

that he took any precaution to conceal his act of house-trespass. Would 'X' be guilty of offence lurking house-trespass by night? Justify your answer?

Unit (V)

- (i) 'A' had already paid to 'B', the sum of debt and obtained a receipt, thereof. Later he lost the receipt, and he therefore, in order to save himself from liability of any claim in future, prepares another receipt and makes B's signature thereon. Would 'B' be liable for offence of forgery?
- (ii) 'A' married young woman, who was discarded by her husband, lived with her father and brother in Delhi. She became intimate with the accused who was her next door neighbours. The two ran away to settle down in Bombay. The woman's brother filed complaint under section 497/498 of the Indian Penal Code. Decide?

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.
 - (i) An act causing death of human being does not amount to culpable homicide unless the necessary ingredients of *mens rea* are present. Discuss with reference to relevant case laws.
 - (ii) Critically analyze the penal provisions for the offence of rape. Under the IPC.
 - (iii) Every case of dacoity is primarily a case of robbery but not *vice-versa*. Elucidate your answer by differentiating the provisions relating to robbery and dacoity. Elaborate with the help of case law.
 - (iv) What are the various theories of attempt to commit crime? Differentiate between attempt and preparation. Also differentiate the liability for attempts under Section 307 and Section 511 of the Indian Penal Code. Support your answer with relevant case laws.

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**B.A., LL.B. (HONS.) FYIC
MAY - 2009
SIXTH SEMESTER
SUBJECT: PENAL LAW - II
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks**.
 - (i) What are the guidelines of the Supreme Court for holding doctors criminally liable for patient's death due to negligence?
 - (ii) Under what circumstances can a person be exonerated from liability for death caused by act done with intent to cause miscarriage?
 - (iii) What would be the criminal liability of a person who sets a dog to attack another person?
 - (iv) 'In wrongful restraint physical presence is not always necessary.' Justify.
 - (v) What is *de jure* possession?

- (vi) What would be the liability of an employee of Indian Airlines who took excess money and pocketed the same by falsifying reports?
- (vii) 'A' causes cattle to enter upon the field belonging to 'B' intending to cause and knowing that he is likely to cause damage to the crop of 'B'. What offence has been committed by 'A'?
- (viii) Discuss the penal provisions relating the fraudulent deeds and disposition of property.
- (ix) A contracts a bigamous marriage. For what offence can he be charged under the Indian Penal Code?
- (x) Write short note on Adultery. Should there be any change in penal provisions relating to Adultery?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) 'A' man was arrested on the allegation of theft of a buffalo and kept in custody. He was beaten by Sub Inspector and three constables on successive days. The victim succumbed to his injuries. Can the Sub Inspector be held equally liable for causing culpable homicide?
- (ii) In a quarrel accused 'X' kicked the deceased on testicles but as no medical treatment was given for two days, the injured 'Y' died due to gangrene. Injury to testicles was not the direct cause of death. Discuss the penal liability of 'X'?

Unit (II)

- (i) 'A' caused some harijans (i.e. low classed people) to stand in a public street in the vicinity of a temple with the object of preventing 'C' from conducting religious procession from fear of pollution. Can 'A' be held guilty for wrongful restraint?

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Discuss in the light of relevant provisions.

- (ii) 'A' was returning from Lucknow. On reaching Delhi railway station she met 'B', husband of 'R', the accused appellant, who told 'A' that her father had asked him to pick her up from the railway station. Since prosecutrix was suffering from fever, she accompanied 'B' to his house. There he committed rape on her. During the commission of rape, 'R' wife of 'B' reached there, Prosecutrix requested the appellant 'R' to save her. Instead of saving her, 'R' slapped her and left the place of incident. After investigation 'B' was charged under Section 323 and 376 of IPC and 'R' under Section 323 and 376(2) (g) of IPC. Will the charges against 'R' sustain? Discuss in the light of relevant provisions.

Unit (III)

- (i) 'A' had taken a bicycle on hire-purchase form a bicycle dealer named 'B' on condition that if the installments are not paid regularly 'B' will be entitled to take back the bicycle. There was default in payment of installments. One day as 'C' the servant of 'A' was going on the same bicycle, 'B' forcibly took possession of it. What would be B's liability?
- (ii) The accused was entrusted with a pair of earrings of raising Rs. 100/- only upon them for the complainant's use, but he pledged them for larger amount, gave Rs. 100/- to the complainant and applied the additional amount to his own use without telling the complainant what had he done. For what offence would the accused be liable?

Unit (IV)

- (i) 'A' enters B's house with intention of committing theft. But moved by the poverty of house holder, he drops a rupee note and leaves. What offence has 'A' committed?
- (ii) 'X' entered the house of victim during night to commit rape or to outrage the modesty of women. There was nothing to show

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MOHINDRA KOTHI, THE MALL, PATIALA - 147 001**



**B.A., LL.B. (HONS.) FYIC
MAY - 2009
SIXTH SEMESTER
SUBJECT: CORPORATE LAW - II
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) Issue of shares at Premium and Discount
 - (ii) Duties of the court to protect the interest of Creditors and Shareholders
 - (iii) Difference between Debenture Holder and Shareholder
 - (iv) Rule in *Lee v. Neuchatel*
 - (v) Inter Corporate Loans and Investments
 - (vi) Right of Inspection

- (vii) Take over and Acquisition of minority interest
- (viii) Forfeiture and surrenders of shares
- (ix) Winding up of unregistered companies
- (x) Power of Liquidator

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Explain various kinds of Share Capital. How share capital be altered and reduced?
- (ii) Explain Members v. Shareholders and what are the rights and liabilities of members?

Unit (II)

- (i) What are the General Principles and Statutory Restrictions on allotment of shares?
- (ii) Explain the meaning and kinds of Debentures.

Unit (III)

- (i) Discuss the powers and duties of Auditors.
- (ii) Define Borrowing and Regular Borrowing and what are the consequences of unauthorized borrowing.

Unit (IV)

- (i) Explain the Rule in *Foss v. Harbottle* with its exceptions.
- (ii) Explain the various provisions regarding powers of investigation.

Unit (V)

- (i) Explain winding up subject to supervision of courts.
- (ii) Explain voluntary winding up.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) (a) "Share in company are movable property, capable of being transferred." In the light of the statement, explain the nature of shares. How is transfer of shares effected? **(9.5 Marks)**

- (b) 'A', the Secretary of company, issues a share certificate in favour of 'B' purporting to be signed by the Directors and the Secretary and has the seal of the company affixed on it. In fact, Secretary has forged the signatures of Directors and has affixed the seal without authority. Can 'B' hold the Company liable for shares covered by share certificate? **(3 Marks)**

- (ii)(a) Explain in detail winding up by court. **(9.5 Marks)**

- (b) 'X' a company was formed to produce cars. However, for 5 years, it could not get the basic material to be used for the same. A shareholder moves the court for winding up- Can he succeed? **(3 Marks)**

- (iii) Explain the term "Oppression and Mismanagement"? Discuss the powers of company law Tribunal for Prevention of Oppression and Mismanagement. Who can approach the Tribunal?

- (iv) Explain the terms Fixed and Floating charges and distinguish between the two. What charges must be registered. Discussed the procedure for Registration of charges and consequences of non-registration.

- (ii)(a) What are the consequences of default in payment of TDS in respect of Rent, Professional fee, Payment to contractors etc. etc. with particular reference to computation of Business Income?
- (b) Deduction of certain expenses is allowed on actual payment basis while computing business income (u/s 43B). Please explain.
- (iii) What are the consequences of late filing of Income Tax Return declaring loss? Name any head of income where late filing of income tax return is not fatal. Discuss time limits allowed for carry forward of different types of losses and unabsorbed losses.
- (iv) What is meant by “Input Tax Credit” under the VAT Act? When it can be partially allowed and when it is not allowed. Whether it is allowed on purchases made from outside state?

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**B.A., LL.B. (HONS.) FYIC
MAY - 2009
SIXTH SEMESTER
SUBJECT: TAXATION LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) Give history of Income Tax Law in India.
- (ii) Describe Previous Year. A new business was setup on 1.1.2009. In which assessment year the income of the first previous year will be assessed?
- (iii) Which incomes of a Non-resident Indian are assessable under the *Income Tax Act*?
- (iv) A person owns 4 cows for personal use. One of the cows gave birth to a calf. The calf was sold for Rs. 1650/-. Discuss and calculate income, if any, arising on the sale of calf.

- (v) Kindly explain the treatment of losses under the head speculation business and rules of carry forward of the same.
- (vi) A sum of Rs. 18000/- was paid in cash as Mediclaim Insurance premium (Health Insurance) by the assessee for himself, his wife and two minor children. How much deduction shall be allowed while computing his total income u/s 80D for the Assessment Year 2009-10?
- (vii) What is time limit for issue of notice u/s 148 of the *Income Tax Act*, 1961 in different circumstances?
- (viii) What are the Exempted Assets under section 5 of *Wealth Tax Act*? Specify three Exempted Assets.
- (ix) What is the 'Threshold Limit' for the purpose of Registration under the Service Tax?
- (x) Under what circumstances subsequent sale of goods during their movement from one state to another is exempt?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Describe the relationship between *Income Tax Act* and the *Finance Act*.
- (ii) Define the meaning of tax and how do you distinguish between Tax and Fee?

Unit (II)

- (i) Briefly explain House Rent Allowance and extent of exemption, and mode of calculation of exemption under section 10(13A) of *Income Tax Act*, 1961.

Contd.....P.3

- (ii) In whose income of minor is clubbed? Under what circumstances income of minor is not clubbed with the income of his either of parents?

Unit (III)

- (i) Please explain set off and carry forward of losses with particular reference to inter head adjustment in the same year.
- (ii) Discuss deduction u/s 80G of the *Income Tax Act*, 1961.

Unit (IV)

- (i) What do you mean by Best Judgment Assessment? How the Assessing Officer should act/ behave while framing Best Judgment Assessment?
- (ii) In computing the net wealth, an individual, who is not a citizen of India or Individual/HUF not resident in India or resident but not ordinary resident in India, certain assets are excluded. Elaborate.

Unit (V)

- (i) What do you mean by 'Taxable Service'? Name service in which taxable services is taken at certain percentage of gross amount charged under some special circumstances?
- (ii) What do you mean by 'Declared Goods'? Name four declared goods of different categories (groups). What restrictions have been imposed on states with regard to declared goods?

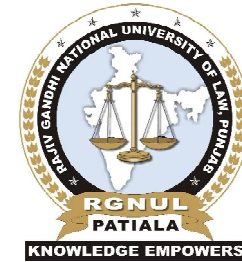
Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) How will you determine the residential of an Individual and what is the scope of total income in brief?

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**B.A., LL.B. (HONS.) FYIC
MAY - 2009
SIXTH SEMESTER
SUBJECT: CRIMINAL PROCEDURE CODE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) Distinguish between Cognizable and Non Cognizable Offences
 - (ii) Who can claim maintenance under Section 125 of the Criminal Procedure Code 1973?
 - (iii) What is First Information Report?
 - (iv) State with brief reasons which court shall have jurisdiction to try the cases arising out of the following facts:
 - (a) 'A' is kidnapped from Delhi and is recovered from Chennai
 - (b) A dacoity was committed in Ludhiana, dacoits were arrested at Ambala and the looted property was recovered from a goldsmith at Chandigarh.

- (iii) Suppose you are a Public Prosecutor in a Sessions Court. A murder case has been entrusted to you. State in details what steps will you and the court take during the course of trial till its conclusion?
- (iv) What is Bail? Discuss the guiding principles for grant of bail in bailable and non-bailable offences? Mention briefly the conditions for grant of Anticipatory Bail.

- (v) What is Charge?
- (vi) An accused was acquitted due to lack of evidence. He was again prosecuted for the same offence. Additional evidence was supplied and he was convicted by the Magistrate. Examine the legality of the order.
- (vii) What are Warrant Case?
- (viii) What is the term of Life Sentence?
- (ix) What is Complaint?
- (x) When Police can arrest a person without Warrant?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Discuss briefly the Concept and Importance of Plea-bargaining. Can the provisions be applied to juvenile child?
- (ii) What are the duties and qualifications of a Public Prosecutor?

Unit (II)

- (i) A Complaint alleging commission of offence under Section 498A and 406 IPC was filed before court at place 'M'. The acts complained of were alleged to have taken place at place 'N'. The complainant had left her husband and went to place 'M'. But complaint does not disclose any dowry demand or commission of any act constituting an offence at place 'M'. It was pleaded that the offence was a continuing one. Does the Court at 'M' has jurisdiction? Decide.
- (ii) What do you understand by Search Warrant? Analyze the constitutional validity of Section 93 of the Cr.P.C.

Contd.....P.3

Unit (III)

- (i) A public servant was charged under Section 409 IPC. Facts constituting the charge also made out an offence under Section 420 IPC but he was not charged for the offence. Can the accused be convicted under Section 420. Support your answer by authorities.
- (ii) Describe the procedure followed in conducting a summary trial.

Unit (IV)

- (i) When can an order to release an accused on probation of good conduct or after admonition be made by court?
- (ii) An accused was acquitted by the Court but was not released. Is a revision against the order seeking release maintainable?

Unit (V)

- (i) Discuss the Magistrates power for issuing orders in urgent cases of nuisance.
- (ii) What are the limitations for taking cognizance of certain offences?

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.
- (i) What is Arrest? Discuss in detail the procedure of arrest according to the provisions of Criminal Procedure Code. Describe the various rights of arrested persons under the Code?
 - (ii) What are the provisions under the Criminal Procedure Code for investigation of an offence? Describe the procedure for investigation to be conducted in a place outside India. What are the provisions for the investigation, which is not completed within 24 hours?

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**B.A., LL.B. (HONS.) FYIC
MAY - 2009
SIXTH SEMESTER
SUBJECT: INTELLECTUAL PROPERTY LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What is the term of protection of copyrights under the TRIPS Agreement?
 - (ii) Who is entitled to apply for registration of patents?
 - (iii) What are the remedies for the infringement for patents under the *Patent Act, 1970*?
 - (iv) Define Patent of Addition
 - (v) Briefly discuss the difference between infringement of trademark and action for passing off.

- (vi) Define 'Mark' as provided under the *Trademarks Act, 1999*
- (vii) Explain briefly the moral rights of the author with reference to a case-law
- (viii) Who is the first owner of the copyright?
- (ix) Define Design as provided under the *Designs Act, 2000*. Refer to any two registered designs
- (x) What do you understand by the term Geographical Indication? Who can apply for the registration of Geographical Indication?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each question carries **6 Marks**.

Unit (I)

- (i) Discuss the origin and functions of the WIPO. How does the Intellectual Property Laws help in the Economic Development of a Country?
- (ii) Discuss the Procedure for filing of the patent application.

Unit (II)

- (i) Discuss the rights of a patentee.
- (ii) Discuss the provisions for secrecy and when can it be revoked?

Unit (III)

- (i) Explain the meaning and function of a trademark. Can a name of a city/state be registered as a trademark?
- (ii) Define Well-known marks. Discuss the procedure for registration of a trademark and also state the grounds of refusal.

Unit (IV)

- (i) What are the works in which copyright subsists? Explain with reference to decided cases.
- (ii) Discuss the neighbouring rights as provided under the *Copyright Act, 1957*.

Unit (V)

- (i) Write a note on Piracy of designs and remedies against piracy as provided under the *Designs Act, 2000*.
- (ii) Discuss the procedure for registration of Geographical Indications. Refer to registered Geographical Indications.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Write a note on the meaning and concept of Intellectual Property. Discuss the salient features of the *Patents Act, 1970* with emphasis on recent amendments in the Act.
- (ii) What are patentable and non-patentable inventions? What are the grounds of opposition and revocation of a patent?
- (iii) What are domain names? Discuss the issues regarding domain names with reference to case laws. Whether domain names can be protected under the *Trademarks Act, 1999*?
- (iv) Write a note on infringement of copyright. What are the exceptions to the infringement of copyright, with special emphasis on doctrine of fair use?

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**B.A., LL.B. (HONS.) FYIC
MAY - 2009
SIXTH SEMESTER
SUBJECT: CONFLICT OF LAWS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What is the meaning of Conflict of Laws?
 - (ii) What is an Incidental Question?
 - (iii) Distinguish between Private and Public International Law
 - (iv) What is the doctrine of '*Forum non Conveniens*'?
 - (v) Define Judgment in rem
 - (vi) What is '*Lex Situs*'?
 - (vii) What is a Negotiable Instrument?

- (viii) Distinguish between Domicile of Origin and Domicile of Choice
- (ix) What is the rule of Double-Actionability?
- (x) What is meant by Legitimation by Subsequent Marriage?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each question carries **6 Marks**.

Unit (I)

- (i) What is the Scope of Private International Law? Discuss.
- (ii) Write a note on the evolution of Indian Private International Law.

Unit (II)

- (i) What are the Elements of an Incidental Question?
- (ii) Discuss the Scope of the application of RENVOL.

Unit (III)

- (i) Is there any merit in common law approach to the choice of Law in Contract? Comment.
- (ii) Describe the differences between the Lugano and Brussels Convention.

Unit (IV)

- (i) Is there any test to determine the *Locus Delicti* of a transnational online defamation? Discuss it with the help of decided cases.
- (ii) What is the effect of recognition by English Courts of a foreign decree of divorce, nullity or legal separation?

Unit (V)

- (i) Suppose a child is wrongfully retained by one parent, who refuses to return the child to the parent in another country, who has custody rights. Will the courts of the country where the child is retained grant a custody order to the 'abducting' parent or will they recognize that the other parent has custody and order the return of the child? Discuss.
- (ii) Suppose a person of Indian Origin has acquired a foreign domicile and dies leaving immovable property in India. Discuss the law which is applicable to the succession of such immovable property.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Explain the various theories of Private International Law.
- (ii) Discuss in detail the principles on which the successful litigant may take the advantage of foreign Judgment at common law.
- (iii) As a general rule capacity to marry is governed by dual domicile rule but subject to some exceptions. Explain.
- (iv) What are the main provisions of the Hague Convention on the Law Applicable to Matrimonial Property Rights 1978? Also discuss the effects of marriage on property rights in England and India.