

End Semester Examination: November-2016

Research Methodology and Legal Writing

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Research Methodology and Legal Writing
Semester-I (Batch: 2016-17)

LL.M. End Semester Examination: November-2016

Date: 9th November, 2016

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A**Marks**

- Q.1 "Research design is logical and systematic plan prepared for directing a research study." (15)
Examine the statement highlighting the characteristics of good research design
- Q.2 Answer briefly any two: (2x7.5=15)
- (a) Write a short note on the different types of research
 - (b) Discuss the main aspects of a questionnaire. What is an indicator of the effectiveness of a questionnaire to collect data?
 - (c) What are the methods of sampling? Discuss in detail the various types of probability sampling with examples.

Part-B

- Q.3 "A new special human rights report released on 18th October, 2016 by the United Nations Assistance Mission in Afghanistan (UNAMA) has concluded that the 23 July attack on a large, peaceful demonstration in the country's capital, Kabul, not only deliberately targeted civilians but also was a serious violation of international human rights and humanitarian law, which may amount to a war crime. The attack appears, disturbingly, to have deliberately targeted persons belonging to a specific ethnic and religious community," said UNAMA in a news release today, announcing the release of the report Attack on a Peaceful Demonstration in Kabul, 23 July 2016. "The fundamental human rights of all Afghans must be respected, including the rights of religious and ethnic communities," it added." Islamic State in Iraq and the Levant (ISIL or Da'esh) had claimed responsibility for the attack, employing language that advocated religious hatred and violence. Almost all of the casualties in the attack were male and from the Hazara community which is predominantly Shia Muslim, the Mission said. (5x2=10)
- You have been appointed as a special rapporteur and requested to submit a research report. Draft your hypothesis and based on the drafted hypothesis state five possible research questions.

You have been appointed as a special rapporteur and requested to submit a research report. Draft your hypothesis and based on the drafted hypothesis state five possible research questions.

- Q.4 Human rights and Intellectual Property protection are two distinct fields that have largely evolved separately. Their relationship needs to be re-examined for a number of (2x5=10)

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reasons. First, the impacts of intellectual property rights on the realization of human rights such as the right to health have become much more visible following the adoption of the TRIPS Agreement. Second, the increasing importance of Intellectual Property Rights has led to the need for clarifying the scope of human rights provisions protecting individual contributions to knowledge. Third, a number of new challenges need to be addressed concerning contributions to knowledge, which cannot effectively be protected under existing Intellectual Property Rights regimes.

From the above given facts, draft two research problems (Title of the probable research).

- Q.5 A Common Civil Code that would put in place a set of laws to govern personal matters of all citizens irrespective of religion is perhaps the need of the hour. It is, in fact, the cornerstone of true secularism. Such a progressive reform would not only help to end discrimination against women on religious grounds but also strengthen the secular fabric of the country and promote unity. However, it can be implemented only when there is wide acceptance from all religious communities after discussing all the pros and cons as no decision, however reformatory, could be thrust on the people without their acceptance. All misgivings would have to be squarely addressed for progress to be achieved on this count. In fact, Article 44 of the Constitution declares that the state shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India. During the debate in the Constituent Assembly, Dr. B.R. Ambedkar, while supporting the need to frame a Uniform Civil Code, expressed the hope that its application might be purely voluntary. (5x2=10)

In the *Sarla Mudgal v. Union of India* (1995) case, the Supreme Court had observed: "Pandit Jawahar Lal Nehru, while defending the introduction of the Hindu Code Bill instead of a uniform civil code, in the Parliament in 1954, said, 'I do not think that at the present moment the time is ripe in India for me to try to push it through'. It appears that even 41 years thereafter, the Rulers of the day are not in a mood to retrieve Article 44 from the cold storage where it is lying since 1949. The reasons are too obvious to be stated. The utmost that has been done is to codify the Hindu law in the form of the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Minority and Guardianship Act, 1956, and the Hindu Adoptions and Maintenance Act, 1956, which have replaced the traditional Hindu law based on different schools of thought and scriptural laws into one unified code. When more than 80 per cent of the citizens have already been brought under the codified personal law, there is no justification whatsoever to keep in abeyance; any more, the introduction of Uniform Civil Code for all citizens." Several eminent people, representing diverse fields, have put forth different arguments against the introduction of a Common Civil Code. The most common refrain has been that even the British did not try to codify Personal Laws based on religion and any attempt to bring in a common codification of laws would be tantamount to the

all citizens. Several eminent people, representing diverse fields, have put forth strong arguments against the introduction of a Common Civil Code. The most common refrain has been that even the British did not try to codify Personal Laws based on religion and any attempt to bring in a common codification of laws would be tantamount to the state's interference in religious affairs, particularly of the minorities. Nothing can be farther from truth. It would be apt to remember the words of Mahatma Gandhi, who once said: "We should get out of the miasma of religious majorities and minorities." That, in reality, would be the precise endeavour of such a unified code. If one were to be wedded to rigid and bigoted views, why should there be any statutes and changes in them in sync with the times? As a society evolves, it enacts laws which protect and safeguard the rights and interests of all its citizens. Contrary to a sustained campaign of misinformation, the whole concept of a Common Civil Code is not aimed against any particular religion or its customs, but to prevent oppression in the name of religion. It would naturally be based on internationally accepted principles of jurisprudence and would go a long way in providing a sense of security to people of various religious

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denominations.

From the above given situation, draft two research 'questions of law' and three 'questions of facts'.

Q.6 Provide a tentative research title (research problem) with the Objective & Scope on the following given themes. (any two) (5x2=10)

- (a) 'Crime against Women in India'
- (b) 'Constitutional law and National Judicial Appointment'
- (c) 'Economic Policy, Banking Law and Insurance Policy'
