

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. YLM-206/LM-2018 LL.M. II Term
Intellectual and Industrial Property Laws-II
Intellectual and Industrial Property Laws-II (O.C.)

Duration : 03 Hrs.

Marks : 100

Answer any four Questions. All Questions carry equal marks.

1. "Exacting judicial scrutiny is required if there is a possibility of confusion over marks on medical products". In the light of the above statement, discuss the tests propounded by the Courts in deciding the issue of confusing similarity/deceptive similarity. Are the tests modified when the goods involved are medicinal products? Explain.
2. Do you think Doha Declaration on TRIPS Agreement and Public Health is an effective step in solving public health issues? Discuss the whole issue and Sections. 92 and 92A in the Act in detail.
3. What are geographical indications? Discuss the law relating to infringement of registered geographical indications under the Geographical Indications of Goods (Registration and Protection) Act, 1999. Are the provisions in the Act consistent with the TRIPS articles in relations to GIs? Explain.
4. Discuss the concept of dilution of trade mark in the light of judicial pronouncements. Discuss the law in detail before and after the Trade Marks Act, 1999 in India relating to Dilution.
5. Discuss the difference between Provisional and Complete Specifications under the Patents Act, 1970. Also explain the law relating to Publications and Examination of Applications for Patents under the Act.
6. Write short notes on any two of the following:
 - (a) Principles of National treatment and Right of Priority
 - (b) Well-known Trade Marks under the Trade Marks Act, 1999
 - (c) Patent Cooperation Treaty.

Year 2017

**LL.M./LL.M. (Comparative Laws)
Paper No. YLM-202 LL.M. II Term
Administrative Action and Judicial Review**

Duration : 03 Hrs.

Marks : 100

Answer any Four Question

All Questions carry equal marks

Answers must be supported by appropriate literature or judicial decisions.

Q. 1. : Explaining the concept of administrative action, distinguish between those actions of the administration which constitute part of administrative law from the other actions of the administration. Justify the need for regulating the administrative action by law.

Q. 2. : Defining discretion explain the justifications for granting discretion to the administration. Are there any limits for the grant of discretion or can it be granted to any extent? Is discretion controlled at the time of grant or only when exercised by the administration? Explain and illustrate.

Q. 3. : What is the primary basis of the powers of the courts to review the administrative acts or action? Are the principles of natural justice also covered by that basis or do they have a different basis?

Q. 4. : Stating the grounds for judicial review of administrative action, explain whether they are the same as for the judicial review of non-discretionary action or are they different? Explain with examples.

Q. 5. : How far discretionary administrative decisions required to be supported by reasons? What is the basis or justification for such requirement? Support your answer with decided cases or statutory provisions or both.

Q. 6. : Explain any two of the following with illustrations or judicial decisions:

(a) Doctrine of reasonableness. Is it different from the doctrine of proportionality? If so, how?

(b) Difference between the void and voidable administrative acts. Are ultra-virus actions of the administration void or voidable?

(c) Judicial review of policy decisions of the administration.

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. YLM-203/LM 2013 LL.M. II/IV Term
Law of Air & Space
Air & Space Law (O.C.)

Duration : 03 Hrs.

Marks : 100

Answer any Four Question
All Questions carry equal marks

1. Discuss the freedoms of the air and the impact thereon of recent developments such as code sharing arrangements.
2. Examine the main features of the Conventions relating to the safety of international civil aviation, and the circumstances leading to their adoption and revision.
3. Discuss the principles relating to remote sensing from outer space with special reference to the right of a sensed State to have access to data relating to its territory.
4. Elaborate the main features of the Outer Space Treaty, with special emphasis on its reservation for peaceful purposes and freedom of access for all States.
5. Discuss the issue of liability for damage caused by space objects, as well as identifying the State liable for the damage.
6. Write short notes on any two of the following:
 - (a) Liability of Air Carriers in international civil aviation.
 - (b) Sovereignty over air space.
 - (c) Space debris.
 - (d) The Geostationary Orbit.

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. LM-2011 LL.M. II Term
Comparative Jurisprudence (O.C.)

Duration : 03 Hrs.

Marks : 100

Answer any Four Question
All Questions carry equal marks

1. The feminist theory of law and jurisprudence raises certain questions of great importance and open us the whole debate of women, their role and reference in social ordering and role of the law and legal system in maintaining the status of women in the structural design of the society as well as the idealisation of women in their emancipation and challenge to be either partner in developments or antagonists.

Discuss critically with reference to schools of feminist thought.

2. The most ambitious theoretical contribution of economic approach to law has been the proposal for a unified economic theory of law in which laws function is to facilitate the operation of free market, and, in areas where the costs of market transactions are prohibitive, to "mimic the market". Discuss in the light of the above statement, the contribution of Richard A. Posner to the economic analysis of law and legal institutions.
3. Secularism in the Indian Constitution is the sacred and basic structure of the Indian Policy, however, the paradox is that the essentials of secularism are jeopardised at the alter of political expediency and efficacy. Discuss critically. Is nationalism antithesis to secularism? Discuss with the help of leading Supreme Court decisions.
4. (a) What are the essential attributed of "Common Law" as permeated in the Indian Legal System and legal thought? Has "Common Law" completed its course?

(b) What are the salient features of Von-Savigny's conception of law and legal system?
5. Dworkin in his thesis "taking rights seriously" illustrate the point that it is the preferences personal and external which are important to manage equal treatment of law and takes help of decided cases such as Sweatt and Du-Funnis.

Critically examine the theory of Dworkin as demonstrated in these cases.
6. Critically discuss Nozick's theory of entitlement. How does he defend the idea of minimal state as against the anarchist for whom state is intrinsically an immoral institution?

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. LM-2016 LL.M. II Term
Social and Economic Offences (O.C.)

Duration : 03 Hrs.

Marks : 100

Answer any Four Questions
All Questions carry equal marks

1. Sutherland's investigation using records of regulatory agencies, courts and commissions found that of the 70 largest industrial and mercantile corporations studies over 40 year period, everyone violated at least one law and an adverse decision made against it for false advertising, patent abuse, wartime trade violations, price fixing, fraud or inferior manufacturing and sale of faulty goods. Many of these corporations were recidivists with an average of roughly eight adverse decisions issued for each. On the basis of this analysis, it becomes obvious that although he used the general label 'white collar' crime, Sutherland was in fact primarily interested in organizational and corporate crime. Comment.
2. Write a critical note citing various financial frauds or scams that have happened in the last two decades and analyse the nature and extent of socio-economic offences in India. Give criminological explanations regarding causes behind such offences and trends of discernible increase of such incidents.
3. Write a critical note on the rights of victims and witnesses under the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act, 1989. Write a note on the removal of persons who are likely to commit an offence under this Act.
4. There are very few Indian legislations relating to socio-economic offences wherein separate procedures have been prescribed. Do you think for proper implementation of socio-economic offences related legislations, we need a separate procedural code or each legislation should provide both substantive as well as procedural aspects of the law? If yes, what type of legal processes you will prescribe? If you think it is not necessary, then what necessary reforms in procedural law you will suggest toward more effective implementation of socio-economic legislations in India?
5. Write a critical note on the penalty provisions against traffickers and protective provisions for 'rescue of persons' under the Immoral Traffic (Prevention) Act, 1956.
6. William Bonger observed: "Criminal law serves the interests of the ruling class in capitalist systems and is enforced by force rather than by consensus. ... Hedonism (pleasure seeking) is natural among people but capitalism encourages egoism (selfish individualism) to an extreme and to the disadvantages of the society and the poor". Discuss with reference to economic theory of crime causation and give illustrations from Indian context.

Year 2017

**LL.M./LL.M. (Comparative Laws)
Paper No. LM-4011 LL.M. IV Term
Techniques of Judicial Control (O.C.)**

Duration : 03 Hrs.

Marks : 100

**Answer any Four Question
All Questions carry equal marks**

1. "Though there were certain flaws in the decision of Marbury v. Madison (1803) it has laid strong foundations for Judicial Review and it has received universal acceptance including in India". Examine the limitations of Judicial Review as expounded in the above case.
2. Examine the distinction between Ordinary law making power and Constituent Power. Is there any relevance to that distinction after the evolution of Basic Structure Theory?
3. What are the ways in which administrative discretion can be controlled by the Judiciary under Art. 14 of the Constitution of India?
4. Examine the validity of exclusion of judicial review through various statutes.
5. Examine the limitations of Public Interest Litigation in India. What is the difference between the Public Interest Litigation in India and under the Constitution of United States?
6. Write short note on any two of the following:
 - (a) Judicial Review and Constitutionalism
 - (b) Writ of Mandamus
 - (c) Declaratory actions
 - (d) Judicial Overreach.

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. YLM-211 LL.M. II/IV Term
Law, Media and Censorship

Duration : 03 Hrs.

Marks : 100

Answer any Four Question
All Questions carry equal marks

1. 'The reasonable restrictions in the interest of maintenance of public order can be imposed on media and it is for state officials, being in best position, to decide when to curb such freedom'. Critically examine the statement.
2. The free press in a democratic set up can be correctly be called as the 'Public Educator'. Elucidate with the help of case laws.
3. 'Any matter alleged as obscene must be viewed in its entirety and in the context it is shown'. In the light of the above statement, discuss the law relating to obscenity with special reference to cinema.
4. 'Since the emergence of electronic media, the legislation dealing with the same has failed to keep pace with it'. Critically analyse the statement.
5. Examine critically the Code of Advertising by the Advertising Standards Council of India.
6. Write short notes on the following:
 - (a) Pre-censorship of newspapers
 - (b) Prasar Bharti
 - (c) Sedition
 - (d) Hate Speech
 - (e) Press Council

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. YLM-210/LM-2019 LL.M. II Term
Law of Torts and Disaster Management
Law of Specific Torts (OC)

Duration : 03 Hrs.

Marks : 100

Answer any Four Question
All Questions carry equal marks

1. "In strict legal analysis, negligence means more than heedless or careless conduct, whether in omission or commission; it properly connotes the complex concept of duty, breach and damage thereby suffered by the person to whom the duty was owing." Discuss.
2. (a) Trace the growth and development of the law relating to Nervous shock and the remedies available for mental suffering and psychiatric illness.
(b) "A person is guilty of contributory negligence if he ought reasonably to have foreseen that if he did not act as a reasonable prudent man, he might be hurt himself, and in his reckonings he must take into account the possibility of others being careless."

In the light of the above statement discuss, in brief, the law relating to contributory negligence.

3. Explain the rule of strict liability as laid down by Justice Blackburn in Rylands v. Fletcher's case. Discuss why the Supreme Court propounded a more stringent rule of strict liability in the case of M.C. Mehta v. Union of India, (AIR 1987 SC 965). Examine the applicability of this rule in post-Mehta decisions.
4. "In order that nuisance be an actionable tort there must be an unlawful interference with a person's use or enjoyment of land or of some right over or in connection with it."

Critically examine the above statement with the help of decided cases.

5. Discuss the law relating to the tort of defamation by citing relevant case law. Also discuss limitations on the defence of fair comment and qualified privilege available to the media.
6. Write explanatory notes on the following:
 - (a) Initiatives taken on matters relating to Disaster Management in India.
 - (b) Disaster Management system in India.

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. YLM-209 LL.M. II Term
Corporate and White Collar Crimes

Duration : 03 Hrs.

Marks : 100

Answer any Four Question
All Questions carry equal marks

1. Recent survey conducted by the Economic Intelligence Unit, USA found that India has one of the highest percentages of companies where fraud, in particular corruption and bribery, regulatory breaches, money laundering and theft of intellectual property. It has also been noticed that accounting standards and financial regulations are not strictly implemented. Discuss the different ways of corporate fraud and also explain prevention and regulatory role in fraud prevention.
2. Marxist theory of crime claimed that law is used as a tool to protect the economic interests and holding of the bourgeoisie, as well as to prevent the lower class from gaining access to financial resources. Thus it proposes that economic power can be translated into legal or political power and substantially accounts for the general disempowerment of the majority. Compare and contrast the Marxian theory of crime with the modern theory of crime especially in the context of globalisation.
3. Discuss the differential association reinforcement theory of criminal behaviour. Compare it with differential Association Theory and Neutralization theory.
4. In India the problem of food adulteration is so widespread that 25% to 70% of the food stuffs consumed in our country are adulterated. But the sad state of affairs is that prosecutions under the Prevention of Food Adulteration Act fail quite frequently because of the defective reports of the public analyst delay in examination of samples etc. Discuss the investigation prosecution and trial relating to the offences under the Prevention of Food Adulteration Act, Food Safety and Standard Act, 2006 and Food Safety and Standard Rules, 2011.
5. Critically examine the impact of demonetisation and the new economic policy in curbing the menace of black money in India.
6. Answer the following. Each question carries five marks.
 - (a) Radical criminology
 - (b) Organised crimes
 - (c) Violence against women
 - (d) Corporate criminal liability in India & UK
 - (e) Italian Positive School.

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. YLM-208 LL.M. II Term
Cyber and Information Technology Law (New)

Duration : 03 Hrs.

Marks : 100

Answer any four Questions. All Questions carry equal marks.

1. Define the term 'Cyber Space' and point out various problems that require legal intervention in the 'Cyber Space' and Critically Comment upon the relevant laws that deals with the problem.
2. Information and Technology Act, 2000 is based on UNCITRAL Model Law, 1996. Discuss historical background and salient features of the Information Technology Act, 2000.
3. 'Encryption and Decryption are the two major processes involved in a Digital Signature'. Comment on their meaning differences and importance in securing digital signature.
4. Critically examine the legal measures against invasion of privacy rights and computer systems.
5. "The Information Technology Act, 2000 does not deal with Cyber Crimes in an exhaustive manner". Comment and refer the other areas of Criminality not covered under this Act. What is the role of Internet Protocol Service in Cyber Crime Investigation?
6. Discuss the efficacy of the Intellectual Property Rights and Information Technology Law relating to Protection of Software and Patenting of Hardware.

Year 2017

LL.M./LL.M. (Comparative Laws)
Paper No. YLM-201 LL.M. II Term
Law and Justice in a Global World

Duration : 03 Hrs.

Marks : 100

Answer any Four Question
All Questions carry equal marks

1. Rawls not only defended welfare state as opposed to night watchman state, but raised it to the status of an inviolable right. Comment comparing his theory of justice with that of Gandhi.
2. Libertarian state and globalisation globally creates pockets of immoral affluence and abysmal poverty. Comment with reference to the arguments of defenders of globalisation and libertarian discourse.
3. Critically discuss the concept of liberty as absence of restraint and as appreciation of needs and necessities. Which one would you prefer for India?
4. Write an essay on empowerment of women with special reference to India. In the quest for empowerment where would you place the role of patriarchy and criminalisation of homosexuality?
5. Write a note on reception of foreign law in India. How was the tension generated between the foreign and indigenous law, at the reception of common law, was managed or mismanaged by the colonial government and Indian administrative functionaries?
6. Write short notes on any two of the following:
 - (a) P.I.L. jurisdiction as an important means of evolution of environment law
 - (b) Political economy of Indian law during post-independence period
 - (c) Interface between the interests of the corporate and the disadvantaged groups in India during post 1990 period.

Year 2017

LL.M./LL.M. (Comparative Law)
Paper No. YLM-205 & LM-2015 LL.M. II/IV Term
Competition and Consumer Protection Law
Competition and Consumer Law (OC)

Duration : 03 Hrs.

Marks : 100

Answer any Four Question
All Questions carry equal marks

1. (a) Discuss the Role of the proposed Consumer Protection Authority (CPA) under the Consumer Protection Bill 2015. How would the CPA complement/supplement the role of existing consumer Redressal mechanism under the Consumer Protection Act, 1986.

(b) Consumer Protection Bill proposes an additional explanation to the definition of consumer to include: "*the transactions made through any mode, inclusive of but not limited to, offline, online through electronic means, teleshopping or direct selling or multi level marketing.*" Discuss the need and scope of the concept.
2. The specific part of the definition of 'unfair trade practice' under the Consumer Protection Act is inspired by Sec. 36A of MRTP Act (although section 36A was inspired by decisions given by the FTCA) and the general part of the definition is inspired by Sec. 5 of Federal Trade Commission Act, 1914. Provide your analysis of the statement discussing the provisions relating to 'unfair trade practices' in India. Does the concept of 'unfair trade practices' with the Competition Act, 2002?
3. The Commission in PVR and DT Cinema Combination Order observed that the idea behind ex ante review of combinations is to restrain those combinations, which if allowed to go forward, would be likely to adversely affect competition in the relevant market. Discuss, enumerating the commitments offered by the acquirer in this case.
4. Determination of relevant market is an important step in deciding a case relating to 'abuse of dominance'. Discuss in light of the *Belaire Apartment Owner's Association Case*.
5. Discuss :
 - (a) Brahm Dutt v. Union of India Case
 - (b) Cement Cartel Case

Contd.....2.....

6. Write Critical notes on any two of the following:
- (a) Distinguish the definition of 'consumer' under the Consumer Protection Act and Competition Act.
 - (b) Establishment and constitution of CCI.
 - (c) Misleading advertisement under the Consumer Protection Bill 2015.