

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LM-101

Subject: Research Methods and Methodology

LL.M. 1st Semester

13th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** Discuss the principles and structure of Aristotle's syllogism.
- b)** Examine the relationship between truth and language with reference to Logical Positivism.

- c) Differentiate between “question” and “research question” with appropriate examples.
- d) Examine the relevance of qualitative and quantitative data for conducting legal research.
- e) Explain the various sampling techniques used for the data collection in socio-legal research.
- f) Explain the difference between “data analysis” and “data interpretation” and discuss the procedures to test the hypothesis.

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

(4x08=32Marks)

- Q.2** Discuss in what ways Karl Popper’s criterion of “falsifiability” serve as a valid demarcation between science and non-science, and how might this criterion be challenged in light of contemporary developments in the philosophy of science.
- Q.3** Discuss Thomas Kuhn's concept of “paradigm shifts” and critically examine to what extent his conception of science redefines the understanding of scientific progress, and what implications does this have for the notion of objective truth in science when you consider the influence of social and historical contexts on scientific practices.
- Q.4** Explain how does Immanuel Kant’s distinction between *a priori* and *a posteriori* knowledge challenge the traditional notions of empiricism and rationalism, and what implications does this have for understanding the limits of human knowledge.

Q.5 What is hypothesis? Discuss the methods to formulate a clear and testable hypothesis to enhance the research process, and also examine the advantages of it in terms of guiding data collection, analysis, and interpretation of results.

Q.6 Write a research synopsis on “Uniform Civil Code and Legal Pluralism in India” discussing the statement of problem, literature review, research questions, and research objectives.

Q.7 Discuss the various methods and tools for data collection in a social science inquiry and also explain the procedures to collect “authentic and reliable data” with appropriate examples.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
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End-Term Examinations, December 2024

Paper Code: LM-102 Subject: Law and Justice in a Globalizing World

LL.M. 1st Semester

16th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** Distinguish between the conceptions of obligation given by John Austin and H.L.A. Hart.
- b)** Illustrate the categories of universal and universalizability.

- c) Comment on the importance of conceptions of ‘the self’ for secularism.
- d) Discuss the relevance of the theory of political economy of law in a globalized world.
- e) Explain the importance of the notion of ‘the basic structure of society’ in Rawls’ theory of justice.
- f) Explain the concept of exceptional state.

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

(4x08=32Marks)

Q.2 Critically discuss the important place occupied by *jural* element Claim rights (Right in *stricto sensu*) in law. Illustrate the concept and incidence of small-scale sovereign in law and impacts of Globalization. Support your answer with appropriate illustrations.

Q.3 “Reasons for increasing inequality can be identified, partially, in the particular way of working of the liberal category of equality under the Constitution. Moreover, the growth of the conception of equality, through the Supreme Court, more often, shuns historical social contexts and public goods.” Critically discuss the above statement with the help of decided cases and appropriate illustrations.

Q.4 Critically analyze the views of Gramsci and Poulantza on relations of law, state and civil society. What, in your view, is the relevance of ideology for the law in contemporary Indian legal system?

Q.5 “Every theory of justice precedes from some supposition about good life or an ideal social order. If the suppositions are removed the theory loses its theoretical and moral weight.” In the light of this statement, discuss the weaknesses of Rawlsian theory of justice.

Q.6 “The contemporary literature on legal pluralism fails to put forward or produce a strong claim of being a theory. In part, the reasons are located in the unavailability of socio-historical legal literature.” Discuss.

Q.7 Evaluate the relevance and importance of Carl Renner’s analysis of the institution of property and its social function in the era of global capitalism.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
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End-Term Examinations, December 2024

Paper Code: LM-104 Subject: Constitutional Governance and Federalism

LL.M. 1st Semester

18th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** What are the 'executive functions'? What is working test to identify the powers of executive?
- b)** Explain and justify the principle of election of president of India?

- c) Distinguish between ordinary review and curative review power of the supreme court? What are the grounds to move the Supreme Court under curative petition?
- d) Write a comment of 'residuary power' under entry 97 of the Union list of seventh schedule of the constitution considering the pro-active role presumed from the states.
- e) Discuss the power of contempt conferred on Supreme-court & High courts under the Constitution, in the era of live-streaming of court proceeding?
- f) Explain under what circumstance government of a state may be presumed that the government cannot run according to the provisions of the Constitution.

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

(4x08=32Marks)

Q.2 “The Preamble of our Constitution shows that the people of India had resolved to constitute India into a Sovereign Secular Democratic Republic and promised to secure to all its citizens Justice, Liberty and Equality and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the Nation. In the people of India, therefore, vests the legal sovereignty while the political sovereignty is distributed between the Union and the States.” Critically analyze the statement in light of the approach of supreme court towards the nature of Constitution of India through decided cases.

Q.3 Explain co-operative federalism? Critically analyze how the far Indian Constitution has been successful to traverse from competitive to co-operative constitution?

Q.4 The Parliament passes the Act to deploy the forces in the States under entry 2-A of the Union list of the Seventh Schedule of the Constitution. The objectives of the Act emphasizes that the law is enacted to maintain public order. States 'X' and 'Y' opposes the same on the ground that '*Public Order*' is a matter of State List under entry 1. Discuss the validity of the Act.

Q.5 Explain the changes proposed by the National Judicial Appointment Commission and why they were held interference with the independence of judiciary.

Q.6 What are the privileges of the legislative houses in India. Legislative Assembly of Himachal Pradesh added certain additional ground of disqualification of membership from the house by passing an Act. Discuss the Constitutional validity of the Act.

Q.7 'The doctrine of colorable legislation does not involve any question of bona fide or mala fides on the part of the legislature but resolves around the competency of a particular legislature to enact a particular law.' Comment in light of decided cases.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
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End-Term Examinations, December 2024

Paper Code: LM-105

Subject: Global Administrative Law

LL.M. 1st Semester

20th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) The doctrine of Separation of Powers deals with the mutual relations among the three organs of the government namely legislature, executive and judiciary. Who was the first propounder of the doctrine of 'Separation of power'? What does the doctrine of Separation of power entail? Discuss briefly.

- b) Legislation can be divided into different types based on interpretation and function. Salmond said that legislation is either supreme or subordinate. Distinguish between delegated legislation and conditional legislation.
- c) Judicial control of delegated legislation is a critical aspect of maintaining the rule of law. It ensures that the powers conferred upon administrative authorities are exercised within the bounds of the enabling Act and the Constitution. In India, judicial review of delegated legislation is subject to the normal rules governing the review of administrative action, with certain exceptions. Discuss briefly the grounds for judicial control over delegated legislation.
- d) Natural Justice in simple terms means the minimum standards or principles which the administrative authorities should follow in deciding matters which have the civil consequences. Discuss briefly certain rules of natural justice followed during administrative and quasi-judicial proceedings.
- e) What do you mean by Discretionary Powers of the Administration? How can the exercise of Discretionary Powers be controlled?
- f) “*Marbury v. Madison* strengthened the federal judiciary by establishing for it the power of judicial review, by which the federal courts could declare legislation, as well as executive and administrative actions, inconsistent with the U.S. Constitution (“unconstitutional”) and, therefore, null and void.” In the light of this write a note on *Marbury v. Madison* as and its importance.

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

(4x08=32Marks)

Q.2 “Administrative decision-making’ or ‘Administrative Adjudication’ is a by-product of an intensive form of government, and consequential socialization of law; the traditional judicial system cannot give the people that quantity and quality of justice which is required in welfare state, because it is the highly individualistic and ritualistic approach.” In the light of this discuss the need, problems and reasons for the growth of Administrative Adjudication.

Q.3 “The constitutionality of delegated legislation is subject to judicial scrutiny. The courts play a vital role in interpreting the provisions of the Constitution and determining the extent and limits of delegation. They assess whether the delegation of legislative powers is within the constitutional framework and complies with the principles of reasonableness, non-arbitrariness, and fairness.” Examine the constitutionality of delegated legislation with the help of decided cases.

Q.4 “Parliamentary control over delegated legislation is a crucial safeguard against the excessive concentration of power in the executive branch and the potential abuse of delegated authority. It reinforces the principles of responsible government and upholds the supremacy of the legislature as the primary lawmaking body.” Explores the various forms of parliamentary control exercised over delegated legislation, highlighting their significance, challenges, and potential reforms.

Q.5 “Administrative discretion basically means to flexible exercise its judgment and decision-making power invested in any public administrators. It is important to review the administrative discretion as it is possible that the public interest can be at risk.” Analyzes the role of judicial review in administrative discretion to perceive to what extent the judiciary has succeeded in controlling the misuse of the powers of the administrators to establish a welfare society. Why it is important for the judiciary to review administrative discretion.?

Q.6 “The doctrine of Judicial Review of United States of America is really the pioneer of Judicial Review in other Constitutions of the world which evolved after the 18th century and in India also it has been a matter of great inspiration. In India, the concept of Judicial Review is founded on the Rule of Law which is the swollen with pride heritage of the ancient Indian culture and society. Only in the methods of working of Judicial Review and in its form of application there have been characteristic changes, but the basic philosophy upon which the doctrine of Judicial Review hinges is the same”. Discuss the concept, significance, and process of judicial review. Also, discuss the landmark cases of judicial review in India.

Q.7 “In English common law, a writ is a formal written order issued by a body with administrative or judicial jurisdiction. In modern usage, this body is generally a court. Warrants, prerogative writs and subpoenas are common types of writ but innumerable forms exist.” What do you mean by prerogative writs? Discuss the scope of administrative powers exercised by the Supreme Court and High Courts under Articles 32 and 226 of the Constitution.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
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End-Term Examinations, December 2024

Paper Code: LM-106

Subject: Victimology

LL.M. 1st Semester

18th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** Define the concept of victim, victimology and victimization.
- b)** Is victimology part of criminology or a separate science? Discuss.

- c) Is victimization gender specific? Explain how LGBT community falls prey to crime.
- d) Does a victim have any role during appeal? Discuss.
- e) Discuss whether a victim can enter into plea-bargaining of a case?
- f) How far has the Victim Rights Movement been successful in supporting the victim of a crime? Explain.

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

(4x08=32Marks)

Q.2 “Strange and ironical as it may sound, the administration of criminal justice is not much concerned with the victims of crime except in few cases where some support has been rendered to them by the courts.” In the light of the statement, discuss the status of the victim under the legal system.

Q.3 Who is a victim of crime and does he enjoy any rights in the criminal justice system? Is he on the same pedestal and enjoys the same status as the accused does? Critically analyse his role and rights in Indian justice delivery system.

Q.4 Various scholars have made an attempt to classify victims into certain category but no classification is perfect. Discuss some of the victim typologies attempted till date by various scholars.

Q.5 “The declaration adopted by UN General Assembly in 1985 is treated as Magna Carta of Rights of Victims globally.” This declaration deals with certain important aspects of problems of victims of crime including victims of abuse of power. Elaborate on the problems and suggestions given under the declaration.

“In the primitive societies the responsibility of protecting oneself against crime and punishing the offender rested with the individual which gradually shifted to governments/courts established under law.” Discuss the rehabilitatory measures and victim assistance programmes developed with time.

Q.6 Compensations are payable in the UK under the Criminal Injuries Compensation Scheme, 1964. Under what law compensation is paid to victims under different Indian legislations? Discuss.

Q.7 “An interesting area of recent researches is the determination of the extent to which the administrative and judicial action is influenced by the conduct and personal factor and characteristics of the victim. More severe action and decision is discernible in cases of helpless victims.” In the light of this statement critically analyse the judicial attitude towards compensatory jurisprudence.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
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End-Term Examinations, December 2024

Paper Code: LM-107

Subject: Criminal Psychology and Restorative justice

LL.M. 1st Semester

20th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- Precisely state three major psychological theories that are associated with criminal psychology?
- What is Miller's theory of lower-class delinquency?
- What are the core values of restorative justice?

- d) State three challenges in the way of restorative justice from the glasses of deep-rooted theories such as retribution in crime redressal?
- e) Identify the role of community in restorative justice mechanism?
- f) Precisely state responses to restorative justice and how does it affect social order?

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

(4x08=32Marks)

- Q.2** “Human aggression and violence recognize that all forms of violence and aggression are interconnected and require cross cutting work that incorporates research from psychology, public health, neuro science, sociology, medicine, and other related behavioral and social sciences.” Do you agree with the statement? Give reasons?
- Q.3** While there is no direct causal link between having a mental health condition and committing a crime, the statistics make it clear that those with mental illness are over represented in the criminal justice system. Do you think that this puts a significant burden on the entire system and undermines society’s ability to limit criminality?
- Q.4** “Juvenile delinquency is a deep problem, that not only affects the victims of the delinquency, but also affects the juvenile delinquents themselves, their families, and society as a whole.” Do you think that juvenile delinquents are not able to predict the effect of their crimes by themselves, but they are badly affected by these crimes, therefore, requires an incorporation of psychological principles to deal with them?

Q.5 Do you think that, the mechanism of restorative justice reduces reoffending by changing the way offenders think or providing further support and motivation to desist from crime? Discuss the concept of offenders' accountability *vis-à-vis* Probation of Offenders Act, 1958?

Q.6 “The implementation of restorative justice in jurisdiction, focusing on legislation, policies and models of service provision requires a set of principles which can underpin a broader change in systematic and institutional cultures and ways of working.” Do you agree with the statement? Outline the underlying policy issues in the implementation of restorative justice in Indian criminal justice system?

Q.7 “Restorative justice can help victims recover from crime and increases their satisfaction with criminal justice system.” Do you think the statement is apt in context of cases of sexual abuse and its consequence on victims? Give reasons and support your answer with case laws and relevant provisions?

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LM-115

Subject: International Human Rights Law

LL.M. 1st Semester

23rd December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) How does the notion of human dignity serve as the foundation for the concept of universal human rights, and how can societies ensure the protection of dignity in diverse cultural and legal frameworks?

- b)** From a human rights perspective, how does the prohibition of women of menstruating age from entering the Sabarimala temple reconcile with the principles of gender equality under Article 14 of the Constitution of India? How the court in the above case addressed the conflict between traditional religious practices and the fundamental rights of individuals?
- c)** How does the Universal Declaration of Human Rights (UDHR) serve as a foundation for international human rights law, and what mechanisms are necessary to ensure its principles are effectively implemented and upheld across diverse legal and cultural systems?
- d)** Discuss how does the structure and functioning of the United Nations Security Council impact the protection and promotion of human rights? What extent does its decision-making process address the human rights violations occurring in conflict zones around the world?
- e)** Do you think that UN Human Rights Council is affectively addressing global human rights violations? What challenges does it face in ensuring accountability and impartiality in its investigations and resolutions?
- f)** How can the relationship between AI and human rights be balanced to ensure that deployment of AI technologies promotes human dignity, equality, and non-discrimination, while preventing violations such as privacy breaches?

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

(4x08=32Marks)

- Q.2** “The traditional theories of human rights, such as those rooted in natural law and religious doctrines, influenced the historical development of human rights concepts. The contemporary theories, including those grounded in political philosophy, international law, and human dignity, expand or challenge these traditional ideas.” Keeping in mind the above statement discuss the various traditional theories of human rights and highlight how later theories were influenced by these traditional theories. How do these theories continue to shape the discourse on human rights in the present day?
- Q.3** “The rise of globalisation influenced the development and enforcement of human rights norms, and it challenges the traditional notion of state sovereignty”. Critically analyse the conflict between the protection of universal human rights and the principles of national sovereignty, considering key international human rights instruments?
- Q.4** “The relationship between international human rights law and domestic law is somewhat comparable to the relationship between international law and domestic law more generally, but also fundamentally different”. Keeping in view the above statement discuss the incorporation of international human rights law into municipal law focussing on India. Refer to relevant case laws also.
- Q.5** Discuss the effectiveness of EU institutions, such as the European Court of Justice (ECJ) and the European Union Agency for Fundamental Rights, in ensuring compliance with human rights standards across member states.

Q.6 How can the United Nations' 1968 debate on human rights and technology inform contemporary efforts to reconceived human rights in the age of artificial intelligence, particularly in addressing ethical concerns such as surveillance and digital inequality?

Q.7 Discuss the application of International Human Rights Law in India and critically analyze the role of the judiciary in interpreting and integrating international human rights norms into domestic legal frameworks. How has the judiciary addressed conflicts between international obligations and domestic laws?

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
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End-Term Examinations, December 2024

Paper Code: LM-110 Subject: Laws on Financial Market and Securities

LL.M. 1st Semester

18th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) Private Placement as an instrument of Capital Market.**
- b) Discuss the role and legal framework of 'Clearing House' in the Securities Market.**

- c) What do you understand by the NOTP (Net Offer to Public) category? Explain with a suitable illustration.
- d) Discuss the role of the Investor Education and Protection Fund Authority [IEPFA].
- e) Write a note on Participatory Notes (P-Notes).
- f) Write a note on the compliance with 'Know your client' (KYC) in the case of Foreign Portfolio Investors.

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

(4x08=32Marks)

Q.2 “The issuance of securities in the primary market expands the reach of an issuer and makes long-term capital available to the issuer from many investors.” In light of the statement, discuss the broad objectives of the primary capital market and its role in diversifying the availability of capital.

Q.3 “Underwriting, essential for the smooth running of the Securities market, ensures that a company filing for an IPO will raise the capital it needs while providing the underwriters with a premium or profit for their services.” Explain the process of process of underwriting and the related regulatory framework.

Q.4 “The Indian Capital Market is required to be effectively regulated and tracked by government through the Securities and Exchange Board of India (SEBI) to ensure the securities market dynamism.” In the light of this statement discuss the role of SEBI in regulating the functioning of the Stock Exchange.

Q.5 Discuss the meaning of ‘insider’ under the SEBI (Prohibition of Insider Trading) Regulations, 2015. In what cases can the given transaction between the company and the person fall into insider trading? Explain with suitable illustrations and judicial decisions.

Q.6 Write a critique on Balram Garg v. SEBI [2022) 9 SCC 425].

Q.7 Discuss the role of SEBI in regulating Foreign Direct Investment from the capital market perspective.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LM-112

Subject: Insolvency and Bankruptcy Laws

LL.M. 1st Semester

20th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) Is there any time limit for completion of the Insolvency Resolution Process? Discuss the consequences if the resolution process does not get completed within the time limit prescribed under Section 12. Explain with the help of case laws.**

- b) “Information asymmetry has long hampered corporate insolvency and bankruptcy processes in India. Creditors and other stakeholders do not have access to reliable financial information about debtors. They have to expend time and effort to establish that there is debtor default and ascertain the financial position of the CD. To overcome this problem, the IBC mandated the creation of a regulated information industry in the form of IUs.” On the basis of above statement discuss the role of IUs in an insolvency proceeding
- c) Explain Advantages of Pre-packaged Insolvency Resolution Process over Corporate Insolvency Resolution Process. Discuss the basic aspects of Pre-packaged Insolvency Resolution Process.
- d) Can a corporate person initiate voluntary liquidation process? Does a corporate person require approval of creditors for voluntary liquidation process? Explain with the help of provisions of the Insolvency and Bankruptcy Code, 2016.
- e) An appeal can be filed against the order of the Adjudicating Authority? On what grounds can an appellant appeal against an order of National Company Law Tribunal for approving the resolution plan? Explain.
- f) “The United Nations Commission on International Trade Law’s, Model Law on Cross Border Insolvency do not lead to harmonization of Insolvency Laws enacted by the individual Countries.” Do you agree with this statement? Explain.

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

(4x08=32Marks)

Q.2 “Insolvency or Bankruptcy is a state where an individual or an entity is unable to pay its debts as and when they fall due or when the realizable value of assets are insufficient to meet the liabilities. A strong insolvency and bankruptcy regime should provide for

resolution/reorganization to enable the entity to become financially sound in a time-bound manner. If this is not possible, it should ensure that a quick liquidation/bankruptcy mechanism is put in place to enable take over and disposal of assets and make payment of the proceeds to creditors.” On the basis of above statement discuss the historical perspective, key aspects of Insolvency and Bankruptcy Code of India, its performance and the progress made, issues faced and the future agenda, including suggestions to improve the system.

Q.3 The IBBI is a unique regulator. It regulates both the professionals involved and the transactions conducted. It has regulatory supervision over IPs, IPAs, IPEs and IUs. It also writes and enforces regulations for insolvency and bankruptcy processes, namely, the CIRP, the liquidation process, partnership and individual insolvency resolution, and partnership and individual bankruptcy. The IBBI conducts its quasi-legislative, executive and quasi-judicial functions simultaneously. On basis of the above statement explain the powers and functions of IBBI under the Insolvency and Bankruptcy Code, 2016.

Q.4 “In corporate insolvency resolution process, the financial creditors assess the viability of debtor’s business and the options for its revival and rehabilitation. If the corporate insolvency resolution process fails or the financial creditors decide that the business of the debtor cannot be carried on in a profitable manner and it should be wound up, the debtor’s business undergoes the liquidation process. In the liquidation process, the assets of the debtor are realized and distributed by the liquidator in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016.” On the basis of above statement who may initiate corporate insolvency resolution process and also discuss the persons who are not eligible to make an application to initiate the corporate insolvency resolution process. Explain with the help of provisions of Insolvency and Bankruptcy Code, 2016.

Q.5 The Insolvency and Bankruptcy Board of India has made the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 to regulate the liquidation process under Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016. These regulations are amended from time to time by the Insolvency and Bankruptcy Board of India. As per the Code discuss the procedure for initiating the liquidation process for corporate persons. In which cases the Adjudicating Authority can order for the liquidation of the Corporate Debtor? What will be the effect of order of liquidation? Discuss the rights and duties of liquidators.

Q.6 You have been invited to attend a Committee of Creditors meeting in which you are proposed to be appointed as Resolution Professional. At the Meeting, the Interim Resolution Professional has informed the Committee that certain ‘preferential transactions’ and ‘undervalued transactions’ might have taken place in the Corporate Debtor. Write a note to the Committee of Creditors about ‘preferential transactions’, ‘undervalued transactions’, relevant time of such transactions and exceptions to such transactions as per the provisions of the Insolvency and Bankruptcy Code, 2016.

Q.7 There are two possible scenarios where cross-border recognition and assistance will be sought in India. These two scenarios are

- (i) A foreign company has a place of business as well as assets in India
- (ii) A foreign company only has assets but no place of business in India

Discuss the approach of courts while dealing with a request for recognition and assistance of a foreign insolvency proceedings.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
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End-Term Examinations, December 2024

Paper Code: LM-118

Subject: Law Relating to Trademarks

LL.M. 1st Semester

18th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) Discuss the registrability of the following mark for hardware goods:



- b) 'A' is a confectionery business owner in your locality. His business is rapidly growing and the broad-base of the business is increasing. Discussing the advantages of registration of trademarks and the rights conferred thereof, convince 'A' to register his trademark
- c) Discuss the difference between direct and indirect comparative advertisement.
- d) Distinguish between most-favoured nation and national treatment.
- e) Discuss the correlation between domain names and trademarks.
- f) Distinguish between nominative and descriptive fair use of trademark.

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

(4x08=32Marks)

Q.2 “At a time when western forms of intellectual property are being transplanted to non-western countries, the signs of economic storytellers need to be read critically by those who are adopting these forms. Decisions about the adoption of foreign legal models have to be made with, as it were, informed consent. Critical historical storytelling can help those receiving intellectual property legal traditions gain a better understanding of their full consequences.” Discuss the statement in view of the uniformalising of intellectual property rights regime globally.

Q.3 'M' is the proprietor of M/S NovMar Ltd. Mr. M wants to register the mark – NovMar for his business of winter apparels. He applies for registration of the trademark, which the Registrar refuses on grounds of non-distinctiveness, stating that it is reflective of the winter months in the northern hemisphere. Mr. M argues that NovMar is innovative and unique because it is a combination of the phrases from – Nova (meaning new star) and Martha (referring to his daughter).

Discuss with case laws, if the mark can be registered.

Q.4 Answer the following questions:

- (i) Referring to the provisions of the Trademarks Act 1999 and the case laws, discuss the scope of honest comparative advertisement.
- (ii) Mr. A owns trademark for plastic bottle manufacturing in the form of the shape of the bottles. In an advertisement, Mr. Y who is in the manufacturing of brass bottles, uses a bottle in the shape as manufactured by Mr. A, but does not refer to the name of the company and blurs the specifics, thereby representing a silhouette of the bottles manufactured by Mr. A. in the advertisement, there is reference to the negative impacts of plastic on environment and a promotion for the purchase of the brass bottles. Referring to the case laws and the principles involved, discuss, whether the advertisement in this regard is permissible.

Q.5 Mr. C owns a trademark – TURLTOOL. His company is involved in the business of manufacturing paints and has been in business for the past 50 years. He has businesses in Singapore and five other south-east Asian nations but not in India. Mr. D builds offers home-décor services in India and he creates a website by the name – TRULTOOL.COM for the same. The name of business of Mr. D – Demise Home Décor. Mr. C comes to know about this and files a case of infringement of trademark.

- (i) Discuss what provisions of law will apply and what action can Mr. C permissibly take for claiming his rights, if any, with respect to trademark – TURLTOOL.
- (ii) What is domain name squatting? Discuss the applicability of the law of trademark for the purposes of taking action against domain name disputes.

Q.6 Discuss the process of international registration of trademarks in India with reference to the Madrid Protocol and the Trademarks Act, 1999.

Q.7 The process of rectification of trademarks in India is based on higher standard than that of passing-off. Discuss with reference to the process of rectification of trademarks and decided case laws.

Examinations Roll No.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LM-119 Subject: Geographical Indications and Traditional Knowledge and Biodiversity Laws

LL.M. 1st Semester

20th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) How does Article 22 and Article 23 of the TRIPS Agreement define Geographical Indications (GIs), and what obligations does it impose on member countries regarding the protection of GIs?
- b) What rights and privileges does an authorized user enjoy in relation to a registered GI?

- c) What does the term "Falsifying a Geographical Indication (GI)" mean under the Geographical Indications of Goods (Registration and Protection) Act, 1999 in India? How does the Act define such acts of falsification?
- d) Write a short note on Traditional Knowledge Digital Library explaining what are the implications of its use for intellectual property rights and cultural preservation in the global digital age?
- e) How can a *sui generis* framework be designed to address the unique needs of indigenous communities while ensuring compliance with international standards and preventing exploitation of Traditional knowledge?
- f) How can the principles of prior informed consent, access, and benefit-sharing be effectively implemented in the context of Traditional Knowledge and Biological Resources, and what are the legal, ethical, and practical challenges in ensuring that Indigenous and local communities receive equitable benefits while protecting their cultural and intellectual property rights?

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

(4x08=32Marks)

Q.2 A group of local manufacturers of traditional juttis, applies for GI registration but receives objections from a rival group claiming that the production process used is not traditional. How can this issue be addressed, and what role does the registrar play in verifying the authenticity of the process?

Q.3 After the registration of a GI for a traditional food item, multiple individuals and businesses from the region apply for authorized user status. Due to limited resources, the GI proprietors are unable to verify the claims of all applicants. What is the procedure to become authorized user under India law? Discuss

Q.4 A regional community in India has successfully registered a Geographical Indication (GI) for a traditional handwoven textile called "UttarKashi Weaves." The registration was granted after demonstrating that the product has unique characteristics due to the specific geographical area in which it is produced. However, after the registration, a company from another state begins selling similar-looking textiles under the name "UttarKashi Weaves," claiming that it is inspired by the traditional design but made in a different location. This company, though not located in the registered area, uses the term "UttarKashi Weaves" in its marketing materials, packaging, and on its website. The local producers of the original "UttarKashi Weaves" brand notice a significant drop in sales, and some customers are confused about the origin of the textiles. The local producers have also received complaints that the competing company's product is of inferior quality and does not meet the traditional standards of craftsmanship, leading to harm to the reputation of their GI. The producers file a complaint with the GI Registry, alleging infringement. The company, on the other hand, argues that it is not infringing on the GI because they are using the term "UttarKashi Weaves" only as an inspiration and not claiming that their products are from the geographical region itself. Does the use of the term "UttarKashi Weaves" by the company, despite being made in a different region, constitute an infringement of the GI rights of the original producers? What legal principles from the GI Act can be applied in this case?

Q.5 Discuss the International legal and policy framework for the protection of Traditional Knowledge (TK) and Traditional Cultural Heritage (TCH)? Also, discuss the key challenges and opportunities in designing a comprehensive international regime for the protection of Traditional Knowledge (TK) and Traditional Cultural Heritage (TCH).

Q.6 Discuss the main provisions of the Convention on Biological Diversity (CBD) to more effectively address the protection of Traditional Knowledge, innovations, and practices of indigenous communities, and what are the potential legal and ethical challenges in ensuring that these protections align with global biodiversity conservation goals while respecting the rights of local and indigenous peoples?

Q.7 What are genetically modified organisms (GMOs)? Elucidate the international and national legal and policy frameworks to effectively oversee the development, use, and trade of genetically modified crops, ensuring the protection of biodiversity, human health, and the rights of farmers and indigenous communities, while also tackling issues related to environmental sustainability and food security.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LM-113

Subject: Media Law

LL.M. 1st Semester

23rd December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of six printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** As a social media manager of a popular platform, a viral post claiming a false health remedy circulating across the platform. The post is not harmful but is based on incorrect medical information. What steps should you take in order to address such misinformation?

- b) How does growing use of Artificial Intelligence in media impact objectivity of information? What are the ethical concerns related to the same.
- c) What do you understand by media ownership? Do you think the public media is better than private media in terms of providing authentic information?
- d) As a student of media law, you observe constant polarization of news in globalizing world. There is an evident divide between global south and global north in reference of news. This has impacted the trust and fairness of news, as the divide is biased on the basis of political ideologies. What strategies or principles you can suggest to rebuild the credibility of the news.
- e) How does yellow journalism impact the authenticity of the news? What are the grounds of its rise? How do you link TRP and yellow journalism?
- f) Write a critical note on objectivity of media reporting. Do you think objectivity in news can be assured by law?

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

(4x08=32Marks)

Q.2 In a society where law protects freedom of speech but political, corporate, or social powers often suppress dissent, how can Foucault's concept of *parrhesia* help us understand the ethical and practical challenges faced by individuals who attempt to speak truth to power? What are the risks and responsibilities involved in practicing *parrhesia* in a contemporary context, and can *parrhesia* still be effective in today's media-driven, surveillance-oriented world? Also, discuss how does Foucault's concept of *parrhesia*

challenge the traditional understanding of truth and power in contemporary society, and what role does this concept play in resisting dominant ideologies?

Q.3 In *Manufacturing Consent*, Noam Chomsky and Edward Herman argue that mass media in democratic societies often serve the interests of powerful elites, such as corporations and governments, rather than the general masses. It is about facilitating the interests of *haves* and ignoring *have-nots*. They suggest that the media act as a ‘propaganda system’ that distorts information, frames political issues in ways that maintain the status quo, and limits democratic participation. Given this critique, how can we reconcile the apparent freedom of the press and the diversity of media sources in contemporary society with Chomsky's claim that media outlets often manipulate and control public perception? In light of this, what are the ethical responsibilities of journalists, media producers, and consumers in an age of increasing corporate consolidation, digital platforms and fake news? Can the media still serve a role in empowering democratic participation, or is the concentration of media power a fundamental barrier to this ideal? Elaborate your answer with help of circulated readings and class discussions.

Q.4 How does the concept of cultural hegemony, as developed by Antonio Gramsci, challenge traditional liberal notions of freedom of speech? In liberal democracies, freedom of speech is often regarded as a fundamental right that guarantees individuals the ability to express diverse viewpoints. However, cultural hegemony suggests a very opposite of this, which shape the very frameworks within which speech is understood and valued. In this context, how might the exercise of freedom of speech be constrained or co-opted by the cultural and ideological dominance of powerful elites? Can freedom of speech truly exist in societies where hegemonic power structures control narratives through their institutionalization? What role do

alternative media, grassroots activism, and subversive speech play in challenging cultural hegemony? Further, do you think that right to freedom of speech and expression can remain significant if it remain marginalized in the face of institutional power? Develop your answer with help of case laws and readings.

Q.5 In a country named ‘Begampet’ constitution provides freedom of expression including access to information. The law promotes all kind of expressions *via* media including social media. It is well established principle that information and expression are facilitates each other. With the availability of the free and accessible media platform, various political, business houses and governments try to generate discourse (create information) promoting their ideas. In a process media channels some times share/construct information on subjudice matters. In one such incident, a religious media channel called *Aaj Ke Yuva*’ conducted a programs promoting heterosexuality and condemning the rights of sexual minorities in the country. The channel further, discussed a subjudice case on the matter and concluded that Supreme Court must decide in favor of the heterosexuality. The program was aired throughout the country. The program includes the glorification of heterosexuality on the ground of religion. The group of an information analysts and activists is about to file a complaint against the channel. In the meantime, contempt charges were issued against the media channel. On the other hand, the contention of the media channel is that the contempt notice is violative of their freedom of speech and expression and also their religious faith. Moreover, they demanded to regulate the power of the contempt, as in their opinion it is used arbitrarily and thus violate equality before law. They requested certain guidelines to be issued for applying the law of contempt. As a student of media law, what is your opinion about the situation? Do you favor any limitation on the power of contempt?

Q.6 The rise of OTT (Over-the-Top) platforms like Netflix, Amazon Prime, and Hulu has fundamentally transformed the media landscape, offering consumers unprecedented access to a wide variety of content, often without the editorial constraints typically imposed on traditional media outlets. These platforms are often seen as champions of freedom of media, providing creators with the ability to produce and distribute content that might not have been approved by conventional broadcasters or subjected to strict censorship. However, with growing concerns about content regulation, corporate influence, and the platform's role in shaping public opinion, questions arise about whether OTT platforms truly uphold the values of free speech and media freedom, or whether they too, despite their apparent independence, might be constrained by their business interests, government regulations and global political pressures. In this context, should OTT platforms be treated as media companies subject to the same ethical standards, regulations, and content oversight as traditional media outlets? How do the commercial interests of these platforms, influence the type of content that is produced and distributed? Consider the implications of the lack of regulatory frameworks on OTT content. While this relative freedom might foster creativity and provide a platform for marginalized voices, could it also lead to the spread of harmful, misleading, or culturally insensitive content that might otherwise have been curtailed by regulatory bodies? What is the balance between freedom of expression and responsible content regulation on OTT platforms? Should platforms be required to self-regulate, or should governments step in to create legal frameworks to oversee content, ensuring it does not harm public discourse, especially in cases of hate speech, misinformation, or incitement to violence? Furthermore, what is the role of audience responsibility in a media ecosystem where content is easily accessible and often unfiltered?

Q.7 Situation: The advent of social media has revolutionized the way individuals communicate, share personal experiences, and engage with global communities. Social media platforms offer unprecedented opportunities for self-expression and connectivity. However, as users share more personal information online, whether intentionally or inadvertently, the question of privacy has become increasingly complex. While social media platforms provide users with the ability to control the visibility of their posts, they also collect vast amounts of personal data through tracking algorithms, interactions, and even passive data collection from mobile devices and online behavior. This raises a fundamental tension as to what extent can individuals truly exercise their right to privacy in an environment where personal data is commodified and used for targeted advertising, content personalization, and surveillance. Further, this also leads to the issue of informative awareness of the users of social media, as much time the users themselves are ignorant about their own right.

Analysis: In light of the situation discussed above analyze the scope of privacy on social media platform. Do you think that social media platforms, which profits from collecting user data, truly safeguards user privacy without compromising their business models? Further, to what extent should individual be held liable for his or her own actions regarding privacy breach? Does universal standards on digital privacy are useful mechanism?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LM-114

Subject: Forensic Studies

LL.M. 1st Semester

23rd December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** Critically analyse the principles of comparison and principle of analysis and their applicability in Forensic Science Techniques.

- b) In a trial, related to the forgery of certain bank documents, expert opinion of the document expert was asked. Examine the evidentiary value of a document expert opinion in questioned documents and their identification.
- c) What are the precautions need to be taken with crime scene evidence to avoid contamination, degradation, broken chain of custody? Discuss with a relevant case law.
- d) The question is, whether 'A' was poisoned by a certain poison. Is there any role of expert opinion in this case?
- e) Critically examine the role of physical and electronic evidence in crime investigation and trial.
- f) The two main accused in the Nithari serial killings 'M' and Surendra 'K' have undergone Narco-analysis tests. Discuss the limitations of Narco-analysis and Polygraph test.

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

(4x08=32Marks)

Q.2 Discuss the Organizational Structure of Forensic Science Labs and Forensic Science set-up at Central as well as State level in India and their role in administration of justice with relevant case laws.

Q.3 Forensic science is a discipline that functions within the parameters of the legal system and has a remarkable contribution in supporting justice in crime. Discuss the applicability of forensic science in law with various provisions and case laws.

Q.4 The finger prints and blood samples collected from crime scene were contaminated by intermixing of exhibits. What is the impact in any kind of such negligence in preservation of samples collected from crime scene, and significance of chain of custody of evidence collected from crime scene on the admissibility and evidentiary value of such evidence?

Q.5 If the opinion of expert contradicts an unimpeachable eyewitness or documentary evidence, then will that have an upper hand over direct evidence or not? Discuss the admissibility and evidentiary value of expert opinion with relevant laws and case laws.

Q.6 If 'A' is accused of committing death by poisoning of B, what are the various biological and chemical samples that can be analysed in investigating the guilt of 'A'? Discuss the role of forensic expert in this case with relevant laws and case laws.

Q.7 In a 'fake stamp paper scam' the special court has given an order allowing the SIT to conduct scientific tests on the accused in the fake stamp paper scam including the main accused, 'A'. Discuss the admissibility of such evidence procured under the effect of truth serum. Discuss the legality of the Narco-analysis, brain-mapping and polygraph tests on suspects and witnesses without their consent with relevant laws and case laws.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LM-117 Subject: International Trade Law and Intellectual Property Right

LL.M. 1st Semester

23rd December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** Write a short note on David Ricardo's Comparative Cost Theory.
- b)** What are the salient features of the Marrakesh Agreement, 1994?

- c) What is the relationship between cultural rights and intellectual property rights?
- d) In 2021 India banned 59 mobile apps of China and Indian jurists believed that even if China makes a complaint in WTO the decision would be in favour of India. What reasons are given by Indian Jurists?
- e) Write a short note on the importance of *Novartis v. Union of India* in developing India's patent laws, specifically in regard to section 3(d) of the Indian Patent Act.
- f) Write a short note on the role of Human Rights in shaping the future of intellectual property policies at international level.

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

(4x08=32Marks)

Q.2 Sometimes, one country through export introduces a product into the commerce of another country at a price less than the normal value of the product in the export country, which causes material injury to an established industry to that product in the importing country. Discuss in detail with the help of the position of India in these kinds of agreements.

Q.3 The WTO ministerial conference is the topmost body of the WTO under the agreement establishing the WTO. Elaborate the structural set up of ministerial body and important ministerial conferences along with the role of India in WTO conferences.

Q.4 How has the process of industrialization influenced the evolution and enforcement of Intellectual Property Rights, specifically in the context of technological innovations and global trade. Elaborate.

Q.5 The Intellectual Property Rights functions with the principle of protection the products of human intellect. Discuss in detail the different theories of protection of Intellectual Property Rights.

Q.6 “The TRIPS Agreement is a minimum standard agreement, which allows members to provide more extensive protection of intellectual property if they so wish. Members are left free to determine the appropriate method of implementing the provisions of the agreement within their own legal system and practice.” With the help of this statement examine the challenges faced in the implementation of TRIPS.

Q.7 In a number of cases, India has filed complaints against the various countries for being unfair and violative of WTO agreements. Similarly, other countries have filed complaints against India. Elaborate in detail the procedure of the dispute settlement system of WTO with the help of important cases filled by and filed against India.
