



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-101 Subject: Legal Research Methodology LL.M. 1st Semester 20th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions:

- A. *“The path of a successful research moves; on the reliability of literature used for conducting any research.”* Explain the statement in the light of, use of internet, legal database and modern techniques in legal research.”
- B. For the topic of a doctoral research to be conducted with the help of empirical research methodology titled “Problem of *Domestic Violence in District Shimla*” formulate three hypotheses to conduct the research.
- C. 'The student writing a thesis or dissertation is presenting the results of research primarily for other scholars within the academic community, the style should be formal rather than colloquial.' Comment.
- D. *“Making a careful plan for Data Processing is an integral part of the research design”.*
Analyse the stages, objectives and the utility of Data Processing.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 *“‘Research’, in simple terms, can be defined as ‘systematic investigation towards increasing the sum of human knowledge’ and as a ‘process’ of identifying and investigating a ‘fact’ or a ‘problem’ with a view to acquiring an insight into it or finding an apt solution therefor. An approach becomes systematic when a researcher follows certain scientific methods.”*

Discuss in detail the various methods of doing Legal Research.

Examination R.NO.

HPNLU/--/------

Q.3 "Ethics has become a corner stone for conducting effective and meaningful research. As we all know that research contributes to the advancement of knowledge and ultimately, to the betterment of human beings, it is essential that human beings fully participate and cooperate with the researcher but not at the cost of human rights and researchers also have responsibility to ensure that they recognise and protect the rights and general well-being of their participants, regardless of the nature of their research."

On the basis of above statement explain the ethical norms to be followed by the researcher in general and specifically at the time of sampling, data collection, data analysis, summary of results and conclusions and hypothesis testing.

Q.4 The Indian government after dealing with two waves of Covid-19 global pandemic claimed of receiving good feedback from globally, the health ministry is giving out funds for a project to the Ph.D. scholars of HPNLU to carry out research upon the areas requiring more focus and how the frontline workers can be trained for the third wave for achieving even better results in saving life. You have to draft a research proposal and need to mention the procedure of doing the data collection for the same. Who will be the people you will involve in your study? What type of sampling will you use and why? What tools will be required to collect the data in this scenario? Also separately discuss in general the various tools for data collection in any research.

Q.5 *"The government of India is willing to extend the age of marriage for women from 18 to 21 year and willing to make specific regulations for implementation of this as promotion and protection of the human right of women. With similar object the Himachal government is willing to sponsor a research to frame a policy or to recommend specific legislation for the same titled "Rights of women: problems and challenges with special reference to age of marriage"*

On the basis of above information explain followings:

- i. What should be the Universe of study, Quantitative hypothesis, and method of selection of sample?
- ii. Which method of quantitative data collection should be preferred and why? Provide the example of data collection parameters relevant for the study.
- iii. Which tool of data collection would be appropriate, elaborate the content of the relevant format.
- iv. With the help of above example, explain the data processing, data analysis and hypothesis testing for drawing inferences.



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 22nd December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions:

- A. Whether the “capability approach” complements the Rawlsian conception of Justice?
- B. Whether Locke’s “Possessive Individualism” is archetype of modern political institutions and law?
- C. Discuss positive and negative conceptions of liberty.
- D. Whether Hohfeld’s jural-structure is appropriately adaptable in Indian social milieu?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 “Since ancient Hindu law never seemed to accept the more or less total dominance of the state, as modernity infected legal scholars and Indologists often tend to do, positivistic readings and interpretations of the ancient grammar of Sanskrit law are in my view quite misguided”.

Critically examine this statement and suggest alternative approach towards law and jurisprudence.

Q.3 “If I freely surrender all the parts of my life to society, I create an entity which, because it has been built by an equality of sacrifice of all its members, cannot wish to hurt any one of them; in such a society, we are informed, it can be in nobody's interest to damage anyone else. 'In giving myself to all, I give myself to none', and get back as much as I lose, with enough new

force to preserve my new gains”.

Examination R.NO.

HPNLU/--/------

With reference to this statement explain the difference between natural liberty and civil liberty.

Q.4 “The increase in a society of loss of personal belief in God or the decrease in church- or synagogue- or mosque-going or the surrender of traditional religious habits of dress may all be signs of increasing ‘secularization’ but they are irrelevant to the idea of secularism”.

With reference to this statement differentiate between secular, secularism, and secularization. How far Indian Constitution has managed to establish the secular foundations in the governance of country?

Q.5 “Why might someone work overtime in a society in which it is assumed their needs are satisfied? Perhaps because they care about things other than needs”. Critically examine this statement and discuss the difference principle of justice. Whether ancient India provides an alternative paradigm of the conception of justice?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-104 Subject: Constitutional Governance and Federalism LL.M. 1st Semester 24th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions:

- A. “The Constitution intended that the Governor should be the instrument to maintain the fundamental equilibrium of the people of the State and to ensure that the mandates of the Constitution are respected in the State”. Discuss.
- B. The residuary power is generally vested in the hands of the federal legislative body and not the states of India. It means that besides the subjects mentioned in the Union List, the Legislature can formulate laws on any subject not mentioned in any list whatsoever. Elaborate.
- C. Federalist form of government has several advantages, and disadvantages, Do the advantages outweigh the disadvantages?
- D. “The Supreme Court has the power to declare any law, that it finds unconstitutional, void. As per the Basic Structure Doctrine of the Indian Constitution, any amendment that tries to change the basic structure of the constitution is invalid”. Discuss briefly.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** Whether the functions exercised by the President are the functions of the Union or the functions of the President, they have equally to be exercised on the aid and advice of the Council of Ministers except this case where he has discretion? Discuss in the light of Constitutional provisions and judicial interpretations.
- Q.3** “The real issue of tension between the Centre and the State has become the proclamation of emergency under Article 365 of the Constitution that gives Centre power to dismiss a State Government on the ground of failure of constitutional machinery in the state. “Discuss in the light of Constitutional provision and important judicial pronouncements.
- Q.4** “Doctrine of Colorable Legislation, like any other constitutional law doctrine, is a tool devised and applied by the Supreme Court of India to interpret various Constitutional Provisions. It is guiding principle of immense utility while constructing provisions relating to legislative competence.” Discuss its impact on the Legislation in light of the decided cases of the Indian Supreme Court.
- Q.5** “The Concept of Co-operative Federalism helps the Federal System, with its divided jurisdiction, to act in the unison. It minimizes friction and promotes co-operation among the Constituent Governments of the Federal Union so that they can pool their resources to achieve certain desired national goal.” Discuss this statement in the Indian context.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-105 Subject: Global Administrative Law LL.M. 1st Semester 27th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Write Comment on/Answer the following :

- A.** Write a note on welfare state and Rule of Law.
- B.** Check the validity of delegation citing reasons of Rulemaking power of the legislation in the following cases mentioned below:
 - a.** Essential Legislative function
 - b.** Imposition of taxes
- C.** Mr. X, an employee of the Public Sector Undertaking was dismissed with giving fair opportunity of hearing. The said employee filed a case before court of Law against said dismissal from service on the ground of violation of procedural legitimate expectation, whereas the PSU contented that the rule of fair hearing was not mentioned in their service regulation. Decide the case with the help of legal provision and decided cases.
- D.** In *Union carbide v. Union of India*, AIR 1992 SC 317, the constitutional validity of the Bhopal Gas Disaster (Processing Claims) Act, 1985 was challenged claiming that the provisions of the Act took away the right of the victims to fight the or establish their own rights, which was denial of access to justice without a procedure established by law and there was deprivation of both human dignity and right to equality. It was also violative of principles of natural justice. Negating the contention, the Supreme Court held that the state has taken over the right and claims of the victims in the exercise of the sovereign power to discharge the constitutional obligation as the parent and guardian of the victims and no question of hearing of the parties arose. Explain the legal principle reiterated by the Supreme Court.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 “No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal constitution therefore really chargeable with this accumulation of power or with a mixture of powers having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself however, that it will be made apparent to everyone, that the charge cannot be supported, and that the maxim on which it relies, has been totally misconceived and misapplied. In order to form correct ideas on this important subject, it will be proper to investigate the sense, in which the preservation of liberty requires, that the three great departments of power should be separate and distinct.” In the light of the above said statement explain the doctrine of separation of power in India and USA.

Q.3 “It is not possible 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, as such, it is not necessary for the legislature to lay down legislative policy, standard or guidelines in the statute.” Critically analyses the statement with help of decided cases and relevant principle of law.

Q.4 “The component of proportionality is the necessity. It is also referred to as the requirement of “the less restrictive means.” Accordingly, the legislator has to choose – of all those means that may advance the purpose of the limiting law – that which would least limit the human right in question. In the light of the above said statement, explain doctrine of proportionality with the help of decided case. Also distinguish between necessity and balancing test.

Q.5 “An error of law apparent on the face of the record can, however, be corrected by a writ of certiorari, but not an error of fact however grave it may appear to be.” Elucidate



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-110 Subject: International Organizations LL.M. 1st Semester 24th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions:

- A. “It is the duty of WTO to review and propagate the national trade policies and to ensure coherence and transparency of trade policies”. Comment.
- B. ‘A regional arrangement may be created by grouping the states on the basis of economic, social political and cultural factors. The trend towards regionalism and regional arrangements is one of the interesting developments in recent international relations’. On the basis of this statement discuss the relationship of United Nations to Regional organizations.
- C. The ‘UN and different NGO’S have played key roles in the process of accelerating the protection of human rights. They have been active long through dense network of NGO’S and dedicated individual’. Discuss.
- D. Throw some light on the aerial incident of August 1999 (Pakistan v. India) in respect of settlement of dispute arose.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** ‘International Court of Justice is the organ for settling the disputes peacefully’. In the light of this statement discuss the jurisdiction and role of ICJ in the development of international law.

Q.3 Critically discuss the working and achievements of WHO in the times of pandemic.

Examination R.NO.

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Q.4 International organizations being subject of International Law and having legal personality distinct from that of member states are responsible like states for internationally wrongful acts. Discuss when international responsibility is entailed in the light of *reparation of injuries suffered*.

Q.5 International organizations require a certain minimum freedom in order to perform their functions smoothly and effectively and legal security for their assets. Their representatives get some privileges and immunities as are necessary for independent exercise of their functions. State the privileges and immunities given to their representatives with special reference to Gulf crisis.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-111 Subject: International Humanitarian Law LL.M. 1st Semester 27th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Write Comment on/Answer the following :

- A.** War is raging between Country Y and Country X. Humanitarian agency representatives are travelling across the frontlines to provide aid and protection to the civilian population. Discuss under the above situation where both the countries must restrict their attacks. What is primarily the duty of Country Y and X to respect and ensure respect for international humanitarian law?
- B.** The International Criminal Court was created to bring justice to the world's worst war crimes but many countries are still not members of ICC. Do you think this may affect the working of ICC? Critically analyse.
- C.** Mr. T took part in genocide, and fled to neighbouring country. Do you think that Mr. T will qualify for refugee status according to the 1951 Convention? Is he entitled to protection under the protection of international humanitarian rights law?
- D.** Discuss about the International Responsibility for Wrongful Acts committed in the Course of Peace Operations.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 “There can be little doubt that international humanitarian law (IHL) currently faces a number of formidable challenges. Whereas previously the focus was on the question of the implementation of IHL, it is now on the law itself and the adequacy thereof”. Keeping in mind the above statement discuss the challenges which IHL is facing in its implementation as well as adequacy.

Q.3 “The legal framework of International Humanitarian law has been divided into three categories”.

Q.4 During an armed conflict between States party to the Geneva Conventions a military aircraft makes a forced landing on enemy territory. Before the armed forces can capture the pilot he is lynched by local inhabitants. Shortly afterwards, planes from the murdered pilot's country of origin drop pamphlets on a field hospital in the area where the murder occurred, stating: "You have violated international law. You beheaded one of our pilots after taking him prisoner. International law requires prisoners to be humanely treated. You will be punished for what you did".

(i) Was the civilian population entitled to kill the enemy pilot if he would not surrender?

(ii) What does Additional Protocol I say on the subject?

Q.5 During the dispute between State of **Arizona and Gibraltar** United Nations had appointed one **Mr X** as the mediator and as an agent of UN in its peace keeping mission in the **Arizona - Gibraltar** conflict, with **Arizona** fighting for independence. Mr **X** has rescued more than 3000 prisoners from **Arizona** concentration camps through mediation and freed many other innocent civilians as he was also the Vice Chairman of ICRC. However, MR **X** while performing his peace keeping duties angered many extremist forces within **Arizona** and came to be seen as an enemy of **Arizona** and was assassinated in **Arizona** by one of the extremist group. Since Mr **X** was in the service of the United Nations, the avenue before United Nations was to hold someone responsible for injuries suffered by the organization or its agents, and extract reparations. The case went to ICJ and the issues before the court was:

(i) Whether the UN have the capacity to make an international claim to demand claim when a State is responsible for injuries to one of its agents in the performance of its duties?

Decide while citing relevant case law.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-108 Subject: Media Law LL.M. 1st Semester 29th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions :

- A.** Democracy without media is like a vehicle without wheels. It is the media only who reminds politicians about their unfulfilled promises during elections and helps people in electing the right one in power. But still a lot has to be done and the media should take utmost care in democracy like India. Analyze.
- B.** Article 246 provides that Parliament has exclusive power to make laws with respect to any of the matters enumerated in list 1 of the seventh schedule. How far this power has affected the freedom of press in India?
- C.** The growth of the media, specially social media in recent years has brought into focus issues relating to privacy. Social media has put the private life of individuals into the public domain. This issue has been addressed by international bodies as a privacy concern. Discuss how the privacy rights have been envisaged in international conventions?
- D.** Paid news syndrome is a great threat to democracy. Today's media is very much involved in this practice. Discuss in detail how this problem would be solved in near future.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** Democracy, often called the rule of majority, is designed in such a way that the ruling party can never turn itself into an autocratic power. The opposition party and the media have a huge role in ensuring that. But in reality, the Indian media, instead of being the watchdog, acts as the right hand of the ruling party. In India, few business families have major control over media. Such media ownership is dangerous for a democracy. Critically examine the statement.

Q.3 Critically analyze the following:

- a) In India, the press and media have failed to address the issues of marginals such as women, children and people belonging to lower castes.
- b) Sting Operations have been an incredible instrument in uncovering wrongdoing. In India, there has not been any regulatory mechanism in this regard. Discuss in the light of judicial precedence over it.

Q.4 Data protection ensuring individual privacy and spelling out the state's surveillance powers are the need of the hour. The Data Protection Bill, recently introduced by the government, is a step in the right direction. Do you agree with it? Critically analyze the advantages and disadvantages of the data protection bill and how far it will be able to solve upcoming issues relating to data.

Q.5 Journalism once was a service but now it has become a profession. Indian journalists are criticized on every point in the world. The privatization of media houses is one of the root causes of decline in the spirit of journalism. Instead of imparting information, journalists are now working as servants of the ruling class. This situation would be a threat to democracy. Analyze in the light of code of journalistic conduct in India.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-109 Subject: Victimology LL.M. 1st Semester 29th December, 2021 Time: 3 hours and 30 minutes
(for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions :

- A.** Make a critical analysis about the status of victim under the Indian Criminal Justice system.
- B.** Discuss the changes brought by the recent legislations in the role played by the victim in filing an appeal.
- C.** Discuss rule of compensation in tort and civil law granted under common law.
- D.** Discuss the nature of victim's rights movement.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** “Victim is not just a passive object but an active component of his or her own victimization. The totality of crime factors are viewed as criminogen –complex in which one set of factors concerns the criminal and another the victim.” In the light of the statement, discuss the various victim typologies classified by various authors.
- Q.3** Critically analyse the relevance and growth of compensatory jurisprudence at national and international level.
- Q.4** “Why should the court not be prepared to forge new tools and devise new remedies for the purpose of vindicating the most precious of the precious fundamental rights of life and personal liberty.” Elaborate how the judiciary has played its role in developing compensatory jurisprudence in India.
- Q.5** “The relationship between law and society involves both actual and the ideal. The laws are a reflection of the value system of any country and hence are considered to be the barometer of its social development. But the present shape of law and development has evolved through long past

historical events.” In the light of the statement, discuss the situation of victim in our criminal justice system which has evolved through history.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-114 Subject: International Human Rights Law LL.M. 1st Semester 29th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Write Short note on :

- A.** Explain the Concept of “Right” and it’s Three Generation.
- B.** The United Nations Security Council (UNSC)
- C.** With the help of decided cases explain the role of courts in protecting Human Rights in India.
- D.** Describe the importance of Universal Declaration of Human Rights.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 The term Human Rights denotes all those rights which are inherent in their nature and without which we cannot live as human beings. The conception of Human Rights is not very modern, though it appears to be so. It has developed through different stages in human history. In the earliest stages, the concept and benefits of Human Rights remained primarily confined to the higher classes of people. Later, certain freedom available to all citizens and has declared certain unalienable rights as human rights. The concept of human right is a part of International Law. In fact, the concept of human right has acquired an International status because it has crossed all geographical boundaries and it has been recognized throughout the world today.

The origin and development of Human Rights has been on two bases, the first is the National and the second is International. Describe the nature, importance and development of the concept of International Human Rights Law before and after the UDHR.

Q.3 Even before the adoption of the Universal Declaration on Human Rights in 1948, broad agreement existed that the rights which were to be enshrined in the Declaration were to be transformed into

legally binding obligations through the negotiation of one or more treaties. In 1966, two separate

Examination R.NO.

HPNLU/--/------

treaties, covering almost entirely all the rights enshrined in the Universal Declaration of Human Rights were adopted after approximately 20 years of negotiations: one for civil and political rights, the International Covenant on Civil and Political Rights (ICCPR), and one for economic, social and cultural rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Bring out the relationship between the international covenant on civil and political rights and the international covenant on Economic, Social and Cultural Rights.

Q.4 International regime is the current “hot” topic in the study of international relations, especially international organization and political economy. An international regime is a set of principles, norms, rules and decision-making procedures established by states to guide their behaviour in a particular area. What “type” of international regime are the international human rights regimes that are in place today? What is their level of institutionality?

Discuss the concept of international regime and its application to the area of human rights.

Q.5 Each facet of science and technological development offers a variety of problems. They pose grave threats which do not only hamper human rights but entire human civilization. Despite this they present some of the greatest possibilities available to any generation to play an active role in shaping the human future. The most powerful are the power of science and technology and the ideological power of the human rights concept. Neither of these has at any time in history enjoyed the power it now enjoys. In combination, they can represent a phalanx of power for human betterment such as history has never seen.

Explain Human Rights Instruments relating to Science and Technology. Elucidate intersection of Human Rights and Technology and also discuss Opportunities and Challenges.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-115 Subject: Intellectual Property Rights LL.M. 1st Semester 29th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions :

- A. What are the challenges in India to identify distinctiveness in 'non-conventional trade mark?'
Comment.
- B. Whether economic Significance may be considered as *sine qua non* of reducing the price to fulfil the need of inventive step as essence of patentability?
- C. Discuss the difference between trademark and certification marks. Do you think certification marks help in consolidating the good will of trademark?
- D. How the WIPO Copyright Treaty 1996 has influenced the Indian Copyright Law?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 *'Association arising from similarity between a mark or trade name and famous mark that harms the reputation of the famous mark. However, familiarity is not essence of being well known.'*
Critically analyse in light of statutory provisions and decided cases that how the tarnishment has provided the opportunity of dual protection as well-known trademarks and consequently furnishing additional grounds of infringement.

Q.3 A word is not debarred from registration under S. 9 of the Trade Marks Act, 1999, as a distinctive word merely because it is geographical location or indication. '*Shimla Teakwood*' succeeds to get registered as trade mark with respect to furniture, using the proviso under section 9(1) of the Trade Marks Act, 1999. After the commencement of Geographical Indication Act 1999 objection is filed as 'Teakwood' is abundantly found in the forest areas of Shimla and the same cannot be allowed to be usurped by any individual and consequently registered trade mark must be expunged. Decide in light of provisions of the Trade Marks Act, 1999 and The Geographical

Q.4 Critically analyse the grounds of compulsory licensing under the Patent Act, 1970 in light of Covid Vaccines in India.

Q.5 Exclusivity of intellectual property under the recognized branches of IPRs is subject to balancing factors of the society as decided by the State. Economic prosperity or poverty plays an important role in deciding many right of IPRs. Doctrine of first use and parallel import has been subject to interpretation of municipal concerns by the courts. Critically analyse the doctrine of exhaustion under Copyright and trade marks in India with help of decided statutory provisions and decided cases.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-106 Subject: Criminology and Criminal Justice Administration LL.M. 1st Semester 24th December, 2021
Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions:

- A. Critically examine the concept of social deviance and its relevance in modern society?
- B. How Plea Bargaining is a balancing approach in sentencing?
- C. Explain the idea behind procedural reform in criminal trials.
- D. Critically examine the social economic perspective in crime and its causation.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 Critically examine the relevance of following with Criminal Justice Administration:

- (i) Classical Schools of Thoughts
- (ii) Positive School of Thoughts

Q.3 Critically examine the following theories with respect to crime:

- (i) Biological theories
- (ii) Economic theories

Q.4 Examine the role of correctional administration in new policy paradigms in Criminal Justice Administration.

Q.5 Explain institutional victimization its causes and reflections.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-107 Subject: Criminal Justice System and Human Rights LL.M. 1st Semester 27th December, 2021

Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Write Comment on/Answer the following :

- A.** Examine the practical difficulties in amalgamating the human rights in the criminal justice system?
- B.** Do you agree that public interest litigation has worked effectively in protecting human rights in criminal justice administration? Elaborate.
- C.** Elaborate the safeguards for protection of women under criminal justice system.
- D.** What are the human rights of accused discussed under Criminal Procedure Code, 1973.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** “Criminal law is a system of laws concerned with punishment of individuals who commit crimes. Thus, a criminal prosecution involves the government deciding whether to punish an individual for an act or an omission.” Do you agree with the statement? Elaborate the meaning and nature of laws defining crime.
- Q.3** Elaborate the role of National Human Rights Commission in the realpolitik where the focus is not on human rights but the power and security of the state. Discuss the statement in the light of relevant case laws.

Q.4 A strong judiciary is vital to the dispensation of criminal justice most importantly because it
Examination R.NO.

HPNLU/--/------

protects human rights and gives relief to the victim. In the light of the above statement peruse the role of Indian judiciary with help of relevant case laws.

Q.5 Ensuring proper care, development and protection of children in any country are the most fundamental duty of a state. Elaborate the efficacy of two important criminal laws in India for safeguarding the rights of children.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-112 Subject: Law of Corporate Management LL.M. 1st Semester 24th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Short Answer Type Questions:

- A. A company put water supply lines which was beyond the powers of the company. Mr. 'X' cut all the lines put by the company. Can the company sue Mr. 'X' for the same? Explain providing legal principles and decided cases.
- B. 'X', one of Director of Company Swam make advertisement in newspaper to invite application for purchase of remaining shares of a company. Will it be prospectus as per the provisions of the Companies Act, 2013.
- C. 'R' Ltd. is an unlisted company engaged in FMCG sector having 11 directors on its Board. The company has paid-up share capital of Rs. 300 crore and a turnover of Rs. 500 crores. Can a Woman director be appointed in the above said company? Discuss in the light of the provisions contained in the Companies Act, 2013.
- D. Write a note on Corporate Social Responsibility Committee.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** Conferment of personality on the corporation was a very important change of Modern times, as it tries to make corporation separate from its member unlike partnership. How conferment of legal personality over the corporation takes place? Explain with the help of jurisprudential theories.

- Q.3** Mr. Sar was shareholder in a tea company (which carrying on business of growing and manufacturing tea) and was receiving regular dividend. The income tax department accessed Mr. Sar for income derived from sale of tea grown and manufactured. Mr. Sar contended that the said income is agricultural income, therefore, exempted from tax. Decide with the help of legal provisions and case laws.
- Q.4** *“The rule of equity which insists on those, who by use of a fiduciary position make a profit, being liable to account for that profit, in no way depends on fraud, or absence of bona fides; or upon such questions or considerations as whether the profit would or should otherwise have gone to the plaintiff, or whether the profiteer was under a duty to obtain the source of the profit for the plaintiff, or whether he took a risk or acted as he did for the benefit of the plaintiff, or whether he took a risk or acted as he did for the benefit of the plaintiff, or whether the plaintiff has in fact been damaged or benefited by his action. The liability arises from the mere fact of a profit having, in the stated circumstances, been made. The profiteer, however honest and well-intentioned, cannot escape the risk of being called upon to account.”* In the light of the above said statement explain the position and duties of Director with the help of statutory provision and decided cases.
- Q.5** Explain how companies can achieve sustainable development goals through the Corporate Social Responsibility with the help of statutory provisions and rules related on the subject.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-113 Subject: Laws on Securities and Financial Markets LL.M. 1st Semester 27th December, 2021 Time: 3 hours and 30 minutes (for writing exam- 09:30 am -12:00 pm and for scanning & uploading answer sheet– 12:00 pm – 01:00 pm)

Maximum Marks: 75

Instructions:

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

SECTION-A (Short-Answer Type) (3x5=15Marks)

Q.1 Write Comment on/Answer the following :

- A. What is government bond? Explain in reference to instruments of capital market.
- B. Dematerialisation of Securities.
- C. Initial Public Offer through Book Building process.
- D. Discuss the regulatory framework of the Foreign Portfolio Investment in India.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

Q.2 “The Security Contract (Regulation) Act, 1956 provides explicit provisions to ensure maintains fine balance between management of the stock exchange and the running of the business.” In the light of the statement, write a critical note of the Security Contract (Regulation) Act, 1956.

Q.3 What are the securities market intermediaries? Discuss the role of any two securities Market intermediaries. Outline the role of SEBI in regulating the securities market intermediaries.

Q.4 “The SEBI (Listing Obligation and Disclosure Obligation) Regulations, 2015 intends to strengthen the idea of corporate governance for listed companies.” Examine the SEBI (Listing Obligation and Disclosure Obligation) Regulations, 2015 I the light of the statement, and substantiate your answer

with relevant provisions and decided cases.

Examination R.NO.

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Q.5 “Having a dynamic, hassle free Trading environment in Indian Depository Receipts could bring new impetus to the secondary market in India”. In the light of the statement, examine the regulatory framework governing the Indian Depository Receipts.