

Total No. of Questions : 8]

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**[3640]-104**

**LL. M. ( Semester - I ) Examination - 2009**

**LW-104 : RESEARCH METHODOLOGY AND LEGAL EDUCATION-I**  
(New Course)

Time : 3 Hours]

[Max. Marks : 60

*Instructions :*

(1) Attempt *any four* questions.

(2) All questions carry equal marks i.e. 15 each.

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- 
- Q.1)** Explain various Methods of Imparting Legal Education. The class-room or the lecturing method has its own limitations and cannot be followed exclusively. Discuss.
- Q.2)** “Clinical Legal Education is called as ‘Learning by Doing’. It introduces students to the real world of law”. Explain this statement with reference to trial advocacy, client counseling and ADR methods.
- Q.3)** Critically evaluate constitutional provisions relating to linguistic Minorities. Do you think that the Indian Constitution has contributed in dividing the nation on the basis of language ?
- Q.4)** Examine role of ‘Sarvodaya’ as an alternative approach to law in delivery of justice and maintenance of Law and Order. Can Sarvodaya be a better solution for social transformation ?
- Q.5)** Describe relation between Theory and Fact as an important Component of Scientific Methodology of Research. Substantiate your answer with example of legal research.
- Q.6)** Draw a clear distinction between Doctrinal and Non-doctrinal Research pointing out advantages and limitations of each.

**[3640]-104**

**1**

**P.T.O.**

**Q.7)** Describe various Legal Research Models with appropriate illustrations and point out their contribution in scientific enquiry in the area of law.

**Q.8)** Write short notes : (**Any Two**)

- (a) Naxalite Movement - Issues and Problems
  - (b) Seminars, Symposia and Workshops as Learning Methods
  - (c) Objectives of Legal Education and Bar Councils
  - (d) Formulation of Research Problem
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**[3640]-103**

**LL. M. ( Semester - I ) Examination - 2009**

**LW - 103 : LAW, SOCIAL TRANSFORMATION**

**AND JUDICIAL PROCESS IN INDIA - I**

**(New Course)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt any four questions.*

*(2) All questions carry equal marks.*

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**Q.1)** “If the law fails to respond to the needs of the changing society, then either it will stifle the growth of Society and choke its progress.” Do you agree ? Comment.

**Q.2)** “Secular State has nothing to do with religious affairs.” Critically evaluate.

**Q.3)** “The Panchayat System remains ineffective because it does not have power to execute decrees and orders.” Examine this statement and suggest ways and means of making Panchayat System more effective.

**Q.4)** “The Supreme Court has observed that unity and integrity of India can be preserved only by a spirit of brotherhood. India has one common citizenship and every Indian should feel that he is an Indian first irrespective of other bases.” Do you agree ? Give reasons.

**Q.5)** “In India Primary Education is free and according to Govt. policies students are provided with midday meals, yet we have not achieved literacy.” Critically elaborate on the above statement.

**Q.6)** “Article 51(e) of the Constitution provides that it shall be the duty of every citizen to renounce practices derogatory to the dignity of women and children.” Evaluate the above statement.

**Q.7)** “Reservation by way of institutional preference which is based on a reasonable and identifiable classification is not ultra-vires Article 14.” Comment.

**Q.8)** Write short notes : (**Any Two**)

- (a) Co-operative Federation
  - (b) Media and Law
  - (c) Right to Movement
-

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**[3640]-102**

**LL. M. ( Semester - I ) Examination - 2009**

**LW - 102 : LEGAL THEORY AND FEMINIST JURISPRUDENCE - I**

**(New Course)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt **any four** questions.*

*(2) All questions carry equal marks.*

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- 
- Q.1)** The theory of natural law either incorporated into positive legal order or came to be interpreted as a part of positive legal order by the judiciary. Explain. **[15]**
- Q.2)** The Notion of Positive Natural Law was evolved by Stamler in his theory. Explain the said concept and point out its application to Indian Legal System. **[15]**
- Q.3)** Austin's Theory of Law though revolves around sovereignty and sanction but it was criticised due to its inherent drawbacks or defects. Explain. **[15]**
- Q.4)** Prof. Pound's Social Engineering Theory rests on balancing of competing and conflicting interests. Explain the Theory and its applicability to the Indian Legal System. **[15]**
- Q.5)** According to American legal realist, law is not that which is enacted by the legislature but is a judicial decision. Explain. **[15]**
- Q.6)** Kelsen's Pure Theory suffers from certain anomaly or lacuna which cannot be made applicable to revolutionary regime. Explain. **[15]**

**Q.7)** Prof. Lon's Fuller doctrine of internal morality doesn't appear to be complete or foolproof and needs certain changes. Do you agree ? Explain. **[15]**

**Q.8)** Write short notes : **(Any Two)** **[15]**

- (a) Rule of Recognition
  - (b) Principle of Lex - Divina
  - (c) Hobbes
  - (d) Categorical Imperative
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**[3640]-101**

**LL. M. ( Semester - I ) Examination - 2009**

**LW - 101 : CONSTITUTIONAL AND LEGAL ORDER - I**

**(New Course)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks.

- 
- 
- Q.1)** Rights guaranteed to minorities based on religion or language though appear to be absolute however, judiciary has involved certain limitations to be placed upon them. Explain. **[15]**
- Q.2)** An emergence of public interest litigation is nothing but the result of judicial activism in India. Comment. **[15]**
- Q.3)** Though arrest and preventive detention are permissible however, the Constitution limits the exercise of such powers under Article 22. Explain. **[15]**
- Q.4)** Expost Facto Laws are prohibited by the Indian Constitution, yet civil laws could be given retrospective application. Discuss. **[15]**
- Q.5)** Freedom of Occupation and Profession though guaranteed under Article 19 (g) however, this right is not an absolute. Write your answer with relevant case laws. **[15]**
- Q.6)** Clause 4 and 5 of Article 15 were added subsequently in the Indian Constitution to overcome difficulties posed by earlier decisions. Explain. **[15]**

**Q.7)** Article 31-B was inserted alongwith IXth schedule in the Indian Constitution to confer immunity upon laws from Judicial review even if they are violative to fundamental rights. Discuss present status with relevant case laws. **[15]**

**Q.8)** Write short notes : **(Any Two)** **[15]**

(a) Writ of Mandamus

(b) Doctrine of Waiver

(c) Article 31-C

(d) Preamble

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Total No. of Questions : 8]

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**[3640]-11**

**LL. M. ( Semester - I ) Examination - 2009**

**LW - 703 : GROWTH OF THE MODERN INDIAN LEGAL SYSTEM**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt any four questions.*
- (2) All questions carry equal marks.*

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- 
- Q.1)** During the period of 1687-1726 criminal justice in Madras was administered by the Mayor's Court and the Admiralty Court. The Executive did not participate in this task. The Charter of 1726, however, nested criminal justice in the hands of the executive. This is a retrograde step. Do you agree ? Give reasons.
- Q.2)** Explain Representative Legislative Authority and responsible Government and trace its development in the Indian Legal System.
- Q.3)** Examine critically the jurisdictional clashes between the Supreme Court and the Supreme Council alongwith relevant case laws.
- Q.4)** What were the bases of judicial plan of Warren Hastings formulated in 1772, 1774 and 1780 ? Explain main features of plan which gave effect to the Indian Legal System.
- Q.5)** "The highest Court of Appeal in British India was the Privy Council." Critically Comment.
- Q.6)** Examine provisions of Charter 1726 and state whether English Law was introduced into India through this Charter.

**Q.7)** Cornwallis reorganised whole of the criminal judicatur. Do you agree ?  
Comment.

**Q.8)** Write short notes : (**Any Two**)

(a) Quasi - Judicial Authority

(b) Settlement Act

(c) Indian Councils Act

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Total No. of Questions : 8]

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**[3640]-204**

**LL. M. ( Semester - II ) Examination - 2009**

**LW - 204 : RESEARCH METHODOLOGY AND  
LEGAL EDUCATION - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Answer **any four** questions.*

*(2) All questions carry equal marks i.e. **15** each.*

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**Q.1)** Discuss doctrine of precedent and explain method of identification of judicial response in the area of your research, so as to identify the 'law'. Answer in light of an illustration.

**Q.2)** What are the conditions and situations when questionnaire as a tool of data collection is most apt and feasible ? Point out features of a good questionnaire and the process of preparing the same.

**Q.3)** What is Content Analysis ? What are different forms and uses of Content Analysis ? Point out its significance in legal research.

**Q.4)** Explain Case Study Method and point out its utility and limitations with apt illustration in any area of legal research.

**Q.5)** Explain utility of the tool of interview in data collection. What are the prominent tasks of the interviewer and the procedure of conducting interview ?

**Q.6)** Write a critical note on different types of scaling techniques used to process data in Socio-legal Research.

**Q.7)** “Research Report needs to be clear, comprehensive and systematic. At the end it must contribute to the existing knowledge.” Answer with suitable illustrations with the aid of rules and modes of reports writing.

**Q.8)** Write notes :

- (a) Juri-metrics and Socio-metrics
  - (b) Inductions and Deductions
  - (c) Sampling Technique
  - (d) Research Design
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-203**

**LL. M. ( Semester - II ) Examination - 2009**

**LW - 203 : LAW, SOCIAL TRANSFORMATION  
AND JUDICIAL PROCESS IN INDIA - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks.

- 
- 
- Q.1)** “In a democratic system, judicial process is an instrument of social ordering. Every society has to maintain an equilibrium of rights and duties. When there is a conflict judiciary has to maintain the balance.” Comment.
- Q.2)** “Law is the body of principles recognised and applied by the State in the administration of justice, as the rules recognised and acted on by Courts of Justice.” In light of above statement comment on the nature of judicial process.
- Q.3)** “As too much judicial activism would produce an adverse impact on the position of the judiciary itself, too much restraint will have an annihilating effect.” Discuss this statement in light of the role of the judge as a lawmaker.
- Q.4)** Give a critical account of relation of the judiciary with other organs of the State.
- Q.5)** Elaborate recent judicial trend to the notion of judicial review from the constitutional perspective.
- Q.6)** “Dharma though upheld in various judicial decisions is losing its focus in the fast changing legal system.” Do you agree ? Give reasons.

**[3640]-203**

**1**

**P.T.O.**

**Q.7)** “According to Plato, tranquility of society is attained by division of labour according to natural aptitudes.” Is this theory of distributive justice relevant today ? Elaborate.

**Q.8)** Write short notes : (**Any Two**)

- (a) Cardozo and Holmes on Judicial Process
  - (b) Distributive and Corrective Justice
  - (c) Tools and Techniques of Judicial Process
  - (d) National Judicial Commission
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-202**

**LL. M. ( Semester - II ) Examination - 2009**

**LW - 202 : LEGAL THEORY AND FEMINIST JURISPRUDENCE - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt any four questions.*

*(2) All questions carry equal marks.*

- 
- 
- Q.1)** The Bindingness or Authoritativeness of the open courts decision emanates not from the whole judgement but from the ratio of the decision. Explain. **[15]**
- Q.2)** The notions of gender justice and feminist jurisprudence appear to be synonymous with each other and moreover the aim of both the notions is to do justice to women. Comment. **[15]**
- Q.3)** Right is an interest recognised, protected and enforced by law. – Prof. Pound. Discuss. **[15]**
- Q.4)** The notion of morality differs from society to society and time to time. Discuss in the light of recent recommendation by the Law Commission of India. **[15]**
- Q.5)** Rawls Theory of Justice is known as distributive justice which aims at ameliorating conditions of lowest strata of the society. In view of this express your opinion about its applicability to the provisions of affirmative action as provided under Indian Constitution. **[15]**

**Q.6)** The law declared by the highest court of the land comes into effect from the date of cause of action occurred in the past. However doctrine of prospective overruling appears to be an exception to this rule. Explain. **[15]**

**Q.7)** The term or the word 'Right' connotes different meanings for different purposes which may not necessarily be a right. Explain from the point of view of Hofledian Analysis. **[15]**

**Q.8)** Write short notes : **(Any Two)** **[15]**

- (a) Advisory Opinion
  - (b) Dowrkins Right Thesis
  - (c) Declatory Theory
-

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**[3640]-201**

**LL. M. ( Semester - II ) Examination - 2009**

**LW - 201 : CONSTITUTIONAL AND LEGAL ORDER - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
- (2) All questions carry equal marks.*

- 
- 
- Q.1)** The imposition of President's Rule in a State on the ground of failure of constitutional machinery always had created conflict between State and Center. Discuss Scheme of Article 356 with relevant case laws. **[15]**
- Q.2)** The repugnancy between the Center and State Law is founded upon certain constitutional principles. Explain and analyse with the help of Judicial Decisions. **[15]**
- Q.3)** Discuss Scheme of Allocation of taxing powers and distribution of revenues between the Center and State as provided under Indian Constitution. **[15]**
- Q.4)** Is an advisory opinion tendered by the Indian Supreme Court under Article 143 a law within the meaning of Article 141. Discuss an advisory opinion of the Supreme Court. **[15]**
- Q.5)** The Concept of Federalism was branded as competitive due to division of powers between the States and Federal Government. Evaluate impact of coalition Government on Center. **[15]**

**Q.6)** The legislative powers between the Center and the State have been distributed under the Constitution. Discuss Scheme of Distribution and the Principles of Interpretation of three lists. **[15]**

**Q.7)** The relationship between the Center and States in India has assumed new dimension due to creation of Panchayati Raj by the Constitution. Discuss. **[15]**

**Q.8)** Write short notes : **(Any Two)** **[15]**

- (a) Residuary Powers
  - (b) Inter-state Council
  - (c) Finance Commission
  - (d) Ordinance Making Power
-

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**[3640]-21**

**LL. M. ( Semester - II ) Examination - 2009**

**LW-803 : GROWTH OF THE MODERN INDIAN LEGAL SYSTEM - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
  - (2) All questions carry equal marks.*
- 
- 

- Q.1)** Trace Development of Criminal Jurisprudence in England and its relevance to Modern Indian Legal System.
- Q.2)** Trace origin and growth of tortious liability in England with emphasis on how tort separated from other wrongs.
- Q.3)** “The system of prerogative writs which plays a crucial role in protecting people’s rights and ensuring judicial control over administrative action is England’s contribution to India.” Trace origin and growth of prerogative writs in India during the pre-independence era and state how they got assimilated in the present legal system ?
- Q.4)** “The policy expounded by the 2nd Law Commission became the guiding norm in the projected work of codification of the Indian Laws.” Justify the above statement if you agree with it alongwith reference to the contribution of the 2nd and the 3rd Law Commission in making substantive civil laws.
- Q.5)** Has the present Indian Legal System any reflections of common law and equity as practised in England ?

**Q.6)** Write a critical note on Development of Contractual Liability under English Law.

**Q.7)** What is Common Law ? Examine evolution and growth of Common Law Courts in England.

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Total No. of Questions : 8]

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**[3640]-318**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 318 : PREVENTION AND CONTROL OF POLLUTION**

**(Environment Law - II)**

**(New Course)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
  - (2) All questions carry equal marks i.e. **15** each.*
- 
- 

- Q.1)** The Water Act, 1974 is Landmark Legislation in the Indian Environmental Law. State and explain provisions relating to 'Penalties and Procedure' under the Water (Prevention and Control of Pollution) Act, 1974 and comment upon their efficacy.
- Q.2)** Air Pollution may be described as imbalance in the quality of air, which causes ill effects. Give a critical appraisal of the powers and functions of the Pollution Control Boards under the Air Act, 1981.
- Q.3)** How improper disposal of waste results in Environmental Pollution ? Critically examine role of disposal agencies in the Protection of Environment.
- Q.4)** The Sanctions and Penalties under the Environmental Laws have proved to be insufficient to control the Environmental Pollution. In light of the above statement, write your views on the efficacy of criminal sanctions in the area of Environmental Protection.
- Q.5)** The Environment (Protection) Act, 1986 provides for the concentration of power in the hands of the Central Government. Comment.

**Q.6)** Explain in light of decided cases the concept of Absolute Liability of Hazardous Industries.

**Q.7)** Write a critical note on the law as to the prevention and control of Noise Pollution in India.

**Q.8)** Write short notes : (**Any Two**)

- (a) National Coastal Management Authority
  - (b) Development V/s. Environment
  - (c) Public Participation in Environmental Decision-making
  - (d) Coastal Zone Management Plans
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-317**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 317 : RESOURCE MANAGEMENT AND LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Answer **any four** questions.*

*(2) All questions carry equal marks.*

- 
- 
- Q.1)** Take an overview of ancient and medieval writings on Environmental Protection in Indian Tradition.
- Q.2)** Discuss problems which need to be addressed for looking into the feasibility of sustainable development.
- Q.3)** Examine critically the complex tasks in formulating a proper legal measure for equitable distribution of water in India.
- Q.4)** Examine in detail the harmful effect of mining and stone crushing on ecology.
- Q.5)** Write a critical note on the obligation to wisely use wet-land with specific emphasis on Ramsar Convention.
- Q.6)** Examine critically the impact of population explosion on environmental resources. What solution do you suggest for addressing these problems ?
- Q.7)** Write a critical note on impact of Stockholm Conference on Environmental Law Making in India.

**Q.8) Write critical notes : (Any Two)**

- (a) Polluters Pay Principle
  - (b) Public Trust Doctrine
  - (c) Sources of Energy
  - (d) Historical Monuments
-

Total No. of Questions : 7]

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**[3640]-316**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 316 : PUBLIC INTERNATIONAL TRADE LAW - II**

**(GATT)**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
- (2) All questions carry equal marks i.e. **15** each.*

- 
- Q.1)** Analyse concept of 'Globalisation' and the economic order that emerged due to Globalisation. Do you think the global economic order is favourable for just and equitable distribution of economic justice within the member States. **[15]**
  - Q.2)** What lead to development of free trade and general agreement on Tariffs and Trade ? What are the provisions in GATT that give special and differential treatment to developing nations ? **[15]**
  - Q.3)** Discuss objectives of GATT-1947 and explain concept of Most Favoured Nation Clause. **[15]**
  - Q.4)** Discuss salient features of GATT-1994 and discuss out-come of Uruguay Round of Multilateral Trade Negotiations. **[15]**
  - Q.5)** Write a critical essay on World Trade Organisation - its composition, functions and powers. **[15]**
  - Q.6)** In light of global economic depression and crises examine the role of GATT and WTO. Do you think globalisation and privatisation of trade would sustain in the crises situation or there is need of reconsideration of trade policies by member nations ? **[15]**

**[3640]-316**

**1**

**P.T.O.**

**Q.7) Write notes : (Any Two)**

**[15]**

- (a) Tariff Barriers and Non-tariff Barriers
  - (b) Method of Multilateral Trade Negotiation under GATT
  - (c) Reciprocity and Free Rider's Problem
  - (d) WTO Membership and Withdrawal
-

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**[3640]-315**

**LL. M. ( Semester - III ) Examination - 2009**  
**LW - 315 : PUBLIC INTERNATIONAL TRADE LAW**  
**(Role of UNO - I)**  
**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks.

- 
- 
- Q.1)** State and explain Sources of International Trade Law.
  - Q.2)** Trace development and evolution of International Trade Law in Pre and Post World War periods.
  - Q.3)** Critically examine role and functions of the International Bank for Reconstruction and Development. (IBRD)
  - Q.4)** Evaluate settlement of Trade Disputes Mechanism available under the International Trade Law.
  - Q.5)** “The preamble declared that the fundamental purpose of the charter is to promote establishment of the New International Economic Order based on equality, sovereign equality, interdependence, common interest and co-operation among all States.” Comment with reference to the Charter of Economic Rights and Duties of States. (CERDS)
  - Q.6)** Examine role and achievements of the United Nations Conference on Trade and Development. (UNCTAD)
  - Q.7)** Write short notes : **(Any Two)**
    - (a) Work carried out by the United Nations Commission for International Trade Law (UNCITRAL)
    - (b) World Intellectual Property Organization (WIPO)
    - (c) UNCITRAL Conciliation Rules, 1980

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**[3640]-314**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 314 : ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt any four questions.*
- (2) All questions carry equal marks.*

- 
- 
- Q.1)** Examine scope of grounds of judicial review of administrative action in India. **[15]**
- Q.2)** Doctrine of bias is one of the essential ingredients of principle of natural justice. Explain. **[15]**
- Q.3)** Publication is one of the controls of Delegated Legislation. Explain its ambit and utility. **[15]**
- Q.4)** Discuss nature, scope and applicability of Doctrine of Legitimate Expectations in India. **[15]**
- Q.5)** In view of the Right to Information Act the Government Privileges in legal proceedings has become secondary. Do you agree ? Give reasons. **[15]**
- Q.6)** Reasoned and institutional decisions are part and parcel of principles of natural justice. Explain. **[15]**
- Q.7)** Write notes : **(Any Two)** **[15]**
- (a) Writ of Mandamus
  - (b) Writ of Habeas Corpus
  - (c) Sustantive Ultra Vires

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**[3640]-314/1**

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**[3640]-313**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 313 : ADMINISTRATIVE PROCESS - NATURE AND SCOPE**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Answer any four questions.*
  - (2) All questions carry equal marks.*
- 
- 

- Q.1)** “It is difficult to arrive at any agreed definition of Administrative Law because different scholars and jurists look at the subject from the aspect arising from the particular problems before them for the time being.” Do you agree with this statement ? Give reasons.
- Q.2)** Do you think that Indian Courts have adopted a more critical attitude in the matter of scrutinizing statutes conferring administrative discretion with reference to Fundamental Rights ? Discuss elaborately.
- Q.3)** Examine critically the doctrine of Rule of Law, also emphasize on the modern significance of Rule of Law.
- Q.4)** It is said that contracts by government raises some problems which do not or cannot arise in the case of contracts entered into by private persons. Do you agree ? Give reasons.
- Q.5)** Define Delegated Legislation. Critically examine limits on Delegated Legislation.
- Q.6)** Do you think that the law relating to tortious liability of State in India is in a ‘State of Uncertainty’ ? Elaborate your opinion with the help of appropriate case laws and juristic writings.
- Q.7)** “Many people criticized the growth of administrative process as doing violation to the concept of Separation of Powers.” Discuss critically.

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**[3640]-313/1**

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**[3640]-312**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 312 : HUMAN RIGHTS AND INTERNATIONAL ORDER**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks.

- 
- 
- Q.1)** Covenant of Civil and Political Rights, 1966 encompasses various kinds of rights. Discuss. **[15]**
  - Q.2)** American Convention on Human Rights is the regional efforts made by the American Countries for the Protection of Human Right. Explain. **[15]**
  - Q.3)** International Commission of Human Rights strengthens enforcement of Human Rights at International Level. Comment. **[15]**
  - Q.4)** Discuss nature and scope of United Nations Charter. **[15]**
  - Q.5)** The Role of International Labour Organisation for protection of Human Rights for workers is significant. Explain. **[15]**
  - Q.6)** Explain scope and ambit of Universal Declaration of Human Rights, 1948. **[15]**
  - Q.7)** Write exhaustive notes : **[15]**
    - (a) ICJ
    - (b) UNICEF

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**[3640]-312/1**

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**[3640]-311**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 311 : CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
- (2) All questions carry equal marks.*

- 
- 
- Q.1)** International Law in relation to genocide, declares it as a heinous crime, which is a crime against Human Society. Comment. **[15]**
  - Q.2)** Give a glimpse of pre and medieval view of historical development of Human Rights. **[15]**
  - Q.3)** Legal Foundations of Human Rights are interlinked and interlocked with philosophical foundation of Human Rights. Explain. **[15]**
  - Q.4)** In today's modern developed world the third generation of Human Rights has become more relevant and important. Comment. **[15]**
  - Q.5)** Apartheid is equally heinous and a kind of a crime against humanity which is prohibited by the convention on Racial Discrimination. Explain. **[15]**
  - Q.6)** Discuss various rights available to prisoners as Human Rights in India. **[15]**
  - Q.7)** Legal System takes into account reasonable claims of minority as Basic Fundamental Human Rights. Comment. **[15]**

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**[3640]-311/1**

Total No. of Questions : 7]

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**[3640]-310**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 310 : INFORMATION TECHNOLOGY LAW**

**(Science, Technology and Law - II)**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt **any four** questions.*

*(2) All questions carry equal marks i.e. 15 each.*

- 
- 
- Q.1)** How has Information Technology Revolution changed life of human beings, posing new problems and challenges to the existing Laws ? [15]
- Q.2)** Establish relation between UNCITRAL and the IT Act, 2000 and enumerate duties of subscriber under the IT Act. [15]
- Q.3)** Draw distinction between Cyber Crimes and Traditional Crimes. Critically analyse legal mechanism available to tackle various forms of Cyber Crimes in India. [15]
- Q.4)** Explain the term 'Electronic Data Interchange' and discuss critically nature, scope and content of E-commerce. [15]
- Q.5)** Define E-governance and describe utility and legal issues surrounding E-governance under the Indian Laws. [15]
- Q.6)** Define the term Cyberspace and various legal issues and problems relating to it and the relevant legal provisions. [15]

**Q.7) Write notes : (Any Two)**

**[15]**

- (a) Cyber Jurisprudence
  - (b) Cyber Rights and its Nexus with other Existing Legal Rights
  - (c) E-justice and E-education
  - (d) Intellectual Property Rights in Relation to Information Technology
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-309**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 309 : MEDICAL LAWS**

**(Science, Technology and Law - I)**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt any four questions.*
- (2) All questions carry equal marks i.e. 15 each.*

- 
- 
- Q.1)** What relationship is shared between Law, Science and Technology ? Why is it essential that all scientific innovations and research are legally justifiable ? Give appropriate illustrations to explain your arguments. **[15]**
- Q.2)** Write a critical essay on Role of Law in Regulating Medical Education and Profession in India. **[15]**
- Q.3)** Describe concept of informed consent prevailing in the Medical Laws with the help of judicial decisions. **[15]**
- Q.4)** In light of the Code of Medical Ethics enumerate duties and responsibilities of the doctors towards the patient. How do the laws enable victim patient to sue the doctor for deficiency in Medical 'Service' ? Explain with the help of settled principles of law reflected in the decisions of the court. **[15]**
- Q.5)** Critically evaluate Pre-natal Diagnostic Techniques Act, 1994 as an important component of medical practice. Point out its utility and misuse. **[15]**

**Q.6)** Give a critical account of various laws that govern and regulate Pharmaceutical Industry in India. What are main issues and problems of the said industry requiring legal interventions ? **[15]**

**Q.7)** “Medical Termination of Pregnancy Act, is an important modern legislation that confers and promotes the Human Rights of Women, however the right is not absolute.” Discuss in light of the provisions of the Act and judicial decisions. **[15]**

**Q.8)** Write notes : **(Any Two)** **[15]**

- (a) Enthunasia under Indian Laws
- (b) Object and Purpose of the Transplantation of Human Organs Act, 1994
- (c) Legal, Social and Ethical issues relating to Artificial Insemination
- (d) Rights of Unborn Child against Abusive Medical Experimentations

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-308**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 308 : LAW RELATING TO SOCIAL SECURITY AND WAGES**

**(Labour Law - II)**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks i.e. *15* each.

- 
- 
- Q.1)** “The ideal of social security contained in the Constitution, the concept embodying the ideals in various statutes and plethora of administrative measures of the State are indicative of the recognition of social security as an important objective to be achieved in our democratic process.” Identify key words of this statement and discuss with appropriate illustrations. **[15]**
- Q.2)** Explain origin and development of the Labour Welfare and Social Security Concept in USA and UK and point out important legislative and administrative measures in this regard. **[15]**
- Q.3)** “The object of the Workmen’s Compensation Act and the Employees State Insurance Act is to provide for both compensation and insurance to the workers in case of employment hazards, however ESG Law may be said to be an improvised piece of legislation.” Discuss with appropriate illustrations on the basis of law. **[15]**
- Q.4)** Explain role of State in funding and framing Social Security Schemes in India. Do you think that the concept of social security is an utopian concept and therefore not viable in the present global scenario ? Explain with reference to specific policies and laws in India. **[15]**

- Q.5)** With the help of judicial decisions, constitutional and statutory norms explain the concept of 'forced labour'. Enumerate Human Rights perspective of Workers' Rights. [15]
- Q.6)** Discuss concept of 'Bonus' and trace evolution of the law relating to Bonus in India and give brief scheme of the law. [15]
- Q.7)** With the help of landmark decisions enumerate principles for wage fixation in an industry. Refer to the recommendations of Fair Wage Committee to critically evaluate the law. [15]
- Q.8)** Write notes (**Any Two**) [15]
- (a) Wage Policy and its impact on National Economy with reference to Multi-national Corporations.
  - (b) National Wage Policy
  - (c) Right to Equal Pay for Equal Work
  - (d) Theories of Wages
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

**[3640]-307**

**LL. M. (Semester - III) Examination - 2009**

**LW - 307 : TRADE UNIONISM AND COLLECTIVE BARGAINING**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

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- Q.1)** Discuss recommendations of the National Commission on Labour to create an atmosphere for one union in one industry. Is legislation feasible to check Multiunionism ? Elaborate.
- Q.2)** State circumstances when a Certificate of Registration of Trade Union may be withdrawn or cancelled.
- Q.3)** Discuss provisions relating to recognition of Trade Union under BIR Act, MRTU and PULP Act. State how far these provisions are sufficient in modern industrial world.
- Q.4)** “Collective agreements are not contracts for the reason that parties do not intend them to be contracts.” Discuss legal status of collective agreements.
- Q.5)** Discuss duties and liabilities imposed on a Trade Union by TU Act.
- Q.6)** The existing legal framework is fragile for growth of Trade Unionism on scientific lines. Comment.
- Q.7)** Write short notes : **(Any Two)**
- (a) Workmen
  - (b) Trade Dispute
  - (c) Amalgamation of Unions

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**[3640]-307/1**

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-306**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 306 : COMPANY LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Answer any four questions.*
  - (2) All questions carry equal marks i.e. 15 each.*
- 
- 

- Q.1)** “A company is a legal entity distinct from its members.” In what cases do the courts ignore this principle ?
- Q.2)** “The doctrine of ultra vires is an illusory protection to the shareholders and a pitfall for third parties.” Discuss.
- Q.3)** Explain and discuss the rule that persons dealing with a registered company need not inquire into the regularity of Indoor Management.
- Q.4)** Explain provisions of the Companies Act, 1956 regarding Transfer of Shares.
- Q.5)** Write an explanatory note on powers, duties and liabilities of the Directors of a Company.
- Q.6)** Explain remedies available to a member of a company against Oppression and Mismanagement.
- Q.7)** “It is reasonable, just and equitable that a company should be wound up when its sub-stratum is shown to have gone.” Discuss.

**Q.8)** Write short notes : (**Any Two**)

- (a) Reconstruction of Company
  - (b) Liquidators
  - (c) Legal Position of Directors
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

**[3640]-305**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 305 : LAW OF CONTRACTS**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Answer *any four* questions.
- (2) All questions carry equal marks.

- 
- 
- Q.1)** Discharge of Contract by anticipatory breach of contract fastens the defaulting party to compensate. Discuss and state how to determine and measure damages in such cases.
  - Q.2)** Explain with recent judicial pronouncements how judiciary has granted relief under quasi-contractual liability ?
  - Q.3)** Critically discuss principles to form and perform a Contract of Sale of Goods.
  - Q.4)** “The justification for the whole law of agency is the idea of unilateral manifestation of willingness to be bound.” Do you agree ? Comment.
  - Q.5)** Enumerate difference between Indemnity and Guarantee with the help of decided case laws.
  - Q.6)** Critically explain principles underlying relevant statutory provisions and judicial precedents to ascertain the existence of partnership.
  - Q.7)** Consideration is not an essential ingredient of contract of agency. Give critique alongwith case laws.
  - Q.8)** Write short notes : **(Any Two)**
    - (a) Guarantee of a Floating Balance
    - (b) Promissory Estoppel
    - (c) Right of Unpaid Seller

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**[3640]-305/1**

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

**[3640]-304**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 304 : CRIMINOLOGY**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt *any four* questions.
  - (2) All questions carry equal marks i.e. *15* each.
- 
- 

- Q.1)** Explain Concept of Deviance, Crime as Deviance and Functions of Deviance.
- Q.2)** Discuss nature and scope of Criminology. Whether Criminology is a science or not.
- Q.3)** “A person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law.” Explain the statement with reference to the Differential Association Theory.
- Q.4)** Critically examine and assess Freudian Psycho-dynamic Approach relating to crime causation.
- Q.5)** “Home, school and church contribute in breeding delinquent behaviour in the juvenile.” Discuss this statement in light of Indian conditions and the Law.
- Q.6)** Critically evaluate the Law that protects women from violence.
- Q.7)** Critically evaluate rights, protection and rehabilitation of the Victims of Crime in India.
- Q.8)** Write notes : **(Any Two)**
  - (a) Types of Deviance
  - (b) Bonger’s Theory of Crime Causation
  - (c) Kinds of Violence

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**[3640]-304/1**

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-302**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 302 : INTERNATIONAL ORGANISATIONS -  
THEIR ROLE AND INTERNATIONAL LAW  
(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Answer any four questions.*

*(2) All questions carry equal marks. (15 marks)*

- 
- 
- Q.1)** Examine role of Security Assembly in UN System and its relationship with General Assembly.
- Q.2)** Discuss validity of the Uniting for Peace Resolution. Examine it in light of expanding role of the General Assembly in the recent past.
- Q.3)** United Nations Charter empowers the Security Council to pass a resolution for the use of force against an erring State and stop deterioration of International Peace and Security. However, the system of Veto has reduced its effect and also efficiency of the Security Council. Comment.
- Q.4)** Economic and Social Council is the most important organ of the United Nations, which plays a significant role in the implementation of Human Rights. Comment.
- Q.5)** Explain amicable means of Dispute Settlement under International Law. How far these mechanisms are successful in resolving matters of human rights issues ?
- Q.6)** Explain role played by various NGOs in the promotion of Human Rights Education in the World.

**Q.7)** “Most of the NGOs in International Field Work for Money and Popularity.” Comment on this statement from the view points of Western Countries.

**Q.8)** Write short notes : **(Any Two)**

- (a) Extradition
  - (b) Amnesty International
  - (c) Nationality of Individual under International Law
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-301**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 301 : INTERNATIONAL LAW AND PRACTICE**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

*(1) Answer **any four** questions.*

*(2) All questions carry equal marks. **(15 marks)***

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**Q.1)** Examine critically legal significance of UN General Assembly's Resolutions.

**Q.2)** Explain critically liability of the State for the acts of insurrectionary and mob violence under the International Law. Refer relevant juristic opinions and provisions of the ILC Draft.

**Q.3)** "The State does not come into existence unless it is recognized by the International Community." In light of this statement examine the process of Recognition of State.

**Q.4)** Explain importance of the idea of EEZ from the point of developing countries and comment upon the conceptual development in EEZ since Third Law of Sea Convention.

**Q.5)** Explain Indian constitutional provisions with respect to Law of Treaty. Whether India is following the good practices with respect to implementation of International Treaties ? Comment.

**Q.6)** "Law of Outer Space is the most unregulated area under International Law." Comment and examine this statement in light of legal developments in the post Outer Space Treaty.

**Q.7)** “International Law is primarily concerned with rights, duties and interests of States.” Comment upon this statement with reference to expansion - horizontally and vertically - made in the scope of Contemporary International Law.

**Q.8)** Write short notes : **(Any Two)**

- (a) Kinds of Recognition
  - (b) Continental Shelf
  - (c) Codification of International Law
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

**[3640]-40**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 915 : MERCANTILE LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt **any four** questions.*

*(2) All questions carry equal marks.*

---

**Q.1)** Explain necessity to Manage and Control Exchange. State, explain and critically analyse conceptual, legal and institutional aspect of Exchange Management and Exchange Control.

**Q.2)** What are different forms of business in which banking companies may engage ? Discuss provisions relating to suspension of business and role of the Central Government under the Banking Regulation Act, 1949.

**Q.3)** Explain :

- (a) Monetary Management and Credit Planning
- (b) Rehabilitation of Sick Industrial Units.

**Q.4)** Explain Concept of Cheque. Discuss noting and protest under the Negotiable Instruments Act, 1881.

**Q.5)** Critically discuss the law relating to parties to Negotiable Instruments, Capacity of Parties and Liability of Parties to Negotiable Instruments.

**Q.6)** Explain and analyse the law relating to holder in due course and the defence of absence or failure of consideration in case of Negotiable Instrument. Illustrate your answer with suitable case law.

**Q.7)** Write notes on **any two** of the following :

- (a) Negotiation and Assignment
  - (b) Discharge of Parties and Instruments
  - (c) Section 138 of the Negotiable Instruments Act
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

**[3640]-39**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 914 : ECONOMIC LEGISLATIONS**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Answer **any four** questions.
  - (2) All questions carry equal marks.
- 
- 

- Q.1)** Define the term 'Excisable Goods' and examine provisions relating to valuation of excisable goods for the purposes of charging of duty of excise under the Central Excise Act, 1944.
- Q.2)** Critically examine provisions regarding 'Appeals and Revision' under the Central Excise Act, 1944.
- Q.3)** Critically examine role of the Reserve Bank of India under the Foreign Exchange Management Act, 1999.
- Q.4)** Examine procedure and powers of Appellate Tribunal and Special Director (Appeals) under the Foreign Exchange Management Act, 1999.
- Q.5)** Define the term 'Illegal Export' and examine provisions relating to 'Prevention or Detection of Illegal Export of Goods' under the Customs Act, 1962. Refer decided case laws.
- Q.6)** Critically examine provisions relating to 'Levy of and Exemption from Customs Duties' under the Customs Act, 1962.

**Q.7)** Write short notes on the following :

- (a) Goods in Transit under the Customs Act, 1962
  - (b) Non-reversal of CENVAT Credit under the Central Excise Act, 1944
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-38**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 913 : TAX ON INCOME**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Answer any four questions.*
  - (2) All questions carry equal marks.*
- 
- 

- Q.1)** Define 'Income'. "Every receipt does not bear the character of Income." Comment with reference to Judicial Pronouncements.
- Q.2)** "Partnership is treated as a separate tax-entity under the Income Tax Act, 1961." Comment with reference to salient features of the assessment of a firm.
- Q.3)** What is meant by 'Best Judgement Assessment' ? Discuss circumstances when the Income Tax Officer can make a Best Judgement Assessment under the Income Tax Act, 1961. What are the remedies available to the assessee against such assessment ? Refer decided cases.
- Q.4)** Examine provisions relating to 'Collection and Recovery of Tax' under the Income Tax Act, 1961.
- Q.5)** Critically examine object, scope and implication of the law relating to set off and carry forward of losses under the Income Tax Act, 1961. Refer decided case laws.

**Q.6)** Comment on the following :

- (a) “The incidence of Income Tax depends upon the residential status of an Assessee.”
- (b) Unexplained Investments and Expenditures

**Q.7)** Examine provisions relating to ‘Appeals and Revision’ under the Income Tax Act, 1961.

**Q.8)** Write short notes on the following :

- (a) Income Escaping Assessment
- (b) Chargeability of Income under the head ‘Profits and Gains of Business or Profession’

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Total No. of Questions : 8]

[Total No. of Printed Pages : 1

**[3640]-37**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 912 : GENERAL PRINCIPLES AND CONSTITUTIONAL  
SCHEMES RELATING TO TAXATION**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Answer **any four** questions.*
- (2) All questions carry equal marks.*

- 
- 
- Q.1)** In achieving social justice, is taxation an instrument of Social Change. Explain in detail.
  - Q.2)** Trace Growth and Development of Direct Taxes in India. Critically evaluate changes made in the last five budgets.
  - Q.3)** Critically evaluate 'Doctrine of Promissory Estoppel' as applicable to tax laws.
  - Q.4)** Explain doctrine of pith and substance as applicable to tax laws. How has judiciary contributed to the tax jurisprudence through application of this doctrine ?
  - Q.5)** How will you distinguish between Tax and Fees ? What principles have been laid down by judiciary regarding this distinction ?
  - Q.6)** Write a critical note on :
    - (a) Exemption from Taxes on Electricity
    - (b) The property and income of the State shall be exempt from tax.
  - Q.7)** Critically examine doctrine of mutual exemption from taxes. Is it applicable in India ?
  - Q.8)** What are the cannons of Taxation ? Examine these in light of Indian Tax Regime.

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**[3640]-37/1**

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-36**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 911 : CORPORATE LAWS - I**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
  - (2) All questions carry equal marks i.e. 15 each.
- 
- 

- Q.1)** “The doctrine of legal personality as applied to a company has produced astonishing effects and has been applied with few exceptions.” Discuss.
- Q.2)** Describe liabilities of a company, its officers and parties dealing with the company for Ultra Vires Transactions.
- Q.3)** Explain and illustrate rule known as the doctrine of Indoor Management. Are there any exceptions to the rule ?
- Q.4)** What are different kinds of Debentures ? What remedies are available to debentureholders for realisation of their security ?
- Q.5)** Describe procedure for effecting transfer of Shares. Can the directors of a public company refuse to register a transfer of Shares ?
- Q.6)** Discuss provisions of the Companies Act, 1956 relating to Inter-corporate Investments.
- Q.7)** What provisions and rules have to be observed by a company before declaring dividend ?

**Q.8) Write short notes : (Any Two)**

- (a) Evolution of Concept of Limited Liability
  - (b) Duties and Liabilities of Company Promoter
  - (c) Allotment of Shares
  - (d) Prospectus
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-35**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 910 : LAW OF CONTRACTS - I**

**(General Principles of Law of Contract)**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
  - (2) All questions carry equal marks.*
- 
- 

- Q.1)** In the light of the English and Indian Judicial Interpretations evaluate and explain principle of Contractual Jurisprudence in India with regard to an effective acceptance under section 4, 5 and 7 of the Indian Contract Act.
- Q.2)** Make a Comparative Study of Misrepresentation under English and Indian Law with the help of case laws.
- Q.3)** It is said that concept of Quasi Contract has evolved from the idea of assumpsit. Elaborate on the present content with the help of judicial pronouncements in this area.
- Q.4)** Explain critically English and Indian Judicial Decisions in the area of the Doctrine of Estoppel.
- Q.5)** Critically examine views of the Law Commission of India on Standard Form Contract.
- Q.6)** Write a detailed analysis of discharge of contract by breach alongwith the principles to measure damages.

**Q.7)** Write short notes : (**Any Two**)

- (a) Maintenance and Champetry
- (b) Wagering Agreements
- (c) Tenders
- (d) Government Contracts

**Q.8)** “Past Consideration is Good Consideration.” Critically evaluate.

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Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-34**

**LL. M. ( Semester - III ) Examination - 2009**

**LW-908 : BRITISH CONSTITUTIONAL LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt any four.*

*(2) All questions carry equal marks i.e. 15 each.*

---

**Q.1)** Tracing current changes in the Constitutional Mechanism, discuss nature and sources of British Constitutional Law.

**Q.2)** What do you understand by Constitutional Conventions ? With the help of suitable illustration demonstrate practical relevance of the conventions in making the Constitutional Law a living reality in the United Kingdom.

**Q.3)** Evaluate Constitutional Status of the Crown and point out importance and significance of the prerogatives of the Crown under the Constitutional Law in Britain.

**Q.4)** Write a critical note on the Parliamentary Form of Democracy and enumerate upon the role of the Prime Minister and his Cabinet vis-a-vis the Opposition Party in the working of the Parliamentary Democracy.

**Q.5)** Describe nature of Civil Liberties under the British Constitution and examine scope and extent of Liberty of Discussion with the help of relevant laws.

**Q.6)** The Constitutional Status provided for Military under the British Constitution is fine example of democracy, wherein Civilian Govt. and the Right of Civilians can not be abrogated arbitrarily. Discuss with the help of the Law.

**[3640]-34**

**1**

**P.T.O.**

**Q.7)** Give a comparative account of freedom of person in India and the United Kingdom with the help of statutory and judicial Law.

**Q.8)** Write notes : (**Any Two**)

- (a) Relevance of Doctrine of Separation of Power under the United Kingdom Constitutional Framework
  - (b) Constitutional Status and the Law governing Civil Services
  - (c) Doctrine of Rule of Law
  - (d) Parliamentary Privileges
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[3640]-33

LL. M. ( Semester - III ) Examination - 2009

LW - 907 : SOCIAL SECURITY LEGISLATIONS

(2006 Pattern)

Time : 3 Hours]

[Max. Marks : 60

*Instructions :*

(1) Answer *any four* questions.

(2) All questions carry equal marks.

---

**Q.1)** Explain concept of 'Social Security'. Distinguish between Social Assistance and Social Insurance. How far India has taken steps for making Social Insurance Legislations more effective ?

**Q.2)** "Notional Extension of Time and Place of Employment can make an employer liable to pay compensation under the Workmen's Compensation Act, 1923." Comment. Refer relevant case laws.

**Q.3)** Examine conditions of eligibility of an insured person for obtaining various benefits under the Employee's State Insurance Act, 1948.

**Q.4)** "The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is a beneficial legislation enacted as a measure of Social Justice."

Examine the above statement in light of various provisions in the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

**Q.5)** Critically examine nature and scope of Maternity Benefit. What are the rights of employed women under the Maternity Benefit Act, 1961 ? Refer case laws.

**Q.6)** "Both the Indian Fatal Accident Act, 1855 and the Employers' Liability Act, 1938 have become 'Outmoded' Legislations in view of the progressive labour enactments of recent times." Do you agree ? Give reasons.

[3640]-33

1

P.T.O.

**Q.7)** Narrate historical development of 'Gratuity' in the Indian Industry. How gratuity is calculated ? What are the conditions of a worker to satisfy for entitlement of gratuity ? Can gratuity be denied by the Employer ? Discuss with the help of case laws.

**Q.8)** Write short notes on the following :

- (a) Powers and functions of Commissioner under the Workmen's Compensation Act, 1923.
  - (b) Recent recommendations of National Commission on Labour regarding Social Security Legislation.
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

**[3640]-32**

**LL. M. ( Semester - III ) Examination - 2009**

**LW-904 : PRINCIPLES OF CRIMINAL LAW - I**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

(1) Answer **any four** questions.

(2) All questions carry equal marks.

- 
- 
- Q.1)** Discuss in brief, development of the concept of Criminal Liability in England. How far is it applicable in India ?
- Q.2)** It is said that when the doctrine of *mens rea* developed, the theory of causation assumed a complexity. Do you agree with this statement ? Also discuss main situations where difficulties of causation have been encountered by the court.
- Q.3)** Write a critical note on General Principles of Criminal Jurisdiction.
- Q.4)** Examine critically principles of Criminal Liability of Corporations in the context of relevant statutes, precedents thereunder and various jurisprudential theories.
- Q.5)** “One of the difficulties associated with the law on criminal attempt is the question of how far a defendant would have to progress towards commission of the completed crime for it to be said that he had committed the actus reus of attempt.” Comment.
- Q.6)** “If society is entitled to use the law to uphold conventional moral standards, then Mill’s principle is at least partially false; for then the enforcement of morality can be seen as a distinct warrant for punishment.” In light of the above observation critically examine the famous debate between Lord Devlin and Prof. Hart as regards Law and Morality.

**Q.7) Write short notes : (Any Two)**

- (a) Negligence
  - (b) Strict Liability
  - (c) Abetment
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

**[3640]-31**

**LL. M. ( Semester - III ) Examination - 2009**

**LW - 902 : PRIVATE INTERNATIONAL LAW - I**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Answer **any four** questions.*

*(2) All questions carry equal marks.*

---

**Q.1)** “Private International Law has developed around three principal questions : the choice of jurisdiction, the choice of law and recognition and enforcement of Foreign Judgements.” Comment.

**Q.2)** “..... the domicile of a person is determined partly by the rules of law and partly according to the evidence and with the aid of presumptions.” Critically examine the above statement.

**Q.3)** (A) Examine doctrine of ‘Renvoi’ and refer to relevant judicial decisions.  
(B) State and explain Theories of Renvoi.

**Q.4)** Describe different theories enunciated to explain the binding character of Foreign Judgments.

**Q.5)** (A) Examine the terms ‘Lex Causae’, ‘Classification’ and the ‘Incidental Question’.  
(B) Explain public policy as a ground for exclusion of Foreign Law.

**Q.6)** Define Private International Law and discuss nature and scope of Private International Law.

**Q.7)** Write short notes on the following :

- (a) Jurisdictional Immunity of Foreign Sovereigns
  - (b) Unification of Private International Law
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-409**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 409 : ENVIRONMENT AND INTERNATIONAL LEGAL ORDER  
(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt **any four** questions.*

*(2) All questions carry equal marks i.e. **15** each.*

---

**Q.1)** In the present century, environmental degradation has emerged as a major global concern for human survival. A large number of International and Regional Organisations have deliberated upon environmental issues confronting the nations. Discuss role of such organisations in global scenario.

**Q.2)** Explain role and utility of the World Environment Fund in discharging international obligation towards Sustainable Development.

**Q.3)** The Nuclear fallouts and accidents have always been area of concern for the International Community. Explain environmental issues, in the nature of trans-boundary pollution hazard in such cases, by citing relevant examples.

**Q.4)** Write a detailed note on Protection of Marine Environment, with special reference to the International Sea Bed Authority.

**Q.5)** Injecting 'sustainability' concepts into development policies have broad implications for both macro and micro-economics.

Explain how the International Financing Policy has incorporated the obligations towards sustainable development.

**Q.6)** The Transnational Movement of Hazardous Waste is becoming an issue of environmental concern for the members of International Community. Explain along with suitable examples.

**[3640]-409**

**1**

**P.T.O.**

**Q.7)** Multinational Corporations are important for the development of region and its economic progress. However in many cases their activities have posed threat to local environment. Comment with reference to liability of the Multinational Corporations.

**Q.8)** Write short notes : **(Any Two)**

- (a) Natural and Cultural Heritage
  - (b) Depletion of Ozone Layer
  - (c) Marine Resources Conservation
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-408**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 408 : BASIC ASPECTS OF PRIVATE  
INTERNATIONAL TRADE LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt **any four** questions.*

*(2) All questions carry equal marks i.e. **15** each.*

---

**Q.1)** Enumerate problems and issues that need to be tackled through International Law for enforcement of International Contracts.

**Q.2)** Explain the term 'Proper Law of Contract' in relation to Private International Trade. What are various theories of ascertaining 'Proper Law of Contract' ?

**Q.3)** Elaborate upon mode of formation of contract in the area of International Law and lay down the principles and the law pertaining to it.

**Q.4)** Explain Geneva Protocol on Arbitration Clauses, 1923 with reference to non-judicial settlement of disputes of International Trade.

**Q.5)** With the help of relevant conventions and treaties, critically evaluate the law relating to carriage of goods by Air, to perform contract of International Sale of Goods.

**Q.6)** What do you understand by Transnational Operations. Examine role of United Nations in establishing and regulating corporations to facilitate International Trade between Private Parties.

**Q.7)** What are the problems of Credit Finance and Collection of Commercial Debts in the area of Private International Trade.

**Q.8)** Write notes : (**Any Two**)

- (a) Export Credit Guarantee Corporation (India)
  - (b) Commercial Risks and Political Risks in International Trade Law
  - (c) Export Credit Insurance
  - (d) Conventions on International Sales of Goods
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[3640]-407

LL. M. ( Semester - IV ) Examination - 2009

LW - 407 : COMPARATIVE ADMINISTRATIVE LAW

(2006 Pattern)

Time : 3 Hours]

[Max. Marks : 60

*Instructions :*

(1) Attempt *any four* questions.

(2) All questions carry equal marks i.e. *15* each.

- 
- Q.1)** Trace milestones in the evolution of Administrative Law in England. In comparison to the 19th Century, how has the Current Administrative Law undergone a drastic change ?
- Q.2)** “It is said that the Diceyan doctrine of Rule of Law is on vanishing point.” Explain with specific reference to important aspects that are the parts of the doctrine. Give illustrations.
- Q.3)** Do you think that legislative sovereignty of the Parliament has been diluted over the time ? Give reasons referring to law and legal developments.
- Q.4)** Lord Diplock’s expositions in *Council of Civil Service V/s Minister of the Civil Service*, is considered as ‘Classical but certainly not exhaustive’. Critically comment and briefly trace judicial response subsequent to the above case.
- Q.5)** Give a comparative account of the English Ombudsman and the Indian Lokpal and Lokayukta, with the help of framework of the law and cases handled by the institutions.
- Q.6)** In spite of Unwritten Constitution, the Strength of the English Law lies in providing adequate remedies for infringement of civil liberties. Answer the question in light of protection of liberty of person in the United Kingdom.

**Q.7)** Write short notes : (**Any Two**)

- (a) Doctrine of Proportionality
  - (b) Right to Property
  - (c) Wednesbury Principle
  - (d) Doctrine of Legitimate Expectation
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

**[3640]-406**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 406 : PROTECTION AND ENFORCEMENT OF  
HUMAN RIGHTS IN INDIA**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks.

- 
- 
- Q.1)** Fundamental Duties provided under Article 51-A of the Indian Constitution are nothing but the Basic Human Rights which are collective in nature. Explain with the help of judicial decisions and state there utility and significance. **[15]**
- Q.2)** Bonded Labour System is not only violation of Basic Human Right of an individual but also it is a dilution or elimination of his dignity and autonomy. Explain. **[15]**
- Q.3)** Freedom from sexual harassment is of paramount importance of Women's Basic Human Rights. Explain basic nature of this right as provided under CEDAW and the manner in which it has been implemented in India. **[15]**
- Q.4)** Discuss role of State Human Rights Commission as envisaged under Protection of Human Rights Act, 1993. **[15]**
- Q.5)** Discuss powers and functions of National Commission on Scheduled Tribes. **[15]**
- Q.6)** The liberalisation of doctrine of locus standi as layed to the emergence of Public Interest Litigation in India as a facet of Human Rights Enforcement. Explain. **[15]**

**Q.7)** Though constitutional remedies were available for Enforcement of Fundamental Rights, yet a need was felt to establish National Human Rights Commission in India. Explain. **[15]**

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Total No. of Questions : 8]

[Total No. of Printed Pages : 1

**[3640]-405**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 405 : BIOTECHNOLOGY LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
  - (2) All questions carry equal marks i.e. 15 each.*
- 
- 

- Q.1)** Discuss origin and development of Biotechnology and Law.
- Q.2)** How far the scientists are socially responsible to the society while conducting Biotechnological Research ?
- Q.3)** Discuss relation between Biotechnology and IPR.
- Q.4)** Discuss nexus between biological diversity and the impact of Bio-technology.
- Q.5)** What are the rights and obligations of Plant Patentees ? Explain.
- Q.6)** How far cloning of human beings affect the Human Rights ? Discuss.
- Q.7)** Discuss regulatory mechanism of Biotechnology Research in USA.
- Q.8)** Write short notes : **(Any Two)**
  - (a) Biosafety Rules and Regulations
  - (b) National Seed Policy
  - (c) Reckless Commercial Exploitation of Bio-technology
  - (d) Green Revolution

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**[3640]-405/1**

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

**[3640]-404**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 404 : INDUSTRIAL RELATIONS AND ADJUDICATION**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt any four questions.*

*(2) All questions carry equal marks.*

- 
- 
- Q.1)** Describe and analyse provisions to prevent unfair labour practices and victimisation of workers in India. **[15]**
- Q.2)** Though retrenchment of workers is provided under the Industrial Disputes Act, however it should not be used as a tool of oppression against them. Discuss. **[15]**
- Q.3)** Describe nature of compensation payable to workers under the Industrial Disputes Act, 1947. **[15]**
- Q.4)** Evaluate role of Standing Orders in industrial relations in India. **[15]**
- Q.5)** What do you understand by Work's Committee. Discuss significance and utility of Works Committee and compare that with an arbitration. **[15]**
- Q.6)** An access to adjudicative process in the realm of Industrial Dispute is limited due to discretion of the government to refer the dispute for adjudication. Explain. **[15]**
- Q.7)** When would writ lie against an Industrial Adjudication by the Court or Tribunal ? Discuss with the help of judicial decision. **[15]**

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**[3640]-404/1**

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-403**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 403 : BUSINESS LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
- (2) All questions carry equal marks.*

- 
- 
- Q.1)** Briefly enumerate provisions of the Banking Regulation Act relating to control of RBI over the Banking Companies.
  - Q.2)** What is the liability of an insurer in case the assured commits suicide ?
  - Q.3)** State rules regarding presentment for acceptance of Bills of Exchange. When can the presentment of Bills of Exchange be dispensed with.
  - Q.4)** State composition and jurisdiction of the National Consumer Commission under the Consumer Protection Act. Also discuss various Consumer Dispute Redressal Agencies.
  - Q.5)** Explain relation between Human Rights and Consumer Rights.
  - Q.6)** Every Banking Company has to prepare its Profit and Loss Account and Balance Sheet. Explain according to the Banking Regulation Act.
  - Q.7)** Define the term General Insurance Business and state provisions relating to Registration of Class of Insurance Business under the Insurance Act, 1938.

**Q.8)** Write short notes : (**Any Two**)

- (a) Acceptance for Honour and Payment for Honour
  - (b) Bills in Sets
  - (c) Contents of Protest and Notice of Protest
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-402**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 402 : PENOLOGY**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks i.e. 15 each.

- 
- 
- Q.1)** Punishment to an accused in criminal jurisprudence is not merely to punish the wrongdoer but also to strike warning to those who are in the same sphere of crime or to those intending to join in such crime. Discuss theories of punishment and their justifications.
- Q.2)** The cruelty of capital punishment lies not only in the execution itself and the pain incident thereto, but also in the dehumanising effects of the lengthy imprisonment prior to execution during which the judicial and administrative procedures essential to due process of law are carried out. Critically discuss.
- Q.3)** Socio-economic status, religion, race, caste or creed of the accused or the victim are irrelevant considerations in sentencing policy. Protection of society and deterring the criminal is the avowed object of law and that is required to be achieved by imposing an appropriate sentence. Elucidate.
- Q.4)** The Probation of Offenders Act recognises importance of environmental influence in the commission of crimes and prescribes a remedy whereby the offender can be reformed and rehabilitated in society. Explain.
- Q.5)** The fundamental fact of prison reforms comes from our constitutional recognition that every prisoner is a person and personhood holds the human potential which, if unfolded, makes a robber a Valmiki and a sinner a Saint. Examine.

- Q.6)** The State, at the highest administrative and political levels, must organise special strategies to prevent and punish brutality by police methodology. Otherwise, the credibility of the rule of law in our Republic vis-a-vis the people of the country will deteriorate. Critically examine.
- Q.7)** Drug trafficking, trading and its use, which is a global phenomena and has acquired dimensions of an epidemic, affects economic policies of the State, corrupts the system and is detrimental to the future of a country. Comment.
- Q.8)** Write notes : **(Any Two)**
- (a) Life Imprisonment
  - (b) Open Prison System
  - (c) Nature and Scope of Penology
  - (d) Causes of Drug Addiction
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

**[3640]-401**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 401 : INTERNATIONAL HUMANITARIAN LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

*Instructions :*

- (1) *Attempt any four questions.*
- (2) *All questions carry equal marks.*

- 
- 
- Q.1)** Discuss different categories of use of force and the relevance of declaration of use of force 1987. **[15]**
- Q.2)** What do you understand by Belligerent Occupation ? How is it different than an Aggression ? Explain. **[15]**
- Q.3)** Discuss law in relation to prisoners of war and the role of red-cross vis-a-vis those prisoners. **[15]**
- Q.4)** Examine law and its importance in relation to Nuclear Warfares. **[15]**
- Q.5)** Discuss role of United Nations in the relief and rehabilitation of refugees and the relevance of convention on refugees. **[15]**
- Q.6)** What do you understand by Blockade ? When it is permissible under International Law ? Explain and discuss. **[15]**
- Q.7)** Determine and discuss notion of enemy character as prescribed under International Law. **[15]**

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**[3640]-401/1**

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-52**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 015 : INTERNATIONAL TRADE LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
  - (2) All questions carry equal marks i.e. *15 each*.
- 
- 

- Q.1)** Describe evolution of International Trade. Discuss by giving examples the competing theories of International Trade Laws.
- Q.2)** Explain role of W.T.O. in Modern World Trade and differentiate it from GATT.
- Q.3)** Discuss major issues of promotion of Foreign Investment, Nationalisation and Expropriation of Foreign Property involved in the promotion of International Trade with special reference to India.
- Q.4)** What does 'MFN' Treatment mean ? What are political and moral exceptions to MFN Obligation ?
- Q.5)** How issues of Multinational Corporations and Development Aid have affected India ? To what extent these problems are solved legally and what more ought to be done to improve the relevant law ?
- Q.6)** Critically examine provisions relating to Settlement of International Trade Disputes under W.T.O. Machinery and World Bank Procedure.
- Q.7)** Examine critically role of the Government of India in promoting foreign collaborations in framing Industrial Policies.

**[3640]-52**

**1**

**P.T.O.**

**Q.8) Write notes : (Any Two)**

- (a) Transfer of Technology
  - (b) Restrictive Business Practices
  - (c) Debt and Balance of Payment
  - (d) International Commercial Arbitration
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-51**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 014 : INTELLECTUAL PROPERTY LAWS**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Attempt **any four** questions.*
  - (2) All questions carry equal marks i.e. **15** each.*
- 
- 

- Q.1)** No trademark shall be registered if it is not distinct and is deceptively similar to one already existing. Discuss with reference to provisions of the Trade and Merchandise Marks Act, 1958.
- Q.2)** Critically differentiate between Infringement of Trademark and Passing Off.
- Q.3)** Examine provisions relating to 'Application for Patents' under the Patents Act, 1970.
- Q.4)** Discuss in detail the provision relating to Revocation and Surrender of Patents under the Patents Act, 1970.
- Q.5)** Define the term 'Design' and discuss provisions relating to 'Registration of Designs' under the Designs Act.
- Q.6)** Critically examine provisions relating to Licenses by Owners of Copyright under the Copyright Act, 1957.
- Q.7)** Explain concept of Copyright and examine the works in which the Copyright subsists under the Copyright Act, 1957.

**Q.8) Write notes : (Any Two)**

- (a) Assignment of Trade Mark
  - (b) Patent of Addition
  - (c) Piracy of Registered Design
  - (d) Copyright Board
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-50**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 013 : TAX ON CAPITAL AND TRANSACTIONS**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Answer **any four** questions.*
  - (2) All questions carry equal marks.*
- 
- 

- Q.1)** Explain provisions regarding Exempted Assets u/s 5 of the Wealth Tax Act, 1957.
- Q.2)** Discuss provisions relating to Scope of Liability to Wealth Tax.
- Q.3)** Explain provisions regarding Offences and Prosecution u/s 35 of the Wealth Tax Act.
- Q.4)** Distinguish between CENVAT on Capital Goods and on inputs for production.
- Q.5)** Define 'Excise Duty' and enumerate various types of Excise Duty leviable under the Central Excise Act, 1944.
- Q.6)** When a Sale or Purchase of Goods is said to take place in the course of Import or Export ? Discuss.
- Q.7)** When a Dealer's Liability arises to get himself to be registered under Central Sales Tax Act, 1956 ?

**Q.8)** Write short notes on the following :

- (a) Appropriate State (CST)
  - (b) Deemed Manufacture (Excise Act)
  - (c) Assessee (Wealth Tax Act)
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

**[3640]-49**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 012 : CURRENT TAX PROBLEMS AND TAX REFORMS**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

*(1) Attempt any four questions.*

*(2) All questions carry equal marks.*

---

**Q.1)** “A Tax is imposed for raising General Revenue of the State for public purposes.”

Critically examine the above statement and point out recent Taxation Policy of the Government of India.

**Q.2)** “Searches, Surveys, Penalties and Prosecutions are the measures to curb Tax Evasion and Unearthing Black Money.”

Examine the above statement with reference to relevant provisions of the Income Tax Act, 1961.

**Q.3)** Discuss the following :

(a) Problems of Tax Recovery

(b) Tax Planning

**Q.4)** Critically examine scope and implication of the principle underlying the law relating to taxation of Charitable Institutions, Taxation of Private Trusts and Associations.

**Q.5)** Explain concept of Taxation of Agricultural Income with reference to Maharashtra and Capital Gains or Urban Agricultural Lands.

**[3640]-49**

**1**

**P.T.O.**

**Q.6)** Examine provisions of the Income Tax Act, regarding Clubbing of Income of Spouses. How far the provisions are effective in curbing tax evasion ?

**Q.7)** Write short notes on the following :

- (a) Problems of Double Taxation and Double Taxation Relief
  - (b) Taxation of Hindu Undivided Family
  - (c) Kelkar Task Force on Tax Reform
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-48**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 011 : CORPORATE LAWS - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt any four questions.*

*(2) All questions carry equal marks i.e. 15 each.*

---

**Q.1)** Discuss powers and duties of Director of a Company under the Companies Act, 1956.

**Q.2)** Explain statutory provisions with regard to Company Meetings.

**Q.3)** Write a note on legal position, qualification, powers and duties of an Auditor.

**Q.4)** State circumstances in which and by whom investigation into the affairs of a company can be ordered. What are the rights, powers and duties of inspectors in such an Investigation ?

**Q.5)** Discuss provisions of Section 395 of the Companies Act, 1956 relating to acquisition of Shares. What are the rights of dissenting shareholders ?

**Q.6)** “Winding up brings an end to legal existence of a company. It affects not only the status of the company, but also the rights of the shareholders, contributories, creditors and employees of the company and all those having dealings with the company.” Examine.

**Q.7)** Write a note on ‘Rehabilitation of a Sick Industrial Company by giving Financial Assistance’.

**Q.8)** Write short notes : (**Any Two**)

- (a) Qualification and Disqualification of Company Directors
  - (b) Maintenance and Preparation of Annual Accounts
  - (c) Prevention of Oppression and Mismanagement
  - (d) Position and Powers of Liquidators
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-47**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 010 : LAW OF CONTRACTS - II**

**(Special Contract)**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Attempt any four questions.*

*(2) Each question carries 15 marks.*

- 
- 
- Q.1)** “The Limited Liability Partnership is a hybrid form of entity which has all the advantages of a partnership and a company.” Do you agree with this ? Justify your view.
- Q.2)** “As an agreement is an essential ingredient in a partnership, it follows that a minor can’t enter into an agreement of partnership.” Examine the above statement.
- Q.3)** How is the Contract of Sale Performed ? Discuss rules relating to it by showing what rights have been provided to a seller and a buyer under the Sale of Goods Act.
- Q.4)** Define ‘Actual Authority’ and ‘Ostensible Authority’ of an agent and explain extent of an agent’s authority. Can an agent delegate his authority to another ? Under what circumstances ? Explain.
- Q.5)** “A contract of guarantee is entered into with the object of enabling a person to get a loan or goods on credit or an employment.” How is this object observed by the provisions of Indian Contract Act ?

**Q.6)** Define 'Bailment' and explain its characteristics. How does bailment differ from sale ? What is a Bailee's Lien ?

**Q.7)** Discuss fully the extent of Principal's Liability to third parties for the acts of an agent with the help of judicial decisions.

**Q.8)** Short notes :

- (a) Auction Sale
- (b) Finder of Goods
- (c) Revocation of Agency
- (d) Effect of Perishing of Goods

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

**[3640]-46**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 009 : INDIAN ADMINISTRATIVE LAW - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

- (1) Answer any four questions.*
  - (2) All questions carry equal marks.*
- 
- 

- Q.1)** The word 'Tribunal' has no fixed connotation, nor the Constitution defines it. Examine changing trends in defining 'Tribunal' under Article 136 by the Supreme Court of India.
- Q.2)** The most commonly used technique to bring an administrative action within cognizance of the Court has been the writ system. Elaborate on the judicial control of administrative action through writs.
- Q.3)** In England, the Crown enjoys the common law privilege that it is not bound by a Statute unless it is bound by necessary implication. What is the position in India ? Explain with appropriate case laws.
- Q.4)** Can Government in India be held liable to compensate injured person on the principle of Vicarious Liability ? Explain with the help of appropriate case laws.
- Q.5)** Discuss powers exercised by administrative authorities of conducting investigation and inquiry into various matters under different statutory provisions.
- Q.6)** Write a critical note on Ombudsman in India.
- Q.7)** Determine scope of judicial review of Discretionary Powers of Administration in India.

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**[3640]-46/1**

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-45**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 008 : BRITISH ADMINISTRATIVE LAW**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
  - (2) All questions carry equal marks i.e. *15 marks each*.
- 
- 

- Q.1)** How has the Doctrine of Parliamentary Legislative Supremacy contributed in shaping the Administrative Law in the United Kingdom ? How relevant is the doctrine after passing of the European Union Act, 1972 by the British Parliament ?
- Q.2)** The process of passing delegated legislation is not only undemocratic but defeats the principles of separation of power. However, they are widely used but with sufficient safeguards. Discuss with the help of Statutory and Judicial Law in England.
- Q.3)** The law relating to natural justice principles are dynamic and constantly under construction in light of need and object of the Law. Discuss various principles alongwith judicial response.
- Q.4)** How has passing of the Parliamentary Commissioner for Administration contributed in restructuring administrative responsibilities of the ministers in the United Kingdom ? Answer in light of Statutory Law and the achievements of the institution.
- Q.5)** With the help of provisions of the Tribunals and Enquiries Act, 1992 evaluate the English Legal System of Tribunalisation.

- Q.6)** Point out clearly the contribution of the Crown Proceedings Act, 1947 in re-shaping liabilities of the Crown in England. Cite appropriate case law.
- Q.7)** Examine critically role of Parliamentary Commissioner for Administration in redressing grievances of the citizens against official conduct in the United Kingdom.
- Q.8)** Write notes : **(Any Two)**
- (a) Doctrine of Legitimate Expectations
  - (b) Error of Law - Error of Jurisdiction
  - (c) Judicial Remedies against Maladministration
  - (d) Public Corporation - Past and Present
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

**[3640]-44**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 007 : PRINCIPLES OF WAGE FIXATION  
AND THE LAW OF WAGES**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Answer *any four* questions.
- (2) All questions carry equal marks.

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**Q.1)** “The Employees are entitled to the Minimum Wage at all times and under all circumstances. An Employer who can not pay the minimum wage has no right to engage labour and no justification to run industry.”

Critically examine the above statement in light of Supreme Court decisions and state the procedure for fixing and revising minimum rates of wages in respect of any scheduled employment under the Minimum Wages Act, 1948.

**Q.2)** “The wages of an employed person shall be paid to him without deductions of any kind except those authorised by or under the Payment of Wages Act, 1936.” Comment with reference to authorised deductions from the wages of an employed person under the Payment of Wages Act, 1936.

**Q.3)** “Wage Policy should be an integral part of planning for economic development.” Comment and discuss importance and essentials of a National Wage Policy.

**Q.4)** Explain concepts of ‘Fair Wage’ and ‘Living Wage’. Distinguish between Minimum Wage, Fair Wage and Living Wage.

**Q.5)** “Bonus is a Dynamic Concept.” Elaborate this statement and discuss provisions relating to Payment of Bonus linked with production or productivity under the Payment of Bonus Act, 1965.

**Q.6)** Critically examine provisions relating to claims arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims under the Payment of Wages Act, 1936.

**Q.7)** Explain the following with reference to the Payment of Bonus Act, 1965 :

- (1) Payment of Minimum and Maximum Bonus
- (2) Rule of Set-on and Set-off

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Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-43**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 004 : PRINCIPLES OF CRIMINAL LAW - II**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

**Instructions :**

- (1) Attempt *any four* questions.
- (2) All questions carry equal marks i.e. 15 each.

- 
- 
- Q.1)** Sections 76 and 79 of IPC incorporate the Common Law Principle of *Ignorantia facit doth excusat, ignorantia juris non excusat*. Examine.
  - Q.2)** Nothing is an offence merely by reason of its being with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm and in good faith for the purpose of preventing or avoiding other harm to person or property. Elucidate.
  - Q.3)** Section 84 of IPC has been drafted in light of the replies to the second and third question, which is generally known as the M'Naghten Rules. Examine.
  - Q.4)** Section 87 of IPC gives immunity to a man from criminal prosecution on the ground of consent in general, whereas sections 88, 89 and 92 extend protection in those cases only where harm is caused in good faith during the course of doing an act for the benefit of the consenting party, or by the guardian or persons empowered to give consent for the purpose on behalf of such a person. Discuss.
  - Q.5)** Nothing is an offence which is done in exercise of the right of private defence. However, the right is not absolute and is subject to restrictions. Elaborate.

**Q.6)** Define the term 'Grave and Sudden Provocation'. Discuss with reference to statutory provisions laid down in the IPC. Refer important cases in which the Courts laid down tests to ascertain 'Grave and Sudden Provocation'.

**Q.7)** Explain the terms '*Autrefois acquit*' and '*Autrefois convict*' in relation to the protection of an accused.

**Q.8)** Write notes : (**Any Two**)

- (a) Accident as Defence
  - (b) Infancy as Defence
  - (c) Burden of Proof with Relation to General Defences
  - (d) Legal Aid
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Total No. of Questions : 8]

[Total No. of Printed Pages : 2

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LL. M. ( Semester - IV ) Examination - 2009

LW - 002 : PRIVATE INTERNATIONAL LAW - II

(2006 Pattern)

Time : 3 Hours]

[Max. Marks : 60

*Instructions :*

- (1) Answer *any four* questions.
- (2) All questions carry equal marks.

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**Q.1)** Comment on the English Law of Recognition of Foreign Divorce which has been codified and reformed by the Recognition of Divorces and Legal Separation Act, 1971.

**Q.2)** Comment on the decision of Hyde v. Hyde with respect to definition of marriage and make out the distinction between Christian and Non-Christian Marriage.

**Q.3)** Comment on the distinction between a Legitimate Child and an Illegitimate Child under English and Indian Law.

**Q.4)** Which aspect of formation of contracts or whether all aspect of the formation of contract and its effect are governed by the Proper Law of Contract ?

**Q.5)** Examine development of Indian Private International Law with respect to the Tort.

**Q.6)** Explain the *Lex Fori* Theory relating to application of Law to Foreign Torts.

**Q.7)** Examine grounds of Void and Voidable Marriages under English and Indian Law.

**Q.8)** Writes notes : (**Any Two**)

- (a) Actionability of Foreign Tort and Law governing the Measure of Liability
  - (b) Foreign Guardianship Order
  - (c) Phillips v. Eire
  - (d) Chaplin v. Boys
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Total No. of Questions : 8]

[Total No. of Printed Pages : 2

**[3640]-41**

**LL. M. ( Semester - IV ) Examination - 2009**

**LW - 001 : PUBLIC INTERNATIONAL LAW - II**

**(Settlement of Dispute, War and Neutrality)**

**(2006 Pattern)**

**Time : 3 Hours]**

**[Max. Marks : 60**

***Instructions :***

*(1) Answer any four questions.*

*(2) All questions carry 15 marks each.*

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**Q.1)** Explain Constitutional Provisions relating to Conclusion of Treaties in India.

**Q.2)** To what extent use of force is permissible in International Law for the purpose of Self-preservation and Self-defence ?

**Q.3)** Explain role of the Security Council for the maintenance of International Peace and Security.

**Q.4)** Explain fundamental principles of the law of war and neutrality in Contemporary Warfare.

**Q.5)** What is Belligerent Occupation ? Explain rights and duties of Occupying Power.

**Q.6)** Explain different kinds of War Crimes in International Law.

**Q.7)** Explain development of law relating to Economic Warfare.

**Q.8) Write short notes : (Any Two)**

- (a) Aggression and Armed Attack
  - (b) Interpretation of Treaties by Indian Courts
  - (c) Significance of Vienna Convention on the Law of Treaties, 1969
  - (d) Regional Institutions and Collective Security
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