

Name:
Enrolment
No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2022

Course: Research Methodology and Legal Writings
Program: LL.M. (1 Year)
Course Code: CLCC 7001

Semester: I
Time 3 hrs.
Max. Marks: 100

SECTION A

Each Question will carry 2 Marks

S. No.	Question	CO
Q 1	Differentiate between Blue Book and APA style of citation with two examples.	CO1
Q2	What is the difference between annotated bibliography and review of literature?	CO2
Q3	What do you understand by the term 'sampling error'?	CO1
Q4	Write about any five advantages of SPSS or Atlas Ti.	CO 2
Q5	Explain the relevance of graphics in report writing. Give one example.	CO1

SECTION B

Each question will carry 5 marks

Q6	What do you understand by 'bibliometric analysis'? Elaborate with some example. OR Discuss the role of 'policy think tanks' in India to build the research culture and outcome based research.	CO 1
Q 7	Differentiate between probability and non-probability sampling with examples. OR <i>"Many scientists conducting a larger research project begin with an inductive study (developing a theory). The inductive study is followed up with deductive research to confirm or invalidate the conclusion". Do you agree with this statement? Elaborate giving an example.</i>	CO2
Q 8	How important it is to have a good research design? Elaborate with an example.	CO3

	<p>OR</p> <p><i>If a researcher succeeds in formulating a hypothesis, he can assure himself that it is half-solved. 'A problem well put is half solved' says an old and wise saying. – elaborate the relationship of problem statement and hypothesis in research.</i></p>	
Q 9	<p><i>“Law has acquired a paramount significance in a modern welfare state as an effective instrumentality of socio-economic transformation. It indeed operates as a catalyst for such a transformation.”</i> What role do you think legal research plays in this transformation?</p>	CO 3
<p>SECTION C</p> <p>Each Question carries 10 Marks.</p>		
Q10	<p><i>“In India, the field of securities laws is often studied from the perspective of a specific case, individual legislative amendments or specific judgements of courts. While such analysis is useful, a slightly different, more quantitative approach is necessary to gain a systematic understanding of the manner in which the regulator uses the wide variety of enforcement tools available to it, the manner in which it seeks to enforce against different kinds of misconduct and the efficiency of its enforcement functions.”</i> What is your opinion? Explain and elucidate with some examples.</p> <p>OR</p> <p>Doctrinal research is often referred to as ‘arm chair research’. Do you agree? What innovation could be introduced to make doctrinal research more meaningful and useful for the society?</p>	CO 2
Q 11	<p><i>“To steal ideas from one person is plagiarism; to steal from many is research” – Steven Wright.</i> Comment on the aforesaid statement with your reflection on the concept of plagiarism. Also enumerate the types of plagiarism with two lines of explanation.</p> <p>OR</p> <p><i>Although the principal player in the research enterprise remains the researcher, the research enterprise is a dynamic global ecosystem with multiple stakeholders with diverse incentives and interests, which are not always aligned. In spite of the diversity of interests, they have a common stake in research integrity, based on a set of shared values that include ethics, rigour, relevance, transparency, respect, impartiality, and accountability (Edwards and Roy, 2017). Discuss the values underlying research integrity in light of the UGC’s framework for Good Academic Research Practices.</i></p>	CO 3

SECTION D

Each Question carries 25 Marks.

Q 12

The Indian Parliament passed three agriculture acts— The Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020 (Freedom of Choice to Sell Farmers’ Produce), The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill 2020 (Framework for farming agreements), Essential Commodities (Amendment) Act, 2020 (decontrolling supply of farm produce). The passage of these laws brewed a huge protest against the government in 2020-21 which almost lasted for a year jamming the borders of Delhi and protest sites becoming the battleground. It all began with declaring these farm laws as ‘black’ laws and they demanded the repeal of these laws. However, later during the protest, emboldened by the support from various quarters, the demands from farmers also got expanded to include the following:

- Make MSP and state procurement of crops a legal right [Implement Swaminathan Panel Report and peg MSP at least 50% more than weighted average cost of production
- Cut diesel prices for agricultural use by 50%
- Repeal of Commission on Air Quality Management in NCR and the adjoining Ordinance 2020 and removal of punishment and fine for stubbl
- Abolishing the Electricity Ordinance 2020 burning

The protests continued even after the Supreme Court of India stayed the application of these laws and constituted a Committee to examine the issue. The protesters did not agree to submit before the Supreme Court Committee. The protests also got international attention and support from different quarters. While repealing the laws, the Repeal Act in its statement of objects and reasons said:

“4. These enactments were made for the overall socio-economic development of the farmers and rural sector after extensive consultations with various stakeholders following the felt need and demand of the farmers' organisations, suggestions and recommendations of the experts, professionals, agricultural economists, expert committees over the years. Various Governments during the last three decades have tried to initiate such reforms, but not in a comprehensive way. Further, there has been technological advancement in recent times.

5. Even though only a group of farmers are protesting against these laws, the Government has tried hard to sensitise the farmers on the importance of the Farm Laws and explain the merits through several meetings and other forums. Without taking away the existing mechanisms available to farmers, new avenues were provided for trade of their produce. Besides, farmers were free to select the avenues of their choice where they can get more prices for their produce without any compulsion. However, the operation of the aforesaid Farm laws has been stayed by the Hon'ble Supreme Court of India. During the COVID period, the farmers have worked hard to increase production and fulfil the needs of the nation. As we celebrate the 75th Year of

CO 4

	<p>Independence— "Azadi Ka Amrit Mahotsav", the need of the hour is to take everyone together on the path of inclusive growth and development.”</p> <p>As a researcher, you have been asked by your faculty supervisor to prepare a proposal for conducting a socio-legal research on the issues surrounding the ‘Farm Bills, protests, its revocation and final impact/outcome for farmers vis-à-vis contemplated reforms’.</p> <p>Prepare a write-up for conducting a socio-legal research around this issue.</p> <ol style="list-style-type: none"> a. How would you identify the problem? Prepare a statement of problem based on the inputs from the aforesaid inputs proposing an empirical research on the issues identified. You can make assumptions around the facts based on your knowledge about this contemporary issue. b. How would you approach the review of literature in this case? c. Frame two hypothesis arising out of the issue. d. What would be the considerations for you to decide about a suitable population /universe /sampling unit / source list for this study? e. Frame a suitable title for your research 	
Q13	<p><i>There has historically been tension between the judiciary and the executive over who wields the most power in appointing judges. This has played out over three Supreme Court cases popularly known as the ‘three judges cases’ as well as the NJAC controversy. The collegium system has been widely criticized for operating under a ‘cloud of secrecy’: the factors considered and the process behind appointment decisions are not transparent. In 2014, Parliament passed the National Judicial Appointments Commission Act, 2014 (NJAC). The Act replaced the collegium with a commission led by the CJI comprising the two senior-most judges of the SC, the Minister for Law and Justice and two eminent persons (selected by the CJI, Prime Minister and the Leader of the Opposition). It was meant to limit the authority exercised by the judiciary and involve non-judicial members in the appointments process.</i></p> <p><i>The NJAC however, was challenged in the Supreme Court and was struck down in 2015. The Court once again invoked the independence of the judiciary and held that the NJAC violated this independence. The collegium system was revived and India remains the only constitutional democracy where the judiciary appoints its own judges.</i></p> <p><i>In the recently concluded Winter Session of Parliament, discussions were held on the High Court and Supreme Court Judges (Salaries and Conditions of Service) Bill 2021. Several assertions were made by MPs in both the Houses regarding the functioning of our judicial system in general and the constitutional courts in particular. Most speeches called for the need to revisit the Third Judges Case (1998) that laid the basis to strike down the National Judicial Appointment Commission (NJAC) Bill in 2015.</i></p> <p><i>There is no role for the governmental organs in the selection process itself. Many people, including several MPs, opined that hiring through the collegium system has turned out to be more about family pedigree, networking, bias, personal likes and dislikes rather than fair</i></p>	CO 4

selection on merit.

The biggest fallout of the appointment process both pre and post the collegium system has been the disproportionate representation of various categories of people and the absence of gender parity. One of the MPs said

“A non-biased judicial commission with representations from outside the judiciary, including minorities, would not only make the whole selection process more transparent and streamlined but also act as a tool in reinstating the public’s, executive’s and legislature’s belief in the integrity and credibility of the system, all of which would augur well for reinforcing its independence”.

In a reposte to the law minister Kiran Rijju’s scathing criticism of the “opaque” collegium system, CJI D.Y. Chandrachud said that “the executive must show constitutional statesmanship and avoid public grandstanding.” on the issue of collegium system, however, he battered for a strong collegium system to ensure judicial independence and fairness in selection while conceding that the process needed more judicious transparency.

Department of Justice (DOJ) has called for an action research proposal on the topic of ‘judicial appointments and revisiting the NJAC’. Prepare a detailed research proposal on behalf of UPES school of Law.

Source of the Quote: <https://www.scobserver.in/tag/njac/> and the TOI Article on CJI Bats for collegium system