

16-1-17 *to answer*

BSM – 1701

LL.M. (Semester – I) Examination, January 2017
LEGAL THEORY – I (Old Course)

Duration : 3 Hours

Max. Marks : 75

Instructions : 1) Answer **any five** questions from Question nos. 1 to 8.
2) **Each** question carries 15 marks.

(5×15=75)

1. Discuss the theory of Natural Law of ideal content.
 2. Austin's notion of law as a command of the sovereign has become inapplicable in contemporary times.
 3. According to the American Legal Realists, "Law is not that which is enacted by the Legislature but is a judicial decision" – Discuss.
 4. "The theory of Social Engineering is not out-dated but is still relevant to balance conflicting interests" – Comment.
 5. Examine Sir Henry Maine's contribution to Anthropological jurisprudence.
 6. Critically examine Marx's doctrine of 'withering away of the Law and State'.
 7. Critically examine Public Interest Litigation as an emergence of a new jurisprudence in India.
 8. Write notes on **any two** :
 - a) Contribution of Scandinavian realists to jurisprudence.
 - b) Critical Legal Studies.
 - c) Concretization of norms according to Kelsen.
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BSM – 1702

LL.M. (Semester – I) Examination, January 2017
CONSTITUTIONAL LAW – I (Old Course)

Duration : 3 Hours

Max. Marks : 75

Instruction : Answer any five.

(5×15=75)

1. Preamble reflects constitutional aspirations. Explain the importance of Preamble in understanding Indian Constitution.
 2. Discuss how far Indian Constitution protects freedom of speech and expression.
 3. What is preventive detention ? What safeguards are available to a person detained under preventive detention laws in India ?
 4. In Maneka Gandhi's case the Supreme Court's liberal interpretation of the term personal liberty heralded a new constitutional jurisprudence in matters of prison administration – Explain.
 5. Article 31 B contains a device for saving laws from challenge on the ground of violation of Fundamental Rights. Explain.
 6. Public interest litigation is not adversary litigation but it is a challenge and an opportunity to the government and its officers to make basic rights meaningful to the vulnerable sections of the community ? Explain.
 7. Explain the relation between Fundamental Rights and Directive Principles of State Policy.
 8. Answer **any two** of the following :
 - a) Right to Privacy
 - b) Right against Exploitation
 - c) Suspension of Fundamental Rights.
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BSM – 1703

LL.M. (Semester – I) Examination, January 2017
RESEARCH METHODOLOGY (Old Course)

Duration : 3 Hours

Max. Marks : 75

Instructions : 1) Answer **any 5** questions.

2) **All** questions carry **equal** marks.

(5×15=75)

1. Explain empirical research. Critically examine such research in the context of present legal regime.
 2. Discuss the effectiveness of the survey method for collecting data in legal research with use of appropriate examples.
 3. What is meant by an 'interview' ? Analyse the advantages of a good interview and examine with illustrations, the types of questions involved in an interview.
 4. Select any one particular problem in legal research and explain how report writing is to be carried out on completion of research. (You may assume findings including data)
 5. Explain the meaning of 'hypothesis' and the characteristics and need of an appropriate hypothesis for successful research with the use of illustrations.
 6. Explain the questionnaire method. How is a questionnaire constructed ? What are the difficulties and problems faced in constructing a questionnaire ? (Illustrate with examples of legal research).
 7. Explain the 'observation' method with reference to the types, aids in field observation and drawbacks. (Use examples of legal research)
 8. Write short notes on :
 - a) Use of mean, median and mode
 - b) Pictorial analysis in legal research
 - c) Universe and random sampling.
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BSM – 1712



LL.M. (Semester – I) Examination, January 2017
COMPARATIVE PUBLIC LAW

Duration : 3 Hours

Max. Marks : 70

Instructions : 1) Answer **any seven** of the following.

2) **All questions carry equal marks.**

(7×10=70)

1. What is Public Law ? Explain differences between Public and Private law.
 2. Enumerate various kinds of comparing constitutional law. Discuss the legal relevance of Comparative Constitutional Law.
 3. Constitutionalism is the idea that government can and should be legally limited in its powers. Explain.
 4. How does the American presidential system differ from the British parliamentary system ?
 5. Globalization of constitutional norms is a result of States adopting similar constitutional norms in order to attract capital investment and migration. Explain.
 6. What is constitutional review ? Discuss various kinds of constitutional review.
 7. Explain Dicey's concept of Rule of Law. How far such concept is adopted in Indian Constitution ?
 8. The idea of ^{legislative} Judicial Supremacy implies restriction on judges from implementing their own notions of public policy through interpretation. Explain.
 9. Discuss the idea of constitution as Supreme Law of the land.
 10. Explain different forms of government. Do you think the traditional concept of federalism losing its relevance ?
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BSM – 1713

LL.M. (Semester – I) Examination, January 2017
RESEARCH METHODOLOGY

Duration : 3 Hours

Max. Marks : 70

Instruction : Answer any seven.

(7×10=70)

1. Explain the significance and relevance of legal research in bringing social change in India.
 2. Explain the conditions conducive to formulation of significant research problem.
 3. Explain the different kinds of research design.
 4. Explain the methods for the collection of statutory, case materials and juristic literature.
 5. What is a hypothesis ? Explain the relation between hypothesis and theory.
 6. Discuss the importance of analysis and interpretation of Data.
 7. Explain the guidelines for writing a good research report.
 8. Explain the following :
 - a) Concept of Theories in legal research.
 - b) Case study method.
 9. Discuss different methodology adopted for collection of data from the field.
 10. Discuss the role of reflective thinking in a legal research.
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BSM – 1714

LL.M. (Semester – I) Examination, January 2017
LAW, SOCIETY AND LEGAL THOUGHT

Duration : 3 Hours

Max. Marks : 70

- Instructions :** 1) Answer **any seven** questions.
2) **Each** question carries **10** marks.
3) Begin **each** answer on a **Fresh Page**.
4) **Use** relevant case laws **wherever** necessary.

1. What are the different factors responsible for social change ?
 2. Examine the Conflict and Cyclical theories of social change.
 3. What is meant by 'Institutionalisation' and 'Internalisation' of Law in relation to social change ?
 4. How has Supreme Court of India expanded the horizon of certain fundamental rights in India ?
 5. How has the Legislature been responsible for social stratification as a means of social transformation ?
 6. Examine how John Rawls attempted to solve the problem of Distributive Justice. How relevant is his theory relevant in the Indian Context ?
 7. 'Critical Legal Studies is a theory that challenges and overturns accepted norms and standards in legal theory and practice'. - Explain.
 8. Give a account of the different methods of judicial interpretation.
 9. Explain in detail the different tests to determine the *ratio decidendi* of a judicial decision.
 10. Examine the following terms in relation to judicial law making :
 - a) Prospective Overruling
 - b) Decision *per incurium*.
 - c) Decision *sub silentio*.
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