THE INDIAN LAW INSTITUTE  
(Deemed University)  
NEW DELHI  

LL.M. (1 YEAR) 1ST TRIMESTER END- EXAMINATION  
OCTOBER 2013  

PAPER II – COMPARATIVE PUBLIC LAW/SYSTEMS OF GOVERNANCE  

Time: 3 hours  
Max. Marks: 50  

Answer any Five questions. All questions carry equal marks.  

1. What do you mean by ‘Constitutions without Constitutionalism’? Discuss the failure of Constitutionalism in any Nation.  

2. Does the possibility of constitutional limitation on supreme legislative and executive power require, as a matter of practical politics, that the judicial power by which such limitations are interpreted and enforced reside in some individual or group of individuals distinct from that in which legislative and executive powers are vested? Explain.  

3. The efficiency of the courts is an important component in rule-of-law reforms as the existence of a judiciary is a fundamental aspect of the rule of law. Discuss in a comparative perspective.  

4. Is India a Federal Country in true sense? Explain the theory of Federalism and the emergence of economic liberalization in America and India.  

5. “In liberal political theory, legislative supremacy is often associated with popular self-government and democratic ideals are bound to stand in an uneasy relation to any practice that says elected legislatures are to operate only on the suffrancence of unelected judges” Do you agree with this statement of John Locke? Explain.  

6. “The only way constitutional review can be compassed within the trichotomy is by assuming that constitutional review of legislation is just like any other act of the judiciary.” Discuss.  

7. Write short note on any TWO of the following:  
   a) The Limitations on Amending Power in a comparative perspective  
   b) The interface between Public Law and Private Law  
   c) Independence of Judiciary and Indian Judicial Standards and Accountability Bill
THE INDIAN LAW INSTITUTE
(Deemed University)
NEW DELHI

LL.M. (1 YEAR) 1ST TRIMESTER END- EXAMINATION
OCTOBER-2013

PAPER III – LAW AND JUSTICE IN A GLOBALIZING WORLD

Time: 3 hours                      Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

1. Define ‘globalization’. What are the characteristics of contemporary globalization and how is it different from the similar processes in the past? Explain.

2. Explain the political dimension of globalization. Do you think that the globalization undermines the ‘sovereignty’ of states? Can it even cause the demise of hitherto established model of nation-states? Elucidate.

3. What do you mean by transnational law? Is globalization responsible for proliferation of international instruments, which form transnational law? Discuss the impact of transnational law on the federal scheme of the Indian Constitution.

4. “The precise relationship between environment degradation and the over-use of resources, on the one hand, and globalization on the other is complex and sometimes contradictory”. Explain. Critically examine how far the transnational environmental law regime addresses the environmental problems thrown-up by the process of globalization?

5. What is ‘Cosmopolitanism’? Do you think it is gaining more significance in the globalizing world? Explain.

6. Critically examine the impact of globalization and consequential emergence of transnational law on the judicial process in India.

7. Write short note on any TWO of the following:
   a) Bretton Woods Institutions
   b) Structural Adjustment Loans
   c) Monism and Dualism

ψψψψψ
THE INDIAN LAW INSTITUTE  
(Deemed University)  
NEW DELHI  

LL.M. (1 YEAR) 1ST TRIMESTER END- EXAMINATION  
OCTOBER-2013  

PAPER I – RESEARCH METHODS AND LEGAL WRITING  

Time: 3 hours  
Max. Marks: 50  

Answer any Five questions. All questions carry equal marks.  

1. Explain the relationship between law and society. Elucidate the nature, scope, aims and basic tools of socio-legal research?  

2. What do you mean by doctrinal and nondoctrinal legal research? Explain the mutual interplay and inter-relation between them.  

3. What is a research design? Prepare a model research design for the research topic “Impact of Globalization on Indian Legal Education.”  

4. Comment on the contemporary trends in legal research. What are the pros and cons of ‘E-Legal Research”?  

5. Discuss different sources of information and comment upon their utility in research. How do proper citations and references help the researcher to overcome criticism of plagiarism and copyright violations?  


7. Write short note on any TWO of the following:  
   a) Essentials of good legal writing  
   b) Participatory research  
   c) Research methods vis-à-vis research methodology  

ΨΨΨΨΨ
Answer any Five questions. All questions carry equal marks.

1. “The transition from a rural and simple society to an industrialised and complex one entails regulation by or under law of activities having an economic import. The same process of transition from a simple to complex and rural to urban society also necessitates an increasing attack on malpractices which were previously unknown, but which now emerges as a result of the process. The process gives rise to a two fold increase in malpractices…” Discuss. What are these two fold increase the Law Commission of India referring to?

2. Modern day crimes are often called as public welfare offences, white collar crimes, socio economic crimes, victimless crimes etc. Do they convey the same meaning? How are these crimes different from traditional crimes?

3. Critically examine the statement that “legislative measures adopted in India to arrest the menace of socio economic crimes is centred around ‘elimination or modification of the requirement of mens rea, higher powers to magistrates, search and similar powers, special rules of evidence, etc.’”


5. The Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 35 runs as under:

35. Presumption of culpable mental state— (1) In any prosecution for an offence under this Act which requires a culpable mental state of the accused, the Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to act charged as an offence in that prosecution.

P.T.O.
Explanation— In this section "culpable mental state" includes intention, motive, knowledge of a fact and belief in or reason to believe a fact.

(2) For the purpose of this section, a fact is said to be proved only when the Court believes it to exist beyond a reasonable doubt and not merely when its existence is established by a preponderance of probability.

Write a critical note on the abovementioned provision. What is the significance of *Brend v Wood* [1946] in this context? Though motive is not essential to establish the conviction, how could it be a part of "culpable mental state"? In the Explanation to Sec. 35, whether there is any departure from the rules of evidence? Corroborate your answer with reasons, illustrations and decided cases if any.

6. The process of Money Laundering usually involve Placement, Layering and Integration. Discuss. Critically examine the steps taken by India to tackle the menace of Money Laundering?

7. Write a short note on any two of the following-
   a. Offences under Food Safety and Standards Act, 2006
   b. Reasons for amendment in Prevention of Corruption Act
   c. Criminal Breach of Trust as socio economic crime

ψψψψψ
Answer any Five questions. All questions carry equal marks.

1. Define International Humanitarian Law (IHL). Discuss the origin, development and sources of IHL.

2. Discuss the implementation of International Humanitarian Law in situations of International and Internal armed conflicts? What is the role of national IHL Committees in implementation of IHL?

3. Is Humanitarian Law a part of Human Rights Regime or complimentary to that? Discuss this in the light of origin and development of these two branches of law.

4. What is the structure and the mandate of the ICRC? Who are the partners of the Red Cross Movement and what are their areas of activity? Discuss in the light of Seville Agreement.

5. How does International Humanitarian Law provide protection to the Defenseless personnel in situation of armed conflicts? What are the special protections accorded to Prisoners of War?

6. Sovereignty, non inclusion of certain crimes in the list of international crimes and referral power given to the Security Council, influenced the decisions of the Government of India not to become part of the Rome Statute. Do you think that India should ratify the Rome Statute even after considering the above reasons?

7. Write short note on any TWO of the following:
   a) Combatant Status
   b) Civilians and armed conflicts
   c) Protection of environment during armed conflicts

ψψψψψ
Answer any Five questions. All questions carry equal marks.

1. Discuss the right to a fair trial with the help of relevant provisions and case law. What are the implications of the recent Criminal Law (Amendment) Act on right to fair trial?

2. Critically examine the procedure for effecting an arrest and also discuss if force can be used for arresting. What are the directives recently issued by the Supreme Court to be followed while arresting person in connection with the cases under section 304-B and 498-A of IPC?

3. The bail provisions in Cr. P. C. have bestowed more or less an unqualified and uncontrolled discretion on the judge. Discuss the law relating to bail in light of the above statement.

4. What are the legal restraints and sanctions available against illegal or irregular searches? Also discuss the relevance/admissibility of evidence obtained during illegal search.

5. What are the salient features and merits of the ‘due process model’? Is there a justification for India to move from ‘due process model’ to ‘crime control model’? Explain.


7. Write short note on any TWO of the following:
   a) Adversarial system
   b) Crime control model
   c) Right to speedy trial
THE INDIAN LAW INSTITUTE  
(Deemed University)  
NEW DELHI  

LL.M. (1 YEAR) 2ND TRIMESTER END- EXAMINATION  
FEBRUARY-2014  

PAPER I – GENERAL PRINCIPLES OF CRIMINAL LAW

Time: 3 hours Max. Marks: 50  

Answer any Five questions. All questions carry equal marks.

1. Across the globe various experts have attempted to define crime but they failed to find an agreeable definition because the nature of crime is uncertain. Examine the statement giving reasons for this definitional dilemma.

2. Elaborate the statement that the doctrine of mens rea is the most celebrated principle of criminal liability. Does intention and motive denote the same meaning? Give illustrations.

3. What do you understand by the term strict liability offences? Does criminal law recognize absolute liability? Give reasons. ‘The element of mens rea must be read into a statutory penal provision unless a statute either expressly or by necessary implication rules it out’. Discuss with decided cases.

4. What is conduct crime and consequence crime? Illustrate. Discuss the law of abetment keeping in focus the conduct and consequence injuries.

5. ‘Intention to carry out the agreement’ is essential in Sec. 34 and Sec. 120A but not in Sec. 149 while ‘Intention to play some part in carrying out the agreement ‘ is essential in Sec. 34 but is neither essential for Sec. 120A nor for Sec. 149, though all three create joint liability in criminal law. To what extent the statement is correct? Discuss with reasons, illustrations and decided cases.

6. The right of private defence ‘is recognised in every system of law and the extent of the right varies in inverse ratio to the capacity of the State to protect the life and property of the subject.’ Critically examine the statement with decided cases. Has Criminal Law (Amendment) Act, 2013 also made some change in this right? Illustrate.

7. Write short notes on any TWO of the following:  
   a. Dishonestly and fraudulently  
   b. ‘Consent’ as defence in criminal law  
   c. Impossible attempts  

ΨΨΨΨΨ
THE INDIAN LAW INSTITUTE
(Deemed University)
NEW DELHI

LL.M. (1 YEAR) 2ND TRIMESTER END- EXAMINATION
FEBRUARY-2014

PAPER I – CONCEPT, DEVELOPMENT AND PHILOSOPHY OF HUMAN RIGHTS

Time: 3 hours

Max. Marks: 50

Answer any Five questions. All questions carry equal marks.

1. Give an overview of the traditional and contemporary theories of human rights.

2. Explain the significance of “human dignity” as a human right in the light of legislation and judicial decisions.

3. How are human rights related to ‘democracy’ and ‘rule of law’? What is their impact on the systems of public administration?


5. “Emergence of the human rights has now changed the whole dynamics of politics at the national and international levels.” Discuss with illustrations.

6. The term ‘Right’ in its narrow legal sense implies a right duty relationship how in its more generic sense it is a bundle of advantages and disadvantages. Elaborate and explain using Hohfeld’s Analysis.

7. Write short notes any TWO of the following:
   a. Human Rights and Good governance
   b. Human Rights and Culture
   c. Human Rights and Religion

ψψψψψ
Answer any Five questions. All questions carry equal marks.

1. According to Rawls, “social and economic inequalities are to be arranged so that (a) they are to be the greatest benefit to the least-advantaged members of society, consistent with the just saving principle (the difference principle). (b) Offices and positions must be open to everyone under conditions of fair equality of opportunity.” Discuss.

2. Discuss the tension between formal legal processes and ‘rules of law’ and the achievement of substantively ‘just’ outcomes in individual cases. ‘Justice is a fundamental value which monitors the scope and content of the law.’ Comment.

3. “According to Utilitarianism, the just society should be so organized in its institutions – its government, its laws and its economy- that as many people as possible shall have the means and opportunity to achieve their chosen conception of a desirable life. To reform the institutions of one’s society toward this goal, in the utilitarian view, is to pursue greater justice.” Do you agree and state reasons.

4. Legal education and quality of law graduates have great impact on the quality of bar and bench and it is relevant for other spheres of governance-law making and law enforcement. Critically evaluate the Indian scenario.

5. Prepare a vision statement to offer a law course which is professionally sound and socially relevant in the backdrop of the 184th report of the Law Commission of India and NKC Report.

6. What do you mean by Clinical Legal Education? Prepare a blueprint of ‘Constitutional Law Clinic’.
7. Write short notes on ANY TWO of the following:
   a. Role Play and Simulation based Clinical Courses
   b. Interviewing and Client Counseling
   c. Interdisciplinary Approach in Legal Education
THE INDIAN LAW INSTITUTE  
(Deemed University)  
NEW DELHI  
LL.M. (1 YEAR) 3RD TRIMESTER END- EXAMINATION  
MAY-2014  
METHODS OF TEACHING, EVALUATION AND SUPERVISION  
Time: 3 hours  
Max. Marks: 50  
Answer any Five questions. All questions carry equal marks.  

1. “The very nature of law, legal institutions and law practice are in the midst of a paradigm shift.” How the modern legal education system addresses this issue.  

2. The strength of students in both under graduate and post graduate class rooms do vary from institution to institution, thus, the ratio of student-teacher as well as the method of teaching must also vary. Discuss.  

3. According to you what are the ‘Professional Values and Skills’ of a law teacher. How does a teacher can justify the transparency and fairness in the assessment and evaluation if the same teacher is formulating the schemes/questions and doing the assessment?  

4. Explain the relevance of inculcation of good practices in ‘Research and Supervision’. Do you think the outcome of the research is serving any purpose?  

5. “Participation in legal aid programs should also be an integral part of legal education and it provides a crucial link between the esoteric world of law and the existential world of the ordinary citizen. The idea of holistic legal education would be somewhat incomplete unless a law student is acquainted with the problems of ordinary people.” Do you agree with this statement? Prepare a scheme to impart legal aid programmes in a law school.  

6. The internship program, where it exists needs to be strengthened to ensure that it does not become a mere ritual. How do you plan internship programme for under graduate programmes.  

7. Write short notes on any two of the following:  
   a. Effectiveness of Client Counseling as a Clinical Methods in Law Teaching  
   b. Collaborative Teaching  
   c. Preparation of a blue print of Placements scheme  

 bâtiment
HUMAN RIGHTS & HUMANITARIAN LAW: RIGHTS OF VULNERABLE GROUPS

Answer any Five questions. All questions carry equal marks.

1. Define Vulnerability? Do you think that Women and Children are most vulnerable sections of the society and thus need special protection and care? Explain with the help of relevant provisions under the international and national instruments which deals with special protection for women and children.

2. The House of Lords in Islam and Shah (1999) gave a broad meaning to ‘membership of a particular social group’ (MPSG) and agreed with Court of Appeal, that cohesiveness of the group was not an essential requirement. Do you agree with this comment that this decision along with other cases decided by the various national courts provided much needed help to women refugees from persecution?

3. Internally Displaced Persons (IDPs) have increased significantly in the last two decades and almost all regions are affected by IDPs. Do you think international community should adopt a legally binding instrument for the protection and assistance to IDPs at the earliest?

4. How is gender discrimination defined in CEDAW? How does that Convention seek to address it? Do you find any similar provisions in your country’s Constitution or whether CEDAW represents an advance over it?

5. The non-governmental organizations (NGOs) have a significant role in the protection and promotion of human rights. Explain the main tools and strategies used by NGOs to secure human rights with the help of some practical examples.

6. Do you think that there is a need to ensure more effective mechanism at national level for implementation of international human rights instruments with regard to the right of persons belonging to religious minorities?

7. Answer any TWO of the following questions.
   (a) Rights of the Migrant workers
   (b) Linguistic Minorities
   (c) Role of Judiciary in protection of vulnerable groups
THE INDIAN LAW INSTITUTE  
(Deemed University)  
NEW DELHI  
LL.M. (1 YEAR) 3RD TRIMESTER END- EXAMINATION  
MAY-2014  
CRIMINAL LAW: WOMEN AND CHILDREN  
Time: 3 hours                              Max. Marks: 50  

Answer any Five questions. All questions carry equal marks.  

1. Do you think the definition of “Trafficking of Person” under section 370 of IPC is as comprehensive as the definition in the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children? Explain. What are the punishments prescribed under IPC for the offence of trafficking in person?  

2. Critically examine the law relating to dowry death under IPC. What are the factors the prosecution must prove to raise the presumption of dowry death? Do you think it is fair to raise such presumption and shift the burden of proof to the accused? Discuss.  

3. Critically comment upon the gender specificity of sexual offences under IPC. Do you think some of these offences should be made gender neutral qua perpetrator or both qua perpetrator as well as victim? Discuss.  

4. Discuss the extent to which ‘marital rape’ is criminalized in India. Is it desirable to criminalize ‘marital rape’ without any exception and dealt on par with the cases of rape outside the institution of marriage? Discuss.  

5. In view of the rising number of heinous crimes committed by juveniles in the age group of 16 to 18, do you think the juvenile ‘age’ under the JJ Act, 2000 should be reduced from 18 to 16? Discuss in the light of recent judicial decisions of the Supreme Court of India and the position under the International Law.  


7. Write short notes on any two of the following:  
   a. The Immoral Traffic (Prevention) Act, 1956  
   b. Juvenile Justice Board  
   c. Offences under POCSO Act, 2012  

ψψψψψ