



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2014

LL.M. 2/3 YEAR, 1<sup>ST</sup> SEMESTER

JUDICIAL PROCESS

**Time: 3 hours**

**Max. Marks: 60**

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

1. Do judges legislate in the adjudicative process? If they actually do, ought they to do so? Critically examine the views of Benjamin N. Cardozo on these questions.
2. Explain the salient features of the Constitution (One Hundred and Twenty-First Amendment) Bill, 2014. Do you think it violates basic structure of the Constitution? Discuss.
3. Explain the importance of 'literal rule' of interpretation of statutes and state the circumstances under which departure from literal rule is justifiable.
4. Critically comment upon the method of sociology, which, according to Benjamin N. Cardozo, is one of the directive forces that can be relied upon to "fix the path, direction and distance" either to expand or restrict the existing rule of law. Do you think Cardozo, in his lectures, gave greater weightage to the method of sociology in comparison to other methods? Elucidate.
5. Explain the efficacy of 'Wambaugh test' and 'Goodhart method' in determining the *ratio decidendi* of a case. Do you think by virtue of article 141 of the Constitution of India, even the *obiter dicta* of the Supreme Court are binding on 'all courts'?
6. Define value judgments. Explain the scope for making value judgments in judicial process. What are the problems with value judgments in judicial process?
7. Write short notes on any TWO of the following:
  - a. Inductive reasoning
  - b. Judicial overreach
  - c. Purposive interpretation

\*\*\*\*\*



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END SEMESTER EXAMINATION-DECEMBER- 2014

LL.M. 3 YEAR, 3<sup>RD</sup> SEMESTER

IPR-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. Write a detailed note on the 'Right of Distribution' as granted under section 14 (a) (ii) of the Copyright Act, 1957. Critically examine the judgment of Delhi High Court in *John Wiley and Inc. v. Prabhat Chander* in this regard.
2. What are Moral Rights and to whom are they available? Can moral rights be a subject of transfer or waiver in India? Do you agree with the judgment of Delhi High Court in the matter of *Amar Nath Sehgal v. Union of India*? Give reasons for your answer.
3. What do you understand by the concept of fair dealing under the Copyright Act, 1957? Specially state the law as to photocopying for educational purposes while discussing the ongoing controversy regarding a case filed by a group of publishers against the University of Delhi.
4. How is a computer programme defined under the Copyright Act, 1957? Explain the rights that are granted over computer programmes over and above those rights which are granted to other literary works.
5. Explain various remedies that are available under the Copyright Act, 1957 for infringement of copyright. Is the Act a strict liability statute?
6. Write an essay on the relevance of copyright law in light of digital technology and its greatest avatar-the internet. Discuss the important cases related to P2P networks like Napster, Grokster and Pirate bay.
7. Write short note on any TWO of the following:
  - a. Piracy of industrial designs
  - b. Relationship between copyright protection and industrial design protection
  - c. Neighbouring rights

ψψψψψ



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END SEMESTER EXAMINATION-DECEMBER- 2014

LL.M. 3 YEAR, 3<sup>RD</sup> SEMESTER  
CRIMINAL LAW-II: SPECIFIC CRIMES

Time: 3 hours

Max. Marks: 60

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

1. What do you understand by culpable homicide not amounting to murder? How is it different from murder? Is suicide and death by negligence an illustration of culpable homicide? Give reasons.
2. What are the elements of 'dowry death'? Referring to the decided cases, state whether suicide by a wife may be treated as "dowry death"? Should there be capital punishment for "dowry death"? Give reasons.
3. What is your opinion about *DPP v Morgan* [1976] AC 182 HL. A male *promises to marry* her female friend and they stay in a 'live in' relationship. Later on male *refuses to marry*. Which offence (whether rape or cheating etc) is committed if
  - a. Male is already married, the fact not known to the victim.
  - b. Male is already married, the fact disclosed to victim, and male promised that he will get divorce and marry her, but after 3 years refuses to marry, because he has no grounds for divorce.
  - c. Male is unmarried.
4. It is said that special crimes like cyber crime, environmental crime, corporate crime and terrorism crime are special because they are different from traditional crimes in culpability, procedure, evidence, punishment *etc*. Trace the inter relation between cyber terrorism and cyber crime? Give reasons.
5. What are the elements of theft? Can temporary taking away of a movable property be theft in India? How is theft different from criminal misappropriation of property and criminal breach of trust?
6. What is extortion and robbery? How are they similar and different? Can the offence of extortion be complete without delivery of property? Give reasons and cite decided cases, if any.
7. Write short notes on any TWO of the following-
  - i. Provocation as partial defence
  - ii. Dishonestly and fraudulently
  - iii. Human trafficking



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END SEMESTER EXAMINATION-DECEMBER- 2014

LL.M. 2 YEAR, 3<sup>RD</sup> SEMESTER

HUMAN RIGHTS-I: CONCEPT AND HISTORICAL DEVELOPMENT

**Time: 3 hours**

**Max. Marks: 60**

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

1. What are rights? Do you think human rights exhibit certain characteristics/qualities which make them significant to both law and society?
2. How has the natural law tradition contributed to the development and understanding of human rights? In this regard, can we distinguish between human rights and natural rights?
3. What do you understand by the expression “relative universality” of human rights? Do you think that universal human rights standards are accommodative of cultural values? Give reasons in support.
4. Briefly discuss the mechanisms provided for implementation under the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966). Also distinguish between the state obligations provided under Article 2 of both the Covenants.
5. What are the first, second and third generation of human rights? Are they universal and interdependent? Do you agree with the classification? Discuss with reasons.
6. What are regional human rights standards? What enforcement mechanisms have been provided under the European Convention on Human Rights (1950) and the African Charter on Human and Peoples’ Rights (1981)?
7. Write short note on any TWO of the following:
  - a. *Jus cogens*
  - b. Non-discrimination
  - c. Globalization of human rights

ψψψψψ



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER-END EXAMINATION (DECEMBER 2014)

LL.M. 2 YEAR, 3<sup>RD</sup> SEMESTER

CONSTITUTIONAL LAW-I (POLITICAL STRUCTURE & GOVERNANCE)

**Time: 3 hours**

**Max. Marks: 60**

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

1. "The Indian Constitution has not accepted the federal principles in absolute rigidity as it is desired for union without unity." Critically examine the above statement in the light of observations made in decided cases by Supreme Court of India.
2. "Though the Parliamentary form of government envisaged under the Constitution of India vests the real executive powers in the Council of Ministers, the President is not a mere figure head denuded of all powers. He can and should exercise some vital powers without any aid and advise of Council of Ministers." Critically examine the above statement.
3. Discuss the powers of the executive to legislate through ordinances and limitations found in the Constitution on this power. Is the re-promulgation of the same ordinance 'an abuse of power' and 'an act of fraud on the Constitution'? Can the executive in any way curtail the 'right to personal liberty' through this power.
4. Explain the principle of 'repugnancy'. Can it apply when two legislations, one enacted by Parliament and other by the State Legislature, cover a subject in State List? What procedure is to be followed to make a state law valid, even if the same was repugnant to the parliamentary legislation?
5. The government of India entered into an agreement with the government of Bangladesh to transfer certain areas of land on perpetual lease from India to Bangladesh. Would such a transfer require a Constitutional amendment to take effect? Examine in the light of Article 1-4 of the Constitution and case-law.
6. The Governor of a State Y submits a report to the central government stating that there is breakdown of law and order in the state and recommending imposition of President's Rule there. The President issues a proclamation under Article 356 even though the Chief Minister of the state enjoys support of the majority in the legislative assembly. Is it permissible? Discuss.
7. Write short notes on any TWO of the following:
  - (a) Panchayati Raj Institutions in India
  - (b) Role of Election Commission in the conduct of elections
  - (c) Doctrine of Pith and substance

\*\*\*\*\*



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END SEMESTER EXAMINATION-DECEMBER- 2014

LL.M. 2/3 YEAR, 1<sup>ST</sup> SEMESTER

LEGAL RESEARCH METHODOLOGY & WRITING

**Time: 3 hours**

**Max. Marks: 60**

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

1. Differentiate between multi-disciplinary and interdisciplinary research? What are the advantages of interdisciplinary research over the mono-disciplinary research?
2. Explain 'research', 'legal research', 'research methods' and 'research methodology'. Why should one study legal research methodology?
3. What are the precautions to be taken while formulating a 'research problem'? Formulate a research problem to study the effectiveness of anti-rape laws in India?
4. What are the functions of research design? What are its various kind? Frame a research design to study the problems prevailing in the legal education in India.
5. Comment on the primary and secondary sources of information and their utility in legal research?
6. What are the contemporary trends in legal research? What are the merits and demerits of e-legal research?
7. Write short notes on any TWO of the following:
  - a. Plagiarism in Legal Research
  - b. Data collection and Interview Method
  - c. Doctrinal Research

ψψψψψ



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2014

LL.M. 3 YEAR, 5<sup>TH</sup> SEMESTER

CORPORATE LAW- III (BANKING AND INSURANCE LAWS)

**Time: 3 hours**

**Max. Marks: 60**

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

1. Discuss the concept of banking and evolution of banking system in India during colonial and post independent India.
2. Tracing the history of evolution of regulation of banks in India, discuss the regulatory role and functions of the Reserve Bank of India.
3. Discuss the concept of internet banking and elaborate existing technical and legal safeguards against misuse of and fraud against internet banking. Suggest improvements in them.
4. Discuss the concept of insurance and its need. Differentiate between general and life insurance and discuss the law regulating them.
5. Discuss the legal safeguards against bouncing of cheques for insufficiency of funds.
6. What do you understand by Non Performing Assets? Discuss the law for realization of Non Performing Assets suggesting improvements, if any.
7. Write explanatory notes on any TWO of the following:
  - a. Mobile banking
  - b. Consumer protection of customers of banks
  - c. Marine insurance

\*\*\*\*\*



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END SEMESTER EXAMINATION-DECEMBER- 2014

LL.M. 2/3 YEAR, 3<sup>RD</sup> /5<sup>TH</sup> SEMESTER

HR-III: INDIAN PERSPECTIVE

**Time: 3 hours**

**Max. Marks: 60**

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

1. Enumerate various significant issues pertaining to human rights in India. Explain any two such issues of human rights protection with the help of judicial decisions.
2. “The Right to Self-determination conflicts with the sovereignty of the State and hence difficult to achieve despite being placed in International Human Rights Instruments” – Comment. Explain Indian policy on self-determination and relevance of the concept in the era of globalization.
3. Liberty and equality are two basic human rights enshrined as Right to Life under Article-21 of Indian Constitution. Describe, with decided cases, role of judiciary in expanding human rights domain in India.
4. The Right to Development and Right to Clean Environment are contradictory in nature despite been recognized as human right in international instruments and domestic laws in India. Explain, with illustration, role of India Judiciary in balancing both these rights by adopting doctrine of sustainable development.
5. Critically analyse the role of the National Human Rights Commission in protection and promotion of the Human Rights in India.
6. Define role and contribution of Civil Societies and Media in protecting and promoting human rights. Evaluate critically, with illustrations, the contemporary status in Indian context.
7. Write short note on any TWO of the following:
  - (i) Protection of Minority Rights in India
  - (ii) Human Trafficking is basket of crime
  - (iii) Rights of Aged and Disabled

ψψψψψ





# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER-END EXAMINATION (DECEMBER 2014)

LL.M. 2 YEAR, 3<sup>RD</sup> SEMESTER

CONSTITUTIONAL LAW-III (JUDICIAL SYSTEM IN INDIA)

**Time: 3 hours**

**Max. Marks: 60**

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

1. Briefly explain the provisions in the Constitution and the Supreme Court Rules, 2013 relating to compositions of benches for any purpose in the Supreme Court. Is two judge bench of the Supreme Court competent to decide any case involving a substantial question of law as to the interpretation of the Constitution? What is the validity of the decision of the two judge bench, if any, on such question? Discuss.
2. Is judicial review vital for preserving the integrity and effectiveness of a written Constitution? Discuss keeping in view the issues regarding democratic legitimacy of judicial review.
3. Do you think judicial review of legislations should confine to the questions of legality and constitutionality and not extend to cover issues relating to propriety and wisdom? Explain the scope for judicial review of 'legislative wisdom'.
4. Whether judicial review of constitutional amendments was contemplated under the original constitutional scheme? Explain how the evolution of the doctrine of 'basic structure' expanded the scope of judicial review.
5. What are the implications of the decision of the Supreme Court in *L. Chandra Kumar v. Union of India* [(1997) 3 SCC 261] on the Tribunal System in India? Critically evaluate.
6. Whether the provisions of the Contempt of Courts Act, 1971 limit, in any manner, the powers of the Supreme Court and High Courts, respectively under articles 129 and 215 of the Constitution of India, to punish for contempt? Discuss in the light of relevant decisions of the Supreme Court.
7. Write short notes on any TWO of the following:
  - (a) Independence of subordinate judiciary
  - (b) Doctrine of Political Question
  - (c) Distinction between articles 226 and 227 of the Constitution

\*\*\*\*\*



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END-SEMESTER EXAMINATION-DECEMBER 2014

LL.M. 2 YEAR/3 YEAR, 1<sup>ST</sup> SEMESTER  
COMPARATIVE JURISPRUDENCE

**Time: 3 hours**

**Max. Marks: 60**

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

1. What do you understand by the terms “Jurisprudence” and “Comparative Jurisprudence”? Why do we need to study the subject of Comparative Jurisprudence and what is its relevance and significance? Give examples.
2. “The justice of distribution cannot be determined simply by looking at the results of the distribution.” Discuss Nozick’s concept and principles of justice in this context.
3. Distinguish Caste from Class and Race. Explain as to how an age long practice of discrimination against a few castes in the Indian society has led to the emergence of, what some jurists have named as, “The Jurisprudence of Division and Discrimination”?
4. Write a note on ‘Feminist Jurisprudence’. Explain as to what role women activists are expected to play in the overall success and consolidation of the feminist movement in a society.
5. What do you understand by various approaches to human rights? In the arena of human rights, of late, there has been a paradigm shift from universalism to regionalism. How would you justify this shift?
6. Explain the ‘Concept of Basic Needs’? Critically evaluate the measures adopted by the successive governments in India to fulfill the basic needs.
7. Write explanatory notes on any TWO of the following:
  - (i) Tools and Techniques of Effective Governance
  - (ii) Jurisprudential Foundations of Liberal Democracy
  - (iii) Parallel Economy and its Impact on the Economy

\*\*\*\*\*



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END SEMESTER EXAMINATION-DECEMBER- 2014

LL.M. 2 YEAR, 3<sup>RD</sup> SEMESTER

HUMAN RIGHTS-II: INTERNATIONAL PERSPECTIVE

**Time: 3 hours**

**Max. Marks: 60**

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

1. “External efforts to promote the human rights of women would constitute interference in long-standing and deeply embedded cultural practices”. In light of this statement critically examine the role played by CEDAW and its committee in upholding the rights of women.
2. Discuss the convergence and divergence in human rights law and humanitarian law.
3. Discuss the theoretical implication of adding disability to the existing canon of human rights protection by canvassing a disability human rights paradigm.
4. Critically evaluate the key human rights concerns which arise in the context of science and technology. Substantiate your answer with examples.
5. Trafficking is a crime against humanity and traffickers not only violate the rights of victims, but they also violate borders, immigration laws and labour laws as well. Given the multidimensional criminality of the offence and critically examine the response of the international law in dealing with this gross human right violation.
6. ‘The UN’s Convention on Genocide envisages a “meta national” law that protects groups aside from (and sometimes against) the political authority having formal jurisdiction over them.’ Do you agree with the statement? Give reasons for your answer.
7. Write short note on any TWO of the following:
  - a) Piracy as *jus cogens* crime
  - b) Human rights in the “war on terror”
  - c) Vulnerability of Internally displaced persons

ψψψψψ



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER-END EXAMINATION (DECEMBER 2014)

LL.M. 2 YEAR, 3<sup>RD</sup> SEMESTER

CONSTITUTIONAL LAW-II (INDIVIDUAL & STATE)

**Time: 3 hours**

**Max. Marks: 60**

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

1. In India certain rights are declared fundamental rights because the nature of this right is different from other rights. The nomenclature, however, is confusing as in various jurisdictions the difference between fundamental rights, basic rights, human rights *etc* are not clear. Do you agree? Is it correct to state that the idea of fundamental rights is alien to ancient Indian wisdom? Give reasons.
2. Is the court bound to follow the doctrine of presumption of constitutionality, rule of severability, reading down *etc.* while deciding the issues of fundamental rights? Discuss in the light of recent judgements including *State of Maharashtra v Indian Hotel & Restaurants Assn* (AIR2013SC2582), *Namit Sharma* (AIR2014SC122), *Lalita Kumari v. Govt. of U.P.* (AIR 2014 SC 187), *Suresh Kumar Kaushal v. Naz Foundation* (AIR2014SC563) and *Manohar Lal Sharma v. The Principal Secretary* (AIR 2014 SC 666).
3. What do you understand by the term “consequence proceedings” in fundamental rights discourse? Is the judiciary overreaching in answering this issue? What is the relevance of *Sheela Barse* in this context?
4. Delhi Special Police Establishment Act, 1946 and its provisions have been successfully challenged as being violative of article 14 *etc.* The story of Section 6-A of the Act has been a journey from ‘dilution to discard’. Discuss. Can you frame section 6A like provision which is free from the vice of unreasonableness *etc*?
5. What is the status of ‘free expression clause’ in India? The conflict between freedom of expression and freedom of religion *vis a vis* criminal law is not new. Discuss.
6. Like ninth amendment to the constitution of the USA, Article 21 of the constitution of India is a repository of various fundamental rights. Court has virtually rewritten right to life or personal liberty. The interpretation of article 21 has not only reduced the gap between politico-civil rights and economic-cultural rights but also pumped the enforceability content into DPSP. In its enthusiasm (or over-enthusiasm), however, the Supreme court is stretching

article 21 beyond limit. Discuss in the light of *Mohd. Arif @ Ashfaq v Registrar, Supreme Court of India* (decided on 2<sup>nd</sup> September 2014).

7. Write short notes on any TWO of the followings:

- i. Judicial approach to Fundamental Duties
- ii. Public Law Damages
- iii. Non State actors under article 12

\*\*\*\*\*



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

END SEMESTER EXAMINATION-DECEMBER- 2014

LL.M. 2 YEAR, 1<sup>ST</sup> SEMESTER

COMPARATIVE CONSTITUTIONAL LAW

**Time: 3 hours**

**Max. Marks: 60**

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

1. What is the interrelation between the terms 'constitution', 'constitutional law' and constitutionalism? How is a legislative power different from constituent power? How does the study of comparative constitutional law develops the understanding of a system?
2. What are the merits and demerits of a unitary and federal form of government? What is federal principle according to Prof. Wheare? Do you support the argument that creation of Telangana against the wishes of the Andhra Pradesh assembly violates federalism which is a part of basic feature of the Constitution of India? Give reasons.
3. What is the need for rule of law? How is it different from rule by law? Is the election of a person of criminal back ground in legislature a threat to rule of law? Discuss in the light of *Manoj Narula v UoI* (decided on August 27, 2014)?
4. What do you understand by the term separation of power? How is it different from distribution of power? What are the provisions of law in India that deal with it? Illustrate two judgments of the Supreme Court of India where the court held that the doctrine of separation of power is violated and two judgments where the court held that it is not violated?
5. What is judicial review? Is judicial review a power which questions the process and/or questions the decision? Can policy matter be a subject matter of judicial review? Discuss the recent developments.
6. Why a Constitution needs to be amended? What is the difference between power of amendment and procedure of amendment? Should a federal Constitution be flexible or rigid? How will you interpret the words "any provision of this Constitution" in article 368(1)?
7. Write short notes on any TWO of the followings:
  - a. Making of the constitution in UK
  - b. Limitations of Millennium Development Goal
  - c. Citizenship and Fundamental rights

ψψψψψ



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2014

LL.M. 3 YEAR, 3<sup>RD</sup> 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. Examine the legal safeguards provided against Bio-Piracy in the light of case laws.
2. Examine the concept of 'sovereign right over the genetic resources' under the Convention on Biological Diversity 1992 (CBD). How far has it protected the interest of the Traditional and Indigenous people?
3. Critically analyze the concept of 'Sui Generis Protection' of Traditional Knowledge (TK).
4. What are the Patentable Inventions under the Indian Patent Act, 1970? What are the substantive requirements for claiming a valid patent under the Act?
5. What is Compulsory Licensing over Patents? Explain the grounds upon which a compulsory license may be granted.
6. Elucidate the salient features of Protections of Plant Varieties & Farmer's Rights Act, 2000.
7. Write short on any TWO of the following:
  - (a) Drug Patents
  - (b) Salient features of the Bio-Diversity Act, 2002
  - (c) Bio-prospecting

\*\*\*\*\*



# THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

SEMESTER END EXAMINATION

DECEMBER 2014

LL.M. 3 YEAR, 3<sup>RD</sup> SEMESTER

CRIMINAL LAW-III (CRIMINAL PROCEDURE)

**Time: 3 hours**

**Max. Marks: 60**

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

1. “One of the principal challenges confronting criminal procedure law is reconciling the diverse objectives of the criminal justice system.” Explain how it is dealt with under the Cr. P.C. in India.
2. Instances of custodial violence are on an increase despite the safeguards in law against them. Give reasons and suggest remedies.
3. “A developed jurisprudence on bail is integral to socially sensitized judicial process”. Discuss in the Indian context.
4. “Unlike the accused right to fair trial, deprivation of right to speedy trial does not *per se* prejudice the accused in defending himself.” Explain the statement in the light of the decision of the Supreme Court of India.
5. How did judicial activism ameliorate the conditions of prisoners in India?
6. “In an appeal, the appellant has a right to demand adjudication on the question of law and fact. In a revision, the only right which an applicant has is to bring his case to the notice of the Court.” Explain in the light of provisions under Cr. P.C.
7. Write short note on any TWO of the following:
  - d. Compounding of offences
  - e. Role of prosecutor in Criminal Justice System
  - f. Constitutional safeguards against illegal arrest

\*\*\*\*\*