

mandate contained in Article 355 of the Constitution, where a duty has been cast upon the Union of India to protect every State against 'external aggression' and 'internal disturbance'. The Illegal Migrants Determination Tribunal Act which contravenes Article 355 of the constitution is therefore, wholly unconstitutional and must be struck down." Critically examine the above verdict in the light of Article 355 of the Constitution of India. What are the possible consequences in the event of the Union of India failing to protect the State under Article 355?

8x7=56 MARKS

SECTION C

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

- 3.1 Briefly discuss Article 16(4) of the Constitution of India providing reservation in services against any backward class of citizens by referring to decided cases. Discuss the decision of the Supreme Court in *Indira Sawhney v. Union of India* (I), AIR 1993 SC 477 case and discuss the law in the matter after substitution of 4(A) and 4(B) in Article 16. Would you suggest some more amendment in the sub-clause so as to appease all sections removing alleged discrimination and to prevent brain drain of meritorious students or employees?
- 3.2 "The Doctrine of Classification is merely a judicial formula for determining whether the legislative or the executive action is arbitrary and therefore, constitutes a denial of equality." Comment on the scope of Article 14 in the light of the above observation.
- 3.3 Working of party system in our present national political system is causing aberrations to our parliamentary system. Examine the problems caused by Hung parliament or Hung Assembly and offer objective solution. You have a free hand in offering your recommendation in general touching upon the areas of electoral reforms, party system and forms of government (parliamentary or presidential) in particular.
- 3.4 The Armed Forces (Special Powers) Act of 1958 is a gross violation of fundamental rights enshrined in Articles 14, 15 and 21 of the Constitution of India. Justify with logical reasons.

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
LL.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
END-SEMESTER EXAMINATION (22 MAY 2013)
2.1 INDIAN CONSTITUTIONAL LAW: NEW CHALLENGES

MARKS- ONE HUNDRED (100)

TIME - THREE (3) HOURS

SECTION A

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

- 1.1 What is a 'State Instrumentality'?
- 1.2 Justify the necessity of reservation in Higher Educational Institutions.
- 1.3 How would you define 'Vote of no Confidence'?
- 1.4 Give the grounds for challenging the Proclamation of State Emergency as laid down in *S.R. Bommai v. Union of India* (1994) 2 SCR 644.

4x4=16 MARKS

SECTION B

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 Critically examine the Principles of Federalism. Is there any universal consensus on the concept and on the context of federalism as is reflected in federal constitution? Elucidate your answer by explaining the uniqueness that has been identified in the case of India.
- 2.2 "The multi-party parliamentary form of government has some inherent merits as well as demerits." Do you support this view? Analyze your point view bringing out both the merits and demerits in the context of federal set up adopted under the Constitution of India. Do you hold the view that in India with different regional hopes and aspirations, it is the multi-party parliamentary form of government which is more suitable than any other form of government? Explain with reasons. Point out what constitutional amendments will you like to recommend to make the present multi-party government in the centre more stable?

2.3 "The Government of India under the impact of globalization since 1991 has accepted or asserted market oriented liberal and free economic policy. The Constitution of India in its present form is not oriented to market economy model, but is committed its declared goals of socialism, justice and equality."
 In the light of the above contradiction as pointed out, do you think that the provisions of the Directive Principles of state Policy and other provisions of the Constitution which deal with the above mentioned professed goals should be considered and recast? Is there any need of amending the Constitution in order to meet the emerging trends of market economy and liberalization?

MODULE- II

2.4 "Article 19 of the Constitution of India guaranteed some of the basic values and natural rights." Discuss whether such rights can be curtailed by the State and if so, how the rights can be restricted. Discuss the principles and guidelines while considering the constitutionality of any law imposing restriction as decided in the case of *Papnasam labour Union v. Madura Coats Ltd.*, AIR 1995 SC 2200. Discuss whether picketing, demonstration, right to travel abroad and telecasting come under the purview of Article 19(1)(a) with the help of case law.

2.5 If reservation is made for women, why that would be for 30% and not less considering the vulnerable position of women in India including education; or in the alternative, Why should it not be raised to 50% on the matrix that women constitute not less than 50% of the total population. Link the above problems with the present reservation policy and offer your creative recommendations with strong reasons.

2.6 Critically examine the vicarious criminal liability of the State under Article 32 of the Constitution of India. Do you suggest for the amendment of the Constitution. Justify your answer with reasons. Do you agree with the view that the law regarding governmental criminal liability is behind the need of contemporary society?

MODULE-III

2.7 "Independence of Judiciary does not justify the judiciary playing the role of the executive or the legislature in any kind of litigation."

Discuss some instances of judicial corruption in the country including impending impeachment of Justice Soumitra Sen of the Calcutta High Court. Would you suggest some measures for containing corruption in the judiciary at par with the provisions applicable to the executive so as to guard the guardians?

2.8 "Parliamentary Privileges is considered to be a grey area in India since it has not been codified; hence, divergent views are found."
 Discuss the scope and ambit of parliamentary privileges in the country. Make a legal survey of the laws laid down by the Supreme Court in the following areas in particular:

- i. Privileges vis-à-vis the court
- ii. Privileges vis-à-vis the Fundamental Rights (Freedom of Speech and Habeas Corpus)

Do you favour the codification of parliamentary privileges? Give reasons in support of your answer.

2.9 What are the nature and purpose of Constitutional Conventions? How and when the Conventions are recognized universally? Is there any sanction for non-observance of conventions relating to Constitutional functionaries? Illustrate your answer by collecting conventions from the field of working Cabinet System and the proceeding of both Houses of the Parliament. Are such practices totally different in India as compared to those of United Kingdom?

MODULE- IV

2.10 Discuss the crime practices by politicians in the Indian Democracy. Critically examine the important electoral reforms proposed by the Election Commission for free and fair election. Would you suggest for some constitutional amendments to prevent corrupt practices in election? Discuss with the help of decided cases.

2.11 The bulging Ninth Schedule to the Constitution of India has proved to be a veritable graveyard for many a constitutional principles and projection. Critically examine the statement with illustration.

2.12 The Supreme Court of India in *Sarbananda Sonowal v. Union of India and Others* [writ Petition (civil) 117 of 2006] held as follows: "... the provisions of the *Illegal Migrants Determination Tribunal Act* and the rules made there under clearly negate the Constitutional

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
L.L.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
END-SEMESTER EXAMINATION (24 MAY 2013)
2.2 JUDICIAL PROCESS

MARKS- ONE HUNDRED (100)

TIME- THREE (3) HOURS

SECTION A

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

- 1.1 What are the basic features of Mediation?
- 1.2 Cite the demerits of rigidly following a Precedent.
- 1.3 What are the dangers of delegated legislation?
- 1.4 Write a short note on the Judicial Self-Restraint Theory.

4x4=16 MARKS

SECTION B

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 Discuss the extent of the applicability of the Utilitarian's Theory in the Indian legal Order. Do you think that social justice will be served by applying the theory? Give suitable reasons and case laws in support of your answer.
- 2.2 The legislative competency of the legislature is in question when it exercises its law making power in a covert and disguised manner. What is the adjudicating methodology adopted by the judiciary when such question is raised before the court? Explain it with the help of relevant case-laws.
- 2.3 The 'administration of criminal justice' in India has not been upto the mark and sometimes innocent victims are at the receiving end of the failure of the criminal justice system. Identify some of the major shortcomings in the said area and suggest probable solution to improve the system.

MODULE- II

- 2.4 Analyze the importance and the implications of the doctrine of *Stare decisis*. Whether the Supreme Court of India is bound by its own decision or not? Explain with the aid of case laws.
- 2.5 Elucidate the instances of persuasive precedents being followed by the judiciary in India.
- 2.6 Write a comparative note on the nature, necessity and implication of Retrospective Overruling and Prospective Overruling.

MODULE-III

- 2.7 There have been instances of the excessive misuse of the power to formulate delegated legislation by the administrative authorities in India. Attempt has been made by the judiciary to put a control over such misuse of power from time to time. Examine the constitutional validity of the exercise of judicial control power over delegated legislation. Do you agree that sometimes the judiciary has overstepped into the administrative domain while attempting to protect the interests of citizens? Give reason in support of your answer.
- 2.8 Comment on the efficacy of the writ of *Habeas Corpus* in the protection of fundamental rights in India. Can the writ of *Habeas Corpus* be issued against a private individual? Cite any such instance of issuing the said writ against a private individual.
- 2.9 Discuss the Constitutional mandate of Judicial Review power in India along with its exclusion. Give your reasons for agreeing or disagreeing with the express exclusion of judicial review power in Article 31B and 31C of the Constitution of India.

MODULE- IV

- 2.10 Explain as to how 'Judicial Activism' has served as an effective tool for promoting the 'right to health' in India.
- 2.11 Discuss the relationship between law and justice in the light of relevant theories. Critically comment on the shortcomings observed in the theories.

- 2.12 Appraise the problems and concerns of the misuse of Public Interest Litigations (PIL) in India. What suggestions would you like to put forth to put a check on such misuse of PIL.

8x7=56 MARKS

SECTION C

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

- 3.1 "The notion of the 'Independence of Judiciary' should be understood as an independence from the legislative and the executive control and not as an independence from judicial accountability." Examine the statement and discuss the constitutional provisions which uphold the independence of judiciary and the problems challenging the accountability of the judiciary in the Indian context. How the judiciary should be made accountable according to you, to sustain the sanctity of the institution of the Judiciary?
- 3.2 Give a critique of the judicial role in promoting and protecting the notion of 'environmentalism' in India in the light of the various environmental principles formulated by the judiciary. Do you observe any impact of the environmental principles laid down by the judiciary on the policy making decision taken by the government?
- 3.3 Evaluate the shortcomings inherent in the Traditional Dispute Resolution Method and the need for its reformation. Discuss as to how such reformation can be made by adopting an Alternative Dispute Resolution System.
- 3.4 Make an appraisal of the judicial control over the exercise of the constituent power by the Parliament in India with the aid of case laws. Comment as to whether such judicial control is anti-thesis to the doctrine of 'Separation of Power'. If so, what should be the reasonable limit to be imposed on the judiciary to keep it within its own field? If you agree the contrary, justify as to why judiciary should be allowed to control over the exercise of constituent power by the Parliament.

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
LL.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
END-SEMESTER EXAMINATION (18 MAY 2013)
2.3 INDIAN LEGAL PERSPECTIVE OF HUMAN RIGHTS

MARKS- ONE HUNDRED (100)

TIME - THREE (3) HOURS

SECTION A

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

- 1.1 Define 'intelligible differentia'.
- 1.2 Give the rationale for putting a limitation on human rights.
- 1.3 Define the term 'Torture' within the meaning of Article 1 of the International Convention on Torture.
- 1.4 Give a short account of the Part-III of the Indian Constitution relating to the rights of women.

4x4=16 MARKS

SECTION B

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 "It is common place among philosophers and legal scholars to suggest that the antecedents of contemporary rights and liberties are of ancient origin." Analyze the theoretical-philosophical foundations of human rights since ancient times till date in India.
- 2.2 What measures have been adopted to promote, protect and assure the whole and equal enjoyment of human rights and fundamental freedoms by all persons under the India Constitution? Do you want to suggest any amendment of the Constitution to meet the respective goals?

2.3 Give a critical appraisal of how the Fundamental Rights operate as a constitutional limitation against the Legislature, the Executive and the Judiciary.

MODULE- II

2.4 "Since Human Rights and Fundamental Freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible." Critically evaluate the statement as to how it has reflected in the Indian Constitution.

2.5 Attempt a critical assessment on the justifiability of the Directive Principles of State Policy in the light of international Human Rights Covenant.

2.6 What do you mean by the expression 'self-determination' under the International Law? Do you think that this expression is being variedly interpreted by various quarters for their vested interests or even legitimate rights? Explain fully if 'right to self-determination' is a threat to national integration of any country like India.

MODULE-III

2.7 Analyze how far the Indian judiciary has been able to overcome the problems of defining reasonable restrictions on the fundamental rights. Do you think that more limitations on the fundamental rights are necessary to meet social justice? How far the fundamental duties acts as a limitation over the Fundamental Rights?

2.8 What is the difference between 'war emergency' and other rights during emergency. Make a detail study on the enforcement of human responsibility during the time of emergency under the International Human Rights law.

2.9 "Extra-Judicial killing is a gross violation of human rights which the Indian Government has been continuously doing in the name of unity and security of the country." Give a critical assessment of the statement.

MODULE- IV

2.10 In the backdrop of the increasing rate of crime against women, evaluate the sufficiency of the penal provisions provided under the Indian Penal Code, 1860. Suggest measure if, according to you it is necessary to control crimes against women.

2.11 Write a legal essay on the right to free pollution environment vis-à-vis Article 21 of the Indian Constitution.

2.12 Discuss the provisions under the Constitution of India which enables the courts to accord due recognition to human Rights, by citing recent Apex Court verdict.

8x7=56 MARKS

SECTION C

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

3.1 The Supreme Court of India has recognized the fundamental rights as natural rights or human rights. Elucidate the above statement by citing some recent judgments of the India.

3.2 Despite the numerous activities of the United Nations for the promotion and observance of Human Rights, there are still large scale violations and denials of Human Rights all over the world, under the very nose of the United Nations. Explain the various activities of the United Nations' Conventions and their shortcomings with special reference to India.

3.3 Explain the recent development in the Indian Constitutional law on Human Rights. Discuss certain important case laws relating to awarding of compensation to the victims of human rights violation by the State and its agencies.

3.4 Write a critical legal essay on the protection and promotion of the rights of Schedule Tribes and Schedule Castes under the Constitution of India.

2x14=28MARKS

* * * * *

- 3.2 Write a comprehensive note on the controversy relating to the applicability of the Consumer Protection Act, 1986 to the medical profession in India. What are your views on the issue of inclusion of the services rendered by the medical profession within the ambit of the 1986 Act? Please support your answer with the help of some of the decided cases on both the sides. Explain as to how the controversy was finally resolved by the Supreme Court of India in the prominent case of *Indian Medical Association v. V.P. Shantha*, (1995) CTJ 615 (Supreme Court)
- 3.3 What is the controversy relating to the applicability of the Consumer Protection Act, 1986 to Educational Services? Is the Consumer Protection Act applicable to all types of educational services or are there any exceptions to the general rule of applicability? What was the decision of the Calcutta High Court in the case of *Nirmal Taneja v. Calcutta District Forum and Others*, II (1992) CPJ 591 (High Court)?
- 3.4 Write an explanatory note on the topic of 'Applicability of the Consumer Protection Act, 1986 to the Legal Profession in India.' Please refer to some of the conflicting and contradictory decisions pronounced by the National Consumer Disputes Redressal Commission as well as by some of the High Courts in the country. What is the current position on the issue? Has Supreme Court pronounced any decision thereby setting at rest the controversy relating to the applicability of the 1986 Act to the legal profession?

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
 LL.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
 ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
 END-SEMESTER EXAMINATION (27TH MAY 2013)
 2.3 THE CONSUMER PROTECTION ACT 1986: AMBIT, APPLICABILITY, CONFLICTS AND CONTROVERSIES

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 How is the definition of the term 'Consumer' under the Consumer Protection Act, 1986 (as amended in the year 1993) different from the one envisaged under the original Act of 1986?
- 1.2 What are the two exclusions from the definition of the term 'Service' envisaged under the Consumer Protection Act, 1986?
- 1.3 What do you understand by the expression 'Contract for Personal Service'?
- 1.4 Who can be a 'Complainant' under the Consumer Protection Act, 1986?

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 - 1

- 2.1 What do you understand by the expressions 'Services Rendered for Consideration' and 'Services Rendered Free of Charge'? Please answer the question with the help of the decided case law.

- 2.2 What is the difference between the two expressions 'Contract of Personal Service' and 'Contract for Personal Service'? Give suitable examples to support your answer.
- 2.3 In the light of the decision of the National Consumer Disputes Redressal Commission in the case of *Consumer Unity and Trust Society v. Chairman, Bank of Baroda*, 1991 (I) CPR 263 (NC), discuss the controversy relating to the Banking Services under the *Consumer Protection Act, 1986*.

MODULE- II

- 2.4 What were the facts and the law laid down in the case of *Poonam Verma v. Dr. Ashwin Patel and Others*, (1996) II CPJ 1 (SC)? Can and should a homeopath practise allopathic system of medicine? What was the decision of the Supreme Court of India on this issue?
- 2.5 What do you understand by the 'Fee' versus 'Tax' controversy which was the subject matter of argumentation in the case of *Consumer Unity and Trust Society v. State of Rajasthan*, 1991 CPR 241 (National Commission)?
- 2.6 What were the main issues involved and the decision in the case of *Mable Roosevelt v. State of Kerala*, (1991) I CPR 330 (NC).

MODULE-III

- 2.7 What were the facts and the law laid down in the case of *Monisa Samal v. Sambalpur University and Others*, II (1991) CPJ 372.
- 2.8 Describe the facts and the decision taken in the case of *Seema Bhaitha v. Registrar, Rajasthan University*, II (1992) CPJ 899 or
 What was the decision of the State Commission in the case of *Biren Kman Jagdev v. Controller of Examination, Utkal University*, II (1992) CPJ 903?
- 2.9 When and how did the controversy relating to the applicability of the *Consumer Protection Act, 1986* to educational services start and what is the current position?

MODULE- IV

- 2.10. Keeping in view the definition of the expression 'Service' incorporated in the *Consumer Protection Act, 1986* by virtue of the amendment of the said Act in the year 1993, has 'Housing Construction' been rightly been included in the Act or not? Give reasons to support your answer.
- 2.11 Why is there a controversy relating to the inclusion of the legal profession within the ambit of the *Consumer Protection Act*? Do you think that an advocate who charges fee and other incidental charges from his client be held guilty of misconduct in case he/she does not represent the client in the case for which he was paid?
- 2.12 What do you understand by the expression "Deficiency in Service"? How is this expression used in case of professionals like the advocates, architects, teachers, doctors, designers, software engineers? Should all professionals be brought within the ambit of the *Consumer Protection Act, 1986*?

8x7=56 MARKS

SECTION THREE

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

- 3.1 What was the controversy with regard to the inclusion of the services relating to the Housing Construction within the ambit of the *Consumer Protection Act, 1986*? What was the provision relating to Housing in the original *Consumer Protection Act of 1986* and what was the position of the same after the amendment of the 1986 Act by the *Consumer Protection (Amendment) Act, 1993*. Support your answer with the proposition of law laid down in the case of *U.P. Avas Evam Vikas Parishad v. Garima Shukla and Others*, (1993) I CTJ 929 and in the case of *Lucknow Development Authority v. M.K. Gupta*, (1993) I CTJ 929 (Supreme Court).

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
LL.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
END-SEMESTER EXAMINATION (20 MAY 2013)
2.4. NATIONAL INSTITUTIONS AND HUMAN RIGHTS

MARKS- ONE HUNDRED

TIME - THREE HOURS

SECTION - 1

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

- 1.1 Narrate the differences between the National Human Rights Institutions and Non-Governmental Organisations.
- 1.2 State the cooperation between the National and the State Human Rights Commissions in protection and promotion of Human Rights.
- 1.3 Define the concept of 'Minority' as provided in the *National Commission for Minorities Act* of 1992 and in the Indian Constitution.
- 1.4 State the Procedures established by the NHRC to respond to the gross human rights violations committed by the Armed Forces.

4x4=16 MARKS

SECTION - 2

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

MODULE - 1

- 2.1 Discuss the importance of the Paris Principles and its standard setting process for the establishment of National Human Rights Institutions.
- 2.2 Briefly explain the 1993 Vienna Declaration and Programme of Action in the promotion and protection of human rights.
- 2.3 Examine the importance of establishment of the Regional Human Rights Institutions in protection of regional human rights violations.

Module -II

- 2.4. Give some suggestions to improve the role, mandate and functions of the State Human Rights Commissions in protection of human rights.
- 2.5. State Human Rights Commission's recommendations are not enforceable and not mandatory in the human rights protection regime – Examine Critically.
- 2.6. Critically examine the role of NGOs in the human rights protection regime and also discuss their co-operation with the National Human Rights Commission.

Module-III

- 2.7. Elucidate the findings of Justice Sachar's Committee Report on the protection of minorities in the light of the constitutional provisions
- 2.8. Explain the objectives and mandate of the SC and ST (Prevention of Atrocities) Act 1989 in protection of rights of the dalits in India.
- 2.9. Discuss the role of the constitution and legislative mechanisms in protection of the rights of disabled people of India.

Module-IV

- 2.10. Discuss the role of the NHRC in prevention of torture and police atrocities in India.
- 2.11. Discuss the role of the NHRC in protection of refugees in India in the light of principles laid down by the Supreme Court in the case of *NHRC v. State of Arunachal Pradesh*, AIR 1996 SC 1234.
- 2.12. Discuss the role of NHRC in implementation of International Human Rights treaty obligations in Indian domestic law.

8x7=56 MARKS

SECTION – 3

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

- 3.1. "National Human Rights Institutions are valued as essential partners in the task of protecting and promoting human rights at the national and regional levels".
Discuss in the light of relevant UN Human Rights resolutions adopted by the Commission of Human Rights.
- 3.2. Critically assess the contribution made by the *Protection of Human Rights Act of 1993* in effective promotion, implementation and enforcement of human rights in India.
- 3.3. "The establishment of separate and fast track children courts in each district of India will alleviate the suffering of the child victims".
Do you agree? if so, discuss the feasibility.
- 3.4. "National Human Rights Commissions win public or popular legitimacy when they are seen to stand up for the rights of the powerless against powerful interests and act fairly in treating issues within their purview".
Critically examine the mandate, role and functions of the NHRC of India in the light of above statement

2x14=28MARKS

- The Territorial Jurisdiction; and (iv) The Appellate Jurisdiction of the State Consumer Disputes Redressal Commission. What changes, if at all, would you like to suggest in the Consumer Protection Act, 1986 with regard to the jurisdictional aspect.
- 3.3 What role the National Consumer Disputes Redressal Commission is playing in the arena of Consumer Protection? Do you think that the role of National Commission is more important than that of the role of the District Consumer Disputes Redressal Commission and the State Consumer Disputes Redressal Commission? Would you like to suggest any modifications in the Consumer Protection Act, 1986 to make the National Consumer Disputes Redressal Commission more effective, strong and performance oriented than the one that is at present?
- 3.4 Write a comprehensive note on the Enforcement Mechanism envisaged under the Consumer Protection Act, 1986. What is the mutual relationship between Section 25 and Section 27 in this context? Has the insertion of Section 27A in the 1986 Act by virtue of the Consumer Protection (Amendment) Act, 2002 made any change in this regard? Write an explanatory note on the subject of "Penalties" as mentioned in Section 27 of the 1986 Act. Please explain as to whether the provisions incorporated in the Code of Criminal Procedure inhibit or would come in the way of the Consumer Disputes Redressal Agencies in performance of their duties with regard to the imposition of penalties?

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
 LL.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
 ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
 END-SEMESTER EXAMINATION (29TH MAY 2013)
 2.4 THE CONSUMER PROTECTION ACT 1986: THE REDRESSAL
 MECHANISMS



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 What is the need and importance of the Consumer Protection Councils envisaged under the Consumer Protection Act, 1986?
- 1.2 What do you understand by the term 'Circuit Bench'? What is the justification for the establishment of a Circuit Bench?
- 1.3 What is the provision relating to the transfer of cases by the National Commission that are lying pending before the District Forum of one State to a District Forum of another State or before one State Commission to another State Commission?
- 1.4 In which matters, the National Consumer Disputes Redressal Commission has an administrative control over all the State Commissions?

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 What is the composition of a District Consumer Disputes Redressal Commission? Also explain as to what is the

composition of a Selection Committee for appointing members of the District Forum? Do you think that it is appropriate to appoint a person who is not a District Judge but is "qualified to be a District Judge" as the President of a District Forum?

2.2 What is the manner in which a complaint is made before a District Consumer Disputes Redressal Forum?

2.3 Write a brief note on the procedure to be followed by a District Consumer Disputes Redressal Forum on the admission of a complaint.

MODULE- II

2.4 Write an explanatory note on the original, pecuniary and appellate jurisdiction of a State Consumer Disputes Redressal Forum.

2.5 "The provisions of Sections 12, 13 and 14 and the rules made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission." Comment with reference to the procedure normally adopted by the State Consumer Disputes Redressal Commission.

2.6 What is the procedure for hearing of an appeal as envisaged under Section 19-A of the Consumer Protection Act, 1986?

MODULE-III

2.7 What is the composition of the National Consumer Disputes Redressal Commission? How is it different from: (i) District Consumer Disputes Redressal Forum; and (ii) State Consumer Disputes Redressal Forum?

2.8 Write an explanatory note on the jurisdiction of the National Consumer Disputes Redressal Commission as mentioned in the Consumer Protection Act, 1986.

2.9 What is the procedure envisaged under the Consumer Protection Act, 1986 in its Section 22-D with regard to the Vacancy in the Office of the President? Write a critical note on this.

MODULE- IV

2.10 Write a brief, but descriptive note on the following: (i) Procedure of Appeal in case of the National Consumer Disputes Redressal Commission as envisaged in Section 23 of the Act; and (ii) Procedure Relating to the Finality of Orders. Please support your answer with examples from the decided case law.

2.11 Write an evaluative note on the Limitation Period as mentioned in Section 24 A of the Consumer Protection Act, 1986. Please cite atleast two important cases with contradictory decisions on this issue.

2.12 Write a critical note on the procedure for dismissal of false, frivolous and vexatious complaints filed under the Consumer Protection Act, 1986. Is the current procedure different from the one envisaged under the original Act of 1986 before it was amended?

8x7=56 MARKS

SECTION THREE

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

3.1 "Consumer Protection Councils have been constituted under the Consumer Protection Act, 1986 with the sole aim of promoting consumer interests through the spreading of education and awareness thereby creating the consumer culture in the country." In the light of the above statement, please discuss critically the role of the Consumer Protection Councils. What suggestions would you like to offer in order to make these Councils work effectively and efficiently?

3.2 Write a brief note on each one of the following: (i) The Pecuniary Jurisdiction; (ii) The Subject Matter Jurisdiction; (iii)