

NLUJAA

National Law University and Judicial Academy, Assam
One Year LL.M. Degree Programme, I-Semester (Academic Year: 2019-20)

Semester End Examination (December, 2019)

**Subject Code: 1.1 Research Methods and Legal Writing
(Compulsory Paper)**

Time: **3:00 Hrs.**

Total Marks: **80**

INSTRUCTIONS:

1. Read the questions carefully and answer.
 2. Unnecessary queries on the Question Paper shall not be entertained.
 3. Do not write anything on the question paper. It will be treated as malpractice.
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Answer any four questions from the following. All questions carry equal marks.

1. Discuss the role of legal research in law making, law reforming and codification. Justify your answer with recent examples.
2. Describe and distinguish doctrinal and non-doctrinal research. Identify the fields wherein Empirical Research can be undertaken in legal research.
3. Define Socio-Legal Research and its significance in social reform. Explain various types of Socio-Legal Research with the help of examples.
4. Explain various techniques used in collection of data. After the data is collected, how it is analysed? Is analysis of data relevant in research work?
5. Write short notes on **any two** of the following:
 - (a) Importance of Hypothesis in Legal Research
 - (b) Significance of Legislation and Precedents in Legal Research
 - (c) Induction and Deduction

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Semester End Examination (December, 2019)

**Subject Code: 1.4 (BL) Corporate Governance
(Optional Paper - I)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

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Answer any four questions from the following. All questions carry equal marks.

1. “Corporate Governance is focused upon those matters which help the stakeholders within a corporation to have a closer look at the organizational choices and also know about the consequences of the same. It is a full spectrum of knowledge they need to implement.”
 - (a) In the light of the above statement elaborate on the concept and definition of corporate governance.
 - (b) What are the needs and benefits of a good corporate governance mechanism for the board members, directors and other stakeholders of a company?
2. “The board of directors is an important element of corporate governance. The roles of board of directors and shareholders are interactive and therefore the quality of governance depends upon the level of interface set by them.”
 - (a) What are the type of directors and what is their respective role in maintaining a good corporate governance.
 - (b) What are functions of the directors in respect of various board committees within a company?
3. “Shareholders are an important part and parcel of a company. They have a right to vote on company decisions. There are various types of shareholders with varied right and duties attached to them”.
 - (a) Is shareholder activism an important part of corporate governance? If so, How?
 - (b) Is the concept of varied types of shareholders in a single company a hindrance to shareholder activism?
4. (a) What are the two important board systems and what is the impact of the same in corporate governance?

(b) Which type of board system is followed in India? Is it suitable for the present corporate climate in India? Give reasons.

5. Write short notes on *any two* of the following:

- (a) OECD Principles on corporate governance
- (b) Theories of corporate governance
- (c) Reports on the emergence of corporate governance in India.

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Semester End Examination (December, 2019)

**Subject Code: 1.4 (CN) Constitutional Law of India and Expanding Horizons
(Optional Paper - I)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

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Answer any four questions from the following. All questions carry equal marks.

1. “Irrespective of a question whether particular federation is over federal or under federal or truly federal or only quasi federal – a true federation contemplates that the political system must reflect federal principle.”

Analyse this statement with reference to the Constitution of India. What are the yardsticks of federalism? Verify, whether Constitution of India answers positively the requirements of federal yardsticks.

2. “The doctrine of basic structure has been derived from the abstract... What’s more, beyond its textual illegitimacy, its detractors also believe the doctrine accords the judiciary a power to impose its philosophy over a democratically formed **government.**”

What does the principle of the basic structure of the Constitution mean? Discuss the evolution of basic structure doctrine in Indian legal system. Evaluate the significance of the doctrine in India as well as the legal systems in the world.

3. Discuss the significance of the convention in the Indian constitutional system? How much the addition of these conventions would change the scope of the powers of the federal government and those of the states? Discuss the strengths and weaknesses of the convention.
4. Examine the scope of judicial review of administrative and legislative actions through writs jurisdiction in India. Elaborate your answer with appropriate judicial decisions.

5. (a) Discuss the proposition that politics with blackmailing has become attribute of coalition government with the help of recent factual circumstances in India.
- (b) Explain the impact of criminalization of politics in democratic process of election in India.

OR

“Constitutional morality is the guarantee which seeks that all inequality is eliminated from the social structure and each individual is assured of the means for the enforcement of the rights guaranteed. Constitutional morality leans towards making Indian democracy vibrant by infusing a spirit of brotherhood amongst a heterogeneous population, belonging to different classes, races, religions, cultures, castes and sections.”

Elucidate the significance and place of constitutional morality in India with the help of the given statement. Explain whether “moral reading” is necessary into the constitutional provisions to further promote affirmative action of the government in private sphere.

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**Subject Code: 1.4 (EL) International Environmental Law
(Optional Paper - I)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

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

1. Portray a detailed analysis of several principles of International Environmental Law along with relevant case laws.
2. The United Nations Convention to Combat Desertification emphasizes the need for public participation in land degradation and rehabilitation. Critically appraise the participatory challenges in implementing its normative framework.
3. Write enviro-legal notes on:
 - (a) Access and Benefit Sharing of biological resources under Nagoya Protocol
 - (b) Agreed Informed Agreement Procedure under Cartagena Protocol
4. Discuss the following:
 - (a) Institutional features of Antarctic Treaty Regime and loopholes
 - (b) Convention on the Conservation of Migratory Species of Wild Animals- Review Mechanisms of its Agreements
5. Critically appraise the areas of commonality and difference as regards Basel Convention on Transboundary Movement of Hazardous Wastes & Bamako Convention on the Ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa.

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**Subject Code: 1.4 (HR) International and Regional Perspective of Human Rights Law
(Optional Paper - I)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

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

1. “While it is true that international law recognized some forms of international human rights protection prior to the entry into force of the United Nations Charter, the internationalization of human rights and the humanization of international law began with the establishment of the United Nations.” – Explain the above statement with regard to the human rights dimensions of the Charter of United Nations 1945. Discuss the provisions pertaining to non-derogable rights with particular reference to the International Covenant on Civil and Political Rights (ICCPR) 1966 and European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1950.

(10+7^{1/2}+7^{1/2})=25 Marks

2. “United Nations treaty bodies constitute the main institutional vehicle for the application of international human rights law.”- In the light of the statement examine the treaty based communication procedures. Explain whether reservations to human rights treaties constitute a compromise that seeks to address the fundamental dilemma between sovereignty and the pursuit of collective goals.

15+10=25 Marks

3. “Intersectionality recognises that individuals can experience discrimination on the basis of multiple and intersecting identities. There are no specific provisions in Convention on the Elimination of All forms of Discrimination against Women 1979 (CEDAW) recognising women’s intersectional identity, Due to this silence, CEDAW has been accused of not protecting intersectional discrimination.”- Explicate critically.

25 Marks

4. “European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1950 and the European Court of Human Rights (ECtHR) have had a profound impact on the development of international and national human rights law.”- In the context of the above statement critically analyze the provisions of the ECHR and the jurisprudence of the ECtHR.

10+15=25 Marks

5. “The Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) have played an important role in responding to systematic and widespread violation in the region. This includes their emphasis on victims’ rights, access to justice and accountability which has contributed to a significant shift in the regional human rights culture. However several problems remain.”- Discuss.

25 Marks

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**Subject Code: 1.4 (IP) Intellectual Property Law and Policy
(Optional Paper - I)**

Time: **3:00 Hrs.**

Total Marks: **100**

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Answer any four questions from the following. All questions carry equal marks.

1. DU Photocopy Case is regarded as a breakthrough in Indian Copyright jurisprudence. Critically analyze the judgment of the division bench of the Delhi High Court on all crucial aspects of law. What were the bench observation on international obligations and foreign decisions?
2. “It would be enough if the impugned mark bears such an overall similarity to the registered mark as would be likely to mislead a person usually dealing with one to accept the other if offered to him.” Explain. The Trademark law aims to protect ‘distinctiveness’, ‘well known’ marks in the market. Enumerate the legal principles as enunciated in the various case laws.
3. The TRIPS Agreement sets out minimum standards of protection for patents and other forms of intellectual property and general principles for domestic enforcement procedures, as well as making disputes between countries over intellectual property subject to the WTO's dispute settlement procedures. One of its most far-reaching requirements for many countries was mandatory patentability of pharmaceutical products. India, which had previously only allowed patents for pharmaceutical processes, amended its 1970 Patents Act three times—in 1999, 2002, and 2005—to comply with its TRIPS obligations. Critically examine the position of India on pharmaceutical inventions and health related issues through important judicial decisions.
4. A mere superficial difference in the design will not amount to a new creation and a given design cannot be considered new or novel if it is published (or in public domain). Explain in the light of the Design Act 2000. Critically analyze the ratio laid down in Crocs vs Bata & others and Apple vs Samsung.

5. Write brief note on the following (All carry equal marks):

- (a) Lisbon Agreement for the Protection of Appellations of Origin and their International Registration
- (b) The WIPO Intergovernmental Committee on Intellectual Property on Traditional Knowledge and Folklore
- (c) The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2013)
