

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY ASSAM
LL. M. TWO YEARS DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
MID SEMESTER EXAMINATION (8 APRIL 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 Discuss with the help of relevant case-laws the mechanism provided in the Constitution of India for resolving Inter-State River Water Disputes.
- 1.2 Give a critical comment on the Sarkaria Commission report on Federalism.
- 1.3 Explain the ' Doctrine of Reasonable Classification ' embodied in various provisions of the Indian Constitution.
- 1.4 Discuss the constitutional limits on the exercise of freedom of speech and expression in the Indian context.

4x4=16 MARKS

SECTION B

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

MODULE - I

- 2.1 What is the constitutional mechanism available for the protection of states against external aggression and internal disturbance in India?

- 2.2 Discuss the protection available to illegal migrants in the light of judicial trends in India.
- 2.3 Analyze the scope and ambit of "State" and "State instrumentality" with the aid of judicial decisions.
- 2.4 What are the salient features of federal system? Discuss how the federal system in India is different from the federal features seen in the United States of America and Canada.
- 2.5 Discuss the Constitutional framework for creation of new states in India.

MODULE- II

- 2.6 Explain the difficulties in the path of bringing about social reformation through the Uniform Civil Code.
- 2.7 Discuss the inter-relationship between Fundamental Rights and Directive Principles of State Policy in the light of various judicial decisions.
- 2.8 Discuss the Constitutionality of Armed Forces Special Powers Act, 1958.
- 2.9 Critically examine the constitutional and legislative measures available for the political empowerment of women in India.
- 2.10 Discuss with the help of judicial trends the principles of natural justice implied in the provisions of Indian Constitution.

8x7=56 MARKS

SECTION C

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

- 3.1 Discuss the significant role of Judiciary in balancing the conflicting of interests in the area of reservation policy in India.

- 3.2 Explain the activist's role played by the Indian judiciary in protection and promotion of the fundamental right to pollution free environment in India.
- 3.3 Evaluate the role of Political Parties in India in promoting democratic values.
- 3.4 Define the term Co-operative Federalism. Discuss the provisions in the Indian Constitution which promotes Co-operative Federalism.

2x14=28 MARKS

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY ASSAM
L.L.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
MID SEMESTER EXAMINATION (10 APRIL 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 Discuss the concept of Administration of Justice.
- 1.2 Write an explanatory note on the Mixed Questions of Law and Fact.
- 1.3 Define Legal Reasoning. How is Legal Reasoning employed by the courts in Judicial Process?
- 1.4 Write a note on the Doctrine of Ratio Decidendi. Illustrate it with the help of case laws.

4x4=16 MARKS

SECTION B

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

MODULE - I

- 2.1 Discuss the Rules of Judicial Methods employed in the interpretation of the three lists provided under VII Schedule of the Indian Constitution.
- 2.2 Define Judicial Process. Discuss the nature and scope of Judicial Process.
- 2.3 Make a comparative study of the 'Doctrine of Eclipse' and the 'Doctrine of Severability.'

- 2.4 Critically examine the judicial creativity in the area of sexual harassment against women.
- 2.5 Give an analytical note on Rawl's Theory of Justice and its applicability in the Indian context.

MODULE - II

- 2.6 Discuss the kinds of Precedents.
- 2.7 Write a note on the doctrine of Res Judicata. Are there any exceptions to this doctrine?
- 2.8 Discuss the concept of 'Prospective Overruling' citing such instances in the Indian Context.
- 2.9 Discuss the degree of significance of 'Obiter Dictum.'
- 2.10 Explain the binding effect of decisions rendered *per incuriam* by the Higher Courts.

8x7=56 MARKS

SECTION C

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

- 3.1 Critically comment on the theories which explain judicial behavior in judicial process.
- 3.2 Discuss judicial process as an instrument of social ordering in the area of protection of children in India.
- 3.3 The Philosophy of Dharma is seen to be reflected in the Indian Legal Order. Comment with the help of relevant provisions.
- 3.4 The doctrine of *stare decisis* is a principle of policy and not a mechanical formula of adherence to the previous decisions. Explain in the light of the statement the limits of following a Precedent and the necessity of overruling constitutional precedents.

2x14=28 MARKS

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM
LL.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
MID-SEMESTER EXAMINATION (11 APRIL 2013)
2.3 CONSUMER PROTECTION ACT 1986: THE REDRESSAL MECHANISMS



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 When and under what circumstances complaints can be filed under the Consumer Protection Act, 1986?
- 1.2 Briefly discuss the composition and qualification of the members of a State Consumer Dispute Redressal Commission.
- 1.3 Who can approach the redressal agencies established under the Consumer Protection Act, 1986?
- 1.4 What are the requirements for filing an appeal against the orders of a District Consumer Dispute Redressal Forums to the State Commission?

4x4=16 MARKS

SECTION B

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

MODULE - 1

- 2.1 Briefly discuss the object and role of the Consumer Protection Councils.
- 2.2 Sandeep purchase a diesel car for Rs. 22 lacs from an automobiles company, after use for many days, he found that its engine defective. Despite many complaints, the defect has not been rectified. Suggest

to him how and when should he approach the appropriate authority where he could file a complaint under the Consumer Protection Act, 1986.

- 2.3 Briefly discuss the Pecuniary, Subject Matter and Territorial Jurisdiction of a District Forum under the Consumer Protection Act, 1986.
- 2.4 Mr. A issued an advertisement that a person could enter the contest by booking a Maruti car. Mr. S purchased a Maruti car and thus entered the contest. He was declared as the winner of the draw and was thus entitled to the two tickets from New Delhi to New York and back. Mr. S wants to file a complaint alleging that the ticket was not delivered to him. Suggest him regarding his legal status with relevant case laws.
- 2.5 "Every proceeding before the District Forum shall be deemed to be a judicial proceeding" Comment.

MODULE II

- 2.6 Discuss the grounds when a State Commission may entertain transfer of cases pending before a District Forum. Support your answer with the decided cases.
- 2.7 Discuss the functions of a State Commission and the challenges faced by a State Commission during the implementation of its functions.
- 2.8 What are the steps followed by a State Commission while hearing the appeals?
- 2.9 Briefly discuss the need and role of a State Commission in the arena of consumer protection.
- 2.10 Discuss the qualification, tenure and disqualification of members of a State Commission.

8x7=56 MARKS

SECTION C

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

- 3.1 Mr. John, a resident of USA came to India for three months vacation to travel various tourist places. You have been given the duty to explain him regarding the consumer redressal mechanisms available to him during his stay in India. Briefly discuss what points you are going to explain him.

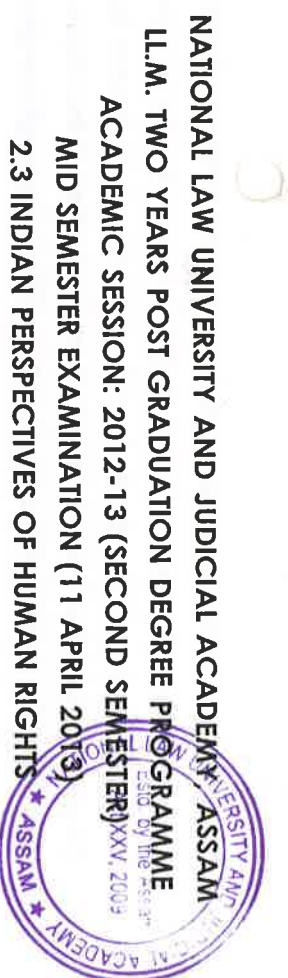
During the discussion he put the following Questions:

- How to approach?
- Where to approach?
- What are the requirements for filing a complaint?
- How much time it will take?

Justify your answers.

- 3.2 Discuss the procedure adopted by a District Forum on admission of a complaint.
- 3.3 Critically discuss the original as well as the appellate jurisdiction of a State Commission?
- 3.4 Discuss the functions of a State Commission and also highlight the challenge faced in implementing the same.

2x14=28 MARKS



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY ASSAM
L.L.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
MID SEMESTER EXAMINATION (11 APRIL 2013)
2.3 INDIAN PERSPECTIVES 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 Discuss as to how the protection of human rights is reflected in the philosophy of Dharma.
- 1.2 Explain the term "fraternity" as is appeared in the Constitution of India.
- 1.3 Give a short discussion on the First Generation Rights as enlisted in the Universal Declaration of Human Rights with specific reference to India.
- 1.4 What are the reasons for inclusion of Directive Principles of State Policy in the Indian Constitution?

4x4=16 MARKS

SECTION B

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

MODULE – I

- 2.1 Discuss the development of Human Rights during the British Regime in India.
- 2.2 Fundamental Rights are evolution of the Natural Rights. Critically examine the statement with the help of case laws.

- 2.3 "Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings. They are not the result of any legislation and not subject to the amendments by any legislature". Discuss in the light of the above statement, the validity of the classification of the human rights under the heading of Human Rights for All and Human Rights for the Citizens only.
- 2.4 The inclusion of Fundamental Rights in the Indian Constitution has opened a new era in the Indian history in case of fulfillment of human aspiration. Explain with logical reasons.
- 2.5 Critically examine as to how the Fundamental Rights operate as a limitation against the Legislature, the Executive and the Judiciary.

MODULE- II

- 2.6 Attempt a critical appraisal of the influenced of the Universal Declaration of Human Rights on the framing of the Indian Constitution.
- 2.7 The Directive Principles have been described as the forerunner of the UN Convention on the Right to Development as inalienable human rights." Explain.
- 2.8 Elaborate the expanding scope of the 'right to life' with special reference to the 'right of defences' in police custody, jails and other places of detention by the State machineries.
- 2.9 "Since the 17th century, if not earlier, human thinking has been veering round to the theory that man has certain essential, basic, natural and inalienable rights or freedoms and it is the function of the State in order that human liberty may be preserved, human personality be developed and an effective social and democratic life promoted, to recognize these rights and freedoms and allow them a free play." Elucidate the above statement and refer to the Constitutional Scheme in India guaranteeing such rights and freedoms, alongwith the relevant judicial decisions.

- 2.10 Explain the need and the role of the 'right to education' in the development of human personality with reference to the Constitutional provisions in India, judicial creativity, and the contribution of the Parliament.

8x7=56 MARKS

SECTION C

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

- 3.1 Write an essay on the Treaty making power of the Government of India under the Constitution of India.
- 3.2 "All people have the right of Self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Examine the above statement in the light of the UN General Assembly Resolutions 1514 and 2625. Justify India's position with regard to the reservation of the right of self-determination.
- 3.3 "Article 2 of the Economic Convention provides that "Each State party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation especially economic and technical to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means including particularly the adoption of legislative measures." Critically examine the role of the Government of India to implement the economic, social and cultural rights as enumerated in the Economic Convention.
- 3.4 Discuss the enforcement of human rights of citizens under Part-III of the Indian Constitution with special reference to Article 21.

2x14=28 MARKS

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 the term 'Service' as it has been defined under the Consumer Protection Act, 1986.
- 1.2 What is a 'Contract of Personal Service'? Illustrate.
- 1.3 What is a "Contract for Personal Service"? Illustrate.
- 1.4 When was the term 'Housing Construction' included within the definition of the term 'Service' as defined under the Consumer Protection Act, 1986?

4X4=16 MARKS

SECTION B

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

MODULE - I

- 2.1 Define and distinguish the two terms "Contract of Personal Service" and 'Contract for Personal Service'. Give suitable illustrations to support your answer. What argument medical professionals advance while defending their stand that they are rendering services under a 'Contract of Personal Service' instead under a 'Contract for Personal Service'?

- 2.2 What do you understand by the term 'Medical Negligence'? Can an 'Error of Judgment' in a surgical case be called as 'Medical Negligence'?
- 2.3 When the controversy relating to the applicability of the Consumer Protection Act, 1986 to the medical profession started, were the public hospitals also brought within the ambit of the 1986 Act?
- 2.4 Discuss any two cases relating to the private hospitals wherein the allegedly deficient services rendered were complained against by an aggrieved consumer.
- 2.5 Enumerate the facts, law point involved and law laid down by the Consumer Disputes Redressal Commissions in any of the two cases that you have studied and they were relating to the services rendered by the private hospitals and nursing homes.

Module II

- 2.6 What do you understand by the term 'Education'? Distinguish the term 'Education' from the term 'Educational Services'.
- 2.7 Discuss the facts and the law point involved in any of the two cases relating to the applicability of the Consumer Protection Act, 1986 to the educational services.
- 2.8 Is education a 'Service' or an 'Industry'? Whatever may be your view, please discuss as to whether should education services be governed by the Consumer Protection Act?
- 2.9 Legal profession is considered to be one of the noblest professions in the world. If you agree with this statement, then should the lawyers who represent and save their clients from many odds in the court should in turn be hauled up by the clients in the court?
- 2.10 Discuss some of the views advanced by the legal practitioners against their governance by the Consumer Protection Act, 1986

8x7=56 MARKS

SECTION C

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

- 3.1 Discuss in detail the controversy relating to the applicability of the Consumer Protection Act, 1986 to 'Educational Services'.
- 3.2 What was the controversy relating to the applicability of the Consumer Protection Act, 1986 to the medical profession in India?
- 3.3 Write a comprehensive note on the widening ambit and amplitude of the Consumer Protection Act, 1986 and inclusion of various types of services within its fold that were hitherto outside earlier.
- 3.4 Enumerate the position of the legal profession with regard to latter being governed by the Consumer Protection Act, 1986.

2x14=28 MARKS

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NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY ASSAM
LL.M. TWO YEARS POST GRADUATION DEGREE PROGRAMME
ACADEMIC SESSION: 2012-13 (SECOND SEMESTER)
MID SEMESTER EXAMINATION (13 APRIL 2013)
2.4 NATIONAL INSTITUTIONS ON 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 What are the reasons leading to the setting up of the National Human Rights Commission in India?
- 1.2 Define the concept of Human Rights as provided in the *Protection of Human Rights Act, 1993*.
- 1.3 What is the necessity of the State Human Rights Commission?
- 1.4 Discuss the composition of the State Human Rights Commission.

4x4=16 MARKS

SECTION B

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

MODULE - I

- 2.1 Elucidate the origin of the National Human Rights Institutions.
- 2.2 What is the procedure laid down under the *Protection of Human Rights Act, 1993* (as amended in 2005) in respect to the composition and appointment of its members? Does it ensure pluralist representation of the social forces involved in the promotion and protection of human rights? Has the infrastructure provided under the Statute facilitated smooth conduct of its mandate?

- 2.3 Examine the role of the National Human Rights Commission in respect of its activities pertaining to the human rights education and the army respectively.
- 2.4 What are the shortcomings in the *Protection of Human Rights Act, 1993* that need to be addressed for it to function effectively without its coming into conflict with the judiciary?
- 2.5 Attempt a comprehensive analysis of the powers of National Human Rights Commission relating to inquiries and investigations of human rights violations. Mention the nature of the complaints that cannot be entertained by the Commission.

MODULE- II

- 2.6 Discuss the objectives and functioning of the State Human Rights Commissions.
- 2.7 Write an exhaustive note on the recommendations of the State Human Rights Commissions. State the problems which may arise regarding the implementation of the recommendations of the Commission. Give your suggestions in this regard.
- 2.8 Examine in depth the contribution of the State Human Rights Commission over the last five years in the field of protection and the promotion of human rights in Assam.
- 2.9 Do you feel that the State Human Rights Commission has been endowed with enough powers and functions for effectively protecting the human rights in the State? Justify your answer with reasons.

- 2.10 Give an analytical appraisal of the Annual and Special Reports of the State Human Rights Commission.

8x7=56 MARKS

SECTION C

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

Page 2

- 3.1 "Human Rights Commissions are not the panacea for all problems related to the subject in a society." Critically examine the statement by assessing the positions and functioning of the Human Rights Commissions in India.
- 3.2 "Human Rights issues need to be directly and seriously confronted by a body, exclusively mandated to supplement by other legal, judicial and institutional mechanisms that ensure the governments accountability." Attempt a critical appraisal of the functioning of the Commission and other suggestions for its effective functioning.
- 3.3 Attempt a critical evaluation on the central challenges relating to human rights in India's future.
- 3.4 Discuss the recommendations of the National Human Rights Commission for amendment of the *Protection of Human Rights Act, 1993*.

2x14=28 MARKS

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