



THE INDIAN LAW INSTITUTE
(Deemed University)
NEW DELHI

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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PAPER – CYBER TERRORISM AND HUMAN RIGHTS

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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



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PAPER – INTELLECTUAL PROPERTY RIGHTS AND PUBLIC POLICY

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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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Answer any five questions. All questions carry equal marks.

1. In a developing country like India, has the Convention on the Rights of the Child, 1989 been a boon or has it hindered the well being of its children. Give your views with suitable examples
2. The provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 have been innovatively interpreted by the Indian judiciary in furtherance of upholding the rights of children. Comment
3. “Restorative justice assumes that the criminal offenses are first a violation of people and relationships and not just in the domain of state.” In light of this statement analyse the role that restorative justice can play in the juvenile justice administration.
4. “Child in conflict with law can also be a child in need of care”. Given the available literature available on juvenile delinquency how do you respond to section 8(3)(g) of the Juvenile Justice (Care and Protection of Children) Act, 2015.
5. Adoption under the Juvenile Justice (Care and Protection of Children) Act, 2015 is a secular provision aimed at care and protection of children. Comment
6. ‘Age’ remains a contentious issue in different legislations enacted by the Indian nation state relating to children. Comment
7. Write short note on any two of the following:
 - (a) Preliminary assessment
 - (b) Role and duties of Probation officer
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PAPER – LAW & JUSTICE IN GLOBALISING WORLD

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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 abovementioned 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, military intervention for human protection purpose must be regarded as exceptional and extraordinary measures. The commission report also laid down six criteria for military intervention. Write a detailed answer 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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PAPER – MEDIA LAW

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1. "Freedom of expression has been live issue in the democratic discourse for the last two centuries. The basic issue centres round greater immunity to freedom of expression than other forms of human conduct and the limits of this immunity". Discuss in specific reference to Indian context.
2. "Freedom of expression must be protected to an extent where it does not, in any way, harm the free flow of information." Comment.
3. According to you whether negative intervention of State agencies will jeopardize the freedom of press, which ultimately would affect democratic governance? Analyse with reference to Indian Media Freedom.
4. "The courts are often called upon to uphold the freedom of the press and to remove the shackles thereon albeit the present position in India is that it is better for the press to treat judiciary as a forbidden area and tread it (if necessary) with utmost caution." Discuss.
5. "The constitutional and statutory provisions in India have made it easier for courts to balance free speech and community interest because the courts can follow the guidelines from the Constitution." Do you agree? Give reasons.
6. "A libellous statement of fact is not a comment or criticism on anything. But while a comment is usually a statement of opinion as to the merits or demerits of conduct, an inference of fact may also be a comment. There are, in the cases, no clear definitions of what is comment. If a statement appears to be one of opinions or conclusions, it is capable of being comment. Fair comment is based on true facts." Elucidate.
7. Write a short note on any two of the following:
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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
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 - c) Santhanam Committee Report on Socio Economic Crimes



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3. Evaluate the role of doctrine of 'Privileged Class Deviance' in the emergence of Socio-Economic Crimes? Also examine the various theories on "PCD".
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