



THE INDIAN LAW INSTITUTE

(Deemed University)

NEW DELHI

LL.M. (1 YEAR) IST SEMESTER END- EXAMINATION

APRIL - 2021

PAPER – RESEARCH METHODS & LEGAL WRITING

Time: 3 hours

Max. Marks: 50

Please send the scanned copy of Answer book in single pdf file to 'llmexam2020@ili.ac.in' within three hours and fifteen minutes of receiving of question paper.

Answer any Five questions. All questions carry equal marks.

1. Elucidate the differences between doctrinal and non-doctrinal research. In order to carry out a research on 'Impact of Covid 19 on Education' which methodology would you prefer? Substantiate with reasons.
2. Prepare a research design to conduct an empirical research on 'Child Beggars on Delhi Streets'. Also identify your primary and secondary data.
3. Mr. Shyam has submitted his LL.M. dissertation with 55 percentage of similarity. The matter has referred to you as the head of Academic Integrity Panel. Decide on the matter and also advise Mr. Shyam about Research Integrity and perils of plagiarism.
4. What is importance of uniform citation in legal research writing? You are the Editor in Chief of a newly launching Law Journal. Prepare a style sheet for contributors.
5. Is it possible to have a research without hypothesis? Why hypothesis and hypothesis testing are important? Formulate any two hypotheses for the research topic "Gender Justice Jurisprudence in India".
6. Explain the utility of socio-legal research and discuss different approaches to socio legal research.
7. Write short note on any two:
 - (a) Methods of investigation
 - (b) Sampling
 - (c) Essentials of good legal writing



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LL.M. (1 YEAR) IST SEMESTER END- EXAMINATION
APRIL - 2021

PAPER – NATIONAL SECURITY, TERRORISM AND HUMAN RIGHTS

Time: 3 hours

Max. Marks: 50

Please send the scanned copy of Answer book in single pdf file to 'llmexam2020@ili.ac.in' strictly within three hours and forty five minutes (upto 1.45 p.m) of receiving of question paper. Please note that answersheets received late will not be considered for evaluation.

Answer any Five questions. All questions carry equal marks.

1. Critically examine various provisions of the Constitution of India that addresses the national security concerns of the constituent assembly and the Parliament.
2. Desirability of special laws on national security has remained a contentious issue. Certain experts label such laws as illustration of over-criminalisation while other scholars think they are proportionate responses to the *sui generis* threat to India. What is your opinion? How are special criminal laws on national security different from classical criminal laws?
3. In order to convict a person under section 124A of IPC the prosecution is required to establish specific intent, totality test and likely consequence. Critically examine the statement with illustrations and decided cases.
4. The desirability of sedition law has been questioned on the ground that it is a colonial legacy used to suppress democratic values of liberty. It has also been abolished from the UK and New Zealand. On the other hand legislative intention in our country, reports of the Law Commission of India and judicial approach is reluctant to repeal or reform section 124A. Discuss.
5. What do you understand by the term membership crime? What are the competing claims of "liberty of individual" *vis a vis* "security of state" in the issue involving passive or active membership of a terrorist organisation? How will you decide the review petition of *Arup Bhuyan v. State of Assam*.
6. National security jurisprudence in the USA suggests that in the difficult time of war, cold war or war on terror the Supreme Court of the USA has used its power of judicial review in a conservative fashion. The Court neither "look behind the exercise of that discretion, nor test it by balancing its justification". It has accorded "deferential treatment" and relied on greater "respect for the political branches" in the matters of sovereignty,

security and foreign policy of the country. Indian case is also not much different. Do you agree? Support your answer.

7. Write short notes on any *two of the Following*-

- a) Clear and present danger test in India
- b) Declaration of individual as terrorist
- c) Suggestions to check the abuse of section 124A



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LL.M. (1 YEAR) IST SEMESTER END- EXAMINATION
APRIL - 2021

PAPER – FUNDAMENTAL RIGHTS, FUNDAMENTAL DUTIES AND DIRECTIVE
PRINCIPLES OF STATE POLICY

Time: 3 hours

Max. Marks: 50

Please send the scanned copy of Answer book in single pdf file to 'llmexam2020@ili.ac.in' within
three hours and fifteen minutes of receiving of question paper.

Answer any Five questions. All questions carry equal marks.

- Q.1. Whether Fundamental Rights are emanated from Natural Rights? Discuss the various phases of development of Fundamental Rights with the help of case laws.
- Q.2. Critically examine the concept of 'State' as defined under Article 12 of the Constitution. Also examine the important case laws through which the court has widened the scope and ambit of Article 12.
- Q.3. Explain the significance of Enumerated and Un-enumerated Fundamental Rights. What are the differences between these sets of fundamental rights?
- Q.4. Examine the scope of the right to freedom of religion guaranteed under article 25-28 of the Constitution in the light of *Indian Young Lawyer's Association v. State of Kerala* (2018 SCC OnLine SC 1690).
- Q.5. How far the judiciary is successful in resolving the conflict between Article 30(1) (autonomy to minority) and Article 29 (2) (Non-discriminatory clause) on minority rights. Elucidate with the help of case laws.
- Q.6. Critically examine the emerging regime of Fundamental Rights with the help of recent judicial Interpretations.

Contd....2.

:2:

Q.7 Answer any two of the following:

- a. Conceptual Difference between fundamental rights and DPSPs
- b. Interrelationship between Secularism and Right to freedom of Religion
- c. Essentiality Test and Right of Religious Denominations
- d. Amendability of Fundamental Rights



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LL.M. (1 YEAR) IST SEMESTER END- EXAMINATION
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PAPER – GENERAL PRINCIPLES OF CRIMINAL LAW

Time: 3 hours

Max. Marks: 50

Please send the scanned copy of Answer book in single pdf file to ' llmexam2020@ili.ac.in ' within three hours and fifteen minutes of receiving of question paper.

Answer any Five questions. All questions carry equal marks.

1. "[The] link between social causes and individual motives that lies behind the exclusion of motive from the consideration of legal fault and responsibility. The attitude that motive is irrelevant to responsibility and the guilty mind has deep roots within the common law tradition, and is linked to the social conflicts of the period in which the law was developed."

Discuss.

2. "[T]he same transaction approach [to concurrence principle] should not be adopted by our courts because it fails to explain why, in a given case, a series of acts comprises the same transaction."

Do you agree with the above statement? What are the limits (if any) of same transaction approach? Is there any alternative approach that the courts can adopt?

3. Critically discuss objective liability in the Indian homicide law. Do you agree with B.B. Pande's position in "Limits on Objective Liability" that objective liability should be limited to serve the interests of individual justice? Explain in detail.
4. With regard to the exception of provocation, Ian Leader Elliott has argued that (a) an 'Ordinary Law-Abiding Citizen' standard should replace the reasonable man enquiry and (b) "extreme emotional disturbance" should displace the existing requirement of the loss of the power of self-control.

Discuss in detail the reasons behind and implications of Elliott's reform proposals.

5. "Can those who oppose the death penalty escape cruelty?" What questions and concerns Judith Butler (in her reading of Derrida) raises to address the above question?

6. How can "private defense" be reformed keeping in mind both the 'rights-based' and 'law and order approaches' of criminal law.
7. Write short notes of any two of the following:
 - i. Defense of "mistake as to consent" in rape cases
 - ii. Necessary reforms in the provision of "necessity" in IPC
 - iii. "Volitional impairment" as a defense



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PAPER – CRIMINAL JUSTICE ADMINISTRATION

Time: 3 hours

Max. Marks: 50

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three hours of receiving of question paper.

and fifteen minutes

Answer any Five questions. All questions carry equal marks.

1. "The rule 'bail not jail' is a constitutional imperative, thus, shall not be made subject to vicissitudes of the court". In light of this statement examine the bail jurisprudence in criminal justice administration. Refer to relevant case law.
2. 'Victim rights are often pitted against due process rights'. Comment.
3. Examine the provisions regarding public prosecution in India. You are also required to engage with the relevant case law regarding the stand of the judiciary regarding the role of prosecutors.
4. The pandemic has forced the use of remote video technology in criminal trials. Discuss the challenges it poses for a fair trial.
5. The apex court while awarding death penalty in rarest of rare category has always been proactive in procedural reforms regarding death penalty. Discuss with the help of case law.
6. "In penal justice, the prison transformed the punitive procedure into penitentiary techniques". Comment.
7. Write a short note on any two of the following:-
 - (a) Parole and Furlough
 - (b) Plea Bargaining
 - (c) Due process model



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PAPER – COMPARATIVE PUBLIC LAW

Time: 3 hours

Max. Marks: 50

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Answer any Five questions. All questions carry equal marks.

- Q1. Discuss the methodological challenges faced in the comparative study of public/constitutional law as compared with other comparative legal studies.
- Q2. What do you mean by Constitutionalism and how is different from Constitution? Discuss briefly the 'Diceyan' and 'Marshallian' models of constitutionalism and how Indian Constitutionalism is different from these two models?
- Q3. Compare and contrast the principle of separation of powers as incorporated in the Indian and American Constitution. Discuss the judicial view on scope of doctrine of separation of powers in Indian constitution.
- Q4. Explain Dicey's concept of 'rule of law'. What do you mean by the thick and thin conceptions of the Rule of Law?
- Q5. Discuss the important features of judicial review under Indian and US constitution.
- Q6. The American federalism has travelled through three different phases- dualism, cooperation, and coercion. Discuss briefly the theory of Cooperative federalism as conceived by Daniel J. Elazar and compare it with Indian model of cooperative federalism.
- Q7. Write a short note on any TWO of the following:
- (i) Forms of Government
 - (ii) Public-private law interface
 - (iii) Parliamentary Supremacy.



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PAPER – GENERAL PRINCIPLES OF CRIMINAL LAW

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Max. Marks: 50

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Discuss.

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LL.M. (1 YEAR) SEMESTER END- EXAMINATION
SEPTEMBER-2021

PAPER – CRIMINAL LAW & PSYCHOANALYSIS

Time: 3 hours

Max. Marks: 50

Please send the scanned copy of Answer book in single pdf form to ' llmexam2020@ili.ac.in ' or ' ace@ili.ac.in ' or ' ace.ili.jd@gmail.com ' by 1.45 p.m. today.

Answer any five questions. All questions carry equal marks.

1. In arguing that the 'unconscious is out there', Maria Aristodemou writes that there is a 'moebius strip'-like continuity in our psychic life: "what is supposedly most intimate and hidden by and from the subject is taken from outside, from the symbolic order of language and culture."
Discuss the concept of the unconscious in the light of the above. Also discuss, if, and how, this understanding enables the academic project of law and psychoanalysis.
2. Reflect on the pressing issues and questions about cruelty and desire for violence raised by Jacques Derrida in his session 6 of Death Penalty (vol I). Why is Derrida's philosophical endeavour significant for the abolitionists of death penalty?
3. Sexual violence is a result of extreme thoughtlessness, writes Jacqueline Rose in "Feminism and Abomination of Violence". Why is "thinking" about violence important? How does Rose's thinking intervene in the way sexual violence is dominantly understood in contemporary feminism?
4. Martha Nussbaum in her work on law and emotions shows how at the heart of law of obscenity is the emotion of disgust. Discussing the cognitive content of disgust, elaborate upon Nussbaum's critique of obscenity laws.
5. The figure of the "Child" in Indian laws is marked by a fear of sexuality on the one hand, and a protectionism that suppresses the voice of the child, on the other. Do you agree? Give reasons and illustrations from statutory/ case law in support of your answer.
6. Peter Goodrich, discussing the work of Pierre Legendre writes: "the legal order depends not simply upon fear of law's violence but much more generally upon a structure of political love."

Explain this statement. Draw upon any example(s) from the legal archive to support your answer.

7. “[Racial, sexual, nationalist, religious] identities arise in the context of a “larger cultural picture. I know . . . that the larger cultural picture is an illusion, albeit a powerful one, concocted from a perceptual consensus to which I am not a party [as a black female]; and that while these perceptions operate as dictators of truth, they are after all merely perceptions”.”

This quote is from Patricia Williams’ *The Alchemy of Race and Rights* (1991). Comment on it in the light of the discussions on relevance of psychoanalysis to law and the project of emancipatory politics.



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LL.M. (1 YEAR) SEMESTER END- EXAMINATION
SEPTEMBER-2021

PAPER – LAW & JUSTICE IN GLOBALISING WORLD

Time: 3 hours

Max. Marks: 50

Please send the scanned copy of Answer book in single pdf form to ' llmexam2020@ili.ac.in ' or 'ace@ili.ac.in' or 'ace.ili.jd@gmail.com' by 1.45 p.m. today.

Answer any five questions. All questions carry equal marks.

- Q.1. Article 28 of the Universal Declaration of Human Rights (UDHR) states that, "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised". The application of this article by the sovereign State would support in establishment of Social- justice cosmopolitanism. Explain in details supporting the above mentioned statement.
- Q.2. In the second decade of the 20th Century the world has been witnessing mass movement of the people to save their life and property. Do you think that international community has a greater responsibility to take care of these people and grant them Asylum in their respective countries? Explain your answer with the help of international human rights and refugees Laws principle.
- Q.3 Thomas Pogge has discussed about four types of cosmopolitanism that have been defined in the western political thought. However, he identified Social- Justice Cosmopolitanism the most promising among these. Define four cosmopolitanism and explain in detail about the Social- Justice Cosmopolitanism.
- Q.4. According to the International Commission on Intervention and State Sovereignty Report, that military intervention for human protection purposed must be regarded as exceptional and extraordinary measures. The commission report also laid down six criteria for military intervention. Write a detailed answer explaining justifying why these six criteria will help in ensuring genuine intervention and help in halting politically motivated intervention.
- Q.5 At the global level human rights protection is primarily achieved through treaty based human rights instrument and Charter based human rights instruments. Do you think that these global international human rights instruments have sufficient mechanism to deal with gross violations of human rights at national level?
- Q.6 Immanuel Kant in his book to Perpetual Peace argued that true and worldwide peace is possible only when States are organized internally according to republican principles and externally they are organized in a voluntary league for the sake of keeping peace. Do you

agree with this statement of the Immanuel Kant in establishing worldwide peace in the contemporary time?

Q.7 Write short notes on any two of the following

- (a) Responsibility to Protect
- (b) Internally Displaced Persons
- (c) Sustainable Development
- (d) Impact of globalization on human rights



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LL.M. (1 YEAR) SEMESTER END- EXAMINATION
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PAPER – INTELLECTUAL PROPERTY RIGHTS AND PUBLIC POLICY

Time: 3 hours

Max. Marks: 50

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Answer any five questions. All questions carry equal marks.

- Q1. IP regimes, both in their coverage and in their limits, have been conceptualized as having promotion of the public interest as their primary goal, rather than benefiting private actors or balancing private interests against the public interest. Comment in the context of Indian IP regime.
- Q2. Discuss the impact of TRIPS Agreement on access to medicine and public health in India. How far the public policy provisions under Patent Act, 1970 (as amended last in 2005) on ever greening, compulsory licensing and government use make use of the flexibilities granted under TRIPS Agreement to address public health concerns? Cite relevant judgments wherever required to support your argument.
- Q3. What is meant by Traditional Knowledge (TK)? Discuss the definitional hurdle around TK and the relevance of protecting it. How TK is protected in international and national Intellectual Property law and policy? Elaborate.
- Q4. Discuss the concept of access and benefit sharing under Biological Diversity Act, 2002. Discuss the efficacy of the regulatory mechanism available under the Act.
- Q5. What do you understand by the concept of fair dealing? The exceptions and limitations for educational access as were tailored under Section 52 of Copyright Act, 1957 to the requirements of education in an offline world. Whether the provisions are sufficient for realizing the potential of distance education and digital access?
- Q6. What are the objectives and goals of the new IPR Policy, 2016? Discuss the different policy measures taken and institutions established to accomplish the objective of strengthening of IP regime and encouraging innovation in India.
- Q7. Write short notes on any TWO:
- (a) IPRs and Food security interface
 - (b) TRIPS-Plus Standards
 - (c) Consumer interest in Trademark Protection



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PAPER – SOCIO ECONOMIC CRIME

Time: 3 hours

Max. Marks: 50

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Answer any five questions. All questions carry equal marks.

1. Examine how Socio-Economic Crimes developed in India and in other countries. Also examine the application of *Mens Rea* in the development of Socio-Economic Crimes.
2. Elucidate the nature of 'White Collar Crimes'. Also examine the criticisms levelled against E.H. Sutherland's theory of White-Collar Crimes.
3. Evaluate the role of doctrine of 'Privileged Class Deviance' in the emergence of Socio-Economic Crimes? Also examine the various theories on "PCD".
4. Examine the salient features of Food Safety and Standard Authority of India Act, 2006 in comparison with Prevention of Food Adulteration Act, 1954.
5. What are the Offences and Penalties under the Prevention of Corruption Act, 1988? Examine with the help of recent case laws.
6. Critically examine the role of Indian Judiciary in interpreting the provisions of Food safety and standard authority of India Act, 2006.
7. Write short notes on any two of the following:
 - a) Offences and penalties under FSSAI Act, 2006
 - b) Application of Strict Liability Principle in Socio Economic Crimes
 - c) Santhanam Committee Report on Socio Economic Crimes



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PAPER – CYBER TERRORISM AND HUMAN RIGHTS

Time: 3 hours

Max. Marks: 50

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Answer any five questions. All questions carry equal marks.

1. The definition of cyber terrorism in India is neither comprehensive nor narrowly tailor made. The constitutionality of section 66F of the Information Technology Act, 2000 is doubtful. Do you agree? Give reasons.
2. While dealing with 'Countering Terrorism with New and Emerging Technologies' the United Nations has observed that "We must come together now, and we must do it fast, to mitigate this threat and ensure that new technologies remain a force for good rather than a force for evil." Critically examine the statement delineating the challenges the internet and social media has posed to India in war against terror.
3. In order to address the online threat due to terrorism, the legal regime in the foreign jurisdictions has taken a lead and India is lagging behind. Do you support this view? Give reasons.
4. What are the competing claims of human rights vis a vis national security as to the issue of advocacy and glamorisation of terrorism on internet? Discuss in the light of current developments.
5. The laws in many jurisdictions criminalise mere conscious association or conscious membership of a terrorist organisation because they feel that they are breeding ground for radicalisation. Do you agree? Discuss in the light of "differential association theory".
6. Despite creation of special courts to deal with counter terror cases delay in the trial of terrorism cases are acute. In certain cases the trial is delayed in high courts and even in the Supreme Court. Delay defies fair trial and violates human rights of both accused as well as victims. It is not only counter productive but helps in spreading false propaganda against the State leading to radicalisation. Discuss in the light of analysis of the Supreme court case studies on delay.

7. Write short notes on any TWO of the following –

- a. Desirability of cyber terrorism as a separate offence
- b. Section 57 and 58 of Terrorism Act of UK
- c. Terror financing
