



The Indian Law Institute
(Deemed University)
NEW DELHI
END SEMESTER EXAMINATION (MAY- 2015)

LL.M. 2/3 YEAR, 2ND SEMESTER
CRIMINAL LAW-I: GENERAL PRINCIPLES

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. The definition of many crimes requires a proscribed harm to have been occasioned by the accused's conduct. And the criminal law uses the concept of causation to see if the connection between the two is sufficient to impute liability on the accused. However, in the IPC the principles governing the concept of causation are obscure. Substantiate your answer with suitable examples.
2. It is contended that the deterrent effect of punishment would be lost on persons who suffer from such unsoundness of mind which enables them to know that their act is contrary to law but persisted in the firm belief that their act was morally justified. Discuss.
3. The Prevention of Corruption Act has a history dating back to 1947. In its long journey the "Single Directive" has played a very critical role. And the courts have been interpreting the anti-corruption laws in a manner so as to strengthen the fight against corruption. Examine the history of the Act to the present time in the light of above statement.
4. Section 511 of the IPC dealing with attempt does not express any fault element whereas attempt under sections 307 and 308 IPC mentions the required fault elements. Examine this differential approach of the IPC and suggest reforms, if any.
5. By institutionalization of revenge, retributive theory of punishment seeks to keep the feelings of private vengeance and retaliation under check. This is captured in conceptualization of retributivism as "just desert". In light of this statement give your views on the retributive theory of punishment. Also comment on the invocation of 'just deserts' by the Apex Court in awarding death penalty.
6. India took a long time towards integrating corporations into a legal framework constructed for individuals. But now corporate criminal liability is here to stay. Critically analyze.
7. Write short note on any two of the following:
 - (a) Joint liability
 - (b) Contemporaneity principle
 - (c) Subjective and objective liability



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LL.M. 2/3 YEAR, 2ND SEMESTER

IPR-I: CONCEPT, LAW OF TRADEMARKS AND GEOGRAPHICAL INDICATION

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. “WTO dispute settlement system is the most active international adjudicative mechanism in the world today”. Discuss. How does WTO Dispute Settlement Work? Examine whether the system is useful for developing countries, especially in the case of disputes against developed countries?
2. What do you mean by ‘TRIPS Plus Provisions’? “In future negotiations in international forums and with other countries, India shall continue to give precedence to its national development priorities whilst adhering to its international commitments and avoiding TRIPS plus provisions”. Analyse this statement in the background of the National Intellectual Property Rights Draft Policy of India.
3. Is there any nexus between IPR and Economic Development? “While stronger IPR protection can ultimately reap rewards in terms of greater domestic innovation and increased technology diffusion in developing countries with sufficient capacity to innovate, it has little impact on innovation and diffusion in those developing countries without such capacity and may impose additional costs”. Substantiate by keeping the nexus between IPR and Economic Development.
4. State the similarities and differences between passing off and infringement of trademark? Explain with the help of cases, the applicability of passing off doctrine, in matters involving trans-border reputation.
5. Explain the absolute grounds of refusal of registration of trademarks with supporting case laws.
6. Elucidate briefly how geographical indications are being protected at national and international level.
7. Write short notes on any TWO of the following:
 - a. Reverse domain name hijacking
 - b. Tactile marks
 - c. Transferability of geographical indication



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End semester Examination-may- 2015

LL.M. 2/3 YEAR, 1ST /2ND SEMESTER
COMPARATIVE CONSTITUTIONAL LAW

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. Discuss the scope and growth of Comparative Constitutional Law. Do you think Globalization has contributed for its growth?
2. Describe the similarities and differences you observe in the making of Constitution in India and USA.
3. What is federalism? What is the impact of coalition politics on Indian federalism?
4. What is separation of powers? Bring out the differences pertaining to its applicability in Indian and US constitution.
5. Explain the rights regime under the Indian Constitution and its efficacy in limiting the authority of state.
6. “It is emphatically the province and duty of the judicial department to say what law is” *Marbury v. Madison*. Critically evaluate how the said view of the Supreme Court of U. S. has influenced the decisions of the Supreme Court of India on the power of judicial review of Constitutional amendments.
7. Write short note on any TWO of the following:
 - a. Limits on Amending Power in India
 - b. Constitutionalism and Rule of Law
 - c. Millennium Development Goals



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**LL.M. 2/3 YEAR, 2ND/3RD SEMESTER
CRIMINAL LAW-II: SPECIFIC CRIMES**

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. In criminal law, acts which are similar in their origin, circumstances and consequences may constitute different crimes because of the differences in the mental element. Explain the statement with reference to provisions relating to culpable homicide (section 299 r/w 304) and homicide by rash or negligent act (section 304A) under the Indian Penal Code.
2. Distinguish between clause (c) of section 299 and clause 4thly of section 300 of the Indian Penal Code. Do you think that a person who causes the death by doing an 'act' without any excuse but with the knowledge that "it is so imminently dangerous that it must, in all probability, cause... such bodily injury as is likely to cause death" can be punished under section 300, 4thly irrespectively of whether he has actually foreseen the consequences of his act (i.e. death) or not? Explain.
3. Explain the classification of sexual offences under IPC. Critically comment upon the provisions relating to burden of proof. What was the need to pass Protection of Children from Sexual Offences Act, 2012.
4. Explain the scope of section 66A of the Information Technology Act, 2000. Critically examine the grounds on which the Supreme Court of India has declared the said provision unconstitutional in *Shreya Singhal v. Union of India* (2015).
5. Briefly explain the demand and supply side factors responsible for flourishing of illegal trafficking in human beings specially women and children. What are the laws we have in India to combat trafficking? Do you think they are adequate? Explain.
6. Under the Indian Penal Code, the property has received the minutest statutory protection. All sorts of offences relating to property have been specially defined and included. Do you think offences such as simple trespass, cheating, criminal breach of trust, simple mischief deserve to be deleted from the Code leaving the parties to enforce their property rights by resort to civil litigation? Explain.

7. Write short notes on any TWO of the following:
- i. Corporate Criminal Liability
 - ii. Section 498-A IPC and Procedural Safeguards
 - iii. Significance of Environmental crimes

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End semester Examination-may- 2015

LL.M. 2/3 YEAR, 2ND /3RD 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. What are Moral Rights? How is it different from Economic Rights/ Can modification during adaptation of copyrighted work be called violation of moral rights? Explain the Indian legal position in this context.
2. Discuss the significant international treaties on 'Neighbouring Rights'? Do you agree with the Indian position on Neighbouring Rights? Give reasons.
3. Explain the standards of 'originality' in Copyright Act and Designs Act. Is there any overlapping between both the Acts? If so, how the legislators has tried to strike the balance between both the legislations?
4. What is 'lay-out design of integrated circuit'? What are the essential criteria for registering the design under the Semiconductor Integrated Circuits Layout Design Act 2000?
5. What is meant by 'Fair Use'? Explain fair use in context of broadcasting rights and in case of 'online storage of online content'.
6. What are the copyrighted subject matter under the Copyright Act, 1957? What are the essential criteria for copyright protection in context to (a) Compilation, (b) Abridgment and (c) Question paper.
7. Short notes on any TWO of the following:
 - (a) Abstraction Filtration Comparison (AFC) test for Computer Programmes
 - (b) Rights Management Information
 - (c) Civil Remedies for Copyright Infringement



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semester end Examination May - 2015

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. "Words ... [d]o not come in standard shapes and sizes like coins from the mint, nor do they go forth with a degree to all the world that they shall mean only so much, no more and no less. Through its own particular personality each word has a penumbra of meaning which no draftsman can entirely cut away. It refuses to be used as a mathematical symbol". Discuss.
2. "A judicial function essentially declares pre existing rights and liabilities- asserted or denied." Elaborate. Do judges legislate in the adjudicative process? Discuss.
3. Discuss in brief the Method of Philosophy, Methods of History, Method of Tradition and Method of Sociology in the Judicial Reasoning. Is the idea developed by Benjamin N. Cardozo relevant to India?
4. While producing One Hundred Twenty First Constitution Amendment Bill, 2014, the Union Law Minister observed that the collegium judgment of "the Supreme Court of India to throw away Article 124 (2) into the dustbin and pass a judgement and grab the power of Parliament and of the Government was an act which I can say a judicial impropriety." Do you agree? Give reasons. On what basis the Bill was challenged and rejected in the Supreme Court?
5. Prior to judicial activism the Supreme court was a place for 'rich and famous' and judicial activism has democratized the judicial process. Comment. Provide three instances of judicial overreach.
6. How is a judgement absorbed in the doctrine of *Stare Decisis*? Under what circumstances a judgement is referred to a larger bench? Can a two judge bench of the Supreme Court refuse to follow its previous decision?
7. Write short notes on any TWO of the followings:
 - a. Value judgement in cases relating to sexual offences
 - b. Judicial reasoning and comparative law
 - c. Removal of Judges



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End semester Examination-May- 2015

LL.M. 2/3 YEAR, 2ND /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. What are the different types of varieties registerable under the Plant Varieties and Farmer's Rights Act, 2001? Critically evaluate the rights of farmers, and breeders under the Act.
2. What are patentable inventions under the Patents Act, 1970 (as amended by Amendment Act of 2005).
'X' was granted patent in United States for a drug used for treating cancer. The drug was a mixture of Polymorph A and B. However the drug could not be administered in tablet form as it was unstable. After further research 'C' developed a medicine. AB which was a derivative of United State's patent and was in stable form. 'X' applied for patent for drug 'AB' in India for its 'enhanced efficacy'. The Controller General of Patents of the patented drug 'AB' in India. 'X' filed a suit alleging infringement against 'Y'. 'Y' contended that the drug 'AB' was a derivative of US patent and was not patentable under section 3(d) of the Patents Act, 1970. Decide in the light of recent case law.
3. Discuss the concept of compulsory licensing of patents under the Patent Act, 1970.
4. Who can file a patent application? Explain the procedure for filing of a patent application with specific reference to specifications under the Patents Act, 1970.
5. Critically analyse the impact of various international conventions and agreements on the evolution of Indian patent law.
6. Discuss the concept of access and benefit sharing under Biological Diversity Act, 2002. Discuss the efficacy of the regulatory mechanism available under the Act.
7. Write short note on any TWO of the following:
 - a. Software Patent
 - b. Traditional Knowledge
 - c. Exhaustion



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semester end Examination MAY - 2015

LL.M. 2/3 YEAR, 2ND/3RD SEMESTER
CRIMINAL LAW-III (CRIMINAL PROCEDURE)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

- 1 The presumption of innocence is a fundamental principle under the criminal justice system. Discuss landmark case law. Is it in anyway related with the presumption of guilt?
- 2 Explain the rights guaranteed to the accused in India. What are the justifications for providing elaborate constitutional and statutory guarantees to cater to the interests of the accused?
- 3 What is the role of the Magistrate in ensuring proper/fair investigation under the Code of Criminal Procedure? Discuss relevant statutory provisions and case law in this regard.
- 4 The right to speedy trial is a significant aspect of fair trial under Article 21 of the Constitution of India. Discuss its meaning and scope in reference to the provisions of the Code of Criminal Procedure and relevant case law.
- 5 What is the mechanism of anticipatory bail as provided under the Cr. PC? How important is discretion of the court in matters such as anticipatory bail? In state like UP, where there is no provision for anticipatory bail, what are other similar opinion available to suspect.
- 6 How has the criminal justice system in India responded to the needs of the victims of crime? Highlight the various reforms and existing challenges.
- 7 Write short note on any two of the following:
 - (a) Appeal and Revision
 - (b) Parole System
 - (c) Withdrawal from prosecution



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Supplementary Examination (may-2015)

LL.M. 2 YEAR, 3RD SEMESTER
CONSTITUTIONAL LAW-II (INDIVIDUAL & STATE)

Time: 3 hours

Max. Marks: 60

Answer any Five questions. All questions carry equal marks.

1. “Fundamental Rights are no doubt enforceable in the courts and the Directive Principles of State Policy are not but that does not make the latter subordinate to the former.” Critically examine this statement in the light of judicial pronouncements.
2. “State as defined under Article 12 of the Constitution of India does not mean that the fundamental rights can be enforced only against the State”. Do you agree with this statement? Can the fundamental rights be enforced against a company in which the government has divested its 80 per cent shareholding in favour of private sector/ multi-national companies?
3. Whether fundamental rights guaranteed under Part-III of the Constitution are amendable? Explain in the light of judicial decisions?
4. It is said that despite inclusion of Fundamental Duties in the Constitution of India in 1976, much remains to be desired from the citizens in the performance of their duties. Do you agree? Suggest ways and means by which these duties could be made more meaningful.
5. Discuss the concept of constitutional torts? Is there a right to seek compensation for infringement of fundamental rights? Explain.
6. The Supreme Court of India has played a pivotal role in evolving new rights under Part III of the Constitution. Explain.
7. Write short note on any TWO of the following:
 - (a) Martial law
 - (b) Limitations on the enforcement of fundamental rights
 - (c) Supreme Court on the rights of transgenders