

NLUA
NATIONAL LAW UNIVERSITY, ASSAM
B.A.,LL.B.(Hons.): II-Year, III-Semester: Academic Year: 2015-2016
End Semester Examination (December, 2015)
3.2 HISTORY-III

Time: **2:00 Hrs.**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any five questions from the following. All questions carry equal marks.

1. "The only representatives of the people of these colonies are persons chosen therein by themselves; and that no taxes have ever been, or can be constitutionally imposed on them but by their respective legislators." In the light of aforementioned – Statement of the Stamp Act Congress, 1765. Explain.

What gave rise to the call of "No taxation without representation" among the American colonists in the 18th century?
2. The period of the Industrial Revolution witnessed various changes- a move from domestic industry to factory based output and a revolution in transport and communications. Discuss the various consequences of the Industrial Revolution that started in England in the 18th century.
3. What were the reasons behind the failure of the Provisional Government in Russia in 1917? How far did Russian failures in the War lead to the disillusionment with the Tsar and the Provisional Government?
4. Why was the offer of popular sovereignty under the Kansas-Nebraska Act of 1854 not acceptable to the Northerners whereas it had worked perfectly well under the Missouri Compromise of 1850?
5. The Munich Agreement was the final culmination of a series of concessions as part of Anglo-French foreign policy during the 1930s. How far was appeasement responsible for the outbreak of war in September 1939?
6. How did Adolf Hitler and the Nazi Party emerge as alternatives to the failing Weimar Republic? Was brute force employed by the SA or the Stormtroopers instrumental in silencing political opponents?

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3.3 POLITICAL SCIENCE III

Time: **2:00 Hrs.**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any five questions from the following. All questions carry equal marks.

1. Explain the theory of Realism in International Relations. Illustrate your answer by focusing on the ideas of realist thinkers, such as Hans Morgenthau, E. H. Carr and Niccolo Machiavelli.
2. Discuss in detail the dichotomies between the theory of Balance of Power and the theory of Collective Security in International Relations.
3. The Cold War era has been one of the most discussed themes in International Relations. Delineate the notable phases of the cold war.
4. Bolshevik Revolution in Russia is considered as one of the landmarks in the world. Discuss the significances of the Bolshevik Revolution.
5. Globalization is a multifaceted phenomenon. Write about the positive impacts as well as the negative impacts of globalization in the world.
6. Explain the major determinants and the constraints of India's foreign policy.

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3.4 SOCIOLOGY-III

Time: **2.00 Hrs.**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer any five questions from the following. All questions carry equal marks.

1. "At the root of the Ecological Approach to the study of Crime is Social Disorganization." Critically discuss this statement with special reference to the Chicago School of Sociology. Use suitable illustrations.
2. "Differential associations may vary in frequency, duration, priority, and intensity." Please discuss this statement in the light of the appropriate theoretical framework.
3. "Gender is something that is constructed through relations of power, and through a series of norms and constraints that regulate what will be recognized as a "male" body and a "female" body. Through such norms, a wide range of bodies are rendered invisible and/or illegitimate." Critically analyze this idea in the light of various sociological perspectives on Gender.
4. Discuss some of the key issues that women raised during the three waves of Feminism. Analyze how the Indian Women's Movement is different in its canons and context from the International Women's Movement.
5. Critically discuss the effectiveness of Probation as a mechanism of correction. Also outline the significance of a Probation Officer as a key stakeholder in the process of probation.
6. Discuss critically the sociological conception of Crime and Punishment.

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3.6 JURISPRUDENCE-I

Time: **2:00 Hrs.**
Total Marks: **50**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper. It will be treated as malpractice.

Answer five questions from the following. Q. No. 1 is compulsory. All questions carry equal marks.

1. What do you understand when Dworkin says that there is always a right answer to every legal question?

Below mentioned are the facts of a case on medical negligence which is to be decided on the basis of the doctrine of causation i.e. whether there is a direct link between the negligent act and the resultant damage or loss.

“In *Chester v. Afshar* the claimant, Chester, had suffered back pain for 6 years. This became quite severe and at times she was unable to walk or control her bladder. An MRI scan revealed that there was disc protrusion into her spinal column and she was advised to have surgery. The surgery carried a 1-2% risk that even if it was performed without negligence the operation could worsen rather than improve her condition. Her consultant neurosurgeon Mr. Afshar was under a duty to warn her of this risk although he failed to do so. The claimant had the operation and unfortunately it worsened her condition. The trial judge found that the surgeon had not been negligent in performing the operation but his failure to warn her of the risk was a breach of duty. The claimant argued that if she had been warned she would not have taken the decision to have the operation straight away but would have taken time to consider other options and discuss the risks with her family and would thus not have had the surgery on the day which she did have it. She did not say she would never have had the operation. The judge held that if she had the operation on another occasion it may have been successful. The defendant, therefore, appealed. The Court of Appeal dismissed the appeal and the defendant appealed to the House of Lords on the grounds of causation in that she was likely to have consented to the operation and that even if it had been on a different occasion it carried the same risk.” The appeal was dismissed by the House of Lords.

Give your views on the above mentioned case as to whether the judges have created policies by making a comparative assessment of HLA Hart and Dworkin’s theory.

2. “As knowledge grows in any department, the classification in that department changes; and with a change in classification is involved a change in the meaning of terms”

In the light of the above statement define Jurisprudence by highlighting the difficulties in elaborating its nature and purpose.

3. Make a comparative assessment of the approaches taken by jurists under the positivist and natural law schools of jurisprudence and do a critical analysis of the reasons behind obedience to law.

4. *“It has been the stand of various jurists that the enforcement of common morality is within the proper scope of criminal law. On the other hand there have also been objections to this view which say that legal enforcement of morals will seriously impinge upon individual freedom and self-determination.”*

In the light of the above statement take at least two issues that interest you and critically analyze the role played by moral principles in criminal adjudication.

5. *“When the social needs demand one settlement rather than another there are times when we must bend symmetry, ignore history, and sacrifice custom in the pursuit of larger ends.”*

In the light of the above statement explain what you understand by Sociological Jurisprudence by tracing the reasons behind the emergence of this school.

Also explain with the help of relevant case laws the role played by the Judiciary in developing the sociological school of jurisprudence in India.

6. What do you understand by Legislation as a source of law? What are the basic differences between Supreme and Subordinate legislation? Explain what you understand by delegated legislation by explaining its limitations.

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LL.M. (Two Year Programme) : II-Year, III-Semester: Academic Year: 2015-2016
End Semester Examination (December, 2015)

3.6.6 GLOBALIZATION AND HUMAN RIGHTS

Time: **2:30 Hrs.**

Total Marks: **70**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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Answer Q. No. 1, 2 and 3 compulsory and answer any one question each from Q. No. 4 and 5 both. All questions carry equal marks.

1. “The proponents of globalization maintain that globalization is good for the promotion and protection of human rights while the opponents of globalization maintain that it creates hurdles for the realization of human rights. “

Elaborate on the relationship between globalization and human rights in the light of the above stated views advanced by Dinah Shelton.
2. Although globalization is generally associated with the growing transnational economic relations, there are various other dimensions of globalization. Elaborate on the different dimensions of globalization.
3. It is now over a decade since the idea of a New International Economic Order (NIEO) has been proposed and gained considerable recognition in the international community. It was an idea which in all its dimensions, embodied prescriptions for the various ailments of the world economy as well as providing genuine basis for its future consolidation and development. Elaborate the above statement from a critical legal point of view.
4. (a) India and China are similar on many accounts including their efforts aimed at alleviation of poverty. Make a comparative study of the poverty alleviation programmes implemented by India and China respectively.

OR

(b) Markets for private military security are enjoying a period of sustained growth, during which there has been a repackaging of 'mercenary outfits' and 'private armies' as legitimate, fully incorporated private military companies (PMCs). Discuss the legal challenges associated with the status of PMCs and private armies.

5. (a) The earlier notion that States alone are capable of violating human rights stands changed in the face of rise of powerful non-state actors and increasing instances of human rights violations being committed by them. Discuss how individuals can be made responsible for the violation of human rights.

OR

(b) “The prospect of engaging in human rights should deliver more than just the feeling that it is the right thing to do – it needs to engender ownership, innovation, value, promise and hope. Business use these words every day, and they are conspicuously absent from the lexicon of the traditional human rights advocate.” Express your reflective thoughts with sound legal argument.
