latest legislative developments and judicial decisions in the country.
6. Explain the challenges to the constitutional values of equality, liberty and fraternity. Suggest appropriate measures to overcome these challenges effectively.
7. Write explanatory notes on any two of the following:
 - a. Law and liberal democracy
 - b. Economics and human rights
 - c. Cultural relativism and public morality



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2 YEAR, 3RD SEMESTER (CORPORATE LAW- I)
(FOUNDATIONS OF CORPORATE LAW AND POLICY)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. 'Any entity which bears rights and duties is a person.' Comment distinguishing between natural and artificial persons. Do you agree that from one point of view there is difference between them but from another there is not any?
2. Critically explain the concept of 'free consent' under the law of contract. Do you agree that the concept is not fully compatible with the ideology of a welfare state?
3. 'The personality of a company is different from that of its members.' Comment discussing the theory of lifting of corporate veil. What are the advantages and disadvantages of the theories of corporation veil?
4. Critically discuss the concept of 'corporate social responsibility.' Discuss whether it is a crude attempt by the champions of free market economy to make it a substitute of welfare state.
5. Critically discuss organization, structure and powers of board of directors. What are the responsibilities of the board towards the management?
6. Write a critical note on the Companies Act of 2013, discussing the improvements made under this Act over the preceding legislation.
7. Write short note on any TWO of the following:
 - a. Role of SEBI as a regulator
 - b. Corporate governance
 - c. Limitation on transfer of shares



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2 YEAR, 3RD SEMESTER (HUMAN RIGHTS LAW- I)
(CONCEPT AND HISTORICAL DEVELOPMENTS)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Explain the concept of human rights discussing its importance in modern world specially in developing world. Distinguish between human rights, moral rights and fundamental rights.
2. Discuss the historical evaluation of the concept of human rights specially in the context of Magnacarta, French Declaration of Rights of Man and Social Contract theories.
3. Explain various theories for justification of human rights. Discuss libertarian theory of human rights in contrast to liberal and Marxist theories of human rights.
4. Define and distinguish between first, second and third generation of human rights. Do you agree that the second generation rights relating to the food and work take a back seat in most of the developing countries?
5. In the context of globalization, the debate between the champions of universalism and cultural relativism has sharpened giving rise in many cases to denial of human rights especially to women-Explain. Discuss the relative merits and demerits of universalism and cultural relativism.
6. Critically discuss the implementation of International Covenant on Civil and Political Rights and International Covenant on Economic Social and Cultural Rights in the developing world.
7. Write short note on any TWO of the following:
 - d. European Convention on Human Rights
 - e. African Charter on Human and People's Rights
 - f. Human Rights and Human Dignity



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 3 YEAR, 3RD SEMESTER (IPRL-II)

LAW OF COPYRIGHT, INDUSTRIAL DESIGN AND LAYOUT DESIGN
OF INTEGRATED CIRCUIT

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. “There must be some minimal degree of creativity and what should be protected by copyright are the fruits of intellectual labour and not just sweat of the brow”. Explain the concept of ‘originality’ in the context of the aforesaid statement.
2. Explain the fundamental changes brought about by the 2012 Copyright Amendments. Highlight the amendments in the ‘Fair Use’ provisions which have helped the Act to become more ‘disabled friendly’.
3. Define ‘design’. Explain the concept of ‘priority date’ privilege to citizens of convention country provided under the Designs Act, 2000 highlighting the *Reckitt Benckiser (India) Ltd. v. Wyeth Limited* judgment.
4. What are the subject matters in which copyright exists? Discuss whether copyright exists in question papers, compilations and class room lectures.
5. Critically examine the provision dealing with rights of performers under the Copyright Act, 1957 along with the recent copyright amendments.
6. What is layout design under the Semiconductor Integrated Circuit Layout-Design Act, 2000? Explain the procedure of registration of such semi-conductor circuit as provided under the said Act.
7. Write short notes on any TWO of the following:
 - a. Compulsory licensing under the Copyright Act, 1957
 - b. Copyright in designs
 - c. Neighbouring Rights



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 3 YEAR, 3RD SEMESTER (CRIMINAL LAW-II)
SPECIFIC CRIMES

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Under what circumstances culpable homicide amounts to murder. Evaluate the statement that 'felony murder' rule has never been applicable to India.
2. Does the offence of "dowry death" create a legal fiction? Give reasons. On what basis Law Commission of India has opposed the suggestion of death sentence for "dowry death"?
3. The Criminal law Amendment Act, 2013 has made a comprehensive change in the law of rape but it failed to incorporate 'promise to marry' cases. Discuss. Is the amendment a reflection of British law?
4. What are the definitional dilemmas regarding terrorism? Does UAPA 1967 give any definition of terrorism? Has UAPA 1967 been recently amended? Support your answer. Do you agree that every cyber terrorist is a cyber criminal but not *vice versa*? Give reasons.
5. Examine the statement that unlike common law, permanent deprivation of property is not an essential element of theft in India. What is the difference between theft and extortion? Is delivery of property an essential element of extortion? Give reasons.
6. The offence of 'cheating' is broader than Criminal breach of trust. Do you agree? Offer your grounds for your answer. Also suggest amendments to the definition of the offence of 'cheating'.
7. Write short note on any TWO of the following:
 - g. Corporate manslaughter
 - h. *Bolan* and *Bolitho* Test
 - i. Human Trafficking



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2/3 YEAR, 1ST SEMESTER

JUDICIAL PROCESS

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Briefly explain the 'nature of judicial process'? On what factors does it depend? Is the idea of Cardozo delivered in the first half of last century still relevant? Give illustrations to support your answer?
2. What do you understand by the term 'judicial function'? How is it different from administrative function and quasi judicial function? Discuss with illustrations.
3. What are the main features of *Judges case I, II and III*? What are the merits and demerits of present collegium system? Will creation of a National Judicial Commission ensure greater independence and transparency in the appointment of judges? Give reasons.
4. What is judicial overreach? Can you give some examples of judicial overreach? Is it different from judicial activism? Examine the statement that 'conscious disregard of constitutional provisions' by executive and legislature in India has compelled the judiciary to expand its wings. Give reasons with illustrations.
5. 'Principle of *stare decisis* ensures stability in judicial decisions but it does not mean to blindly follow all the decisions of Higher Court.' Critically evaluate the statement with decided cases.
6. What are various rules of interpretations? Are the rules of interpretation also rules of law or are they mere aids to construction and constitute some broad pointers? Give reasons. Do you agree with the statement that 'the normal canon of interpretation is that a remedial statute receives liberal construction whereas a penal statute calls for strict construction.' Discuss with decided cases.
7. Write short notes on any two of the following:
 - d. Value judgment
 - e. Judicial legislation
 - f. Logical reasoning



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2 YEAR/3 YEAR, 3RD / 5TH SEMESTER
CORPORATE LAW- III (BANKING AND INSURANCE LAWS)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Critically discuss the scope and extent of SARFAESI Act 2002 and relevance of security interest in the process of securitization.
2. Trace the post independence evolution of banking law in India and the influence of British Banking on it.
3. Analyze the implementation of Narsimhan committee report II of 1998 on SLR and CRR and other relevant recommendations contained in the report leading to banking reforms.
4. Explain and elaborate the position of Bankers as Borrowers of Customer's money and discuss the various forms of bank deposits.
5. Highlight the relevance of social control on banks. How was it improved after the nationalization of banks took place in 1969?
6. "One should never put all the eggs in one basket". Explain the meaning and applicability of this saying in terms of the process of money lending in Banking Sector.
7. Write explanatory notes on any two of the following:
 - a. Consumer Protection via ombudsman
 - b. Payment in due course of cheques
 - c. Garnishee orders or Attachment



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2 YEAR/3 YEAR, 3RD/5TH SEMESTER
HUMAN RIGHTS LAW- III (INDIAN PERSPECTIVE)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. How does the Indian State seek to rectify the unabated discriminatory and derogatory practices committed against the Scheduled Castes and Scheduled Tribes? Cite relevant legislative and policy initiatives.
2. In view of the universal recognition of the right to self determination as a human right, discuss in detail its evolution and content. Also highlight the scope of the right in India.
3. Recent trends have highlighted the excess of human rights violations against women and children. In this regard, how has the Indian Parliament contributed towards the improvement of human rights conditions of the said vulnerable groups?
4. Give a critical account of how constitutional interpretation and judicial activism have contributed towards the philosophical and practical growth of human rights in India.
5. How does the issues related to corruption in media have implications for democracy and human rights? In this context, what are the critical human rights issues that have been brought to light in India?
6. What are collective rights? How does the right to development play an important role in the realization of civil, political, economic and cultural rights in India?
7. Write SHORT note on any TWO of the following:
 - j. Public Interest Litigation
 - k. India and CEDAW
 - l. Right to clean environment



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2 YEAR, 1ST SEMESTER

COMPARATIVE CONSTITUTIONAL LAW

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. 'The Constitution of United Kingdom is unique in as much as it is evolved and not made.' Comment highlighting its contribution in enriching the concepts and institutions of rule of law, individual liberty and parliamentary democracy.
2. Discuss important features of a federal constitution as defined by Wheare. In the light of Wheare's definition, discuss the federal character of Indian Constitution. Do you agree that Wheare's definition is too U.S. centric to be useful in understanding the nature of Indian Constitution.
3. 'Constitutionalism is not merely a bundle of constitutional rules but rather a way of political life of a nation.' Critically comment. The essence of constitutionalism consists in respect for the rights of individuals, limiting the powers of the organs of the state and concerns for the rights of the minorities and not merely in the rule by the majority. Discuss.
4. The principle of separation of powers in common law countries cannot function except in association with the theory of checks and balances and an impartial and independent judiciary as a watchdog. Discuss.
5. Globalization entails and intensifies international competition for investment capital, human talent and technology. Only those countries would be successful in attracting them which offer better and attractive legal climate for basic liberties, property rights, efficient judicial system and rule of law. Discuss commenting the challenges faced by the modern constitutional systems in the context of globalised world order.
6. Judicial review is necessary in federal constitutions and constitutions with limited government but the dilemma is that an unrepresentative and unaccountable institution trumps the will of the representatives of the people in legislature and executive. Comment.
7. Write short note on any TWO of the following:
 - m. Amendment of the Indian Constitution and the concept of basic features
 - n. The Constitution and the Sovereignty
 - o. Rule of law and economic rights



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 3 YEAR, 3RD SEMESTER

CRIMINAL LAW-III (CRIMINAL PROCEDURE)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Crime Control model and Due Process model are based upon 'factual guilt' and 'legal guilt' respectively. While commenting upon the above statement bring out the safety clauses included in due process model.
2. Protection of witnesses is an equally important component of fair trial for bringing out the truth. In order to achieve this, suggest the protection which needs to be provided to witnesses particularly women and children.
3. "Introduction of Section 357-A in Indian Criminal Procedure Code of 1973 is a promise to achieve fair justice to victims of crime as per the U.N. laid down standards" Comment.
4. Plea bargaining though truncated has not taken off well in Indian Criminal justice system. Critically analyse the reasons for its slow acceptance and suggest remedies for its improvement.
5. Discuss the constitutional provisions which have well been made part of procedural law in India relating to recognition of rights of accused persons.
6. "The fourth and important part of criminal justice system is the "correctional apparatus" which suffers due to neglect by State Govt." Comment.
7. Write short note on any TWO of the following:
 - p. Reforms in Bail
 - q. Hierarchy of Criminal Courts in India
 - r. Legal aid



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 3 YEAR, 3RD SEMESTER

IPR-III (Law of Patents with Law on Protection of Bio-diversity, Farmers Rights and Traditional Knowledge)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Comment on the patentable criteria? What inventions are not patentable under the Indian Patents Act?
2. “The outcome of *Novartis v. UOI* confirms the right of India’s parliament to implement public health safeguards available under the TRIPS”. Do you agree with this statement? Comment.
3. To what extent traditional knowledge is commensurate with intellectual property? Examine the possibility of accommodating traditional knowledge in the existing intellectual property rights regime?
4. What are bio-patents? What is the justification for granting bio-patents?
5. Comment on scope, nature and content of the major international legal instruments that together make up the international patent law.
6. How can a patent be anticipated? What are the exceptions?
7. Write short notes on any TWO of the following:
 - a. Plant Breeders Rights
 - b. Nagoya Protocol vis-à-vis Agreement to Benefit Sharing
 - c. National Biodiversity Authority



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2/3 YEAR, 1ST SEMESTER

LEGAL RESEARCH METHODOLOGY & WRITING

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. “Legal research in India is still far from desired standards in terms of the requirements of quality and objectivity. Further it is very often a repetition or an untimely venture”. Comment on this statement and critically examine the status and contemporary trends in legal research in India.
2. “The socio-legal or inter-disciplinary researches in law should be undertaken with clear understanding of the goal of enterprise, the cost involved in terms of man-hours of scholars and finances, return expected, the particular pattern of operations intended to be adopted and audiences intended to be reached”. Comment on this statement and discuss the importance of inter-disciplinary legal research.
3. Explain the meaning and significance of hypothesis in empirical research. How will you formulate the hypothesis? Also explain the procedure of testing hypothesis.
4. Narrate the steps involved in the process of construction of a questionnaire for research. Also briefly discuss the precautions which one should take to make questionnaire a serviceable instrument for research.
5. Discuss the role of judges, jurists and Law Commission in bringing about law reform in our country.
6. Explain the meaning of primary and secondary sources in legal research. What primary sources will you use for doing a research on right to health?
7. Write short note on any TWO of the following:
 - s. Plagiarism
 - t. Sampling procedures
 - u. Interview techniques



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2 YEAR, 3RD SEMESTER

CORPORATE LAW- II (CORPORATE GOVERNANCE AND PUBLIC POLICY)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Explain the role of WTO in contemporary international trade law with special emphasis on its dispute settlement mechanism.
2. Explain the current position with regard to jurisdiction of the 'arbitral tribunal' in recognition and enforcement of arbitral award given under International Commercial Arbitration held outside India post *Bharat Aluminium Company Limited ("BALCO") v. Kaiser Aluminium Technical Service, Inc. ("KAISER")* case.
3. Explain the legal provisions with regard to FDI in India. Critically analyse the current Indian position on FDI in multi-brand retail in India with your comments.
4. Discuss the salient features of the Competition Act, 2002 emphasizing on the provisions relating to regulation of anti-competitive agreements under the Act.
5. Critically analyse the challenges faced by the corporation engaged in e-commerce with regard to maintaining social and ethical norms.
6. Is there any interface between the merger control regime under the Competition Law and Companies Act in India? Discuss in brief the provision relating to merger control under the Competition Act, 2002.
7. Write short notes on any TWO of the following:
 - a. Relevant market and Geographic market under Competition Law
 - b. Formal and informal methods of ADR in India
 - c. Tele-Shopping and Consumer Protection



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2013

LL.M. 2 YEAR, 3RD SEMESTER

HR- II (INTERNATIONAL PERSPECTIVE)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. What do you understand by the expression 'Special Groups'? Write an illustrative note on the rights of any one of the special groups that you are aware of.
2. "Torture is a worldwide phenomenon. Women, children and servants are tortured in homes. Workers are tortured by employers, co-workers and supervisors. Detainees are tortured by the police and prisoners are tortured by the fellow prisoners. Patients are tortured by doctors and students are tortured by teachers. Civilians are tortured by invading armies, militants, extremists and criminals. Foreigners are tortured by local residents. Minorities are tortured by majorities. These tortures are physical, mental, sexual, ethical, emotional, behavioural, economic and environmental . . . Human rights movement all over the world is trying its utmost to curb the evil practice of torture and to give solace to the victims of torture. Yet torture in all forms, shapes, degree and content continues" In the light of the above statement, write an explanatory note on the problem of torture in a contemporary society.
3. What do you know about the 'Problem of Trafficking in Human Beings'? Why is the aforesaid problem grave and wider in its ambit in certain states in India when compared to the others?
4. What do you know about the expression 'International Humanitarian Law'? How is it different from the expression 'International Human Rights Law'? With the help of the suitable examples (at least one each on one point), please explain as to when both these types of laws converge with each other and diverge from each other.
5. Distinguish the three terms: (i) Internally Displaced Persons; (ii) Migrants; and (iii) Refugees. Are there any provisions in law relating to the rehabilitation of any one category of persons mentioned above?
6. Explain the relationship between Technology and Human Rights. Do you think that technology in anyway helps in promotion and protection of human rights? Give suitable illustrations to support your answer.
7. Write short notes on any TWO of the following:
 - (i) Need for Human Rights Education
 - (ii) Ramifications of the Problem of Piracy
 - (iii) Slavery as the Gravest Form of Human Rights Violation