



THE INDIAN LAW INSTITUTE
(Deemed University)
NEW DELHI

LL.M. (1 YEAR) IST SEMESTER END- EXAMINATION
DECEMBER-2019

PAPER – RESEARCH METHODS & LEGAL WRITING

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

1. "Research design is meant to enable the researcher to answer questions as validly, objectively, accurately and economically as possible." Substantiate. Also prepare a research design on the topic 'Rights of third gender' for empirical research.
2. "Doctrinal Legal research and non doctrinal research are not mutually exclusive. Theoretical research without any empirical content is hollow and empirical work without supporting theory is shallow". On the basis of this statement, establish that doctrinal legal research and non doctrinal legal research are not distinct and separate from each other in their operation, but they are complementary and supplementary to each other.
3. "The heart of any research design is a collection of data". Elaborate upon this statement. What are the tools of data collection in legal research process? State the advantages and disadvantages of schedule and survey as tools of data collection.
4. "Clear thinking always means clear writing and clear writing is always good writing. Spoken words fly away but written words remain." On the basis of this, describe the rules of good legal writing. Is legal writing different from general writing? Explain.
5. "Nothing is at last sacred but the integrity of your own mind". Do you agree with this? How should ethical standards be followed in legal research and report writing? Why is it important to adhere to ethical norms in research and writing? Explain.
6. What is a hypothesis? Is a hypothesis essential in every legal research? Discuss about the role of hypothesis in research, with appropriate illustrations.
7. Write short notes on any two of the following:
 - i) Random Sampling
 - ii) Interpretation of data
 - iii) Research supervision



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PAPER – GENDER AND CRIMINAL LAW

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

1. "Ideas about Indian otherness certainly shaped the colonial rape case law but not in a manner that allowed white men to make any claims about saving brown women from brown men. In fact... the colonial law of rape may have made Indian women increasingly vulnerable to rape by Indian men."
Do you agree with the above statements? Giving specific illustrations, write a detailed response.
2. "*Mens rea* is gendered". Critically discuss this statement in the light of Mathew Rollinson's essay.
3. Critically discuss the amendments in IPC and POCSO on the question of death penalty for rape of a child less than 12 years in age.
4. In the light of the course readings and class discussions, discuss the kind of questions we need to address in order to arrive at a principled, feminist position on death penalty.
5. Critically discuss Delhi High Court's interpretation of sexual consent in *Mahmood Farooqui v. Govt. of NCT of Delhi* [243 (2017) DLT 310]. In your answer, elaborate on the potential of the definition of consent in rape law as introduced in 2013 criminal law amendments.
6. "Sexual harassment law and policy as developing in India is compromising women's sexual and equality rights, reinforcing a conservative sexual morality and encouraging a punitive response to what is deemed to be sexually unacceptable conduct." Comment, in the light of recent developments post #me too.
7. Write short notes on any two of the following cases:
 - (a). *Aveek Sarkar v. State of West Bengal* [(2014) 4 SCC 257]
 - (b). *Navtej Johar v. Union of India* [(2018) 1 SCC 791]
 - (c). *Joseph Shine v. Union of India* [(2019) 3 SCC 391]



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PAPER – CENTRE-STATE RELATIONS

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

- Q.1 The members of the Constituent Assembly took note of the Constitutions of the USA, Canada, Australia and Switzerland and produced a new kind of federation to meet India's peculiar needs. In the light of the above statement do you consider that the Indian federation is working effectively? Explain in detail.
- Q.2 Article 3 of the Indian Constitution enables Parliament to give effect by law to the reorganization *inter se* of the territories of the constituting Indian Union. Critically examine whether the Jammu and Kashmir Reorganization Act, 2019 adopted by the Parliament was according to the constitutional scheme.
- Q.3 Under the Constitution there is a threefold distribution of legislative powers between the Union and the States made by the three lists in the Seventh Schedule of the Constitution. Do you think that there is an urgent need to give more powers to the State to bring harmony between the Centre and the State? Explain.
- Q.4 Do you think that Globalisation has had a negative impact on Federalism in India? Explain in detail.
- Q.5 The doctrine of Separation of Powers has become increasingly the subject matter of discussion. Do you think that the doctrine of Separation of Power is essential in democracy to ensure the rule of law? What kind of doctrine of Separation of Powers has the Indian Constitution embraced? Explain.
- Q.6 Critically examine the judgment delivered by the Supreme Court of India, in the case of *Shiv Sena v. Union of India* [2019 SCC Online SC 1502], requesting the Governor of Maharashtra to conduct the floor test by the 27th of November, 2019. Do you think that timely intervention by the Court helped in restoring democratic values in the State? Explain.
- Q.7 Write short notes on any two of the following
- (a) Co-operative Federalism
 - (b) Distinction between confederation and federation
 - (c) GST



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PAPER – CRIMINAL JUSTICE ADMINISTRATION

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

1. "Procedural law is generally transubstantive i.e. police powers and adjudicatory process do not vary from one offence to another, although distinctions are made between large categories of the lesser and greater crimes."
In the light of the above observation critically analyse the substance-procedure relationship.
2. Discuss the contours of discretion in bail jurisprudence of your country and suggest reforms, if any.
3. The prison is the darkest region in the apparatus of 'justice'. Comment.
4. Parole and Furlough are essential practices for maintaining familial and social ties. Elaborate.
5. "The prosecution/investigation agency is expected to act in an honest and fair manner without hiding anything from the accused as well as the courts which may even go against the accused."
In the light of the above observations made in *Ankush Maruti Shinde v. State of Maharashtra* (AIR 2019 SC 1457) critically analyse the investigation and the prosecution system as envisaged under the Criminal Procedure Code, 1973.
6. The Constitution Bench in *Union of India v. Sriharan, inter alia*, ((2016) 7 SCC 1) examined whether section 432(7) of the Code clearly gives primacy to the executive power of the Union and excludes the executive power of the State where the power of the Union is co-extensive. Critically examine the response of the bench.
You are also required to give your views regarding "Consultation" as stipulated in section 435(1) of the code.
7. Write short notes on any two of the following:
 - (a). Due process
 - (b). Burden of proof
 - (c). Victim Impact assessment



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PAPER – GENERAL PRINCIPLES OF CRIMINAL LAW

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

1. Discuss in detail the subjective liability orientation of the Penal Code by referring to homicide provisions of the Code. You are also required to discuss the felony-murder rule which was applicable in common law.
2. Ashworth argues that “incapacitating sentences for dangerous offenders, mandatory minimum sentences, and harsher sentences for persistent offenders – all sound good and play well in the media, but the truth is that they have little effect on public protection.” In the light of this statement comment on the structure of punishments as well as the sentencing discretion exercised by judges in India.
3. All crimes involve conduct of some sort or the other. Discuss what constitutes ‘conduct’ for the purpose of criminal responsibility.
4. Three different approaches have been expressed for contemporaneity or the concurrence principle - each one of them has its own advantages and limitations. While discussing in detail all the approaches, give your preference to a particular approach and reasons for it.
5. Defense of duress under section 94 of the Indian Penal Code is a specific form of defense of necessity. Discuss in detail the ingredients of this defence and also elaborate whether any reform is required.
6. The Bhopal tragedy taught many lessons about criminal misconduct and the need for corporate criminal liability. One of the symbolic things in the Bhopal tragedy was its lack of evil actors internationally inflicting harm to others. In the light of this, discuss corporate criminal liability and the role of judiciary in developing the law on Corporate Criminal liability.
7. Write short notes on any two of the following:
 - (a). Impossible conspiracy
 - (b). Consensus and conflict theory
 - (c). Joint criminal enterprise



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

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

- Q.1. The Fundamental Rights are inherent and cannot be extinguished by any constitutional or statutory provisions. Do you think that the Fundamental Rights guaranteed under Part III of the Constitution are inviolable? Explain in detail.
- Q.2 Do you agree with the statement that the Fundamental Rights should not be read in, isolation but along with Directive Principles of State Policy and Fundamental Duties? Explain in detail with the help of decided cases by the Courts.
- Q.3 Article 7 of the Universal Declaration of Human Rights declares that all are equal before the law and are entitled without any discrimination to the equal protection of laws. By and large the same concept of equality is available under article 14 of the Constitution. Explain in detail with the help of decided cases that the above mentioned statement is correct.
- Q.4. The question of the relationship between the Directive Principles of State Policy and the Fundamental Rights has caused some difficulty, and the judicial view has undergone transformation on this question. Elaborate your answer either in support or against the above mentioned statement.
- Q.5. The Constitution (Eighty- Sixth Amendment) Act, 2002 was made the right to education as a Fundamental Right and accordingly Article 21 A inserted in Part III of the Constitution. Critically analyse the working of Article 21 A to test its effectiveness.
- Q.6 Do you think that Public Interest Litigation(PIL) has, over the years, become a strong tool for promotion and protection of Human Rights in India. Explain in detail.
- Q.7 Write short notes on any two of the following
- (a) Non- Derogable Rights
 - (b) Right to Clean Environment
 - (c) Women empowerment and Gender Equality



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PAPER – COMPARATIVE PUBLIC LAW

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

1. What is Public law? Discuss the essential features and sources of public law briefly. What is the relevance of study of comparative public law? What are the problems associated with study of comparative public law? Explain.
2. While constitutional law has been a particular beneficiary of the comparative public law studies, administrative law despite its comparatively modern development, has been relatively neglected. Explore the reasons for the imbalance between comparative constitutional and administrative law as two important areas of comparative public law.
3. The concept of Constitutionalism is the cornerstone of democratic governance of every country which has it. Evaluate the concept of Constitutionalism, discussing its essential features and sources. How is Constitutionalism different from Constitution. Discuss.
4. What, do you mean by the expression 'Rule of Law'? Discuss the thick and thin conceptions of the 'Rule of Law' as propounded by Brian Z. Tamanaha.
5. The doctrine of Basic Structure evolved by the Supreme Court of India in *Kesavananda Bharti v. State of Kerala* (AIR 1973 SC 1461) has placed limitations upon the amending power of the Parliament vested under Article 368 of the Constitution. Discuss with the help of relevant judgments.
6. Discuss the different models of constitutional review. Elaborate the essential characteristics of the European and the American systems of constitutional review.
7. Write short notes on any two of the following:
 - (a). Parliamentary supremacy
 - (b). Cooperative federalism
 - (c). Separation of powers in UK



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LL.M. (1 YEAR) SEMESTER END- EXAMINATION
AUGUST -2020

PAPER – LAW & JUSTICE IN GLOBALISING WORLD

Time: 2.15 hours

Max. Marks: 50

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

Answer any Three questions. All questions carry equal marks.

1. The traditional concept of justice is intertwined with territorial boundary of a Sovereign State. Do you think that this statement has any relevance in contemporary world? Explain.
2. Thomas Pogge, Charles Beitz and others took the support of John Rawls A Theory of Justice to build the argument in favour of Cosmopolitanism and argued in relation to global justice. However, John Rawls rejected the idea of global justice because he believed that the Justice is confined to a sovereign state. In light of this fact do you agree with the cosmopolitans? Discuss in details.
3. Thomas Pogge emphasizes that the obligation of justice is applicable to the world stage because we share global basic structure. Write in detail with valid arguments justifying Thomas Pogge's point of view regarding global basic structure.
4. Transitional justice is described as a medium to address past human rights violations in order to begin the process of rebuilding of nations. Discuss in detail the positive and negative sides of the Transitional justice.
5. Article 1(3) of the UN Charter states that , "to achieve international co-operation in solving problems of an economic, social, cultural, or humanitarian character...." Do you think that the present health crisis due to Covid 19 could be resolved effectively if nation states adhered to abovementioned purposes of the Charter? Explain.



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LL.M. (1 Year) Semester end- Examination- August -2020

PAPER:- CRIME AGAINST WOMEN

Time: 2.15 hours

Max. Marks: 50

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

Answer Any THREE Questions. Each question carries equal marks.

1. Despite a few judicial acknowledgments the "battered women syndrome" is yet to get statutory recognition in India. Why? Suggest amendments to the Criminal Law Reforms Committee (2020) with the strengths and weaknesses of your proposal.
2. What is the meaning of the term "having regard to all the other circumstances of the case" under section 113A of IPC? In context of section 306 of IPC, if there are two interpretations possible, will you follow classical construction of penal law (give benefit to the accused) or will you go for purposive interpretation of the law (protection of victims)? Give reasons with decided cases, if any.
3. The Victorian Royal Commission in Australia has found that Dowry "was a particular concern in Indian, Pakistani, Sri Lankan, and increasingly in Middle Eastern Communities." Despite having Dowry Prohibition Act, 1961 and penal laws (498A, 304B) in India the conviction rate is far from satisfactory. Certain cases of the Supreme court establish outrageous delays, casual approach of a few High courts and the problem of inconsistent interpretation. Discuss.
4. Registration of FIR and primary medical aid to victims has become a great challenge in the cases of crime against women. To address this, the Parliament has made modifications in criminal laws especially section 166A and 166B of IPC. The government claims that the cases of crime against women can be registered online. Cyber crime against women has also been addressed. Nirbhaya fund has also been set up. Examine the merits and shortcomings of these measures taken to address the menace.
5. Critically examine the case "*In Re Assessment of The Criminal Justice System In Response To Sexual Offences* (2019).



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LL.M. (1 YEAR) SEMESTER END- EXAMINATION
AUGUST -2020
PAPER – MEDIA LAW

Time: 2.15 hours

Max. Marks: 50

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

Answer any Three questions. All questions carry equal marks.

1. "The threshold argument is – how for misinformation is considered to be a misdemeanor in the light of information being a right of citizens as envisaged under Article 19(1)(a) of Indian Constitution". Answer the following questions that arise eventually out of this statement: (i) Whether freedom of information also means freedom against disclosure? (ii) Whether information is classified as private and public what are the parameters to shield? (iii) Who all are the responsible stakeholders for information, dissemination, holding and also controller against disclosure?
2. "The press has a preferred position in our constitutional scheme, not to enable it to make money, not to set newsmen apart as a favoured class, but to bring fulfillment to the public's right to know." – Douglas J. Critically comment on the observation in the light of case studies or case laws in India.
3. "The distinction between the autonomy principle and the public debate principle is, moreover, crucial for explaining why the state has a role to play in furthering free speech values." Explain the autonomy and public debate concept in the light of state interventions envisaged under the Indian legal framework.
4. 'Press Council is a mechanism for the Press to regulate itself'. Critics says it is a barking dog that cannot bite. Appraise the powers, functions and salient features of the Press Council with specific reference to its efficacy and shortcoming(s), if any.
5. Discuss the nexus between freedom of expression, privacy and defamation, particularly against the backdrop of the unprecedented social media should be regulated? Justify your answer with substantive recommendations in this regard.



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LL.M. (1 YEAR) SEMESTER END- EXAMINATION
AUGUST -2020

PAPER: SOCIO ECONOMIC CRIME

Time: 2.15 hours

Max. Marks: 50

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

Answer any Three questions. All questions carry equal marks.

1. Evaluate the role of 'Privileged Class Deviance' in the emergence of Socio Economic Crimes? Also examine the various theories on "PCD".
2. Critically examine the origin and nature of 'White Collar Crimes'. Also examine the criticisms of the E.H. Sutherland's theory of White Collar Crimes.
3. 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.
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 relevant case laws.
