



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-101

Subject: Legal Research Methodology

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)**

**(6x3 =18 marks)**

**Q.1 Short Answer Type.**

- a) On the basis of the 'objective' set by the researcher, discuss the different kind of legal research.
- b) A researcher proposes to study on approach of Supreme Court on issues relating to 'reservation of backward classes in government services' and decided to analyse cases pre & post *Indra Sawhney v. Union of India* (1993) decision. Decide whether the study so proposed should be cross-sectional or longitudinal. Substantiate your answer with appropriate reasoning.
- c) Researcher framed hypothesis namely "*the family relation based on love and affection reduces the chance its partition.*" While testing the hypothesis, the researcher collects various data to test the same. Elaborate the kind of research applicable for the above mentioned hypothesis.
- d) What is the scope of data cleaning? Explain.
- e) During the course of research, a Researcher has to make choice(s) among the different categories of scales. In the light of this statement, state and explain different categories of scales.
- f) Explain 'annotated bibliography'.

**SECTION-B (Long-Answer/Descriptive/Analytical Type) (4x8 = 32 Marks)**

- Q.2.** "A paradigm is mental window through which the research views the world. Generally, what he/she sees in the social world is what is objectively out there, as interpreted by his/her paradigm of concepts, categories, assumptions and biases. Thus, two researcher describing the same thing from a different paradigm may produce different account."

In the line of above statement provide two different paradigm while proposing study of overcrowding of Indian prison.

**OR**

Explain Research design, and also provide one model research design on any area of your interest.

- Q.3.** "Political realignments in an existing legislature are often triggered by splits in alliances or parties. In Maharashtra it appears that the NCP legislature party leader is himself the leading defector — a unique situation. A more consequential betrayal is that of democracy itself. A series of unprecedented actions by the Centre and the Governor, and several unresolved questions that are associated with their actions, throw up multiple legal and constitutional issues. The top court might in due course adjudicate them, but the legitimacy of the government needs to be tested at once. That has been the precedent set by the court in comparable situations in which governments with dubious claims of numbers sought to delay the floor test and horse trading was suspected. The Governor administered the oath of office to the same person who had

declined his invitation to form a government earlier. The Supreme Court has acted with alacrity that this seeming infraction of constitutionalism calls for. [Editorial, The Hindu, November 25, 2019]

Based on the information stated above, suggest appropriate title for a proposed 'doctrinal research' and re-draft the 'statement of problem/problem profile'.

**OR**

A researcher wish to study the 'quality of education provided by more than 3000 law Universities/faculty/colleges across the India. The objective of the research is to explore the ability of the student to apply his knowledge in 'problem solving'. The researcher is under mandate to conduct the research within a very limited period of time and resources.

Examine various types of data collection, and suggest the most suitable sampling technique to be applied in the above case.

- Q.4.** 'A research design is a framework or blueprint for conducting any research project. It details the procedures necessary for obtaining the information needed to structure or solve the problem in hand.' Keeping this statement in mind explain the procedure for designing a research project. Also, explain the classification of various research designs.

**OR**

What to measure and how to measure is key question in any research project. In order to overcome this challenge of measurement a researcher need to establish reliability and validity of the instrument. Comment.

- Q.5.** "The spate of lynching across the country since early August, most of them following child-lifting rumours, calls for urgent attention from state governments. Mob vigilantism signals scant respect for the law enforcement machinery. Even police officers aren't spared. Among the latest victims of mob violence are a middle-aged mentally challenged man in Varanasi, a 70-year-old sadhu in Bundelkhand, and a middle-aged man in Bengal's West Burdwan district. The survivors include three cops thrashed on suspicion of being child lifters in Bihar's East Champaran. [TOI, September 14, 2019]

A researcher undertake to study the above problem of mob-lynching. Briefly outline the organisation of the thesis adopting the empirical research method.

**OR**

What are the essential components of research thesis? Illustrate your answer with a brief thesis design.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-102

Subject: Law and Justice in a Globalizing World

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- a) Idea of obligation and the concept of social rules
- b) Conception of individual autonomy and self-sovereignty as the integral constituent of the theory of liberty.
- c) Distinguish Gandhi's conception of duty from that of the Modern Western Philosophy.
- d) Locke's theory of property and importance of labour.
- e) Relevance of Antonio Gramsci's conception of state in a globalized world.
- f) Discuss three differences between the theories of justice of Rawls and Amartya Sen

**SECTION-B (Long-Answer/Descriptive/Analytical Type) (4x8 = 32 Marks)**

- Q.2.** The modern conceptions of law, dominantly developed by the Western theorists have neglected the social and cultural context of its existence. The idea of Law has been conceived in connection with the idea of State. In other words, the Western philosophers have not been able to think of law away from the theory of state. Of late, however, there is an academic moment emerging and mainly aimed at disentangling the study of theory of law and that of the state. Discuss.

**OR**

There have been in the recent past, several judgements of the Supreme Court of India necessarily indicating and having elements of interpretative methods/approach which amounts to departure from traditional conceptions of law. Discuss illustrating with instances/arguments from appropriate judgements.

- Q.3.** Critically examine the arguments of Akeel Bilgrami that the theories of liberty by J. S. Mill and Isaiah Berlin has element of coercion essentially as a constituent element, whereas Gandhi's thinking do not fall prey to any such scholarly hazards.

**OR**

The framers of the Constitution of India steered clear of this tempting pitfall. They shared with the Americans the ideology of the free-exercise (of religion) clause. They also believed that the state should neither sponsor nor favour any religion, and, should treat all religions with tolerance and equality. But they were skeptic of that aspect of the non-establishment (state religion) clause which would take separation between church and state to the extreme where it bordered on hostility and began to operate as a denial of religious freedom itself'. In the light of the above statement discuss the practice of Secularism and its interpretation by the Indian courts.

- Q.4.** Explain the possible alternative ways in which the relations of the institution of property and state may be structured?

**OR**

Examine the liberal conception of equality and its practical operative tools, developed by courts to operationalize that concept effectively engenders socio-economic inequality. Examine.

- Q.5.** Illustrate with appropriate social situations the critiques of Rawls theory of justice. Also examine briefly, in that context, the main arguments of Amartya Sen.

**OR**

Write a short comment on the influence of globalization or its impact on making and interpretation of law in India.





**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-104

Subject: Constitutional Governance &amp; Federalism

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)**

(6x3 = 18 marks)

**Q.1 Short Answer Type.**

- a) What is Cooperative Federalism? What major changes Indian federalism has undergone in recent time?
- b) The major area of Center-State irritants in India relates to the legislative sphere of the Constitution.
- c) What are the limitations on the application of doctrine of colorable legislation?
- d) Do you agree whether Article 246 is the cornerstone of centre state legislative relations? Discuss whether Concurrent list creates confusion with respect to extent of legislative power of centre and states.
- e) Can the state ignore the directions of the Union government? What is the Constitutional provision in this regards?
- f) The Legislative Scheme in our Constitution is both complex and lengthy. In this regards, discuss the Supreme Court's Interpretation of Doctrine of Repugnancy as summarized in *M. Karunanidhi v. Union of India*.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)**

(4x8 = 32 Marks)

- Q.2.** Discuss what makes the principle of federalism of Indian Constitution unique; compare it with the other constitutions of USA, and Canada.

**OR**

The Supreme Court in *Pradeep Jain v. Union of India*, expressed as India is not a federal State in the traditional sense of that term. It is not a compact of sovereign State which have come together to form a federation by ceding undoubtedly federal features. Whereas in *Ganga Ram Moolchandani v. State of Rajasthan* the Supreme Court restated that Indian Constitution is basically federal in form and is marked by the traditional characteristics of a federal system. According to you, which is relevant in Indian context? Discuss referring to case law.

- Q.3.** The parliament of India has passed an enactment amending Citizenship Act of 1955, under item 17 of List-I of the Seventh Schedule. Some of the states have strong view against the new amended provisions. As a reaction, these states are openly voicing their future plan that they will not implement the amended provisions of the Citizenship Act. The Constitution of India provides for, as compared to the U.S., single/unified administrative machinery. The Centre is mostly dependent on states for implementation of parliamentary laws and the policies of the Central government. Discuss, with reference to constitutional provisions, the executive relationship between the Centre and the States. Also refer to decided cases.

**OR**

The framers of the Indian Constitution were greatly influenced by the English system. Therefore, the members of the Constituent Assembly decided to adopt Parliaments form of government for the independent India. India is a nation deeply divided into several groups with conflicting interests. All these varied groups are ensured representation in the Parliament through this form of government. Discuss whether the Parliamentary system is working well in our country or is the time to shift for Presidential form of government.

- Q.4.** (a) Discuss briefly the legislative relations between the Union and the states in India. When can parliament legislate upon the matters enumerated in the State list?

(b) In the case of *A.H. Wadia* (1949) it was held by the Federal Court that a question of extraterritoriality of enactment can never be raised against a supreme legislative authority on the grounds of questioning its validity. It may not comply with the rules of international law or while enforcing it practical difficulties may arise but they are subjected to questions of policy which is the concern of the national or domestic tribunal. Critically analyse with reference to *G.V.K. Industries v. CIT* (2011).

**OR**

Discuss the Constitutional provision of Doctrine of Repugnancy has been stated in Article 254 of the Indian Constitution how far the importance of this doctrine has been recognized and upheld by the Courts in India and explores the judicial precedents set in relation to the Article. Examine when does repugnancy arise and how it can be solved, by citing precedents.

- Q.5.** In A cases of *Rajasthan 1977* and *S.R. Bommai 1994*, it was held by the Apex Court that the Proclamation under Article 356 of the Constitution can be subject to judicial review. The judges have the power to examine the validity of grounds on which the Proclamation is based. The power of judicial review cannot be uniform rule of law for the exercise of power by the President under Article 356. It varies according to circumstances. Discuss the grounds and the extent of judicial review in the above context.

**OR**

The Indian Union is facing with difficult situation both internally and externally. On the one hand, it is involved with armed conflict with two of its northern and western neighbors. Its armed forces are also involved in two African countries as part of the United Nations Peace Keeping missions. On the other hand, there is wide spread discontents amongst a large section of press and intelligentsia against some of the government policies relating to proposed laws on technology, citizenship and certain economic policies. Leaders of revolutionary Naxal Movements have increased their propaganda as well as violent activities. The Union Home Minister moves a proposal to the Cabinet that the above situation amounts to grave emergency threatening security of India. However, some of the members of the council of minister differs as to the assessment of the situation. The law and Justice Department seeks your opinion. Advice in accordance with appropriate constitutional provisions and decided cases. Also discuss consequences of a proclamation under article 352 for fundamental rights.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-105

Subject: Global Administrative Law

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- a) Shimla Administration passed an order against Mr. Bholaram on 5<sup>th</sup> October, 2019 that:
- i. He will not enter into Shimla District rather his movement will be limited to Chamba district till the vacation of the order, where he does not know anyone.
  - ii. He will report to Chamba city Police station everyday by 6 pm.

Mr. Bholaram challenged this order as it is against the Rule of Law. Decide with reference to relevant case laws.

- b) Legislature of Haryana passed an Act, which regulates the burning of vestiges after harvesting the crops to control the air pollution. The Act further provides that the pollution controller of the State shall notify the same in National News Paper published in Hindi. Mr. Mange Ram burnt the remains of paddy in contravention to the said law and for the contravention convicted and sentenced to three months simple imprisonment.

Mange Ram challenged the conviction on the ground that procedure laid down by the law has not been complied with whereas the government refuted the charge on the ground the same has been published in the Gazette. Decide.

- c) Laying with Negative Resolution.
- d) The Disciplinary Rules of Bubbly University provides that University authorities if have reason to believe any matter related to misconduct may be referred to Disciplinary Committee for necessary action. In case of A complain of misconduct against Mr. 'R', the University Authority send matter to Disciplinary Committee where Mr. R was held guilty. Mr. R challenged the decision. Decide.
- e) Right to cross examination.
- f) Distinction between "Judicial Review" and "Appeal".

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

- Q.2. (a) "Nothing is more remarkable in our present social and administrative arrangements than the proliferation of tribunals of many kinds. There is scarcely a new statute of social or economic complexion which does not add the numbers". In the light of the above- mentioned statement describe the advantages of tribunals. Discuss the constitutional validity of Article 323 A and 323-B of the Constitution of India, with reference to judicial decisions.

- (b) Write a short Note on Frank Committee Report.

**OR**

(a) "The crux of the matter is that public corporation is a new type of institution which has sprung from new social and economic functions of Government and that is therefore does not neatly fit into old legal categories. Instead of forcing it into them, latter should be adopted to the needs of changing times and conditions". In the light of the above- mentioned statement describe the object and characteristics of statutory corporations.

(b) Explain Rule of law in a 'Welfare State.'

**Q.3.** Decide the validity of the following delegation and exercise of legislative power in the light of decided cases:

(a) Power to repeal an existing Act and apply a new Act applicable in some state.

(b) Power to impose "house tax" given to the municipal corporation for the "purposes of the Act."

**OR**

(a) "We are unable to subscribe to the view that if the Legislature can repeal an enactment, as it *normally* can, it retains enough control over the authority making the subordinate legislation and, such, it is not necessary for the legislation to lay down legislative policy, standard or guidelines in the statute". Critically analyze the above-said with the help of relevant principles of law and decided cases.

(b) Explain significance and its' role in law making process.

**Q.4.** (a) Explain the circumstances when administrative action may be reviewed on failure to exercise discretion.

(b) Rule 12 of the Education Code provides as follows:

"No School Leaving Certificate will be granted to any person unless -

(a) he has been a student on the rolls of a recognized High School during the whole of the school year in which he applies for a certificate;

(b) he has completed fifteen years of age on or before the first day of July of the year, in which he applies for the certificate."

However, Rule 12A provides further that:

**Rule 12A:** The Director is empowered to grant exemption from Rule 12 to those students on whose behalf recommendations for exemption are received from their respective Headmasters, provided such recommendations are accompanied by certificates of physical fitness from medical practitioners.

An application for exemption was filed by the mother of one Mr. X who is 11 years and six months old on the date of recommendation by the headmaster. The Director refused to grant him the exemption citing departmental practice that "No exemption will be granted to a student on the production of recommendation and medical fitness unless he/she has completed 13 year of age. Help the petitioner putting relevant rules and decided case.

**OR**

(a) Explain right of fair hearing.

(b) Section 99 of the Disciplinary Enquiry Act says that "on receipt of complaint of Misconduct, the Enquiry Committee if has reason to believe that the delinquent employee has been guilty of misconduct, then the Enquiry Committee shall refer the matter for disposal to Disciplinary Committee". In Delta Company, the supervisor filed a complaint against Mr. Z for misconduct.

On receipt of the complaint the Enquiry Committee referred the matter to Disciplinary Committee. The Disciplinary Committee dismissed Mr. Z from the job. Mr. Z challenged the said dismissal. Prepare arguments for Mr. Z with the help of decided cases.

**Q.5. (a)** Discuss the differences between Article 226 and 227.

**(b)** the Regional Transport Office invited application for permit to ply bus between Shimla to Solan and it further provides that applicant having workshop between Shimla to Solan will be preferred. One Mr. Karlos Transport Company filed a letter stating that it has workshop as demanded in the advertisement. When the tender was opened the application of the company was rejected even having required workshop. The company challenged the same before the tribunal but again the same was dismissed. Then the company filed writ of certiorari before the Himachal High Court but could not get the relief on the ground that there is no error of law apparent on the face of record. He then approached the Supreme Court. Decide with help of relevant case law.

**OR**

**(a)** Explain the various limitation on the power of judicial review.

**(b)** Mr. X filed the case in the High Court on a particular fact and issue which against Mr. Y which was already decided by the same Court in an earlier petition. Mr. Y contended that the suit is vitiated on the ground of limitation on Judicial review power of the Court. Decide.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-106

Subject: Criminology and Criminal Justice Administration

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 = 18 marks)****Q.1 Short Answer Type.**

- a) Elucidate socio-economic perspectives in crime and its causation.
- b) Explain definition and nature of Criminology.
- c) Describe White Collar Crime with the help of case laws.
- d) Explain Economic Theory of Crime.
- e) Explain Fair Trial with the help of case laws.
- f) Discuss the idea behind procedural reforms in Criminal Trial.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

- Q.2.** Criminology is the body of knowledge regarding crime as a social phenomenon. In a specific sense it seeks to study criminal behavior its goal being to reform the criminal behavior or conduct of the individual which society condemns. It includes within its scope the processes of making laws, breaking laws and reacting towards the breaking of law. Criminology borrows heavily from other sciences including biology (genetical make up of a criminal) psychology (thinking process of a criminal mind), psychiatry (mental stability and inclination of a criminal), philosophy, general medicine etc.

**On the basis of above statement explain the nature and scope of criminology and distinguish it from penology, sociology, and criminal justice system.**

**OR**

The neo-classists asserted that certain categories of offenders such as minors, idiots, insane or incompetent persons had to be treated leniently irrespective of the similarity of their criminal acts with those of other offenders. This reasoning was based on the argument that such persons are incapable or partially incapable of distinguishing right from wrong. They approached the study of criminology on scientific lines by recognizing that certain extenuating situations or mental disorders deprive the criminal of his normal capacity to control his conduct. In so doing they represent a reaction against the severity of the classical view of equal punishment for the same offence.

- Q.3** As Chambers Twentieth Century Dictionary defines Anomie as a “condition of hopelessness caused by a breakdown of rules of conduct, and loss of belief and sense of purpose in society or in an individual. In criminological terms it is normally used to depict a state of lawlessness or normlessness.” The term was first used last century as an explanation of human behaviour by the French sociologist and criminologist Emile Durkheim.

**On the basis of above statement explain Anomie as an explanation of human behaviour by the French sociologist and criminologist Emile Durkheim. How far can it explain the criminal behaviour?**

**OR**

“Theory of reformation through punishment is grounded on the sublime philosophy that every man is born good, but circumstances transform him in to criminal”.

**Explain reformatory theory of punishment on the basis of above statement.**

- Q.4.** India is a well developing country at the same time lots of crime rates were increasing nowadays. There are lots of legislation in India to stop and control crimes, even though the crime rates are increasing because the punishments are not sufficient for the crimes. The punishment should be severe to reduce the crime rate. All punishments are based on the same motive to give penalty for the wrongdoer. There are different kinds of punishment in India such as capital punishment, life imprisonment, imprisonment etc. Capital punishment is known as the most severe form of punishment.

**On the basis of above statement elaborate the status of capital punishment all around the world and also discuss a detailed view about the capital punishment in India with the help of case laws.**

**OR**

The Juvenile Justice (Care and Protection of Children) Act, 2015, provide for strengthened provisions for both children in need of care and protection and children in conflict with law. Some of the key provisions include change in nomenclature from 'juvenile' to 'child' or 'child in conflict with law', across the Act to remove the negative connotation associated with the word "**juvenile.**" JJ Act, 2015, has brought the drastic change in the Juvenile Justice Act, 2000, in the area of treatments of juvenile, the functioning of the Juvenile Justice Board, and Child Welfare Committee, the forum of appeal against the order of Juvenile Justice Board and Child Welfare Committee, as well as in the area of inter country adoption and aftercare of the children. The Act is a beneficial piece of legislation and therefore, must be interpreted and understood to advance the cause of legislation and to confer the benefits of the provisions thereof to the categories of persons from whom the legislation has been made.

**On the basis of above statement explain the provisions for both children in need of care and protection and children in conflict with law and also discuss the changes made in the Juvenile Justice Act, 2000, in the area of treatments of juvenile, the functioning of the Juvenile Justice Board, and Child Welfare Committee, the forum of appeal against the order of Juvenile Justice Board and Child Welfare Committee, as well as in the area of inter country adoption and aftercare of the children.**

- Q.5** What happens to the right of victim to get justice to the harm suffered? Well, he can be satisfied if the State successfully gets the criminal punished to death, a prison sentence or fine. How does he get justice if the State does not succeed in so doing? Can he ask the State to compensate him for the injury?

**Enlighten the above statement with the help of latest provisions and case laws.**

**OR**

"Corrections in general refer to society's handling of persons after their conviction of a criminal offense. The components of the criminal justice system that serve to punish criminal offenders involve the deprivation of life, liberty or property after due process of law. Sentences imposed upon offenders range from probation to serving time in prison, with intermediate sanctions, including sentences to a halfway house or community corrections program, home confinement, and electronic monitoring. Financial penalties may include fines, forfeiture, and restitution. Various correctional approaches developed in the wake of causation theories".

**Explain the meaning and objectives of the correctional administration**





**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-107

Subject: Criminal Justice System and Human Rights

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- a) Preventive detention laws under Cr.P.C
- b) Concept of fair trial.
- c) Evolution of Compensatory Jurisprudence in India
- d) Public Interest Litigation
- e) Child Rights Convention
- f) Issues in Transnational Justice.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

- Q.2.** Do you agree with the statement that “ in the age of globalization, the role of State is not only assessed from domestic angle, but it is also under the scrutiny of the international actors and the world opinion, as far as human rights are concerned.” Elaborate.

**OR**

“Human rights principally regulate the ways in which, States treat their own citizen within their own territory, international human rights policies would seem to involve unjustifiable intervention.” In the light of the statement discuss the justification of rights approach in criminal justice system.

- Q.3.** The challenge before India is to develop human rights in its domestic criminal administration by upgrading its law-enforcement machinery, and on the other hand not to be swayed away at the cost of social development and nation's unity. In this regard what is the relevance of a specific body dedicated to the cause of Human Rights? Elaborate the role of Human Rights Commission of India in dispensation of Criminal Justice.

**OR**

In many countries, problems occur with respect to the rights of the accused to be promptly informed of the reasons of arrest and of all his or her rights during detention, particularly with respect to the right to access to and communication with his or her lawyer, medical doctor and family. Do you agree that the preventive detention laws/ anti terrorism laws an exception to this basic rule.

- Q.4.** Of the three organs of government, the judiciary has become a vanguard of human rights in India. It performs this function mainly by innovative interpretation and application of the human rights provisions of the Constitution. Although the importance of human rights is universally accepted and highly recognised, yet the implementation levels vary from jurisdiction to jurisdiction. Do you agree with the statement? Elaborate with relevant case laws.

**OR**



“Prisons, like police, are no less guilty of human rights violations. The reality can be gauged only by visiting prisons. Instances of prison injustice abound and the penal regime has not changed much despite two-dozen reports on prison reform”. Do you agree with the statement?

- Q.5.** The criminal justice system, as it exists today, was mostly evolved during the British period. Trace the historical underpinnings and problems of specific violations of women’s rights?

**OR**

Criminal Justice is one of the critical areas of human rights where the legal system is tested on a continuous basis for preservation of peace and security in society on the one hand, and prevention of human dignity of both victims of crime and person accused of it, on the other. In the light of the statement elaborate the gaps between the standards laid down in international treaties, domestic legislation and their implementation?



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-108

Subject: Media Law

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- a) 'Electoral process may be as strong as it is made feasible by the fourth pillar of the democracy.' Comment.
- b) What is Pigouvian theory, as propounded by the World Bank in its report 'who owns media'?
- c) What is the extra protection given to freedom of speech and expression in comparison of 'mere liberty' under Article 21 of the Constitution, with specific reference to Press?
- d) Explain the difference between radio and TV advertising
- e) Mr. X a freelance person working for a media house made a sting operation as he fitted a camera in the house of a businessman. The camera recorded some private conversation regarding business to inflate prices of certain commodities on the eve of Christmas. When it was uploaded on a social media and gone viral. This video next day collapsed the Sensex. Thereafter a clarification issued by Mr. 'X' that he just wanted to expose the integrity of the businessman only and even could not think that his video may cause such uproar in the market, hence he feels sorry for such un-thoughtful sting operation. A PIL is filed in the Supreme Court seeking direction on such private sting operations. Decide in light of freedom of speech and right of privacy.
- f) What are the challenges of censorship on 'web-series'? A mobile based app is launched by a company which offers without any commercial break, live streaming of phone calls of those dating pairs who consents to the same. Streaming got unimaginable popularity. This is demanded from one quarter of the society that it should be banned because it is imbibing lascivious thought in youths. Government prescribes mandatory censorship on all such streaming. Decide the feasibility and justification of censorship.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

- Q.2.** "A free press is the unsleeping guardian of every other right that free men prize; it is the most dangerous foe of tyranny ... Under dictatorship the press is bound to languish ... But where free institutions are indigenous to the soil and men have the habit of liberty, the press will continue to be the Fourth Estate, the vigilant guardian of the rights of the ordinary citizen." Highlight the concerns as summarized by Justice Leveson Inquiry Report.

**OR**

Important branches of the media such as movies and books have had substantial global markets for many years, but only in the past two decades has a global media system come into being that is having major effects on national media systems, culture, and politics...concept of global village has multiplied the challenges put forth by media with their own agenda. How the propaganda model propounded by Noam Chomsky is applicable in India in present scenario?.

- Q.3.** The Government issued the Notification that no newspaper shall cover its front page with commercial advertisements and every newspaper shall devote one page to give general information to the people about the schemes launched by the government for the benefit to the people at large. One of the leading English Newspaper 'Jago' challenges this notification and argued it as onslaught on the liberty of the press but government delineates it as the duty of the media being the forth pillar and voice of the people in democratic set-up. Discuss the restriction imposed in light of Article 19(2) of the constitution.

**OR**

"Freedom of speech and expression given under Article 19(1)(a) cannot be curtailed on the ground of apprehensions of some consequences which might be very threatening to the security of the state, hence anybody whoever moves from one state to another state should site the reasons for the same" Whether this consequentialist approach to curb the freedom is justiciable in modern concept of state and justifiable under Article 19 of the Constitution. Discuss with specific reason cited by Kent Greenwalt in his Article 'Free Speech Justifications'

- Q.4.** Whether Media do trial? It is said that "Trial by media" has created a "problem" because it involves a tug of war between two conflicting principles – free press and free trial, in both of which the public are vitally interested." In this context discuss the concept of Media Trial v. Fair in the given context:

A famous media house which is apparent force in print as well as in electronic form. Mr. 'X' is editor of the Magazine 'Sach'. Ms. 'Y' is an intern with editor but being non-satisfied with 'Y' insincere approach, 'X' sacked her. 'Y' accuses Mr. 'X' of sexual harassment. All the News Paper which were competition with 'Sach Magazine, covered the incident and started a campaign as #sachkasach, which compels the people to march on the roads to arrest Mr. 'X' and consequently Mr. 'X' was arrested. Discuss the apprehension looming on the fair trial of Mr. 'X'?

**OR**

One of the greatest challenges is not to exercise the principle of autonomy and free speech principle that are detrimental to any section of society. Free speech is necessary to promote a plurality of opinions where hate speech becomes an exception to Article 19(1) (a). Discuss apart from the Constitution, what are other legislation and self-regulatory mechanisms under which hate speech is negated?

- Q.5.** The Election Commission of India announced the dates for General Elections. A very forceful regional Political Party 'Janta' publicly invites application from the youths, who have obtained their Bachelor of Technology degree in 'Information Technology.' Election Commission of India banned such recruits by Political Parties to handle their social cites streams. Discuss in light of impact of social media on Election keeping in mind the veracity of such streams and readers' incapacity to know the truthfulness of the source of such posts and streams.

**OR**

Privacy has been well described "as the condition or the state of being free from public attention to intrusion into or interference with one's acts or decisions". What are the issues and the laws regarding social media privacy in India? Provide suggestions regarding the social media privacy and necessity of development of such laws?



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: LM-109

Subject: Victimology

LL.M. 1<sup>st</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)**

**(6x3 =18 marks)**

**Q.1 Short Answer Type.**

- a) Do social movements help in realising the rights of victims?
- b) Refugees and Asylum seekers
- c) Elaborate whether victimology is a science or ideology?
- d) Victim's right to access justice
- e) Victim compensation under Civil Law
- f) Victims responsibility

**SECTION-B (Long-Answer/Descriptive/Analytical Type)**

**(4x8 = 32 Marks)**

- Q.2.** "Victims of crime have found support and assistance from the family and society but by and large they remain as forgotten persons in the the criminal justice administration system." In the light of the statement discuss the status of victim in Indian Criminal Justice System.

**OR**

"Victims precipitation is perceived as a negative approach to victim because of which many criminologists have refused to accept this theory being destructive in nature." In the light of the statement discuss the theories which have evolved with time 'victimblaming' to 'victim facilitation.'

- Q.3.** "Marginalisation is a global phenomenon and not restricted to any particular community, place or country." Whether you agree with the statement or not? Elaborate with the help of examples happening world over.

**OR**

Do cultural expectation define the class victims or give them or deny them legitimate rights in the society and before the law?

- Q.4.** "Victims of crime deserve respect for their dignity, privacy and personal liberty." Discuss the national and international approach with respect to rights of the victims.

**OR**

United Nations handbook on "Justice for Victims" outlines comprehensive victim assistance scheme for redress, relief and rehabilitation of victims of crime. Discuss the main objectives of victims assistance programme and types of service provided for the same.

- Q.5.** Discuss various legislations which ensure restorative justice to victims of crime with help of case laws.

**OR**

How the International Covenants have helped the victims by evolving compensation jurisprudence?