



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY
L.M. (TWO YEAR PROGRAMME)

ACADEMIC SESSION: 2013-14 (FIRST SEMESTER)
END SEMESTER EXAMINATION (02-12-2013)

1.1 LEGAL EDUCATION AND RESEARCH METHODOLOGY

MARKS: ONE HUNDRED (100)

TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY
100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Write a short note on Legal Reforms.
- 1.2 What is Experimental Hypothesis?
- 1.3 How is a Case Study method an in-depth study method?
- 1.4 Write down the role of electronic technology in the field of legal research.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS
ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY
TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 Discuss the importance and significance of the sociology of law in the evolution of socio-legal research.
- 2.2 "As India steps into 21st century Legal Education has become the need of the hour". Elaborate the given statement in the light of India's growth as knowledge based economy.
- 2.3 How can clinical legal education contribute in the development and growth of legal aid and legal literacy in India?

MODULE - II

- 2.4 "Research methodology is the genus and research methods in the species". In the light of the given statement elucidate

and explain the difference between Research Methods and Research Methodology.

- 2.5 How do you distinguish socio-legal research from legal research? Discuss the importance of socio-legal research in the better understanding of the challenges that exist in the society.
- 2.6 Describe and explain the relevance of 'Intellectual Sufferings' in the formulation of research problem. Support your answer with suitable illustrations.

MODULE- III

- 2.7 "That method of data collection is best which suits the researcher best". Define and explain the how a correct method of data collection is pertinent to the successful completion of a research work.
- 2.8 "A small unit of the universe which is more or less a representative of the entire universe". In the light of the given statement discuss and explain the significance of sampling method.
- 2.9 Explain how questionnaire schedule is complementary to interview method?

MODULE- IV

- 2.10 "From heaps of data thus collected the researcher has to separate the relevant materials from the irrelevant". In the light of the given statement explain the importance of content analysis.
- 2.11 Discuss in detail the methods that the researcher should keep in mind while writing of a Dissertation or a Thesis.
- 2.12 Write a short essay on the importance of an Authentic Research Work.

8x7=56 MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 Write an essay on evolution of Legal Education in post independent India.
- 3.2 Justify the statement, "research involves creative, strategic and thinking process". Elaborate your answer with suitable illustrations.
- 3.3 'Interview involves verbal stimuli by which the interviewer enters into the life of a relative stranger'. In this regard elucidate the important traits of interviewer with suitable illustrations.
- 3.4 'Report Writing is an art, which require patience, perseverance and an innate analytical mind'. Critically examine the statement in the light of rampant plagiarism that is taking place in the arena of higher education.

2x14=28 MARKS



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
L.M. (TWO YEAR PROGRAMME)
ACADEMIC SESSION: 2013-14 (FIRST SEMESTER)
END SEMESTER EXAMINATION (03-12-2013)
1.2 LAW AND SOCIAL TRANSFORMATION

MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Define the 'Conflict Model' of Social Change? Give an illustration.
- 1.2 Name any four changes that you have observed in India as the result of globalization.
- 1.3 The relationship between law and social change can be shown in a circular cycle. Show this relationship through an illustration.
- 1.4 What is the main difference between Marxism and Gandhism?
4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT FROM THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 The problem of insurgency is spreading its tentacles in the north-eastern part of India. Which amongst the 'Theoretic Models of Social Transformation' would be suitable to resolve this problem according to you? Justify your answer.
- 2.2 Elucidate the friction between 'Individualism' and 'Collectivism' in the light of the Land Reform Policies introduced by the Government of India in the post-independence India.
- 2.3 Draw up a workable strategic model which would accommodate maximum participative democratic process in a country like India.

MODULE- II

- 2.4 What according to you are the impediments which stagnant the effective implementation of plea-bargaining in India? What solutions would you suggest to transform the scenario?

- 2.5 Establish the significance of public opinion as an effective tool in the law-making process in India. Explain through an illustration.
- 2.6 How can we say that Local Self Government is an effective device in transforming Rural India? Give your answer in the light of the Constitutional framework made in this regard.

MODULE-III

- 2.7 How does the law respond to the pressure exerted by the public demands of reorganization of states on the basis of multi-linguistic factors? Do you agree to say that the reorganization of states from time to time on the basis of linguistic factor is acting as a divisive factor in India?
- 2.8 "Secularism is the only solution to the problem generated by religious pluralism in India."
How far is the above statement true? Explain with the help of the existing legal framework in India?
- 2.9 The reservation policy made in the Constitution of India is to uplift the status of the Schedule Castes, the Schedule Tribes and the Backward Classes. This policy is, however, subject to the criticism that caste factor has become a divisive force in the unity of India. Make a critical comment on the statement.

MODULE- IV

- 2.10 "Law as an instrument of social change has its own inherent shortcomings. When law fails to respond effectively to social problems, Gandhi's philosophy may be employed as an alternative means."
Do you agree with this statement? How can you establish the relevance of Gandhi's philosophy in contemporary issues like that of the naxalites?
- 2.11 The lack of legal recognition of gender identity of transgender in India poses barriers to accessing services and in exercising civil rights. How should the law respond to this situation according to you? What is your opinion on the judgment made in *Naz Foundation v. NCT, Delhi (2009) 160 DLT 277*?
- 2.12 Appraise the problems and concerns in the effective implementation of the fundamental right to education of children in India.

8x7 =56 MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 Make a critical appraisal of the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013*.
- 3.2 How are the rights of prisoners protected under the Constitutional law in India? Evaluate the efficacy of Public Interests Litigation as a weapon for the protection of the rights of prisoners in India?
- 3.3 Define Assisted Reproductive Technology. Discuss the human rights issues generated out of the Assisted Reproductive Technology service in India. What is the legal position in this regard in India?
- 3.4 Write short notes on any two of the following:
- The Conflict between the 'Theory of the Sons of the Soil' and the 'Right to Residence and Employment': Indian Perspective.
 - A Critique of the *Muslim Women (Protection of Rights on Divorce) Act of 1986*.
 - The Failure of law to Counter the Problem of Female Feticide in India.

2x14 =28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
L.L.M. (TWO YEAR PROGRAMME)
ACADEMIC SESSION: 2013-14 (FIRST SEMESTER)
END SEMESTER EXAMINATION (05-12-2013)
1.6.1 HISTORICAL, PHILOSOPHICAL FOUNDATION OF HUMAN RIGHTS



MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Write a brief note on the French Declaration of the Rights of Man and the Citizen.
- 1.2 What is the Cultural Theory of Rights?
- 1.3 Write a short note on the Constitution of India Bill, 1895.
- 1.4 What are the functions of the State Human Rights Commission?

4X4 = 16MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE – I

- 2.1 Do material and spiritual needs of human beings provide a philosophical foundation of Human Rights? Please give a few examples of such rights that provide material and spiritual fulfillment.
- 2.2 Has the International Labour Organization succeeded in enforcing human rights through its machinery? How far has it been able to set up international labour standards in accordance with human rights?
- 2.3 What rights have been elaborated upon in the International Bill of Human Rights?

MODULE – II

- 2.4 Discuss the Natural Law Theory of Rights. Examine the contribution of John Locke in the light of his work 'Two Treatises on Government'.

- 2.5 Discuss the Sociological Theory of Human Rights. What is the inter-relationship between social structure, human agency and inequality in terms of their impact on Human Rights?
- 2.6 Evaluate the position of human rights within Islam.
- MODULE – III**
- 2.7 What is the significance of the Motilal Nehru Committee Report? Did it have any impact on the Drafting Committee of the Constituent Assembly?
- 2.8 How did socio-religious movements of the early Colonial Period impact the issue of human rights, especially in their advocacy of the rights of women?
- 2.9 What is the basis of the collective agitation of Dalits in India? How far have laws and social initiatives succeeded in protecting rights of Dalits?

MODULE – IV

- 2.10 Is the concern for human rights manifest in the drafting of the Indian Constitutional framework? Was it an inevitable consequence of the negation of rights of the natives in the Colonial Period?
- 2.11 Write briefly about the Part III and Part IV of the Indian Constitution and how they secure various Human Rights?
- 2.12 Discuss the composition and functions of the National Human Rights Commission. Give a critical appraisal of its successes and failures since its inception.

8X7 = 56MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

- 3.1 Discuss the process of emergence of the International Human Rights Treaty Mechanisms in the period after the First World War.
- 3.2 Write explanatory notes on the following topics:
(a) Positive Law Theory of Rights

(b) Rights Based on the Value of Utility

- 3.3 What was the role of social reformers like B.R.Ambedkar, Mahatma Gandhi and Jyotiba Phule in upholding human rights during the Colonial Period?
- 3.4 Has the Indian Judiciary played a significant role in the enforcement of human rights in India?

2x14=28 MARKS



3.3 Much discussion has taken place on the need to restructure the UN Security Council that came into being with the adoption of the UN Charter. Examine the structure, powers and functions of the UN Security Council and state whether it has been able to function effectively to prevent serious violations of human rights as a principal organ of the United Nations.

3.4 The International Bill of Human Rights besides emphasizing upon the right to life through the United Nations General Assembly provides for abolition of Death Penalty. Attempt a critical analysis of the second optional protocol to the ICCPR. Embellish your answer with the current international developments.

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
LL.M. (TWO YEAR PROGRAMME)
ACADEMIC SESSION: 2013-14 (FIRST SEMESTER)
END SEMESTER EXAMINATION (07-12-2013)
1.6.2 INTERNATIONAL AND REGIONAL PERSPECTIVE OF HUMAN RIGHTS
MARKS: ONE HUNDRED (100) TIME: THREE (3) HOURS

SECTION ONE

PLEASE ANSWER THE FOLLOWING QUESTIONS IN APPROXIMATELY 100 WORDS. ALL QUESTIONS ARE COMPULSORY.

- 1.1 Make a brief discussion on the prosecution of perpetrators who were responsible for the commission of serious crimes during the World War.II.
- 1.2 Discuss the main functions of the UN Committee 24.
- 1.3 "The Charter of the United Nations(UN) contains provisions relating to regionalism with regard to international peace and security". Analyze the reasons behind incorporation of such provisions in the UN Charter.
- 1.4 Discuss the reasons behind the adoption of the UN Human Rights Council in 2006.

4x4=16 MARKS

SECTION TWO

PLEASE ANSWER EIGHT OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 250 WORDS. IT IS COMPULSORY TO ANSWER TWO QUESTIONS FROM EACH MODULE.

MODULE - I

- 2.1 "The keystone of the covenants was the Universal Declaration of Human Rights."
Discuss how the Universal Declaration of Human Rights is considered as keystone of the covenants? Discuss the relationship between the two covenants of 1966 and critically examine them.
- 2.2 "The First Optional Protocol to the Covenant on Civil and Political Rights, 1966 was adopted by providing for a mechanism in the Human

Rights Commission to receive complaints of violation of Human Rights of individuals."

Critically examine the provisions of the Protocol and enlighten your views about the status of the Government of India in relation to the First Protocol.

2.3 "Human Rights could generally be defined as those rights which are inherent in our nature and without which we cannot live as human beings"- Elaborate your views throwing light on the oriental and occidental views.

MODULE- II

2.4 The Banjull Charter on Human and Peoples Rights provides for duties of the individuals toward his family and society, the state other legally recognized communities.

Attempt an analysis of the aforementioned provisions.

2.5 Part II of the African Charter provides for Measures of Safeguards in the form of the African Commission on Human and Peoples Rights. Elucidate upon the measures so provided and state whether they are adequate and go for enough to promote and protect human rights in the burning situation of the continent.

2.6 "The European Convention is not only the First Regional Convention to implement the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, it is also the most successful and effective Regional Convention." Discuss with reasons.

MODULE-III

2.7 "The American Convention on Human Rights as compared to the European Convention, is not only longer, but is more advanced and enlightened, too."

Critically examine the American Convention on Human Rights in the light of the above statement.

2.8 "Article 15 of the European Convention of Human Rights empowers the member states for derogation of the convention in time of war or other public emergency threatening the life of the nation. However, this power of derogation can be exercised only to the extent strictly

required by the exigencies of the situation and the measures adopted should not be inconsistent with the State's other obligations under international law."

Critically and coherently analyze the rights and responsibilities of member states of the European Convention on Human Rights in the light of the above statement.

2.9 Compare and contrast the salient features of the European Court of Human Rights and the Inter American Court of Human Rights.

MODULE-IV

2.10 Attempt an exhaustive analysis of the Islamic Declaration on Human Rights referring to the Right to Equality and Prohibition Against Impermissible Discrimination.

2.11 The evidence from the practice of the United Nations, state practice and the writings of eminent jurists from the world's main legal systems, it is believed, conform that self-determination is now recognized as a fundamental Human Rights law.

Give a critical appraisal of the above statement by emphasizing present political situation.

2.12 State the mandate, powers and authority of the United Nations High Commissioner for Human Rights. How far has the High Commissioner accomplished his responsibility towards maintenance of Human Rights standard in countries including India.

8X7 = 56MARKS

SECTION THREE

PLEASE ANSWER ANY TWO OF THE FOLLOWING QUESTIONS ANALYTICALLY IN APPROXIMATELY 1000-1200 WORDS.

3.1 Make a critical appraisal of the cardinal principle behind the Covenant on Economic, Social and Cultural Rights and explain the provisions as laid down therein in the sphere of right to food/attainable standard of physical and mental health.

3.2 Critically discuss "the Civil and Political Rights" as incorporated in the International Covenant on Civil and Political Rights of 1966. Analyze the role and functions of the Human Rights Committee with regard to regular review of the state party reports.