

THE WEST BENGAL NATIONAL UNIVERSITY OF JURIDICAL SCIENCES

Ph.D Entrance Test 2021-2022

PART – A (Research Methodology)

Time: 1½ Hrs.

Total marks: 50

Instructions:

- (i) **Answer any five questions**
 - (ii) **All questions carry equal marks**
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Q.1 Write a detailed note on the identification of a research problem. What are the crucial differences between the research problem and hypotheses? **(5+5= 10 Marks)**

Q.2 What are the necessary steps researcher must take care of while writing a research report? Select a contemporary legal problem and explain the writing of a report explaining various stages of report writing. **(5+5= 10 Marks)**

Q.3 Identification of a proper universe and appropriate method of sampling is crucial for any empirical observation in research. What are the significant indicators in identifying the universe? Explain the various method of sampling. **(5+5= 10 Marks)**

Q.4 What is research Design? What are the various components of research Design? **(10 Marks)**

Q.5 A very significant step of any research is how to formulate research questions that are important to research and how to develop meaningful and coherent answers to them. Based on this statement highlight the importance of research questions and explain the essential elements of research questions. **(5+5= 10 Marks)**

Q.6 Write short notes on any two of the following: **(5x2=10 Marks)**

- a. Analytical Research
- b. Empirical Research
- c. Experimental and non-experimental research

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PART – B (QUESTIONS ON LEGAL SUBJECTS)

Time: 2 Hrs.

Total marks: 50

Instructions:

- (i) **Answer any five questions**
 - (ii) **All questions carry 10 marks**
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1. “According to the NCRB Report 2020, a total of 371,503 cases of crime against women were reported across the country last year in comparison to 405,326 in 2019 and 378,236 in 2018. Among states and Union territories, Uttar Pradesh topped the list with maximum number (49,385) of such cases followed by West Bengal (36,439), Rajasthan (34,535), Maharashtra (31,954) and Madhya Pradesh (25,640). Crimes against women includes cases of rape, outraging modesty, dowry deaths and harassment, acid attacks and kidnapping. Majority of cases under crime against women were registered under ‘Cruelty by Husband or his Relatives’ (30.2%) followed by assault on women with intent to outrage her modesty’ (19.7%), kidnaping and abduction of women (19.0%) and rape (7.2%).” Discuss the legislative measures in India to deal with the crime against women and suggest amendments required to address the problem.
2. Explain the idea of obligation in Hart’s Theory of Law as union of Primary and secondary rules. How the defects in the Primary rules are supplemented by secondary rules and what level? Do you think that ‘rule of recognition’ is the main force of secondary rules?
3. What are the responsibilities of governments for enforcement of intellectual property rights as required under TRIPS Agreement? Who should take the primary responsibility for enforcing IPRs? Discuss.

4. "In the age of Information Communication Technology, right to privacy is being infringed with various means" Explain. What are the provisions which are in accord with the right to privacy? Discuss the provisions exceptions to the right to privacy enumerated in Information Technology Act, 2000 with the help of recent judicial decisions?
5. The rapid takeover of Afghanistan by 'Taliban' has prompted myriad debates in International Law. One of the significant issues that came to the vanguard is pertaining to the recognition of the 'Taliban Government'. Explain the position of recognition of Government in International Law vis-à-vis Taliban Government.
6. In his magnum opus, Constitutional Law of India (Vol.1), 3rd Edition, H.M. Seervai severely criticised the 'New Equality' doctrine thus:

"However, stripped of rhetoric, and the use of fashionable phrases like 'dynamic aspects' and 'activist magnitude' (whose appropriateness we need not stop to examine), it is claimed for the new doctrine that it explains, as the doctrinaire theory of classification does not, the scope of the right to equality. One of the risks which judges run by being 'dynamic' or 'active' is that at times their activity may carry them away from the truth and reality and this is precisely what has happened to Bhagwati, J. and his brother Judges in propounding the new theory. It is submitted that the old theory is the only doctrine which brings out the full scope of "the equal protection of law" guaranteed to every person by Article 14.... new doctrine is untenable...."

Are you in agreement with Seervai's views? Analyse, with appropriate references to the concept of 'Manifest Arbitrariness' which the Supreme Court has introduced to the equality discourse through recent judgements.

7. The Indian Law has widened the ambit of novation as well as accord and satisfaction. Analyze the nuances of these concepts, as evident from section 62 and 63 of the Indian Contract Act 1872, with the help of relevant case laws.

8. In several Indian statutes including the Companies Act, 2013, the concept of ‘offence by companies’ has been used as a standard vicarious liability provision to hold the directors liable for the acts and omissions of the company. These provisions often use a standard form of language to the effect that the person-in-charge of and responsible for the conduct of the business of the company at the time of the commission of the offence, as well as other officers are liable for that offence. However, most of these provisions do not make a distinction between Executive Directors and Non-Executive Directors of the company. Briefly state the legal position in reference to Section 179 of the Companies Act in this context, including issuing summons to Non-Executive Directors irrespective of their involvement in the concerned offence, referring to the leading and/or recent Supreme Court and NCLT/NCLAT decisions/orders that may have relevance in this matter. Also state whether any statutory safeguard exists for such directors in such matters.

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PART – B (History)

Time: 2 Hrs.

Total marks: 50

Instructions:

- (i) **Answer any five questions**
 - (ii) **All questions carry equal marks**
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1. Trace the growth of Indian nationalism from the middle of the 19th century. Evaluate the role of Dadabhai Naoroji and his 'Drain of Wealth' theory in the development of national consciousness in India. (5 + 5 = 10 Marks)
2. Evaluate the contribution of Raja Rammohan Roy in the founding of the Brahmo Samaj. Can we call him the founder of modern India? (6 + 4 = 10 Marks)
3. To what extent did Dayananda Saraswati contribute to the Hindu revivalist movement through the founding of the Arya Samaj in the nineteenth century? (10 Marks)
4. Explain the factors responsible for the Ilbert Bill controversy. Did the talks leading to this controversy result in any significant increase in the powers of the Indian judges and magistrates? (7 + 3 = 10 Marks)
5. Evaluate the role of Bal Gangadhar Tilak in the founding of Hindu Nationalism in India. (10 Marks)
6. Trace the factors responsible for the official decision to partition Bengal for the first time in 1905. Evaluate the success of the Swadeshi Movement. (5 + 5 = 10 Marks)
7. What were the factors responsible for the rise of extremist nationalism in India in the early twentieth century? (10 Marks)

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PART – B (Political Science)

Time: 2 Hrs.

Total marks: 50

Instructions:

- (i) Answer any five questions**
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1. Make a comparative assessment of Greek perspective of Justice with the Rawlsian concept of Justice.
2. Explain the sources of ancient Indian political thought.
3. Trace the role of militant and revolutionary movements in Indian national movement.
4. Does the functioning of the federalism in India tend to make it appear as unitary state in practice?
5. Explain the nature of the civil liberty movement in India.
6. Critically examine the role of WHO in providing global health security during the COVID-19 pandemic.
7. Discuss in detail the recent Afghan crisis and its impact on South Asia with a particular focus on India.