



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-102

Subject: Law and Justice in a Globalizing World

LL.M. 1st Semester

12th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)

(2x5=10 Marks)

Q.1 Short Answer Type Questions:

- (A) Theory of ‘essential religious practices under the provision of the Constitution of India and challenges posed by legal pluralism.
- (B) Conception of self and religious tolerance as integral constituents of any conception of secularism.
- (C) Labour or personality theory of property.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** The legal material, namely, privilege/liberty is, perhaps, the most problematic one. It has eluded the philosophers about its true character and functions it performs in law and legal system. Discuss.
- Q.3** Critically discuss that the ‘increasing inequality’ in India, in the era of globalization, is a direct product of law and legal categories.
- Q.4** Critically evaluate the theory of justice by Rawls. Support your answer with points argued by Martha Nussbaum. Use appropriate examples from everyday social and political life.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-104

Subject: Constitutional Governance and Federalism

LL.M. 1st Semester14th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) Under the Constitution of India, there are situations where there is no other alternative but for the President of India to exercise discretion. Discuss.
- (B) The doctrine of repugnancy describes the situation where a State law is rendered invalid for being inconsistent with paramount law.” Discuss.
- (C) Discuss the Constitutional provisions relating to power of the Union to issue directions to State Government during emergency.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** “Federalism is a system of national and local government, combined under a common sovereignty with both national as well as federating units having autonomous spheres assigned to them by the constitution”. Based on the relationship between the central and the state government, discuss the concept of federalism in Indian perspective. Also discuss the hindrance for competitive federalism in India.
- Q.3** Reputation of presidential system of government in India is sullied because its name become associated with an autocrat. How exactly the American structure make it impossible for the president to become a dictator?
- Q.4** “Emergency is a situation which requires quick action and immediate notice as such a situation causes a threat to the life and property in the nation. It is a failure of the social system to deliver reasonable conditions of life”. Discuss what are the emergency situation which arises due to the failure of the government machinery which causes or demands immediate action from the authority.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-105

Subject: Global Administrative Law

LL.M. 1st Semester16th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) “The functions of state have increased enormously due to change in notion of governance from *laissez faire* to welfare state”. Explain rule of law in welfare state.
- (B) Explain the doctrine of proportionality.
- (C) Distinguish between Tribunal and Court with reference to *R. Gandhi, President Madras Bar Association v. Union of India* case.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** Due to the nationwide lockdown during spread of Covid-19, a pharmacy company changed the service rules of the employees suddenly. Annoyed by the said decision of the Company’s management the Employee’s Union filed a petition before the court of law to challenging the action of the company as the company has not given hearing to the employees before implementing the decision. Before the court the company assure the court that they are ready to give hearing to the aggrieved employees. Decide on behalf of court on the issue of invalidation of company’s action with the help of legal provision and decided cases.
- Q.3** The government has announced the policy to regularize the unauthorized colonies of Delhi. Out of 200 such colonies 170 colonies were regularized except 30 colonies. Aggrieved by the decision the association of these colonies filed a writ petition in the

High Court. The government contended that these colonies do not have legal right to be regularized. Decide the petition citing legal provision and case laws.

- Q.4** The legislature passed a Coal Control Order which mandates that sale and purchase of coal could not be made, except with the valid license which can be issued by the Coal Controller or any other person authorized by him. The Order further said that the Licensing Authority may grant, refuse to grant, renew or refuse to renew, cancel, revoke or modify the license as he thinks fit. The said Order was challenged by the Union of Coal dealers contending that the same is uncontrolled power given to the Licensing Authority. The Administration counter argued that the power given to the Licensing Authority is well defined and not uncontrolled. Decide with the help of legal provision and leaded case laws.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-106

Subject: Criminology and Criminal Justice Administration

LL.M. 1st Semester14th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) Explain Robert Merton's theory of Social Structure and Anomie. How far can it explain the criminal behaviour?
- (B) "The modern concept of punishment and penology has undergone a vital transformation and the criminal is now not looked upon as a grave menace to the society which should be got rid of but is a diseased person suffering from mental malady or psychological frustration due to subconscious reactions and is, therefore, to be cured and corrected rather than to be killed or destroyed".

Elucidate reformatory theory of punishment on the basis of above statement.

- (C) "Each one has an inbuilt right to be dealt with fairly in a criminal trial. Denial of a fair trial is as much injustice to the accused as it is to the victim and to society. Fair trial obviously would mean a trial before an impartial judge, a fair prosecutor and an atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witness or the cause which is being tried, is eliminated."

On the basis of above statement explain the principles of fair trial with the help of case laws.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** What are the main reforms contributed by the classical school? What is new about the neo-classics from the classics in their contribution to criminology? Point out the distinctions between the contributions of classical and positive schools.
- Q.3** The sociologists made use of multiple-factor approach to explain the causation of crime. The supporters of this view believe that crime is a product of a combination of a variety

of factors which cannot be narrated in terms of general propositions. This view finds support from the writings of eminent American criminologist William Healy, expressing his views on multiple causation theory, Pro. Healy observed that it is not one or two factors which turn a man delinquent but it is a combination of many more factors say eight or ten which cumulatively influence him to follow criminal conduct.

How far are the sociological criminologists justified in completely externalizing the factors of criminal behaviour?

- Q.4** Distinguish between the concepts of punishment and treatment of offenders and elucidate the objectives of the institutional and the community-based treatment of offenders. Refer decided cases.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-107

Subject: Criminal Justice System and Human Rights

LL.M. 1st Semester16th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) The criminal justice process is the most extensive and most prominent, but by no means the exclusive, system of coercive social control. Discuss.
- (B) Do you agree that the lack of an effective and fast criminal justice system tends to dampen appetite for investments in the country? Elaborate.
- (C) Identify the problem of specific violations like children's rights in the criminal justice system?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** Elaborate the need of amalgamation of human rights and criminal justice system. How far the rights-based approach has improved our criminal justice system and preserved the peace, security and dignity of humans?
- Q.3** “Over the past thirty years, human resources in the police forces of the majority of industrialized countries have increased by 50% and represent on average 85% of all personnel in the justice system (United Nations, 1995). This translates into an average growth, in 30 years, of almost 95% in developing countries and an average of more than 75% for countries in transition. In spite of the relative increase in police resources, there is

a growing consensus that the traditional police alone cannot be expected to ensure security and safety within cities, as the expansion of the private security sector demonstrates”. Do you agree with the statement? Elaborate it with the help of relevant case laws.

Q.4 India’s criminal justice system has an acute backlog crisis, and data on pending trials published recently by the National Crime Records Bureau (NCRB) shows that this crisis is becoming more severe with each passing year. The backlog or the ‘pendency rate’ with India’s courts reached its highest level since the turn of the twenty-first century in 2016, the latest year for which such data is available. Outline the reasons for poor disposal rates and suggest the necessary changes that the judiciary of the country needs to incorporate to improve the situation?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-112

Subject: Law on Corporate Management

LL.M. 1st Semester14th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) During a meeting all members of a public company died in a bomb explosion. Does the company exist. Explain citing legal provisions
- (B) Mr. R having share in a tea manufacturing company claims exemption from Income Tax as the income is being an agricultural income. The income tax department rejected the claim. Decide with the help of legal provision and case laws.
- (C) In Industrial Development Company, Mr. D was a managing director of IDC. While negotiating on behalf of IDC, he decided to personally bid on a contract. Subsequently, Mr. D resigned from the IDC on the ground of ill health. Mr. D then took up the contract and made a large personal profit. The IDC file a suit before tribunal against Mr. D to account for the profit he earned. Decide.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** A company advanced housing loan to individuals without securities which was beyond the powers of the company. Mr. X who had taken from the said company but refused to pay even after receiving the call regarding repayment of the loan amount. Can the company sue Mr. X for the same? Explain providing legal principles and decided cases.
- Q.3** (a) Explain the distinction between shares and debentures.
(b) A company did not earn profit in a particular financial year but in subsequent years it has earned profit. Can any class of shareholder may claim dividend in form of arrear from the company? Explain with legal provisions.
- Q.4** The Snowball Company is company having share capital was incorporated with the main purpose to promote the welfare of ex-service men. The Articles of association of the

company stipulate transfer of shares only to ex-military/ retired military personnel. The company amended the articles to induct heirs of existing directors as members and directors. 100 members file the suit before the tribunal alleging the amendment into the article as oppression and mismanagement. Later on, 13 members withdraw their names from the above said suit. The company contended that the requisite numbers of members for filing the suit of oppression is not fulfilled so the company requested the tribunal to dismiss the suit. Decide on behalf of tribunal with relevant legal provision and decided cases.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-113

Subject: Laws on Securities and Financial Markets

LL.M. 1st Semester16th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) “Securities market plays an important role in the development and progress of a country”. Explain.
- (B) According to SEBI guidelines the money which is raised for stated purposes in its offer document can only be used for the said purposes. Discuss if it is possible that such rule can be bypassed?
- (C) A company wants to raise money through debt issue and offer it to a venture capitalist. How it can proceed with the issue keeping in mind the preference of the venture capitalist? Discuss.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** Explain the eligibility and other conditions for raising money through Foreign Currency Convertible Bonds? Also, discuss the conditions important in the issue of Global Depository Receipts?
- Q.3** National Stock Exchange suspends trading in the scrips of a company for violating the rules of listing agreement. What could be other grounds on which such suspension can be done?
- Q.4** “The surveillance mechanism in stock exchange is an important tool to check market manipulation.” Discuss this statement with help of SEBI regulations?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-108

Subject: Media Law

LL.M. 1st Semester18th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) “Mass media plays a vital role in conditioning and socialising the people. Such conditioning helps people to understand the social norms in democratic set up”. Discuss.
- (B) “Comparatively analyze the public interest and public choice theories of media ownership, highlight the Indian scenario”. Discuss.
- (C) Discuss how the horizons of contempt of courts have completely changed due the expansion of online access of information made available by the courts themselves.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 “The free speech provision, in the setting of the other Fundamental Rights, is designed to afford the people of India the kind and measure of liberty available to the individual in the-United Kingdom or in the United States. The Indian Constitution does, indeed, depart from the American and British systems in major points of ‘form, technique and method’-even as these two differ from each other. As Indian Constitution does not provide freedom of press expressly”. Critically analyse.

Q.3 Critically analyse the relevancy of existence of Central Board of Film Certification under the Cinematograph Act, 1952, in India in light of the pros and cons produced by

OTT platform. Do you agree that OTT platform have acclimatized people to be comfortable with secondary meanings or with so called slangs, which so far used to be fallen under obscene category?

Q.4 “Media trial is a misconceived term. Neither the media is in position of conducting the trial nor it actually conducts. It merely creates favour or disfavour. But this favour or disfavour actually results in form of aspiration and non-compliance of which is considered as justice denied”. Discuss in light of concerns of media trial.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-109

Subject: Victimology

LL.M. 1st Semester

18th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)

(2x5=10 Marks)

Q.1 Short Answer Type Questions:

Elaborate on:

- (A) Victim and Victimisation
- (B) Role of victim during trial and appeal
- (C) Victim rights movement

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 “Victimology is a relatively young branch of academic research. It aims at gaining knowledge about victims of crime and abuse of power.” In the light of the statement discuss various theories of victimology.

Q.3 “The criminal- victim relationship points to the genesis of a crime and to a better understanding of its development and formation.” In the light of the statement discuss victim typologies or classifications developed by different experts in the field.

Q.4 “Compensation in criminal-victim relationships concerns the counter balancing the victim’s loss that results from the criminal attack.” In the light of the statement discuss how far compensatory jurisprudence has developed in India.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-114

Subject: International Human Rights Law

LL.M. 1st Semester

18th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)

(2x5=10 Marks)

Q.1 Short Answer Type Questions:

- (A) International Human Rights and State sovereignty.
- (B) United Nations Human Rights Council.
- (C) Impact of European Court of Justice decisions on municipal Laws.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 “The transition from the first to the second and second to the third generation of human rights are not distinctive but one that must be seen as continuity in evolution of human rights.” Discuss this statement in the light of UDHR and two protocols implemented by the United Nations.

Q.3 The European Human Rights Convention is an excellent model of regional human right system. Discuss.

Q.4 The Indian Legislature has taken steps to establish institutionalized mechanism, based on the international human rights regime, under the municipal law. Referring to the case laws, critically discuss the role of the statutory bodies in fostering human rights in India.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-115

Subject: Intellectual Property Rights

LL.M. 1st Semester18th February, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) What are the considerations/tests to find out whether a particular similarity or similarities are bound to cause deception or confusion on the part of public at large or relevant segment of the customers.
- (B) “Evergreening of patent is abuse of the exclusivity conferred by the statute. The onus on courts becomes greater to dishearten this approach.” Comment.
- (C) Why geographical Indication is called a ‘collective mark’? Is it valid to grant single entity a geographical indication? Discuss in light of decided cases.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** “Fair use under section 52 of the Copyright Act, 1957 must be construed constructively. Creating exclusivity by conferring copyright must not be at the cost of deprivation of genuine concerns of the society at large.” Critically analyze the statement with the help of statutory provisions and accordingly decide the case for ‘X’ in the facts given below.

Centre of Advanced studies in humanities is a reputed research institution. It prepares a course material on research methodology. In course material fifteen chapters from the best researched papers published on the subject by renowned publication ‘X’ in different volumes, one taken and compiled into a paperback book (course materials). The selection of the papers and compilation is done on the suggestion of the board of studies. The Institute charges fee from the students for the circulation of the course material. ‘Z’ is a local publication near the campus of the Institution. It published the course material in a

very attractive hard cover book format. The publication 'X' files a case for the infringement against the research Institution and 'Z'.

Q.3 *'Compulsory licensing must not be allowed others to enrich unjustly by taking benefit of the labour put forth by the inventor. But on the other hand, pandemic like COVID-19 have justified the underlying purpose of such provisions.'* Critically analyze the prospects and challenges of compulsory licensing of patents in light of current scenario of COVID-19 and also highlight the changes brought into patents in healthcare and medicine after 2005 Amendment in the Patent Act, 1970.

Q.4 'Naqs Surma' from Bareilly is registered G.I. with 150 authorized users. The registration completed ten years without further renewal but users continue to use the same geographical indication. Traders from Amroha started using name 'Naqs' for their surma. Whether the authorized users from Bareilly may sue for infringement of geographical indication? Critically analyze in light of statutory provisions and decided cases.