

(D 1231 LL/CL/TCL/CSL)

LL.M. (Previous) DEGREE EXAMINATION, DECEMBER 2007.

First Year

Paper I — RESEARCH METHODOLOGY

(Common to all Branches)

Time : Three hours

Maximum : 100 marks

Answer any FIVE questions.

All questions carry equal marks.

1. What is the significance of scientific research and explain relationship between concepts and variables.
2. If research problem is clearly stated it is said the problem is half solved. Discuss.
3. 'The ideal hypothesis is a fusion of two elements i.e. past experience and imagination in the disciplined mind of the scientist Larrabee. Comment.
4. Explain the contents and characteristics of a research design.
5. Briefly discuss about different kinds of sampling method.
6. 'The three elements of observation are sensation; attention and perception'. Expand.
7. 'The case study is the examination of a single situation, person, group or institution as complex whole in order to identify types and process', Stuart A, queen. Comment.
8. What are the advantages and disadvantages of survey method?
9. Explain the contents of research report.
10. Write short notes on any TWO of the following :
 - (a) Schedule
 - (b) Types of interview
 - (c) Non doctrinal research
 - (d) Bibliography.

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First Year

Constitutional and Administrative Laws

Paper II — FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

Time : Three hours

Maximum : 100 marks

Answer any FIVE questions.

All questions carry equal marks.

1. What do you mean by 'Doctrine of Eclipse'? Explain how the shadow may be removed and make the impugned Act becomes free from eclipse.
2. 'The provisions relating to right to equality under Indian Constitution corresponds to the Equality Protection clause of 14th Amendment of U.S. Constitution. Discuss.
3. Explain various fundamental rights provided under Article 19 of the Constitution of India. Also discuss various limitations to the above rights.
4. Explain the constitutional provisions relating to abolition of unsociability in India. Also discuss the enacted statutes to operationalise the same.
5. 'No person accused of any offence shall be compelled to witness against himself'. Discuss.
6. Examine the recent interpretations of the apex court in enlarging the concept of right to life.
7. Establish compromise and relationship between Fundamental Rights and Directive Principles of State policy.
8. Write a note on the constitutional provisions relating to protection against exploitation.
9. Write a note on the effect of emergency on fundamental rights. Is there any difference when Article 352 and 356 are in operation.
10. Write short notes on any TWO of the following :
 - (a) Judicial Review
 - (b) Habeas Corpus
 - (c) Constitutional remedies
 - (d) Fundamental duties.

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LL.M. (Previous) DEGREE EXAMINATION, DECEMBER 2007.

First Year

Constitutional and Administrative Laws

Paper III — CENTRE AND STATE RELATIONS

Time : Three hours

Maximum : 100 marks

Answer any FIVE questions.

All questions carry equal marks.

1. Explain the essential characteristics of a Federal Constitution. Is Indian Constitution a Federal Constitution?
2. "In case of conflict between the Union List and State List the former shall prevail". Discuss.
3. Explain the parliament's power to legislate on state subjects.
4. "The adjustment of administrative relations between the Union and the states is one of the knotty problems in a federal government". Discuss.
5. Explain the constitutional scheme of Distribution of Sources of revenue between the centers and the states.
6. "A civil servant can not be dismissed or reduced in rank until he has been given reasonable opportunity of showing cause against the action proposed to be taken in regard to him". Discuss what are the exceptions to this principle.
7. Discuss the relative merits and demerits of presidential form of government.
8. Explain the constitutional scheme of 'Commerce Powers' of the Union.
9. Explain various privileges enjoyed by the Parliament.
10. Write short notes on any TWO of the following :
 - (a) Doctrine of pith and substance.
 - (b) State emergency.
 - (c) Sarkaria Commission.
 - (d) Doctrine of Pleasure.

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First Year

Paper IV — JURISPRUDENCE

(Common to all Branches)

Time : Three hours

Maximum : 100 marks

Answer any FIVE questions.

All questions carry equal marks.

1. Discuss the criticism of Austin's theory of law.
2. Bring out the inter relationship between primary rules and secondary rules developed by prof. H.L.A. Hart.
3. Explain the contribution of Savigny in the development of Historical school of Jurisprudence.
4. What do you mean by the term 'Custom' and highlight the requisites of valid Custom?
5. Define the term 'Delegated legislation', discuss the relative merits and demerits of legislation and precedent.
6. Discuss the Golden Rule of interpretation laid down by Lord Wensleydale.
7. Discuss the various kinds of rights.
8. Salmond "A duty is an obligatory Act that is to say – it is an act opposite of which would be a wrong" – Discuss.
9. Discuss the legal provisions relating to measure of liability for criminal offences.
10. Write any TWO of the following :
 - (a) Ratio-decidenti.
 - (b) Mens rea.
 - (c) Motive.
 - (d) Codification.

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DECEMBER 2007.

First Year

Constitutional and Administrative Laws

Paper V — ADMINISTRATIVE PROCESS – NATURE AND SCOPE

Time : Three hours

Maximum : 100 marks

Answer any FIVE questions.

All questions carry equal marks.

1. Analyse the significant features of Dicey's theory of rule of Law and state how it is followed in India.
 2. Evaluate the Montesquieu's theory of separation of powers and it's relevance in the growth of administrative process.
 3. "Speaking generally an administrative action can be classified in to four categories" – Massey. Discuss the characteristics of each function.
 4. Examine the necessity for delegation of Legislative power to the executive, and explain the requirements for the validity of delegated legislation.
 5. Discuss the scope of parliamentary control on the delegated legislation. What your suggestions for more effective control?
 6. What are the basic characteristics of Administrative Tribunals? State the reasons for the growth of Administrative Tribunals.
 7. "It is the duty of the courts to strike down without any hesitation any blanket power conferred on the executive for their exercise of discretionary powers". Discuss with the help of decided cases.
 8. Explain the definition of Administrative law and examine the view that Administrative law is the product of the Welfare state.
 9. What do you understand by droit Administratif. Bring out the distinguishing features of French Administrative law and English Administrative Law.
1. Write short notes on any TWO of the following :
 - (a) Henry VIII clause.
 - (b) Conditional legislation.
 - (c) French Administrative Courts and Tribunals.
 - (d) Doctrine of Ultravires.

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First Year

Constitutional and Administrative Laws

Paper VI — ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

Time : Three hours

Maximum : 100 marks

Answer any FIVE questions.

All questions carry equal marks.

1. Write a detailed note on the writ jurisdiction of the Supreme Court and that of High Courts to protect the rights of the citizens against the unlawful actions of the administration.
2. Examine the principle of Locus Standi and how far it is modified by the growth of public interest litigation.
3. Explain the nature and scope of Writ of Mandamus. What conditions are to be fulfilled for issuing the said writ? When can it be refused?
4. "Bias disqualifies a judge" – Discuss. Can objection based on bias be waived in administrative proceedings.
5. Discuss the principles of fair hearing in the light of judicial decisions. Whether right of cross-examination is part of hearing?
6. Explain the nature and utility of the institution of Ombudsman. Explain the attempts made in India to establish such an institution.
7. Discuss the conditions precedent that must be present for judicial review by administrative courts in France.
8. Write a note on Res judicata in administrative adjudication.
9. "The distinction between judicial and administrative functions is no longer relevant in the context of natural justice" - Explain and discuss the applicability of principles of natural justice to administrative proceedings.
10. Write short notes on any TWO of the following :
 - (a) Speaking orders.
 - (b) Institutional decisions.
 - (c) Delay and laches.
 - (d) Writ of Quo-warranto.