

Total No. of Questions : 8]

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[4046]-101

LL. M. (Semester - I) Examination - 2011

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. i.e. **15** each.*

-
-
- Q.1)** The concept of state envisaged under Article 12 of the Indian Constitution has been widely interpreted by the Supreme Court for the purpose of protecting Fundamental Rights. Comment and explain with the help of appropriate judicial pronouncements. **[15]**
- Q.2)** Does Constitutional Amendment come within the purview of law under Article 13(2) ? Evaluate amendability of Fundamental Rights and the constitution along with the doctrine of basic structure and point out its changing nature with the help of judicial decisions. **[15]**
- Q.3)** Doctrine of equality ensured by Article 14 is a blend and culmination of British and USA Models. Discuss the notion of equality with the Doctrine of Intelligible Differentia in the light of appropriate case laws. **[15]**
- Q.4)** Preamble is not only a part of the constitution but it is a touchstone to determine the validity of constitutional provision and thereby assumed most significant. Discuss the nature, role and place of the preamble under the Indian Constitution. **[15]**
- Q.5)** Freedom of speech and expression has the widest amplitude which also includes Right to Information and Freedom of Press and it is comprehended within Article 19(1)(a). Comment in account with comparative aspect. **[15]**

Q.6) Analyze Compensatory and Criminal Jurisprudence evolved by the Judiciary under Article 21 of the Indian Constitution Post Maneka Gandhi in the background of the constitution assembly debates. [15]

Q.7) Article 25 ensures equality of all religions thereby promoting secularism but is not absolute it is subjected to public order, morality and health. Explain the concept of secularism and its importance towards human kind. [15]

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

- (a) Reservation for Women
 - (b) Doctrine of Severability
 - (c) Double Jeopardy
 - (d) Doctrine of Presumptive Validity
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-102

LL. M. (Semester - I) Examination - 2011

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.

Q.1) Explain the Theory of Natural Law represented by Thomas Aquinas. [15]

Q.2) “Prof. John Finnis has restated basic common goods and methodological requirements.” Discuss. [15]

Q.3) ‘Volkgeist or Peoples’ conscienceness is the basis of evolution and development of law according to savigny. Explain. [15]

Q.4) “Karl Lewellyn has emphasised upon a grand style of a judge and his role in law making.” Discuss the nature of American Legal Realism. [15]

Q.5) “The Theory of Natural Law propounded by Kant hinges upon morality which is a matter of internal motive.” Explain. [15]

Q.6) “Austin’s Theory of Law revolves around sovereignty and sanction but it was criticised due to its inherent defects.” Discuss. [15]

Q.7) “The Notion of Positive Law was evolved by Stamler in his theory.” Explain. [15]

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

[15]

- (a) Grundnorm
 - (b) Primary and Secondary Rules
 - (c) Social Engineering
 - (d) Doctrine of Internal Morality
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-103

LL. M. (Semester - I) Examination - 2011

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 i.e. **15** each.*

Q.1) “Law must be sufficiently flexible to take into account social realities in order to provide the maximum of people’s wants with the minimum of friction and waste.” Examine the correctness of the statement in Indian context.

Q.2) Explain the impact of religion as a divisive factor and secularism as a solution to the problem.

Q.3) What are the provisions in Constitution of India to prevent Gender Injustice ? Explain the development of law in India regarding Gender Discrimination by Sexual Harassment at workplace.

Q.4) Explain the Mandal Commission case and the result of amendment in the Constitution of India after the case.

Q.5) What is the law relating to Child Prostitution in India ? Discuss the judicial view on this issues.

Q.6) “Media Trial has shown an ugly face in some cases recently and has raised public opinion in the others.” Evaluate the role of Indian Media in the present context.

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

- (a) Religious Minorities and Law
 - (b) Reservation for Women in Local Self Government
 - (c) Democratic Co-operative Federalism
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-104

LL. M. (Semester - I) Examination - 2011

**LW-104 : RESEARCH METHODOLOGY AND
LEGAL EDUCATION - I**

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four.

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

Q.1) Critically evaluate the objectives of Clinical Legal Education and enumerate the modes and methods of imparting the same.

Q.2) With the help of juristic writings and committee reports describe the objectives of Legal Education in India and comparative common law countries.

Q.3) Do you think that formation of Linguistic States has divided the National Integration ? What are the Constitutional Scheme regarding Linguistic Minorities and Language Policy.

Q.4) The concept of Gram Nyayalayas is the need of the day and are being introduced in the Indian Legal System. Comment pointing out the utility and shortcoming of the same.

Q.5) Dialectical Materialism propounded by Marx was utilized by his followers to explain the nature of law and justice in a Legal System. Explain with examples.

Q.6) “Scientific enquiry into social aspect has become almost inevitable while conducting legal research.” Comment pointing out the utility and limitations of conducting Socio-legal Research.

Q.7) What are the attributes of Scientific Research ? Discuss various models of Legal Research along with suitable examples.

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

- (a) Relation between Theory and Fact
 - (b) Formulation of Research Problem for Legal Research
 - (c) Comparative Account of Problem Discussion and Lecture Method
 - (d) Jurisprudence of Sarvodaya
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-11

LL. M. (Semester - I) Examination - 2011

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

(Old 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 were the reasons behind introduction of Charter of 1726 ? Compare it with the Mayors Court at Madras.

Q.2) What were the special features of Adalat System in Bengal ? What was the contribution of Lord Bentik to it ?

Q.3) What were the powers and jurisdiction of the Supreme Court ? Discuss the system in view of Regulating Act and Charter of Supreme Court. Compare it with the present Supreme Court.

Q.4) What was the need for establishment of High Courts ? Throw light on the provisions of Government of India Acts, 1915 and 1935 pertaining to High Courts.

Q.5) What is the role of Morley - Minto Reforms and Montague - Chelmsford Report in the growth and evolution of responsible Government in India ?

Q.6) What is the basis for Privy Council's Jurisdiction ? Explain the appellate jurisdiction of Privy Council.

Q.7) Write notes :

(a) The Independence Act, 1947

(b) Defects in Plans of Adalat System

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Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-201

LL. M. (Semester - II) Examination - 2011

LW - 201 : CONSTITUTIONAL AND LEGAL ORDER - II

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

Q.1) “The concept of ‘Co-operative Federalism’ helps the Federal System, with its divided jurisdiction, to act in unison. It minimises friction and promotes co-operation among the various constituent governments of the federal union so that they can pool their resources to achieve certain desired national goals.”

Critically evaluate this statement in the Indian context.

Q.2) “Trade, Commerce and Intercourse throughout the Territory of India shall be free.” Comment critically. Refer to the relevant case law.

Q.3) Critically examine the position and powers of the Governor of the State under the Constitution of India.

Q.4) “Only an impartial and independent judiciary can protect the rights of the individual and provide equal justice without fear or favour.”

Discuss this statement with reference to relevant provisions of the Constitution of India to ensure independence of Judiciary.

Q.5) Critically examine the powers and functions of the ‘Election Commission’ under the Constitution of India.

Q.6) Discuss the following :

- (a) Functions of the Finance Commission
- (b) Doctrine of Inter-government Tax Immunities

Q.7) Critically examine Political and Administrative implications of Anti-defection Law. Explain judicial review of speakers decision in cases of Anti-defection.

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

- (a) Emergency due to the failure of Constitutional Machinery in States
 - (b) Supreme Court Guidelines to be followed by Courts in Entertraining Public Interest Litigation
 - (c) Planning its need and objects
 - (d) Panchayat Raj
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-202

LL. M. (Semester - II) Examination - 2011

LW - 202 : LEGAL THEORY AND FEMINIST JURISPRUDENCE - II

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four questions.

(2) All questions carry equal marks.

Q.1) “Precedent Possess a distinct and legally recognised Law-creating Power. This power, however, can only create law but cannot abrogate it.”

Appraise and examine the applicability of the Doctrine of Precedent in India.

Q.2) Explain Concept of Legal Right. Discuss the kinds of Legal Rights.

Q.3) Critically examine the different approaches to the Feminist Jurisprudence.

Q.4) Examine critically Rawl’s Theory of Justice and applicability of this theory to Indian Legal System.

Q.5) “There has always been a contest and debate about the relationship between Law and Morality.”

Comment and distinguish between Law and Morals.

Q.6) State and explain the Theories of Legal Rights.

Q.7) Discuss the following :

(a) Bindingness of Precedent

(b) Doctrine of Prospective Overruling

Q.8) Write short notes on the following :

- (a) Gender Justice and Feminism
 - (b) Ratio Decidendi and Obiter dicta
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-203

LL. M. (Semester - II) Examination - 2011

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

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

Q.1) Why is the concept of Judicial Process said to be dynamic and as an instrument of social ordering ? Evaluate with reference to Cordozo's Views on Judicial Process.

Q.2) Elaborate the recent judicial trend of the notion of judicial review from the constitutional perspective.

Q.3) Write a critical essay on the National Judicial Commission in India with the help of a comparative study of Judicial Commissions in other countries.

Q.4) Political Question are those which judges choose not to decide and the question becomes political by the judges refusal. Explain in the light of judicial restraint with help of case laws.

Q.5) Separation of Judiciary and the executive is provided under Article 50 of the Constitution. Critically comment on the independence of judiciary in the light of above statement.

Q.6) There is a reform brought about in the court processes through the alternative dispute resolution method. Do you agree ? Comment.

Q.7) “Justice depends on law for its realisation but justice is not as same as law.” Explain in the light of Dependency Theory.

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

- (a) Precedent
 - (b) Exclusion of Judicial Review
 - (c) Equivalence Theory
 - (d) Dharma
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-204

LL. M. (Semester - II) Examination - 2011

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

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** Define Research Design. What are the necessary characteristics required to be fulfilled in the formulation of a good Research Design ? Prepare a Research Design on 'The Protection of Rights of Prisoners'.
- Q.2)** "Observation is a method that employs vision as its main means of Data Collection." Discuss the characteristics and the different types of Observation Method.
- Q.3)** "Hypothesis is a tentative statement which expresses the nature of relationship between two or more variables." Comment in the light of the above statement criteria, kinds and utility of Hypothesis.
- Q.4)** Define Scaling Technique. Discuss the various types, utility and mode of Scaling. Support your answer with the aid of appropriate illustrations.
- Q.5)** Draw out the distinction between Sampling Method and Census Method. Explain the different methods of Non-probability Sampling Techniques with the support of illustrations.
- Q.6)** Make a comparative account of the following :
- (a) Case Study Method and Survey Method
 - (b) Questionnaire and Interview Method

[4046]-204

1

P.T.O.

Q.7) “History is the story of the development of today.” Explain in light of the statement the characteristics, utility and limitations of Historical Research Approach. How it is different from the Comparative Research Approach ?

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

- (a) Schedule
 - (b) Legal Research Reporting
 - (c) Content Analysis
 - (d) Induction and Deduction as a Method of Legal Reasoning
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

[4046]-21

LL. M. (Semester - II) Examination - 2011

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

(Old Pattern)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** Trace the evolution of the Concept of 'Equity'. Also discuss the different Maxims of Equity. **[15]**
- Q.2)** Trace the development of Law of Contract in England. **[15]**
- Q.3)** Law of Tort is the Law of Wrongs. Trace the origin and development of this concept. **[15]**
- Q.4)** Is it true that Law of Crimes is developed from Law of Torts. Discuss the origin of the concept of Crime as developed in England. **[15]**
- Q.5)** What was the need for Codification in India ? Critically examine the working of the Law Commission in India. **[15]**
- Q.6)** What is Common Law ? What are the sources of Common Law ? Elaborate. **[15]**
- Q.7)** How 'Writs' originated in England and introduced into India ? Elucidate. **[15]**
- Q.8)** Write short notes : **(Any Three)** **[15]**
- (a) Bot, Wite and Wer
 - (b) Negligence
 - (c) Sanctuary
 - (d) Ordeals

[4046]-21/1

Total No. of Questions : 8]

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[4046]-301

LL. M. (Semester - III) Examination - 2011

LW - 301 : INTERNATIONAL LAW AND PRACTICE

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four.

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

Q.1) With the help of appropriate illustrations examine the relevance and significance of International Law in the present stage of Globalisation and Liberalisation.

Q.2) Give a comparative account of various sources of International Law by Pointing out their merits and demerits.

Q.3) Explain Concept of 'State Responsibility'. How does it arise ?

Q.4) Explain the Law of Sea and comment upon the concept of 'Exclusive Economic Zone'.

Q.5) Explain various theories and modes of Recognition of State.

Q.6) Do you think the International Law relating to outer space is effective to control the 'Arm Race in Outer Space' in the present techno-era. Critically comment and suggest suitable remedies.

Q.7) In case of Dispute relating to content of provisions in a Treaty, explain the rules and principles of Interpretation of the Treaties. Support your answer with appropriate illustrations.

Q.8) Write notes : (Any Two)

- (a) Calvo Clause
 - (b) Theories on International Law
 - (c) Continental Shelf
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-302

LL. M. (Semester - III) Examination - 2011

**LW - 302 : INTERNATIONAL ORGANISATIONS -
THEIR ROLE AND INTERNATIONAL LAW**

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** Examine the validity of the Uniting for Peace Resolution in the light of expanding role of General Assembly in the recent past.
- Q.2)** The System of 'Veto' has reduced the efficiency of the Security Council. Comment with reference to UN Charter.
- Q.3)** What are the amicable means of settlement of disputes at International Level ? How far these mechanism are successful in resolving matters of Human Rights Issues ?
- Q.4)** Critically analyse the concept of Asylum. What do you think are the practical difficulties faced during Asylum ?
- Q.5)** Critically evaluate role of NGOs in rendering services in the area of Human Rights.
- Q.6)** "Most of the NGOs at International Level work for money and popularity." Do you agree with this statement ? Comment with special reference to western countries.

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

- (a) The Role of ECOSOC
 - (b) Amnesty International
 - (c) Extradition
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-303

LL. M. (Semester - III) Examination - 2011

**LW - 303 : PRINCIPLES OF CRIMINAL LAW
AND CRIMINAL PROCEDURE**

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** Write a critical comment on Criminal Liability of Corporation.
- Q.2)** Unsoundness of mind as a defense has been drafted in the light of replies posed by the questions formulated in M’Naghten’s Case. Explain fully the Law relating to Insanity in India. Substantiate your answer with appropriate case laws.
- Q.3)** The judicial trends shows the criterion to determine whether an act amounts to mere preparation or attempt to commit an offence depends on facts and circumstance of each case. Explain various tests evolved by judiciary to determine distinction between Preparation and Attempt to Commit Crime.
- Q.4)** Development of Criminal Conspiracy in England found echo in IPC. Discuss the main principles of Criminal Conspiracy with emphasis reference Rajiv Gandhi Assassination Case.
- Q.5)** What is the basis of the Right of Private Defense ? Discuss critically the Legislative Framework of the Right of Private Defense in India.
- Q.6)** “Lord Macaulay and his colleagues have not used the common law doctrine of mens rea in defining crime under IPC, however, they preferred to import it by using different terms indicating the required evil intent as an essence of a particular offence.” Elaborate.

Q.7) Sections 87, 88 and 89 of the code deal with various aspects of acts done with consent, examine the similarities, the differences and the distinctions between these sections for complete understanding of the provisions.

Q.8) Write critical comment on **any two** of the following :

- (a) Accident
 - (b) Judicial Act
 - (c) Burden of Proof relation to General Defences
 - (d) Rights of Accused Person
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-304

LL. M. (Semester - III) Examination - 2011

LW - 304 : CRIMINOLOGY

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** “Criminology may be regarded as a permanent guest which has to dine for its survival at the tables of others.” Discuss in the light of Nature of Criminology and its interdependence with other disciplines. Comment. **[15]**
- Q.2)** Freudian Ideology contends that offenders are led into criminality on account of functional deviations and mental conflict. Do you agree with Sigmund Freud’s Explanation of Criminality ? **[15]**
- Q.3)** Criminality cannot be attributed to a single factor. Explain limitations for Economic Explanation of Crime. **[15]**
- Q.4)** The treatment to the juvenile offenders is backed by humanitarian consideration. Comment on the reformatory institutions under the Juvenile Justice Act, 2000. **[15]**
- Q.5)** Critically examine Concept of Crime as Deviance emphasizing on the positive and negative functions of Deviance. **[15]**
- Q.6)** Explain Criminality as a consequence of social process operating in Society. **[15]**

Q.7) Communal Violence in any form is a serious Crime. Comment on the various forms of Communal Violence. [15]

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

- (a) Anomie Theory
 - (b) Children, Victims of Crime
 - (c) Biological Positivism
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

[4046]-305

LL. M. (Semester - III) Examination - 2011

LW - 305 : LAW OF CONTRACTS

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

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-
- Q.1)** “Every Contract is an Agreement, but every Agreement is not a Contract.” Comment with the help of decided cases.
 - Q.2)** Critically examine the principles on which damages are awarded on the breach of a Contract.
 - Q.3)** “The doctrine of Unjust Enrichment is the basis of Quasi-contracts.” Explain with the help of Judicial Pronouncements.
 - Q.4)** Examine the essential features of a Contract of Guarantee. Distinguish between a Contract of Indemnity and a Contract of Guarantee.
 - Q.5)** Define ‘Sale’ and distinguish between Sale and Agreement to Sell under the Sale of Goods Act.
 - Q.6)** Explain the rights and duties of an Agent towards his principal.
 - Q.7)** “A Partner is the agent of the firm for the purposes of the business of the firm.” Comment.
 - Q.8)** Write short notes on **any two** of the following :
 - (a) Rights of Unpaid Seller under the Sale of Goods Act
 - (b) Discharge of Surety from Liability
 - (c) Pledge

[4046]-305/1

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

[4046]-306

LL. M. (Semester - III) Examination - 2011

LW - 306 : COMPANY LAW

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** “A Company is an artificial person created by Law, having a separate entity with a perpetual succession and a common seal.” Comment with reference to case law.
 - Q.2)** State and explain the compulsory clauses in the Memorandum of Association. State the procedure for alteration of the objects clause in the Memorandum of Association.
 - Q.3)** Define ‘Share’ and explain the different kinds of Shares. Distinguish between Transfer of Shares and Transmission of Shares.
 - Q.4)** Describe the powers, duties and liabilities of the Director of a Company.
 - Q.5)** “Majority is the rule in Management of the Company.” Explain this statement along with exceptions.
 - Q.6)** Examine the Statutory Provisions of the Companies Act, 1956 relating to Amalgamation and Reconstruction of Company.
 - Q.7)** Critically examine the powers, duties and liabilities of ‘Liquidator’ under the Companies Act, 1956.
 - Q.8)** Write short notes on **any two** of the following :
 - (a) Doctrine of Ultra-vires
 - (b) Requisites of Valid Meeting
 - (c) Kinds of Debentures

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Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-307

LL. M. (Semester - III) Examination - 2011

LW - 307 : TRADE UNIONISM AND COLLECTIVE BARGAINING

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four questions.

(2) All questions carry equal marks.

Q.1) “The period of Trade Union development since independence has brought about a considerable improvement in the social-economic conditions of labour in the country. Workers have become conscious about their rights, though they have yet to become alive to their responsibilities.”

Critically examine the above statement and assess the present role of Trade Unions in India in the context of Economic Development.

Q.2) Define the term ‘Trade Union’ and discuss the provisions relating to ‘Registration of Trade Unions’ under the Trade Unions Act, 1926. Under what circumstances the registration of Trade Union can be cancelled, withdrawn and restored ?

Q.3) Define ‘Collective Bargaining’ and discuss fully the conditions essential for successful Collective Bargaining in India.

Q.4) Examine with the help of Judicial Pronouncements the Unfair Labour Practices on the part of Employers and Trade Unions under the Maharashtra Recognition of Trade Unions and prevention of Unfair Labour Practices Act, 1971.

Q.5) Evaluate the Scheme of Worker's Participation in Management in India.

Q.6) (A) Distinguish between Strikes and Lock-outs under the I.D. Act, 1947.

(B) Discuss 'Right to Association of Industrial and Unorganized Labour'.

Q.7) State and explain the various Theories of Collective Bargaining.

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

(a) Recent Wage Policy of the Government of India

(b) Affiliation of Trade Unions to Political Parties

(c) Recommendations of the National Commission of Labour-II.

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-308

LL. M. (Semester - III) Examination - 2011

LW - 308 : LAW RELATING TO SOCIAL SECURITY AND WAGES

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

Q.1) “The International Labour Organisation has made a vital contribution in the field of Social Security and Labour Welfare through its conventions and recommendations.” Comment.

Q.2) Critically examine the scope of the expression ‘accident arising out of and in the course of employment’ with regard to Employer’s Liability to pay compensation to his workmen under the Workmen’s Compensation Act, 1923.

Q.3) “Wage Policy should be an integral part of planning for Economic Development.” Comment and discuss the importance and essentials of a National Wage Policy.

Q.4) “The passing of the Minimum Wages Act, 1948 is a landmark in the history of Labour Legislation in India. The provisions of the act are intended to achieve Socio-economic Justice for the employees employed in the Scheduled Employment.”

Elucidate this statement with the help of relevant Supreme Court Cases.

Q.5) Critically examine the provisions relating to ‘Continuous Service’ and ‘Payment of Gratuity’ under the Payment of Gratuity Act, 1972.

Q.6) State and explain the various benefits assured to the insured employees and their dependents under the Employees' State Insurance Act, 1948.

Q.7) Discuss the following :

- (a) Employees' Provident Fund Scheme under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.
- (b) Right to Payment of Maternity Benefit under the Maternity Benefit Act, 1961.

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

- (a) Various types of Wage Differentials
- (b) Right to Equal Pay for Equal Work
- (c) Marginal Productivity Theory of Wages
- (d) "Bonus is a Dynamic Concept."

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-309

LL. M. (Semester - III) Examination - 2011

LW - 309 : MEDICAL LAWS

(Science, Technology and Law - 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 the necessity of law regarding 'terminally ill patients' and the judicial trend in India on 'Euthanasia' in view of *Aruna Shanbhag's Case*.
 - Q.2) Explain the magnitude of the duties of the medical professionals in doctor-patient relationship with the help of decided cases.
 - Q.3) Explain the importance of '*Nuremberg Code*' in the development of law regarding Clinical Trials.
 - Q.4) Give in brief the review of the new patent regime in India in the area of Pharmaceutical Industries.
 - Q.5) What do you understand by Surrogacy ? What are recommendations of the Law Commission of India in this regard ? Also highlight the important provisions of ICMR guidelines in this regard.
 - Q.6) Explain the inter-relation between Law and Medicine. Also explain the historical aspects of the development of law in various parts of the world in the area of Medical Sciences.

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

- (a) Post Mortem Examination – Duties of Police and Doctors
 - (b) Code of Medical Ethics
 - (c) Right to Confidentiality and Duty to Disclose
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-31

LL. M. (Semester - III) Examination - 2011

LW - 902 : PRIVATE INTERNATIONAL LAW - I

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** “Private International Law, though has an international aspect, is essentially a branch of Municipal Law.” Comment. Explain the nature, application and subject matter of Private International Law.
 - Q.2)** “The Problem of Classification is one of the most complicated problems of Private International Law.” Comment. Explain various stages involved in the process of classification with the help of relevant case laws.
 - Q.3)** Critically examine the various theories of Private International Law.
 - Q.4)** Explain Concept of ‘Domicile’ under the Private International Law. How can domicile of choice be acquired ? State the rules relating to Domicile of a married women.
 - Q.5)** What is an Incidental Question ? Examine various elements of Incidental Question with the help of suitable illustrations.
 - Q.6)** State and explain various Theories of ‘Renvoi’.
 - Q.7)** Write short notes :
 - (a) Jurisdictional Immunity of Foreign Sovereigns
 - (b) Foreign Judgements and Arbitration Awards

[4046]-31/1

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-310

LL. M. (Semester - III) Examination - 2011

LW - 310 : INFORMATION TECHNOLOGY LAW

(Science, Technology and 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) Trace the evolution of Computer Technology and the Law Regulating the Information Technology in India. **[15]**

Q.2) Define Cyber Space and point out various problems that require legal intervention in the Cyber Space. Critically comment upon the relevant laws that deal with the problem. **[15]**

Q.3) Define Concept of 'Cyber Jurisprudence' and determine the nature and scope of Cyber Rights and its nexus with Fundamental and Legal Rights. **[15]**

Q.4) Give a critical account of the Scheme of the IT Act, 2000 and point out its utility and limitations. **[15]**

Q.5) Discuss in detail the Intellectual Property Issues relating to Information Technology with the help of Judicial Decision. **[15]**

Q.6) Explain various forms of Cyber Crimes and their *modus operandi*. Examine the position of the existing laws in India to tackle the crimes. **[15]**

Q.7) Write notes : (Any Two)

[15]

- (a) Privacy Rights and Computer System
 - (b) E-justice and E-education
 - (c) Uses and Misuses of E-commerce
 - (d) Legal Rules for Transfer of Computer Technology
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-311

LL. M. (Semester - III) Examination - 2011

LW - 311 : CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** Post-historical View of Human Rights has contributed and led to strengthening of Human Rights Movement in India. Comment. **[15]**
 - Q.2)** Genocide is like and murder, but of a different kind and hence is branded as heinous crime. Explain. **[15]**
 - Q.3)** Children are considered as vulnerable section of the society, which require more protection from human rights point of view. Comment. **[15]**
 - Q.4)** Detenue's and Undertrial's do require certain basic fundamental human rights to defend themselves against the State. **[15]**
 - Q.5)** Race and Caste though appeared to be the same, yet there are different opinions about the same. Discuss. **[15]**
 - Q.6)** There is a close proximity and interdependence between three generation of rights. Explain. **[15]**
 - Q.7)** Discuss the Philosophical Legal Foundations of Human Rights. **[15]**

[4046]-311/1

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-312

LL. M. (Semester - III) Examination - 2011

LW - 312 : HUMAN RIGHTS AND INTERNATIONAL ORDER

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** The United Nations Charter not only creates the organs of United Nations or its authorities but it primarily consists the plethora of rights meant for individuals. Comment and analyse the UN Charter in the light of said statement.
- Q.2)** “The Universal Declaration of Human Rights is one of the most sacred and significant document which provides for number of Human Rights at International Level.” Comment.
- Q.3)** Elucidate basic principles of the Covenant on Economic, Social and Cultural Rights, 1966 and its reflection in the Indian Constitution.
- Q.4)** The nature and status of Human Rights has been accorded new dimensions in America by its convention. Explain in detail the mechanism of their enforcement provided in the said convention.
- Q.5)** The International Labour Organisation has played a very vital role for protection of Human Rights of Workers. Explain.
- Q.6)** International Court of Justice strengthens enforcement of Human Rights at International Level. Comment.

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

- (a) UNICEF
 - (b) NGOs role in Protection of Human Rights
 - (c) International Commission of Human Rights
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-313

LL. M. (Semester - III) Examination - 2011

LW - 313 : ADMINISTRATIVE PROCESS - NATURE AND SCOPE

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** “Conferment of an arbitrary, sweeping, uncontrolled discretion on an administrative authority violates Article 14 as it creates the danger of discrimination among those similarly situated which is subversive of the equality doctrine enshrined in Article 14.” Comment.
- Q.2)** “If the rule of law hampered the recognition of Administrative Law in England, the doctrine of separation of powers had an intimate impact on the growth of Administrative Process and Administrative Law in the United States.” Comment.
- Q.3)** Discuss the broad features of Administrative Law with reference to other branches of law and also discuss some leading definitions of Administrative Law.
- Q.4)** Discuss critically the Contractual Liability of State.
- Q.5)** What is meant by Administrative Discretion ? Discuss limits of Administrative Discretion.
- Q.6)** Define Delegated Legislation. What are the factors leading to the growth of Delegated Legislation ? Also examine defects of Delegated Legislation.
- Q.7)** “The distinction between sovereign and non-sovereign functions has been diminished with the passage of time to hold the state responsible for tortuous acts committed by its servants.” Comment.

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-314

LL. M. (Semester - III) Examination - 2011

LW - 314 : ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

(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)** Since the Commencement of the Constitution, the most commonly used technique to bring an administrative action within the cognizance of the courts has been the writ system. Discuss.
 - Q.2)** The administrative action is subject to control of judicial review on the ground of illegality, irrationality and procedural impropriety. Elaborate.
 - Q.3)** The principles of natural justice constitute the basic elements of a fair hearing, having their roots in the innate sense of man for fair play and justice which is not the preserve of any particular race or country but is shared in common by all men. Elucidate.
 - Q.4)** Reasoned decision is not only for the purpose of showing that the citizen is receiving justice, but also a valid discipline for the tribunal itself. Therefore, statement of reasons is one of the essentials of justice. Examine.
 - Q.5)** Doctrine of *ultra vires* is concerned with legality and not with the policy underlying the impugned rules. Explain.
 - Q.6)** It is now well settled by a catena of decisions that there can be no question of estoppel against the Government in the exercise of its legislative, sovereign or executive powers. Comment.

Q.7) No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit. Critically discuss.

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

- (a) Institutional Decision
 - (b) Legislative Control over Delegated Legislation
 - (c) Doctrine of Bias
 - (d) Legitimate Expectations
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

[4046]-315

LL. M. (Semester - III) Examination - 2011

LW - 315 : PUBLIC INTERNATIONAL TRADE LAW –

ROLE OF UNO - I

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

Q.1) Critically examine the concept and nature of International Trade (Economic) Law.

Q.2) State and explain sources of International Trade Law.

Q.3) Critically examine the Modern and Classical Theories of International Trade.

Q.4) What is New International Economic Order (NIEO) ? Examine problems and prospectives of the New International Economic Order and state the implications of the NIEO for India.

Q.5) “The United Nations Commission for International Trade Law (UNCITRAL) has as its object the Progressive Harmonisation and Unification of the Law of International Trade.” Comment.

Q.6) “International Monetary Fund has been established to promote International Co-operation on Monetary Probes through a Permanent Institution.”

Critically examine the above statement in the light of role and functions of the International Monetary Fund.

Q.7) Examine the objects and functions of the World Intellectual Property Organisation (WIPO).

Q.8) Write short notes :

- (a) UNCITRAL Conciliation Rules, 1980
- (b) Fundamental Principles of the Charter of Economic Rights and Duties of States (CERDS)

[4046]-315/1

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-316

LL. M. (Semester - III) Examination - 2011

LW - 316 : PUBLIC INTERNATIONAL TRADE LAW - II

(GATT)

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** Explain Concept of Globalisation of Economy and trace its impact on Indian Economy.
- Q.2)** “International Trade should be conducted without prejudice to generalised non-discriminatory and non-reciprocal preferences in favour of developing countries on the basis of mutual advantage, equitable benefits and exchanges of Most Favoured Nation Treatment.” Comment.
- Q.3)** Critically examine the provisions relating to Settlement of International Trade Disputes under W.T.O. Machinery.
- Q.4)** Critically examine the role and functions of the World Trade Organisation. (W.T.O.)
- Q.5)** Explain the salient features of the General Agreement on Tariffs and Trade (G.A.T.T.) 1994.
- Q.6)** Discuss Law and Procedure under GATT for Negotiation Rounds.

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

- (a) Reciprocity and Free Rider's Problem
 - (b) Role of Committee on Balance of Payment
 - (c) Final Act embodying the results of the Uruguay Round of Multilateral Trade Negotiations
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-317

LL. M. (Semester - III) Examination - 2011

LW - 317 : RESOURCE MANAGEMENT AND LAW

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Answer any four questions.

(2) All questions carry equal marks.

-
-
- Q.1)** What would you include within your definition of 'Environmental Law' ?
How might this differ in ten, fifty and a hundred year's time ?
- Q.2)** Discuss critically the problem relating with Ground Water Management in India.
- Q.3)** What are the sources of Energy ? Discuss the problems relating to tapping, transmission and utilization of Energy.
- Q.4)** Examine the concern for Environment Protection in various Five Years Plans of Government of India.
- Q.5)** Indian Supreme Court has recognized and enforced Right to Environment in various decided cases. Discuss the Pioneering and Landmark Cases on Right to Environment.
- Q.6)** Res Nullius and Res Communis are the two pillars to best explain doctrine of Public Trust. Examine critically the Public Trust doctrine with help of appropriate case laws.
- Q.7)** Discuss the impact of Rio Conference on Environmental Law in India.

Q.8) Write critical notes on **any two** of the following :

- (a) Ground Water Management
 - (b) Controls on Land Development
 - (c) Wise Use of Wet Lands
 - (d) Developing Economies and Environment
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-318

LL. M. (Semester - III) Examination - 2011

LW - 318 : PREVENTION AND CONTROL OF POLLUTION

(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)** With the promulgation of the Water (Prevention and Control of Pollution) Act, 1974, India initiated a process of establishing a regime for legal control of pollution of water bodies. After many years of implementing the provisions of the Water Act, how far in your opinion it has succeeded in fulfilling its objective ? Comment in the light of decided cases.
- Q.2)** The Stockholm Declaration of 1972 as an International Landmark in the Environment Protection Movement has a significant impact on the Indian Legal System. Elucidate in the light of post Stockholm Developments in the Indian Legislative Sphere.
- Q.3)** Critically examine the framework of Air (Prevention and Control of Pollution) Act, 1981.
- Q.4)** The deterrent criminal sanctions are not frequently used in Environment Protection Laws. Write a comparative analysis about the various kinds of liabilities as regards their efficacy in prevention and control of pollution.
- Q.5)** Critically examine the provisions of the National Environmental Tribunal Act, 1995.

Q.6) The Environment (Protection) Act, 1986 has resulted in a plethora of delegated legislation. Some critiques believe that it has led to a concentration of powers in the hands of the Central Government. Comment in the light of provisions of the Environment (Protection) Act.

Q.7) The Environmental Audits, Eco-mark, Environment Impact Assessment etc. are some of the emerging legal controls in the area of protection of the Environment. Comment upon their usefulness in the present Indian Scenario.

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

- (a) Preparedness for Environmental Disasters
 - (b) Coastal Zone Management Plans
 - (c) Legal Control of Noise Pollution
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

[4046]-32

LL. M. (Semester - III) Examination - 2011

LW - 904 : PRINCIPLES OF CRIMINAL LAW (I)

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four questions.

(2) All questions carry equal marks.

-
-
- Q.1)** Discuss briefly history of development of the Concept of Criminal Liability under Common Law.
- Q.2)** Examine critically the impact of exclusion of *mens rea* in India in the light of Supreme Court's judgments in *M.H. George* and *Kartar Singh*.
- Q.3)** Analyze critically the relations between Law and Morality. Kindly refer to the historic debate between Lord Devlin and Prof. H.L.A. Hart.
- Q.4)** Define Attempt. Examine various tests propounded by different jurists to distinguish between 'Preparation' and 'Attempt'.
- Q.5)** Discuss various theories of Fixing Criminal Liability of Corporation.
- Q.6)** "All Crimes are local. The jurisdiction over crime belongs to the country where the crime is committed." Elaborate.
- Q.7)** Is conspiracy to corrupt public morals is an offence under Common Law ? Is Indian Law similar to English Law on the subject ?
- Q.8)** Examine essential conditions for the conviction for an offence of abetment under the Indian Penal Code.

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-33

LL. M. (Semester - III) Examination - 2011

LW-907 : SOCIAL SECURITY AND LEGISLATIONS

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four questions.

(2) All questions carry equal marks.

-
-
- Q.1)** “Social Security System of a country consists of the complex of its Social Insurance and Social Assistance Schemes and in many cases there is a co-ordination between the two and it is difficult to lay down, in practice, any definite demarcation line between these various forms of Social Security.” Comment.
- Q.2)** “Under the Workmen’s Compensation Act, 1923, there must be some nexus between the death of the workman and his employment in order to make the employee liable to pay compensation.” Comment. Refer relevant case laws.
- Q.3)** Discuss various benefits and the conditions under which these benefits are available to employees under the Employees 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.” Comment.
- Q.5)** “Maternity Benefits Act of 1961 is a measure of Social Assistance and developed out of the doctrine of Employees Liability.” Comment.
- Q.6)** Examine the defences which shall not be raised in suits for damages in respect of injuries sustained by workmen under the Employers’ Liability Act, 1938.

Q.7) “The Payment of Gratuity provides for determination of the amount of gratuity and resolving disputes.”

Critically examine the above statement with the help of decided case laws.

Q.8) Explain **any two** of the following :

- (a) Main provisions of Fatal Accidents Act, 1855
 - (b) Recommendations of Second National Commission on Labour with reference to Social Security.
 - (c) Purposes for which E.S.I. Fund may be expended.
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-34

LL. M. (Semester - III) Examination - 2011

LW-908 : BRITISH CONSTITUTIONAL LAW

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four.

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

-
-
- Q.1)** Why it is said that the British Constitution is not a single document but several written and unwritten documents and the nature is ever changing. Answer in light of changes brought by the Amendment, 2005.
- Q.2)** With the help of case law and juristic writings, examine the doctrine of rule of law and its constitutional significance.
- Q.3)** Give a brief review of doctrine of Ministerial Responsibility and doctrine of collective responsibility, highlighting the constitutional role and status of the Prime Minister under the British Constitutional Law.
- Q.4)** “The Englishman House is his Castle.” In light of the preposition examine the Right to Property and determine its scope and extent. Refer to appropriate case laws.
- Q.5)** Trace the impact of European Laws on Parliamentary Supremacy and Civil Liberties in the United Kingdom by referring to the law and policies.
- Q.6)** “For the exercise of free and fearless functioning of the Parliamentarians it is essential that they enjoy certain privileges.” Discuss with the help of Statutory Law of Judicial Response.

Q.7) Write an essay along with your critical analysis on 'Common Wealth Constitutional Relations'.

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

- (a) Martial Law in Britain
 - (b) The Privy Council and The Constitutionalism
 - (c) Prerogatives of the Crown
 - (d) Law relating to Declaration of Emergency
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-35

LL. M. (Semester - III) Examination - 2011

LW-910 : LAW OF CONTRACT

(General Principles of Contract)

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four questions.

(2) All questions carry equal marks.

-
-
- Q.1)** “Evolution of assumpsit witnesses changes in the modern concept of Contract.” Discuss the above statement with appropriate illustrations.
- Q.2)** “Coercion and Duress are the twins vitiating the very concept of Free Consent.” Analyse the above statement with the help of English Law.
- Q.3)** Discuss the Doctrine of Frustration appreciating various theories of the Said Doctrine.
- Q.4)** Discuss in detail when does a mistake vitiates and does not vitiate Free Consent.
- Q.5)** Explain Agreements in restraint of Trade. Elaborate the same with their exceptions.
- Q.6)** Evaluate the doctrine of consideration in the light of recommendations of Law Commission of India.
- Q.7)** Differentiate Illegal and Unlawful Agreements with the help of judicial accord.

Q.8) Write notes : (Any Two)

- (a) Wagering Agreements
 - (b) Minor's Agreement
 - (c) Government Contracts
 - (d) Elements of Undue Influence
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

[4046]-36

LL. M. (Semester - III) Examination - 2011

LW - 911 : CORPORATE LAWS

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** Discuss the notion of corporate personality in the light of the decision given in ‘Saloman V/s. Saloman’ and Co. Ltd.
- Q.2)** “A contract with regard to a company which has not yet come into existence cannot bind the company.” Explain the relevancy of above statement with reference to the position of a promotor in a company.
- Q.3)** “The doctrine a ultra-vires is an illusory protection to the shareholders and the pitfalls for the third parties.” Comment.
- Q.4)** What is a Pospectus ? What are its content ? Who are liable for misstatements in a prospectus ? Also explain ‘Statement-in-lieu of Prospectus’.
- Q.5)** “No dividend can be paid by a company except out of the profit.” Comment.
- Q.6)** Can a company buy back its own shares ? If so, under what circumstances ?
- Q.7)** Discuss the provisions of the Companies Act, 1956 relating to Inter-corporate Investments.
- Q.8)** Write short notes : **(Any Two)**
 - (a) Kinds of Shares
 - (b) Doctrine by Indoor Management
 - (c) SEBI

[4046]-36/1

Total No. of Questions : 6]

[Total No. of Printed Pages : 1

[4046]-37

LL. M. (Semester - III) Examination - 2011

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

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** The Constitutional provisions regarding the Constitution and Functioning of the Finance Commission Form a salutary feature of the Indian Constitution. Comment.
 - Q.2)** An exemption granted under a statutory provision in a fiscal statute has been held to be a concession granted by the Government so that the beneficiaries of such concession are not required to pay the tax or duty, they are otherwise liable to pay under such statute. The recipient of a concession has no legally enforceable right against the Government to grant a concession except to enjoy the benefits of the concession during the period of its grant. Can the recipient plead promissory estoppel against such a case ? Explain.
 - Q.3)** “The subjects of every state ought to contribute towards the support of the government as nearly as possible in proportion to their respective abilities that is in proportion to the revenue which they respectively enjoy under the protection of the state.” Comment.
 - Q.4)** While interpreting a taxing statute it must be remembered that a subject is not be taxed unless the statue unambiguously imposes it. Elucidate in detail.
 - Q.5)** Taxation is considered as a distinct matter for purpose of legislative competence. Hence, the power to tax cannot be deducted from a general legislative entry as an ancillary power. Elucidate.
 - Q.6)** What are the Constitutional remedies against illegal taxation ?

[4046]-37/1

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-38

LL. M. (Semester - III) Examination - 2011

LW - 913 : TAX ON INCOME

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

Q.1) Critically examine the following definitions under the Income Tax Act, 1961 :

- (a) Income
- (b) Person
- (c) Previous Year
- (d) Assessment Year

Q.2) Comment on the following :

- (a) “The incidence of Income Tax depends upon the residential status of an individual.”
- (b) “Investment Allowance is nothing more than Development Rebate in a new grab.”

Q.3) How is the income under the head of ‘Profits and Gains of Business or Profession’ assessed to Income Tax ? What are the deductions available ?

Q.4) “The Income Tax Authorities have very wide powers of search and seizure without any external check or safeguard for the citizen.” Comment in the light of Judicial Pronouncements.

- Q.5)** Critically examine the provisions relating to 'Collection and Recovery of Tax' under the Income Tax Act, 1961.
- Q.6)** Examine the provisions relating to Set Off and Carry Forward of Losses under the Income Tax Act, 1961.
- Q.7)** Explain Concept of 'Best Judgement Assessment'. Discuss the 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 ?
- Q.8)** Write short notes on the following :
- (a) Provisions relating to Appeal and Revisions and the Income Tax Act, 1961
 - (b) Assessment of Partnership Firms
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-39

LL. M. (Semester - III) Examination - 2011

LW - 914 : ECONOMIC LEGISLATIONS

(Old Course)

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 the provisions relating to valuation of excisable goods for the purpose of charging of duty of Excise under the Central Excise Act, 1944.

Q.2) Critically evaluate various defences available for persons alleged to violate various provisions of the Central Excise Act, 1944.

Q.3) Critically examine the provisions relating to 'Regulation and Management of Foreign Exchange' under the Foreign Exchange Management Act, 1999.

Q.4) Discuss the definitions of 'Foreign Exchange' and 'Foreign Security' under the Foreign Exchange Management Act, 1999. Refer to decided cases.

Q.5) Examine the 'Adjudication Procedure' and state the provisions relating to 'Searches, Seizure and Arrest' under the Customs Act, 1962.

Q.6) Critically examine the provisions relating to 'Confiscation of Goods, Conveyances and imposition of Penalties' under the Customs Act, 1962. Refer to relevant case laws.

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

- (a) Levy Off and exemption from Customs Duties under the Customs Act, 1962
 - (b) Reserve Bank's Powers to issue directions to authorised person
 - (c) Non-reversal of CENVAT CREDIT under the Central Excise Act, 1944
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-40

LL. M. (Semester - III) Examination - 2011

LW - 915 : MERCANTILE LAW

(Old Course)

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)** What is the prime object of the Banking Regulation Act ? How does it Control and Co-ordinate Banking System in India ? What recent amendment has been made in the Act, to strengthen Banking System ?
- Q.2)** Give a critical review of the Negotiable Instrument Amendment, 2002. Point out the change it brought in the Existing Law.
- Q.3)** Explain necessity to Manage and Control Exchange. State, explain and critically analyse conceptual, legal and institutional aspect of Exchange Management and Exchange Control.
- Q.4)** Explain in light of relevant statutory provisions, need of Monetary Regulation of Non-banking Institutions.
- Q.5)** Describe in details Law relating to 'Dishonour of Cheque' and the procedure for imposing criminal liability in case of dishonour of cheque.
- Q.6)** What is the role of Reserve Bank in the Area of Industrial Finance ? Attempt a critique of this role, critically discuss establishment of an Institution Framework for Industrial Finance.

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

- (a) Winding up of Banking Company
 - (b) Credit Planning
 - (c) Rehabilitation of Sick Industrial Unit
 - (d) Types of Negotiable Instruments
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-401

LL. M. (Semester - IV) Examination - 2011

LW - 401 : INTERNATIONAL HUMANITARIAN LAW

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

(2) All questions carry equal marks.

-
-
- Q.1)** The International Law permits use of force by States under certain circumstances. Explain the law as on today. **[15]**
- Q.2)** Discuss the nature and scope of Law in relation to Contraband and Disarmament. **[15]**
- Q.3)** Law of War is nothing but present Humanitarian Law. Discuss it in relation to injured enemy soldiers. **[15]**
- Q.4)** Discuss the Law of War in relation to Conventional Warfare. **[15]**
- Q.5)** Define and discuss in detail the concept of Refugee under International Law. **[15]**
- Q.6)** Examine the Law of War vis-a-vis Intervention and Aggression. **[15]**
- Q.7)** Evaluate the role of United Nation during the period of War between two sovereign States. **[15]**
-

[4046]-401/1

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-402

LL. M. (Semester - IV) Examination - 2011

LW - 402 : PENOLOGY

(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) Penologists hold the view that imprisonment should not necessarily be 'Retributory' and 'Deterrent' but should be 'Rehabilitative'. Discuss the Theories of Punishment and their justifications.

Q.2) Capital Punishment of Death Sentence cannot be regarded per se as unreasonable or not in the Public Interest. Examine.

Q.3) 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. The Sentencing Courts are expected to consider all relevant facts and circumstances bearing on the question of sentence and proceed to impose a sentence commensurate with the gravity of the offence. Explain.

Q.4) Section 4 of the Probation of Offenders Act empowers the Court to release a convicted person on his entering into a bond with or without sureties on probation when he is found guilty of committing of any offence not punishable with death or imprisonment for life. Discuss.

Q.5) 'Prisons are built with stones of law' and so it behoves the court to insist that, in the eye of law, prisoners are persons, not animals, and punish the deviant 'Guardians' of the prison system where they go berserk and defile the dignity of the human inmate. Critically examine.

Q.6) Resort to third degree methods by police officers resulting in death of the person in police custody, is an offence of a serious nature aggravated by the fact that it is committed by a person who is supposed to protect the citizens and not misuse his uniform and authority to brutally assault them while in his custody. Critically discuss.

Q.7) Drug Addiction has the effect of producing a sick society and harmful culture. Anti-drug Justice is a criminal dimension of social justice. Comment.

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

- (a) Penology - Old and New
 - (b) Solitary Confinement
 - (c) Prison Reforms
 - (d) Parole System
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-403

LL. M. (Semester - IV) Examination - 2011

LW - 403 : BUSINESS LAW

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

- (1) *Attempt any four questions.*
- (2) *Figures to the right indicate full marks.*

-
-
- Q.1)** “The Concept of Human Rights play a very important role in protection of Consumer Rights.” Comment upon the relevancy of above statement with the help of Judicial Decisions in this area. **[15]**
- Q.2)** Explain the provisions of Banking Regulation Act relating to ‘Profit and Loss Account and Balance Sheet’ of a Banking Company. **[15]**
- Q.3)** Under what circumstances RBI can exercise control over the Banking Companies as provided under the Banking Regulation Act ? **[15]**
- Q.4)** Explain various kinds of Negotiable Instruments and their essential requirements as given under Negotiable Instrument Act, 1881. **[15]**
- Q.5)** State and explain fully the legal provisions regarding presentment of Negotiable Instruments under the Negotiable Instrument Act, 1881. **[15]**
- Q.6)** Explain the nature and scope of liability of an Insurer in case the assured commits suicide. **[15]**
- Q.7)** Write a detailed note on composition and jurisdiction of District Forum. Also explain the procedure adopted by them while dealing with the consumer complaint. **[15]**

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

[15]

- (a) Kinds of Insurance
 - (b) Benefits of Insurance
 - (c) Marine Insurance
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-404

LL. M. (Semester - IV) Examination - 2011

LW - 404 : INDUSTRIAL RELATIONS AND ADJUDICATION

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four questions.

(2) All questions carry equal marks.

Q.1) State the Constitutional Foundations for Institutional Framework in context of Article 323 B.

Q.2) Discuss Working of Dispute Settlement Machineries and there impact on the resolution of Industrial Disputes other than collective bargaining.

Q.3) Evaluate extent of Governmental Discretion to make reference of 'Industrial Disputes' under Section 10 with the help of Judicial Decisions.

Q.4) State the judicial meaning of 'Industrial Adjudication'. How it harmonises interest of Capital and Labour ?

Q.5) State the scope of 'Workers Participation' in Management in India.

Q.6) Discuss Powers of Labour Courts and Tribunals in case of disciplinary actions.

Q.7) Write eassy on Settlements, Awards under I.D. Act, 1947

[4046]-404/1

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-405

LL. M. (Semester - IV) Examination - 2011

LW - 405 : BIO-TECHNOLOGY LAW

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four.

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

Q.1) Discuss the nature, scope and contents of the subject - Bio-technology.

Q.2) What do you understand by Genetic Engineering ? How has the innovations in Genetic Engineering caused problems for Human Beings ?

Q.3) How far Genetical Mutation of Animals for the promotion of Bio-technological Research will hamper the Animal Rights ?

Q.4) Discuss the E.E.C. Regulations on Bio-technology.

Q.5) What are the adverse effects of Bio-technology on the Traditional Knowledge.

Q.6) Establish nexus between Medical Bio-technology, Human Health and Human Rights.

Q.7) What are the rights and obligations of Scientific Community towards the Society ?

Q.8) Write notes : (Any Two)

- (a) National Seed Policy
 - (b) Bio-technology and Legal Regulation in India
 - (c) Law relating to Amniocentesis
 - (d) Plant Patents
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-406

LL. M. (Semester - IV) Examination - 2011

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

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** Part III of the Indian Constitution had its great influence on Covenant on Civil and Political Rights. Discuss. **[15]**
 - Q.2)** Though the Abolition of Bonded Labour System has been provided under the Constitution as well as under the Act, nevertheless it remains in existence in India. Discuss with the help of Judicial Decisions. **[15]**
 - Q.3)** The notion of gender justice reflected under the constitution and in the judicial decisions aim at providing basic human rights to women. Comment. **[15]**
 - Q.4)** Discuss the composition and process of Appointment of NHRC in India. **[15]**
 - Q.5)** Explain the role of National Women Commission in India along with its functions and powers. **[15]**
 - Q.6)** An emergence of Judicial Activism or Judicial Creativity in India has emboldened the facet of Human Rights. Discuss in the light of expansion of Right to Life. **[15]**
 - Q.7)** Discuss the composition, powers and functions of SHRC as provided under the Protection of Human Rights Act, 1993. **[15]**

[4046]-406/1

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-407

LL. M. (Semester - IV) Examination - 2011

LW - 407 : COMPARATIVE ADMINISTRATIVE LAW

(New Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt any four.

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

Q.1) Trace the evolution of the Administrative Law in the United States. Point out its nature, scope and content.

Q.2) Rule of Law is not a principle of Law but a political precept that is no more exclusively English but is shared by all civilized nations today. Answer in light of Indian and English Legal System.

Q.3) “It is observed that the judicial review of administrative action is inevitable, sporadic and peripheral. The administrative process is not and cannot be a succession of justiciable controversies.” Explain with the help of case law the legal position in the United Kingdom.

Q.4) “Why it is observed that the office of Parliamentary Commissioner for Administration stands curiously poised between the legislative and the executive wing, while discharging almost judicial function.” Answer with appropriate illustrations with reference to the English Legal System.

Q.5) Describe the nature of Civil Liberties and point out the scope and extent of freedom of person under the English Constitutional Law. Refer to relevant statutes and case law.

Q.6) Trace the importance and relevance of the doctrine of legislative supremacy of the parliament in light of recent constitutional changes in the United Kingdom, with the help of relevant laws.

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

- (a) Judicial Remedies for Administrative Lapses
 - (b) Australian Administrative Law
 - (c) Lokpal Bill
 - (d) Right to hold Public Meetings
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-408

LL. M. (Semester - IV) Examination - 2011

LW - 408 : BASIC ASPECT OF PRIVATE INTERNATIONAL TRADE LAW

(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) Explain the nature, scope and components of Private International Trade Law. Point out its significance in the present era of globalisation, privatisation and liberalisation.

Q.2) With reference to International Contracts explain Standard Form Contracts and the International Transactions where they prevail. Explain the concept 'Conflict of Laws'.

Q.3) Comment upon International Chamber of Commerce and give a detailed review of various International Conventions that regulate International Sale of Goods.

Q.4) Relying upon International Convention Governing Bills of Lading, critically evaluate the Law relating to Carriage of Goods by Sea and Contract of Carriage by Sea.

Q.5) Explain the role of Export Credit Guarantee Corporation of India in Financing International Trade. What are the controls on Foreign Investments ?

Q.6) Write a critical essay on Judicial and Non-judicial Settlement and Resolution of International Trade Disputes.

Q.7) Critically evaluate the Law relating to Insurance for Export and the role of Banking in Issuing Credits for Export in Contract of Sale of Goods.

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

- (a) TNCs
 - (b) UNIDROIT
 - (c) Frustration of Contracts of International Trade
 - (d) Carriage of Goods by Land
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-409

LL. M. (Semester - IV) Examination - 2011

LW - 409 : ENVIRONMENT AND INTERNATIONAL LEGAL ORDER

(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 Environmental Movement that began around 1970 looked at the Human Environment as a system and saw a knot of interrelated problems. In view of this observation trace the history of the World Environment Movement.

Q.2) The increasingly global nature of trade has highlighted the potential local impacts of a changing World Environment. Evaluate the role of International and Regional Organisations in Protection of the Environment.

Q.3) The Global Environment is facing unprecedented threats, and the International Funds have to be translated rapidly into projects, programmes and policies which would improve the environmental conditions in the developing countries. How far in your Opinion the World Environment Fund has achieved this objective ?

Q.4) Sustainable Management of Marine Environment focuses on improving our understanding of the impacts of human activities on the oceans, seas and on marine resources. What are the international measures for the conservation and sustainable exploitation of marine resources ?

Q.5) In which ways should environmental laws control the Multinational Corporations, so as to make them environmentally accountable ? Give your views with suitable examples.

Q.6) Nuclear fall outs and accidents constitute a major trans-boundary pollution hazard. What are the environmental issues resulting from such catastrophes ?

Q.7) The trans-boundary dumping of hazardous waste is becoming a problem of major concern for the Community of States. How does International Environmental Law address this problem ?

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

- (a) Depletion of Ozone Layer
 - (b) Monopoly of Bio-technology by Multinational Corporations
 - (c) Pollution From Ships
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-41

LL. M. (Semester - IV) Examination - 2011

LW - 001 : PUBLIC INTERNATIONAL LAW - II

(Settlement of Dispute, War and Neutrality)

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

(2) All questions carry equal marks.

Q.1) Define the term 'Treaty' and examine the scope and significance of Vienna Convention on the Law of Treaties.

Q.2) Critically examine the Constitutional Provisions regarding Conclusion of Treaties. How Indian Courts have interpreted Treaties ?

Q.3) Critically discuss the Fundamental principles of the Law of War and Neutrality in Contemporary Warfare.

Q.4) Explain the role of the Security Council and General Assembly under U.N. Collective Security System.

Q.5) Discuss different categories of use of force, clearly bringing out traditional means of compulsion other than war, use of force in 'Self Preservation' and 'Self Defence'.

Q.6) Discuss the definition of 'War' and examine the effects of the outbreak of War.

Q.7) Critically examine the rights and obligations of a 'Belligerent Occupation in International Law'.

[4046]-41

1

P.T.O.

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

- (a) Role of Regional Institutions and Collective Security
 - (b) Punishment of War Crimes
 - (c) Modifications in the Traditional Rules of Law of Treaties
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-42

LL. M. (Semester - IV) Examination - 2011

LW - 002 : PRIVATE INTERNATIONAL LAW - II

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

(2) All questions carry equal marks.

Q.1) State and explain the various grounds of Dissolution of Marriage under English and Indian Laws.

Q.2) What is Status ? What Law Governs Status ? What are the incidents of Status ?

Q.3) “The proper Law of Contract is the law of the parties meant of apply.” Elucidate and examine whether there are any limitations to this rule.

Q.4) Critically examine the various theories regarding Choice of Law Applicable to Foreign Torts.

Q.5) Critically evaluate principles of Private International Law to applied by Indian Courts in the area of Infancy, Custody and Guardianship.

Q.6) Explain the provisions of Private International Law for determining the law applicable for formalities of marriage and capacity to marry.

Q.7) Discuss the following :

(a) Illegibility of Contract

(b) Maritime Torts

[4046]-42/1

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-43

LL. M. (Semester - IV) Examination - 2011

LW - 004 : PRINCIPLES OF CRIMINAL LAW - II

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

(1) Attempt *any four* questions.

(2) All questions carry equal marks.

-
-
- Q.1)** Critically examine the Rule regarding Burden of Proof when the accused invokes Place of General Defences under IPC. Support your answer with appropriate case laws.
- Q.2)** “Everybody has a right to private defence of property.” Comment.
- Q.3)** What are the various rights and protections provided to an accused under Indian Criminal Justice System. Support your answer with the help of relevant case laws.
- Q.4)** Section 94 of IPC exempts a person from criminal liability for acts. Committed with specified exceptions under compulsion or duress. Elaborate this principle with the help of pertinent case laws.
- Q.5)** Discuss fully the law relating to Intoxication as is crystallised under sections 85 and 86 of IPC.
- Q.6)** Define the term ‘Grave and Sudden Provocation’. Discuss with reference to statutory provisions laid down in the IPC and relevant case laws.
- Q.7)** “Ignorantia facit excusat, Ignorantia Juris non-excusat” is the rule incorporated under sections 76 and 79 of IPC. Discuss.

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

- (a) Necessity as a Defence
 - (b) Infancy as Defence
 - (c) Legal Aid
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 2

[4046]-44

LL. M. (Semester - IV) Examination - 2011

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

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

Q.1) Critically examine the concept of 'Minimum Wage', 'Fair Wage' and 'Living Wage' in the light of the norms laid down by the Fair Wage Committee and Judicial Pronouncements.

Q.2) Examine the provisions relating to "Claims arising out of payment of less than minimum rates of wages under the Minimum Wages Act, 1948".

Q.3) Examine the nature of 'Bonus' and discuss the provision relating to Payment of Bonus linked with production or productivity under the Payment of Bonus Act, 1965.

Q.4) 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. Refer relevant case laws.

Q.5) Define the term 'Employee' and examine the provisions relating to fixing and revising minimum rates of wages in respect to any scheduled employment under the Minimum Wages Act, 1948.

Q.6) Explain 'Allocable Surplus' and discuss the provisions relating to 'Set On' and 'Set Off' of Allocable Surplus under the Payment of Bonus Act, 1965.

Q.7) Write short notes on the following :

- (a) Recommendations of the Second National Commission on Labour
 - (b) Payment of Dearness Allowance
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-45

LL. M. (Semester - IV) Examination - 2011

**LW - 008 : BRITISH ADMINISTRATIVE LAW
(Old Course)**

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** Administrative Law is the law relating to the Administration. It determines the organisation, powers and duties of the Administrative Authorities. Discuss the nature of Administrative Law.
- Q.2)** No doubt, Dicey's rule of law had its good points and the broad principle had been accepted in several legal systems as a 'necessary constitutional safeguard'. But it has its own limitations and pitfalls as well. Critically discuss.
- Q.3)** The system of delegated legislation is both legitimate by permissible and constitutionally desirable for certain purposes, within certain limits and under certain safeguards. Examine.
- Q.4)** Judicial review is a protection and not a weapon. Discuss the grounds for judicial control of administrative powers.
- Q.5)** Natural justice must be observed whenever an official or public body exercises a legal power. Explain.
- Q.6)** The Crown Proceeding Act, 1947 permitted suits being brought against the Crown in the ordinary courts to enforce contractual liability barring a few types of contracts. Elaborate.

Q.7) The Ombudsman in England is concerned with the function of investigating complaints from people who claim to have sustained injustice in consequence of maladministration in connection with action taken in exercise of administrative functions of Government Departments. Critically examine.

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

- (a) Parliamentary Sovereignty
 - (b) Statutory Inquiries
 - (c) Administrative Tribunals
 - (d) Public Corporations
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-46

LL. M. (Semester - IV) Examination - 2011

LW - 009 : INDIAN ADMINISTRATIVE LAW - II

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** Examine the scope of judicial review of administrative action through writs in India. Elaborate your answer with appropriate judicial decisions.
 - Q.2)** Discuss the Power of Supreme Court under Article 136 of the Constitution.
 - Q.3)** “The Subject of Estoppels is of great contemporary relevance because the Government and other administrative bodies are quite liberal in making all sorts of promises and representations to the people in their dealings with them, and then seek to resile thereform.” Elaborate the above statement with appropriate case laws.
 - Q.4)** Discuss in detail the statutory remedies of declaration and injunction available to the aggrieved person in addition to other constitutional remedies.
 - Q.5)** Examine in detail the Powers of Investigation and Inquiry under the Commission of Inquiry Act, 1952.
 - Q.6)** Examine the role of Central Vigilance Commission in India. How far is it successful in performing its functions ? Also discuss the recent controversy as regards CVC Appointment.

Q.7) Write a critical comment on the Government Privilege of not to produce document in Court Proceedings.

Q.8) “The distinction between sovereign and non-sovereign functions has been diminished with the passage of time to hold the state responsible for tortuous acts committed by its servants.” Comment.

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-47

LL. M. (Semester - IV) Examination - 2011

LW - 010 : LAW OF CONTRACTS - II

(Special Contracts)

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

- (1) Attempt *any four* questions.
- (2) Each question carries *15 marks*.

-
-
- Q.1)** How is a Firm Dissolved ? State the rules governing settlement of accounts of the firms and sale of goodwill after dissolution.
- Q.2)** “Partnership Agreement is the foundation of the partnership determining the rights and duties of the partners inter-se.” Evaluate the statement by discussing what rights and duties are provided by it to the partners.
- Q.3)** What is the effect of perishing of goods on the rights and obligations of the parties to a Contract of Sale ? What are the various kinds of goods provided under section 2(7) ? Explain with the help of judicial decisions.
- Q.4)** “In a contract of sale of goods, there is no implied condition or warranty as to the quality of the goods or their fitness for any particular purpose.” Comment.
- Q.5)** “The law which superadds the liability of an agent does not detract from the liability of the principal.” Examine the statement pointing out the circumstances in which the agent is presumed to be personally liable for the contracts entered into by him on behalf of the principal.

Q.6) What are the Surety's Rights against the Creditor and the principal debtor and co-sureties ? When is the surety discharged from his liability towards others ?

Q.7) Define 'Pledge' and distinguish between Pledge and Bailment. When will a Pledge made by non-owner of the goods be valid ?

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

- (a) Continuing Guarantee
- (b) Minor as a Partner
- (c) Sale and Agreement to Sell
- (d) Bailment, Sale, License

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-48

LL. M. (Semester - IV) Examination - 2011

LW - 011 : CORPORATE LAWS - II

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instruction :

Answer 4 questions, each carry 15 marks.

- Q.1)** What are the methods for the revival and rehabilitations of the Sick Industrial campus ? Explain with winding up of Sick Industrial Company.
- Q.2)** What can apply for preventives of oppressives and mismanagement ? What are the Powers of Central Government and the Company Law Board ?
- Q.3)** “The auditors of a company are appointed at its Annual General Meeting.” Explain how a returning auditor is reappointed and when the Central Government will appoint an Auditor ?
- Q.4)** What are the qualifications and disqualification of Directors ? How the directors can be removed ? When the office of a director is vacated ?
- Q.5)** Explain the different kinds of Meetings of a Company. What are the Rights of Shareholders and Company’s Liability ?
- Q.6)** Explain the procedure and requisites of a Valid Meeting with Power of National Company Law Tribunal to Call Meeting.
- Q.7)** Explain the different type of Winding up of Companies and its consequence as to Shareholders and Creditors.

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

- (a) Qualifications of Auditors
 - (b) Resolution by Circulation
 - (c) Amalgamation and Absorption
 - (d) Quorum and Proxies of Meeting
-

Total No. of Questions : 7]

[Total No. of Printed Pages : 1

[4046]-49

LL. M. (Semester - IV) Examination - 2011

LW - 012 : CURRENT TAX PROBLEMS AND TAX REFORMS

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

-
-
- Q.1)** “The Income Tax Authorities have very wide powers of search and seizure without any external check or safeguard for the citizen.” Comment in the light of Judicial Pronouncements.
 - Q.2)** “The Tax Structure, despite some healthy features, is weak in a significant way.” Critically examine the above statement, point out the serious shortcomings and suggest the improvements in the Tax System of the Country.
 - Q.3)** “Tax Planning is not Tax Avoidance.” Comment and distinguish between Tax Planning and Tax Avoidance with the help of case laws.
 - Q.4)** Examine the provisions relating to scheme of Taxation of Charitable or Institution and Taxation of Private Trust under the Income Tax Act, 1961.
 - Q.5)** In the light of recent Supreme Court decisions, examine the provisions relating to Penalties and Prosecutions under the Income Tax Act, 1961.
 - Q.6)** Discuss the provisions in Tax Laws regarding Clubbing of Income of Husband, Wife and Minor Children.
 - Q.7)** Write short notes : **(Any Two)**
 - (a) Concept of Black Money
 - (b) Problems of Tax Recovery
 - (c) Agricultural Income

[4046]-49/1

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-50

LL. M. (Semester - IV) Examination - 2011

LW - 013 : TAX ON CAPITAL AND TRANSACTIONS

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

Q.1) What is the procedure followed in valuing the Business Assets for Wealth Tax purpose ?

Q.2) Explain the provisions regarding assets u/s 2(ea) of Wealth Tax Act, 1957.

Q.3) Discuss the provisions regarding Liability to Assessment in special cases under Wealth Tax Act.

Q.4) Define the term Small Scale Industry (SSI) under Central Excise Act. What concessions and exemptions are available to an SSI Unit in relating to Excise Duty ?

Q.5) Distinguish between CENVAT on Capital Goods and on Inputs for Production.

Q.6) When a sale or purchase of goods is said to take place outside the State under S. 4 of the C.S.T. Act.

Q.7) Discuss the provisions of C.S.T. Act regarding Levy and Collection of Tax.

Q.8) Write short notes : (Any Three)

- (a) Business (Maharashtra Sales Tax)
 - (b) Appropriate State (C.S.T.)
 - (c) Best Judgement Assessment (W. Tax)
 - (d) Captive Consumption (Central Excise Act)
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 2

[4046]-51

LL. M. (Semester - IV) Examination - 2011

LW - 014 : INTELLECTUAL PROPERTY LAWS

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

(2) Figures to the right indicate full marks.

-
-
- Q.1)** “No Trademark shall be registered if it is not distinct and is deceptively similar to the one already existing.” Discuss on relevancy of above statement with reference to provisions of the Trade and Merchandise Act, 1958. **[15]**
- Q.2)** Explain in detail the Procedure for Registration of Trademark under the Trademark Law. **[15]**
- Q.3)** “Grant of Patent does not confer an absolute right to an Investor.” Comment with reference to the Patents Act, 1970. **[15]**
- Q.4)** Write a detailed note on provisions relating to Procedure for Registration of Patents. **[15]**
- Q.5)** Define Copyright. Explain the works in which Copyright Subsist. **[15]**
- Q.6)** What is meant by Infringement Copyright ? Also explain the remedies available against it. **[15]**

Q.7) Define the term 'Design'. Explain the law relating to 'Registration of Designs' under the Designs Act. **[15]**

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

- (a) Copyright Board
 - (b) Non-use of Trademark
 - (c) Assignment of Patent
-

Total No. of Questions : 8]

[Total No. of Printed Pages : 1

[4046]-52

LL. M. (Semester - IV) Examination - 2011

LW - 015 : INTERNATIONAL TRADE LAWS

(Old Course)

Time : 3 Hours]

[Max. Marks : 60

Instructions :

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

- Q.1)** Discuss the concept and sources of the International Trade Law.
- Q.2)** What is the impact of WTO on Modern World Trade ? How does it differs from GATT ?
- Q.3)** Critically evaluate structural changes that took place in funding procedures of IMO (International Monetary Organisation) after adoption of NIEO (New International Economic Order).
- Q.4)** What does 'MFN' Treatment mean ? What are Political and Moral Exceptions to 'MFN' Obligation ?
- Q.5)** What is the Impact of Bilateral Investment Trade Agreements on the developing economics of the World ?
- Q.6)** Discuss the structure, powers and functions of UNCTAD.
- Q.7)** Critically examine the role of the Government of India in promoting Foreign Collaboration in Framing Industrial Policy.
- Q.8)** Write short notes : **(Any Two)**
 - (a) World Bank Procedure
 - (b) Restrictive Business Procedure
 - (c) Permanent Sovereignty over Natural Resources

[4046]-52/1