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**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: **Principles of Transparency and Accountability**
Semester-II (Batch: 2013-14)

End Term LL.M. Examination: May-June 2014

Date: 4th June, 2014

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 - Answer any four Questions

Marks
(4x15
=60)

- Q.1 “The plea of defense based on the old and archaic concept of sovereign-immunity as borrowed from British jurisprudence prevalent during colonial rule is based on old feudalistic notions of justice namely the ‘King can do no wrong’. This common law immunity do not exist in the realm of welfare State and is against the modern jurisprudence where the distinction between sovereign or non-sovereign power does not exist and the State like any ordinary citizen is liable for the acts done by its employees”. With help of landmark cases of the Supreme Court critically evaluate the above mentioned statement.
- Q.2 With the help of relevant case-laws determine the following:
- a. The status of the Public Corporation under the Constitution of India.
 - b. The nature of remedy available to the employees of the corporations against arbitrary termination of services.
- Q.3 “In view of the provisions of the Art. 299 of the Indian Constitution there is no scope for any implied contract. Thus, if the contract between the person and the government is not in compliance with the provisions of Art. 299 it would not be a contract at all and, would not be enforceable as a contract either by the government or the person.” In light of landmark case of the Supreme Court critically evaluate the above mentioned statement.
- Q.4 Elucidate on the significance of Ombudsman in India in the light of the *Lokpal* and *Lokayukta* Act 2013.
- Q.5 With the help of case-laws critically analyze the statement “Sanction for prosecution under the Prevention of Corruption Act 1988 is a necessary evil”.

Part B - Answer any two Questions

(2x5=
10)

- Q.6 L. Chandra Kumar vs Union of India [1997 (2) SCR 1186].
- Q.7 “Stock Exchange” as Public Authorities under the Right to Information Act 2005.
- Q.8 Central Vigilance Commission.
- Q.9 Difference between a Tribunal and Court.
