



THE INDIAN LAW INSTITUTE  
(Deemed University)  
NEW DELHI

LL.M. (1 YEAR) SEMESTER END- EXAMINATION  
MARCH-2022

PAPER – JUDICIAL PROCESS

Time: 3 hours

Max. Marks: 50

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

Please keep your camera and microphone ON during examination.

Answer any five questions. All questions carry equal marks.

1. What do you mean by the term "judicial process"? Is the idea propounded by Justice Cardozo still relevant for India? Give reasons.
2. The judiciary in India has attempted to examine and import various theories from the USA. What is the care the constitutional scholars ought to take note of while examining these theories?
3. What are the issues of interpretation and judicial process raised because of *Ms Neeraj Dutta v. State (Govt. of N.C.T. of Delhi)* [(2019) 14 SCC 311]. How will you decide the issues in this case?
4. In the *Fourth Judges* case (2014) the constitution bench has invited suggestions from the public to improve the functioning of judicial collegium for appointment of judges. Frame a few guidelines for the Supreme Court delineating the strength and weaknesses of your suggestions.
5. Finding *ratio decidendi* of a case is a delicate task. Discuss in the light of *Kedar Nath Singh* case (1962) and *Balwant Singh* case (1995).
6. Delay in judicial process seems to be a permanent part of judiciary in India. Reports of various expert bodies including the Law Commission of India have made certain recommendations. It has been found that in many cases the high courts and the Supreme Court take maximum time of the judicial process. E- court, Technology has made its efforts but more needs to be done. Discuss.
7. Write short notes on any TWO of the followings:
  - a) Judicial legislation
  - b) presumption of constitutionality
  - c) Problem of judgement writing

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LL.M. (1 YEAR) SEMESTER END- EXAMINATION  
MARCH-2022

PAPER – NATIONAL SECURITY

Time: 3 hours

Max. Marks: 50

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Answer any five questions. All questions carry equal marks.

1. Write a critical note on desirability of various legislative enactments that deal with national security concerns of India.
2. The Constitution of India is unique in the sense that it has made a number of provisions to address national security, national interest and human rights. Critically examine these provisions with judicial decisions.
3. Distinguished experts and judiciary have evolved various theories to identify the fine line between criminalisation and over criminalisation of a conduct to deal with anti national forces. Elaborate with illustrations.
4. There are competing claims as to the ratio of *Kedar Nath Singh v. State of Bihar*, (1962). What are these competing claims? How will you resolve them?
5. Criminalisation of membership of unlawful or terrorist organisation has attracted a debate between liberty vis a vis security. Discuss. How will you decide the review petition of *Arup Bhuyan v. Union of India* (2014)?
6. While deciding the issue of national security and foreign policy the judiciary has followed the "theory of deference" and the policy of "go slow" not only in India but in jurisdictions like the UK and USA. Recently the same is reflected in the "Media One TV" case (2022). On the other hand, there are various experts who criticise the judiciary for not protecting the human rights of citizens and following a State oriented interpretation. Discuss.
7. Write short notes on any Two --
  - a. Anti India Slogans in JNU and *Balwant Singh* judgement
  - b. Measures to check misuse of section 124A
  - c. *Adambhai Sulemanbhai Ajmeri v. State of Gujarat* (2014)

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**LL.M. (1 YEAR) SEMESTER END- EXAMINATION**  
**MARCH-2022**  
**PAPER – GENERAL PRINCIPLES OF CRIMINAL LAW**

**Time: 3 hours**

**Max. Marks: 50**

Please send the scanned copy of Answer book in single pdf form to ' [ace.ili.jd@gmail.com](mailto:ace.ili.jd@gmail.com) ' or '[ace@ili.ac.in](mailto:ace@ili.ac.in) ' or '[llmexam2020@ili.ac.in](mailto:llmexam2020@ili.ac.in) ' by 1.45 p.m. today. Please keep your camera and microphone ON during examination.

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

1. What are the qualities of a good (criminal) code? Why has it become important to revisit Macaulay's general principles to revitalize the IPC with a general part?
2. Alan Norrie's thesis is that traditional legal scholarship entails a "rationalising enterprise". "Rationalising enterprise" he states, "is frequently rationalisation only in the pejorative sense of an apparent rationality papering over the cracks of deeper contradictions."

Explain the above statement, specifically the 'contradictions', taking any two illustrations from his work.

3. General principles are neither natural nor general. They are "historic and relative" and "were established in the crucible of social and political conflict."

Discuss in detail.

4. "[E]ven in the instances of objective liability the element of guilt or fault is very much there, perhaps more strongly and deeply in-built in the totality of the situation, to render its proof almost superfluous. Harmfulness, here, serves the dual function of creating liability and also limiting liability by serving as the external standard which should be in consonance with the social sense of blameworthiness."

Comment on the above statement drawing out the principles that must guide the scope of objective liability for murder.

5. Section 304A of the IPC is conceptually flawed both with respect to the required fault element and the quantum of punishment. Do you agree? What reform lessons can be drawn from legislative amendments undertaken in Singapore and Malaysia?

6. The gendered defense of provocation needs to be re-structured in tune with the mandate of human rights and the Constitution. Discuss the import of *R v. Tran* and analyse the reform suggestions made by Ian Leader-Elliott.
7. Write short notes of any two of the following:
  - i. The requirement of “gross negligence” to affix criminal liability on medical professionals.
  - ii. Moral congruence approach to the Concurrence principle
  - iii. Rape as a no mens rea offense versus rape as a strict liability offense.

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LL.M. (1 YEAR) SEMESTER END- EXAMINATION  
MARCH-2022

PAPER – RESEARCH METHODS AND LEGAL WRITING

**Time: 3 hours**

**Max. Marks: 50**

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

1. Explain the relevance and importance of research methodology in Legal Research? Elucidate the current trends in socio-legal research?
2. A literature review is not only aimed at providing the background of the research but it also establishes the researcher's in-depth understanding and knowledge of the field of research. It is a self-contained unit and an end in itself. Elucidate.
3. A research design is the blueprint of the proposed research which provides a structural framework of research methods and techniques chosen by the researcher for data collection. Substantiate the above statement while preparing a research design for an empirical research on 'Impact of Digitisation on Justice Administration'.
4. Explain the types, techniques, advantages and disadvantages of observation method of data collection.
5. A strong commitment to academic integrity and research ethics is the cardinal principle in research. While substantiating the above statement, comment on the significance of 'University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018' in enhancing the standards of research in institutions of Higher education.
6. Why questionnaire is considered to be a convenient way of collecting information? What are the precautions to be taken to ensure accurate data while designing the questionnaire? Also state the differences between Questionnaire and Survey?
7. Write short note on any TWO of the following:
  - a) Hypothesis
  - b) Sampling
  - c) E-Research

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**LL.M. (1 YEAR) SEMESTER END- EXAMINATION**  
**MARCH-2022**

**PAPER –CRIMINAL JUSTICE ADMINISTRATION**

**Time: 3 hours**

**Max. Marks: 50**

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

1. Personal liberty is generally accorded a higher status than sovereign immunity. In view of this, critically analyse the approach of courts in matters of wrongful prosecution.
2. Arrest, which is a very integral to investigation power, has been subjected to constitutional and statutory limitations. Discuss. You are required to supplement your answer with relevant case law.
3. Bail system is perhaps the single greatest scandal in administration of justice. Comment.
4. What constitutes 'fair trial' and to what extent has our system enabled 'fair trial'.
5. Writes short notes on any TWO of the following:
  - a. Restorative Justice
  - b. Public Prosecution
  - c. Default in payment of fine
6. "The length of the penalty must not be a measurement of 'exchange value' of the offence; it must be adjusted to the useful transformation of the inmate during his term of imprisonment." In light of this statement critically analyze the judicial approach towards remission.
7. The bold Malimath Committee recommendations had the potential of altering the criminal procedure but the legislature and the judiciary stuck to the constitutionally ordained criminal procedure. Comment.

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**LL.M. (1 YEAR) SEMESTER END- EXAMINATION**  
**MARCH 2022**

**PAPER – COMPARATIVE PUBLIC LAW**

**Time: 3 hours**

**Max. Marks: 50**

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

- Q1. Do the terms Constitution and Constitutionalism signify the same meaning? Justify. Explain briefly the characteristics of the European and the American model of constitutionalism.
- Q2. Discuss Balkin's concept of 'living originalism' and 'living constitutionalism' in relation to the moral reading of the American constitution. Do you think that the constitutional morality is contradictory to living originalism? Discuss with the help of relevant case laws from India.
- Q3. Discuss the theory of Rule of law as propounded by Dicey. Differentiate between the formal and substantive theories of Rule of Law as developed by Lord Bingham and Joseph Raz.
- Q4. Judicial review has been criticised by authors like Jeremy Waldron to be counter majoritarian or in derogation of democracy. Discuss the legitimacy of judicial review in the context of Indian constitution model of restrained parliamentary power.
- Q5. The power of Parliament to amend the Constitution is wide but not unlimited. What are the express and implied Constitutional limitations on the amending power of the Indian Parliament? Discuss with the help of relevant case laws.
- Q6. Discuss briefly the theory of 'Dual Federalism' under American Constitution. How the concept has moved from coercive division of powers to a cooperative relation between Federal and State governments in 20th century. Analyse with the help of relevant case laws.
- Q7. Write short notes on any two:
- (a) Parliamentary and Presidential Form of government
  - (b) Judicial approach on Separation of powers in India
  - (c) Constitutionalisation of private law in India

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**LL.M. (1 YEAR) SEMESTER END- EXAMINATION**  
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**PAPER –CENTRE STATE RELATIONS**

**Time: 3 hours**

**Max. Marks: 50**

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

- Q.1 The dispute over separation of powers has intensified in the twenty-first century, and it was most obvious during the COVID-19 epidemic. Do you believe that a clear separation of powers is necessary for free democracy and effective governance? With the guidance of relevant case law, explain in full.
- Q.2. Part XVIII of the Indian Constitution deals with three different sorts of emergencies, which are detailed under the appropriate articles of this section of the Constitution. Only in exceptional circumstances, and then only as a temporary measure, may an emergency be declared under Articles. Explain your thoughts on the preceding statement in detail.
- Q.3 Article 356 has been employed more than a hundred times since the adoption of the Constitution. However, things have gradually improved since *SR Bommai v. Union of India*. With this judgment, the court has emphasised that it has the power to review the exercise of Article 356. Do you agree with this statement that the court should not review the imposition of the President's rule under Article 356 and leave it to vote?
- Q.4. Describe in detail the legislative powers of the Union and the States as defined by the Indian Constitution.
- Q.5. Under Article 131 of the Indian Constitution, the Supreme Court examines the resolution of federal issues between states or between states and the union. Article 262, on the other hand, gave Parliament the authority to choose the forum and method of resolution. Do you think the Court should have also been able to settle interstate water disputes? Give a detailed response to the preceding assertion.
- Q.6 Do you think globalisation is having a detrimental impact on India's Federalism? Give a detailed explanation.

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

- (a) Co-operative Federalism
- (b) Distinction between confederation and federation
- (c) Special protection of Tribal Rights under Sixth Schedules
- (d) Aspect Theory

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**THE INDIAN LAW INSTITUTE**  
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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
AUGUST 2022

PAPER – CYBER TERRORISM AND HUMAN RIGHTS

**Time: 3 hours**

**Max. Marks: 50**

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

1. How has ancient Indian wisdom responded to national security threats? Are they still relevant? Give reasons.
2. What are the various theories developed to distinguish between criminalisation and over criminalisation? Are they applicable in the cyber age against national security laws? Give reasons.
3. The description of “Cyber terrorism” provided under Information Technology Act, 2000 is too vague. Do you agree? Give reasons. A1 uploads a video on YouTube containing a speech about *jehad* in Kashmir where the speaker incites violence and killing. Is it punishable as cyberterrorism? Give reasons.
4. What is radicalisation? What are various modes of radicalisation? How laws in India and abroad address radicalisation?
5. What is the impact of the internet on the membership of an unlawful or terrorist organisation? The membership of a terrorist organisation is made penal to create deterrence at the inchoate level as a preventive measure. A large number of such membership has the potential to give legitimacy to the aim and conduct of such organisations. Discuss in the light of *Arup Bhuyan* case.
6. How does law in India and other jurisdictions address the growing menace of terror threat online. Does *Shreya Singhal* judgement postulate that mere advocacy even for an unpopular cause cannot be punished unless it slips into incitement of violence? Give reasons with its impact on the provisions of UAPA 1967?
7. Write short notes on any *TWO* of the followings --
  - a. Differential association theory and terrorism
  - b. US and Indian model of liberty in digital age
  - c. Abuse of national security laws

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
AUGUST 2022

PAPER – ENVIRONMENTAL LAW

**Time: 3 hours**

**Max. Marks: 50**

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

- Q1. The development of protection and conservation of forests and natural resources was the outcome of India's participation in the United Nations Conference on Human Environment, which took place in Stockholm in 1972. Do you agree with this statement? Explain in detail.
- Q2. Scholars, educators, and lawyers frequently recognize and make reference to the Indian Judiciary's significant contribution to the growth of environmental jurisprudence in India. Give an explanation of your response using significant Indian court rulings.
- Q3. The Judiciary has a role to play in the interpretation, explanation, and enforcement of laws and regulations ....Increasingly, it is being recognized that a Court with special expertise in environmental matters is best placed to play this role in the achievement of ecologically sustainable development. Do you agree with this statement of Justice Brian Preston, former Chief Judge of New South Wales, Australia? Explain your answer in detail.
- Q4. The National Green Tribunal was created to effectively and quickly resolve claims involving environmental issues. In comparison to the courts, do you believe the NGT has been more successful in carrying out its expansive mission and handling environmental law cases? Explain in detail.
- Q5. The Environment (Protection) Act of 1986 gave the Union government sufficient authority to safeguard the environment. Do you believe that the Union government has been carefully and successfully using this power to stop the country's environment from deteriorating? Explain in detail.
- Q6. Do you agree with this statement that the public trust doctrine may serve as a touchstone to test executive action with a significant environmental impact? Write a detailed answer by referring to the landmark cases decided by the Supreme Court of India in 1996 related to the public trust doctrine.
- Q7. Write short notes on any TWO of the following:
- (a.) The concept of Absolute Liability
  - (b) Significance of 42<sup>nd</sup> Constitutional amendment to environment
  - (c) Globalization and its impact on environment
  - (d) Sustainable Development

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# THE INDIAN LAW INSTITUTE

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
AUGUST 2022

PAPER – INTELLECTUAL PROPERTY RIGHTS AND PUBLIC POLICY

**Time: 3 hours**

**Max. Marks: 50**

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

- Q1. Discuss the economic interest justification for trademark protection and its reconciliation with inherent consumer interest in protection of trademarks.
- Q2. What role can IPR play in agricultural and food security policy? How can the IP system be further leveraged to enable access, creation, and commercialization of new and innovative agricultural practices and technologies to enhance the nation's agricultural productivity, meet rice self-sufficiency, and sustain food security.
- Q3. Examine the nature and scope of exceptions and limitations in copyright law for the purpose of the use of copyrighted materials for education under existing national and international regime.
- Q4. What are Traditional knowledge (TK), Traditional Cultural Expressions (TCE) and Folklore (FL)? How are they protected in different International instruments and existing IP framework in India? What policy and legal options are available regarding TK and FL? Discuss briefly.
- Q5. Comment upon the flexibility framework under TRIPS Agreement and Indian Patent Act, 1970(as amended last in 2005) in the context of public policy and health.
- Q6. Discuss the global regime on enforcement of intellectual property rights. Explain the scope of criminal enforcement measures under trademark and copyright laws.
- Q7. Write short notes on any TWO of the following:
- (a) Border Measures
  - (b) Marrakesh Treaty
  - (c) Access and Benefit Sharing mechanism

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
AUGUST 2022

PAPER – LAW AND JUSTICE IN GLOBALISING WORLD

**Time: 3 hours**

**Max. Marks: 50**

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

- Q.1** To strengthen their case for cosmopolitanism and their discussion of international justice, Thomas Pogge, Charles Beitz, and others used John Rawls' A Theory of Justice. John Rawls, however, disagreed with the notion of international justice since he thought that justice only applied to sovereign states. Do you concur with the cosmopolitans given this fact? Discuss in details.
- Q.2** 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 the establishment of Social- justice cosmopolitanism. Explain in detail how you support the abovementioned statement.
- Q.3** 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
- Q.4** In his book ‘The Law of Peoples’, John Rawls talks about justice between different societies. Rawls' theory states that the liberal state has a duty to assist burdened societies, and in this process, burdened societies benefit more than the liberal state. Do you agree with this statement? Elucidate with examples.
- Q.5** Do you think that the replacement of the Commission of Human Rights(CHR) in 2006 by the Human Rights Council (HRC) has brought significant changes in the promotion and protection of human rights at the international level? Explain in detail.
- Q.6** Define cosmopolitanism. Explain in detail the four types of cosmopolitanism elaborated by Thomas Pogge.
- Q.7** Write short notes on ANY TWO of the following
- (a.) Humanitarian Intervention
  - (b.) IPR and Human Rights
  - (c.) Internally Displaced Persons
  - (d.) Distributive Justice.

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
AUGUST 2022

**PAPER – MEDIA LAW**

**Time: 3 hours**

**Max. Marks: 50**

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

1. “Freedom of expression – in particular, freedom of the press / media – guarantees popular participation in the decisions and actions of government, and popular participation is the essence of our democracy.” Discuss in specific reference to Indian context.
2. “When the public’s right to know is threatened, and when the rights of free speech and free media are at risk, all of the other liberties we hold dear are endangered.” Comment
3. Freedom of speech and expression is the basic fundamental right. It is expanding with the expansion of technology, but the restriction cannot be expanded. Discuss in the light of relevant Indian case laws.
4. What is the extent to which courts allow free and fair comments by media while reporting judgments, and what amounts to “scandalizing” of courts? Also narrate the specific situations the Judiciary can intervene in the affairs of Media.
5. Defamation and Privacy are the two sides of the coin. Do you agree with this statement? Explain the interface between these and media.
6. a) “Censorship does not mean a blanket ban in the name of obscenity and public order.” Analyse this statement with the help of case laws.  
  
b) “Film must be judged according to the contemporary standards of the country.” Discuss the test applied by courts in deciding the question of obscenity.
7. Write a short note on any two of the following :
  - a) Press Council of India as a Ombudsman
  - b) Efforts in Social Media Regulation.
  - c) Reporting of legislative proceedings

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
AUGUST 2022

PAPER – FEMINIST JURISPRUDENCE

Time: 3 hours

Max. Marks: 50

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

1. The decade of 1990s was marked by the feminist review of the decade of legislation on various issues affecting women in India. Based on your reading of Flavia Agnes and Lotika Sarkar, state, what according to them, were the victories and failures of the Indian feminist movement? In your answer, stay attentive to the differences in their respective positions, even as you draw out the common grounds of critique.
2. How does Jacqueline Rose's psychoanalytic argument about violence, especially violence against women, subvert the dominant narrative about sexual power?
3. From this course, what are your primary lessons about legal research methodology?
4. In traditional legal scholarship, law is imagined either as a site of oppression or a tool of social reform. How does *Subversive Sites* as a text inaugurate a feminist legal understanding of law beyond this conventional binary?
5. Sexed body is a gendered construction. Comment.
6. What, according to you, are the most pressing questions Drucilla Cornell poses to Catherine MacKinnon's theory of sexual subordination?
7. Write short notes on the feminist critique of: (attempt *any two* of the following)
  - a. Criminal Law Amendments of 2013
  - b. *Independent Thought v. Union of India*
  - c. *Navtej Johar v. Union of India*

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
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PAPER – SOCIO ECONOMIC CRIMES

**Time: 3 hours**

**Max. Marks: 50**

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

1. Greed is the mother of socio economic crimes. As greed is ancient, so are socio economic crimes. Discuss how ancient Indian wisdom addressed the menace of socio economic crimes.
2. What are white collar crimes ? How is it jurisprudentially different from general liability crimes and socio economic crimes? Is the rule of *Brend v. Wood*, [(1946) 62 T. L. R. 462] applicable to the penal legislation on white collar crimes in India? Refer case laws.
3. Critically examine the theory propounded by Sutherland in context of white collar crimes. To what extent his concerns have been addressed in India? Give reasons.
4. The interpretation of NDPS Act, 1985 in the case of *Mukesh Singh* [(2020) 10 SCC 120] and *Tofan Singh* [(2021) 4 SCC 1] reflect the conflicting claims on whether the crime control model is good or the due process model is better? Whether a rule of law prevail or should the court look for the rule of prudence? Discuss with reasons.
5. What are the issues in *Ms Neeraj Dutta v. State (Govt. of N.C.T. of Delhi)* [(2019) 14 SCC 311]? If the penal law is silent, who gets the benefit? Accused or state? How to read the silence of the law in cases of corruption? How will you resolve the dispute in *Neeraj Dutta* case?
6. What are the laws that deal with dowry death? What are the foundational elements of this offence and when does the reverse burden come into picture? Has ancient Indian texts and traditions legitimised the coercive practice of dowry? Give reasons.
7. Write short notes on any *TWO* of the followings--
  - a. The issue of Law, morality and utility in *Vyapam* case
  - b. Delay in the Supreme Court in cases of socio economic crimes
  - c. Recent issues in FSS Act

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