

NLUJAA

National Law University and Judicial Academy, Assam

One Year LL.M. Degree Programme: I-Semester

(Academic Year: 2022-23)

Repeat Examination (February, 2023)

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 (20) marks.

1. Critically discuss the importance and significance of unbiased research. Also explain the importance of scientific process and the need of ethical practices in research for ensuring qualitative research.
2. Discuss the importance of socio-legal research in the relevant matter of “child marriage as a social evil”.
3. While formulating a research problem it is often said that, “a research problem must spring from the researcher’s mind like a plant springing from its own seed”. Elucidate the statement.
4. “Hypothesis is a tentative statement about two or more variables in a cause and effect relationship which maybe proved or disproved”.
In the light of the above statement, describe the importance and significance of hypothesis in the process of research.
5. Write notes on:
 - i) Interview method
 - ii) Research Design

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**Subject Code: 1.2 Comparative Public Law / System of Governance
(Compulsory Paper)**

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
2. Unnecessary queries on the question paper shall not be entertained.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

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.
2. ‘Constitutionalism is not merely a bundle of constitutional rules but rather a way of political life of a nation.’ Critically examine the given statement.
3. a) Explain the concept of separation of power as applicable in English and U.S. Legal System.
(b) Discuss the application of the principle in India with special reference to the current turmoil between the judiciary and executive with regard to the appointment of judges.
(c) Examine the importance of the doctrine for the working of democracy considering the last three years complex national and international affairs.
4. “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.”
Amplify the statement considering the common law, civil law and religious legal systems in the world.
5. Examine the scope of judicial review of administrative action through writs in India and U.S. legal system. Elaborate your answer with appropriate judicial decisions.

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Subject Code: 1.3 Law and Justice in Globalizing World

(Compulsory Paper)

Time: **3:00 Hrs.**

Total Marks: **100**

INSTRUCTIONS:

1. Read the questions carefully and answer.
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 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 (25) marks.

1. The Third World States find international law as a product of colonialism. They believe that even in the post-colonial era, the essential structure of the First World hegemony prevails. Comment.
2. In the era of globalization, do you believe that human rights law is certainly going to make positive changes in the lives of people, or has neo-liberalisation weakened the human rights law? Give your opinion.
3. Do you believe that economic globalization has discouraged caste-based discrimination in India and abroad? Explain.
4. Critically explain the various theories of global justice.
5. Write short notes on **any two**:
 - (a) Relevance of Judge Radha Binod Pal's dissent in the present international criminal justice system
 - (b) Climate justice and globalisation
 - (c) Supreme Court's approach in dealing with the challenges to the policies of privatization, liberalization and globalisation

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

Time: **3:00 Hrs.**

Total Marks: **100**

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 (25) marks.

1. What is the doctrine of implied limitation in relation to the amendment of the Constitution? Explain how the basic structure principle has been helpful in preserving the Constitution?
2. How the theory of inter-relationship among the Fundamental Rights has led to the expansive interpretation of Fundamental Rights? Explain.
3. How federalism is important in a democracy? Comment upon various challenges to federalism in India.
4. Write short notes on **any two**:
 - (a) Judicial activism in relation to writs
 - (b) Politicisation of criminals
 - (c) Social democracy in India
5. Write an essay on constitutionalism.

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Repeat Examination (February, 2023)

**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.
 2. Unnecessary queries on the Question Paper shall not be entertained.
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Answer any *four* questions from the following. All questions carry equal (25) marks.

1. Describe in detail the environment related constitutional mandates and relevant laws which were enacted in post independent India.
2. Trace the historical evolution of international environmental law.
3. What do you understand by global water crisis? Does global water crisis entails danger for future sustainability of fisheries, biodiversity and habitats for global citizens including mammals, birds and amphibians?
4. Elaborate how air pollution is directly and indirectly is connected to human activities, and if it is left unchecked it is likely to cause health and environmental catastrophe at domestic as well as global level. Also, discuss the international regimes that are in place to check the menace of human activities which is causing environmental degradation.
5. Write an essay on “wildlife and international peace conflict”.

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**Subject Code: 1.4 (HL) 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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Question No. 1 is compulsory. Answer any *three* questions from Question No. 2 to 5.

1. Critically examine the treaty based individual communication procedures under the international human rights law. Discuss the provisions under the international human rights law pertaining to the protection of children during armed conflict. (12+13 =25 Marks)
2. Explicate the dimensions of human rights in the context of the United Nations Charter, 1945. Discuss the impact of Universal Declaration of Human Rights, 1948 on the development of human rights law. (12+13 =25 Marks)
3. Explain the procedure followed by the European Court of Human Rights in dealing with violations of the provisions of European Convention on Human Rights. Discuss on the aspect of abolition of death penalty under the European human rights system in the light of relevant judicial decisions. (13 +12 =25 Marks)
4. Analyze the provisions pertaining to the right of States to derogate from their obligations under the international and regional human rights law. Discuss the applicability of the reservation provision under the International Covenant on Civil and Political Rights 1966. (13+12 =25 Marks)
5. Write short notes on: (12 +13 = 25 Marks)
 - (a) African Charter on the Rights and Welfare of the Child 1990
 - (b) Human rights law relating to protection against torture

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Subject Code: 1.4 (IP) Intellectual Property Law and Policy

(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 (25) marks.

1. Who is an Author? Is Author and Owner of Copyright the same person? Describe in brief the limitations of a copyright owner as provided under the Copyright Act, 1957.
2. What are industrial designs? Is there overlapping of the Copyright act and Designs Act? What are the essential criteria requisite to be granted protection under the Designs Act, 2000?
3. The citizens of country 'A' suffered a rare kind of blood disorder at the post covid stage. It resulted in death of many patients. The research by the leading medical institution of the country 'A' stated that a particular medicine 'BludRecover' by pharmaceutical company 'X Ltd.' can help many patients to recover. 'X Ltd.' had a patent on the said medicine. However, since it was very expensive and was imported by 'X Ltd'. from its manufacturing unit in Europe, it was accessible to only a handful of people. There was a lot of hue and cry in the country and the citizens demanded that the medicine be made available to them. Suggest what can be done keeping in mind that the Patent Act of country 'A' is same as that of India.
4. What are the absolute grounds of refusal of registration of trademarks? In the light of the absolute grounds of refusal of registration of trademarks, analyse if Janta for selling torch lights and Rasoi for selling cooking oil can be registered under the Trademarks Act, 1999.
5. Short notes: (Answer any two)
 - (a) Overlap between Designs Law and Copyright Law
 - (b) Well known trademark
 - (c) Criteria of patentability
