

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER-III: GENERAL PRINCIPLES OF
CRIMINAL LAW
(CRIMINAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A**1. Compulsory**

Write short note on:

- Actus Reus as an element of crime.
- Meaning of instigation. Can request, threat or advice be treated as instigation?
- Voluntary intoxication as a defence as per Section 86 of I.P.C.
- Individualization of punishment.

Contd.....P.2

Section - B

- Discuss the corporate criminal liability in Indian Penal Justice System and elaborate how basic requirements of Actus Reus and mens rea for criminal liability have been overcome in this regard. Also discuss how procedural requirement for the conduct of trial have been met in this regard.
- Define crime and discuss its origin and development in India. To what extent British criminal law has helped in shaping the present criminal justice system in India.

Section - C

- What do you understand by inchoate offences? What is the justification for penal intervention in cases of these offences? Discuss the offence of criminal conspiracy and explain its ingredients specially explaining the terms "agreement", "illegal" and "offence" as used in the definition.
- What do you understand by the concept of mens rea? Discuss the position of mens rea in cases of statutory offences, specially explaining the factors that can be taken into account that particular statutory offence does not require mens rea.

Section - D

- "Ignorantia juris Non Excusat" and "Ignorantia Facit excusat". Elucidate the maxim with special reference to Section 77 of I.P.C. What is the position of defence of mistake of fact in cases of mistake of Civil Law and offences of strict liability?
- What do you understand by the concept of vicarious liability? Discuss the concept explaining ingredients of section 34 I.P.C.

Section - E

- Referring to statutory provisions and relevant case law explain the basic attributes of fair trial.
- "If you treat a man like a animal you make him animal". In the light of this statement discuss the Reformatory theory of punishment and its relevance in cases involving terrorism and White-Collar Crimes.

Roll no. _____

RG/A/06/12/14

-2-

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER-III: BANKING LAWS
(BUSINESS LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- a. Capital requirements for setting up a Bank.
- b. Noting and Protest
- c. Payment in due course
- d. Liability of a customer for dishonor of a cheque

Section - B

2. Explain the meaning and various kinds of Negotiable Instruments.
3. Discuss the various powers of RBI under the *Banking Regulation Act, 1949*.

Section - C

4. Discuss the capacity and liability of Parties.
5. Explain the various kinds of Presentment of Negotiable Instruments.

Section - D

6. When banker can refuse payment on his Customer's Cheque? What are the protections given to a paying banker in the context of the crossed cheques?
7. Explain the meaning of Banker-customer relationship and discuss the various obligation and protection available to Banker.

Section - E

8. Discuss in detail about the Banking Ombudsman.
9. Explain following:
 - a) Electronic Fund Transfer
 - b) Internet Banking

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**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER-I: LABOUR AND INDUSTRIAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A**1. Compulsory**

Write short note on:

- a. Objectives of labour laws
- b. Annual leave with wages
- c. Recognition of Trade Union
- d. Employees Provident Fund Scheme

Section - B

2. Critically trace the historical development of labour law in India.
3. Briefly discuss the ILO standards of Labour laws on social security. Are all these provisions applicable in India?

Section - C

4. Critically evaluate the provisions of the *Factories Act*, 1948 for the protection of health of the workers.
5. Discuss the provisions of *Factories Act*, 1948 relating to hours of work and the employees coming late to their duties.

Section - D

6. Define the term 'Trade Union'. What privileges are enjoyed by a registered Trade Union under the *Trade Union Act*, 1926?
7. Describe the procedure laid down by the *Trade Union Act*, 1926, for the registration of a Trade Union.

Section - E

8. Explain the term 'Child Labour'. What penalties can be imposed for violation of the provisions of *Child Labour (Prohibition and Regulation) Act*, 1986?
9. Critically evaluate the 'Right to payment of Maternity Benefit' provisions of the *Maternity Benefit Act*, 1961. What suggestions would you like to make this mechanism more beneficial to the eligible women workers?

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER-IV: LAW OF WRITS
(CONSTITUTIONAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A**1. Compulsory****Write short note on:**

- a. Obsolete Writs
- b. Locus Standi
- c. Continuing mandamus
- d. Quo Warranto

*Contd.....P.2***Section - B**

2. Write an essay on Indian law of writs in Retrospect and Prospect.
3. What do you understand by Prerogative Writs? Also discuss the historical growth of law of writs.

Section - C

4. 'Power of the Supreme Court under Article 32 is held not only to be injunctive in ambit but is also remedial in scope. In the light of this observation, discuss the scope of writ jurisdiction of Supreme Court under the Constitution of India with the help of decided case law.
5. a) Mr. 'X's son was awarded death sentence which was finally approved by the Supreme Court. But the fact of convict being a juvenile at the time of commission of the offence, remained unnoticed even in review petition under Article 137. Suggest an appropriate remedy in this case. Support your answer with relevant case law.
b) 'Public Interest Litigation is not a panacea for all wrongs.' Comment and explain the parameters laid down by the Supreme Court for the invocation of the remedy by way of PIL.

Section - D

6. a) Discuss writ of Habeas Corpus as a statutory remedy.
b) Mr. 'X', the convict in jail, has moved a writ of habeas corpus under Article 32, seeking remission of his jail sentence and thereby, prayed for his release from the Jail where he is undergoing his 10 years sentence. Will he succeed? Answer with the support of decided case law.
7. What is 'mandamus'? Explain the grounds when it is issued. Also discuss the circumstances, when a writ of mandamus does not lie.

Section - E

8. Discuss in detail the writ of certiorari. How certiorari differs from the writ of prohibit? Explain.
9. Write a detailed note on Supplementary remedies.

Roll no. _____

RG/A/06/12/14

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER-III: COMPARATIVE
CONSTITUTIONAL LAWS
(CONSTITUTIONAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- a. Meaning of constitution and constitutional law.
- b. What do you mean by Due Process of law?
- c. Need of changes in constitution.
- d. What do you mean by Residuary Powers?

-2-

Section - B

2. Discuss the constitutional value of Doctrine of separation of powers.
3. "Fundamental rights as guaranteed under part III of the constitution are not absolute and uncontrolled. They in reality strike a balance between individual liberty and social needs of people." Do you agree? Discuss.

Section - C

4. Briefly discuss the Expanding scope of the enforcement of Fundamental Rights.
5. Discuss the position of 'Judicial law making' in India and U.K. whether 'Judicial Activism' is a part of Judicial law making?

Section - D

6. Discuss the Amending Procedure of constitution in USA and Canada.
7. 'The basic structure or Framework of the constitution has been, held to be a limitation, on the amending power of the parliament. Discuss and give your opinion.

Section - E

8. What do you understand by Doctrine of immunity of Instrumentality?
9. "Article 301 of the constitution of India is an adaptation from Section 92 of the Australian constitution." Do you agree that Article 301, in its scope, is an improvement over Section 92 of the Australian constitution? Comment.

Roll no. _____

RG/A/09/12/14

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER-IV: MERGERS, ACQUISITIONS AND
COMPETITIONS
(BUSINESS LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- Meaning and scope of Corporate Restructuring.
- Modes of Amalgamation.
- Cross border take overs.
- Competition law aspect of Competition.

-2-

Section - B

- Discuss the need for financial restricting and what steps may be taken in case of under capitalisation and over capitalisation.
- Funding of mergers and acquisition is a crucial exercise requiring utmost care. Elaborate this statement and discuss the various modes that may be used for funding of mergers and acquisition.

Section - C

- Discuss legal aspect of Mergers and Amalgamation.
- Write a detailed note on Post-merger re-organisation emphasizing on how can "Post-merger efficiency" be measured and the main parameters involved there in.

Section - D

- Explain the term Reverse merger and Demerger also enumerate the steps to effectuate the scheme of demerger.
- a) What are the main objectives of takeover?
b) What do you mean by Hostile takeover? Why these types of take overs are resorted to and by whom and what are the objectives of acquirer?

Section - E

- Write a detailed note on FDI policy for mergers and acquisition.
- Draft a merger scheme.

Roll no. _____

RG/A/04/12/14

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



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DECEMBER - 2014
SEVENTH SEMESTER
PAPER- II: LAW OF EVIDENCE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- a. Rule of '*Res Gestae*'
- b. Opinion of Experts.
- c. "Oral Evidence must be direct"
- d. Hostile Witness.

Section - B

2. a) Distinguish between admission and confession. Can confession made by an accused person while in custody of police be proved against him?
- b) A and B are jointly tried for the murder of C. It is proved that A said- "B and I murdered C." Would the Court consider the effect of this confession by A as against B?
3. Discuss the principles relating to relevancy of "dying declaration" of a person. Can such declaration be sole basis of conviction of the accused?

Section - C

4. a) Discuss the relevancy of previous judgments to bar a second suit or trial.
- b) A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies. Can B prove a decree in favour of C, in a suit by A against C for a trespass on the same land in which C alleged the existence of the same right of way?
5. What constitutes "Character"? Is previous bad character of party relevant in criminal proceedings?

Section - D

6. a) Enumerate the cases in which secondary evidence relating to documents may be given.
- b) What are the various modes of proving handwriting.
- (10+5)
7. Discuss the rule relating to exclusion of oral by documentary evidence as contained in Section 91 of the *Indian Evidence Act*, 1872.

Section - E

8. On whom burden of proof lies in the following cases:
- a) A desires a court to give judgment that he is entitled to certain land in possession of B, by reason of facts which he asserts, and which B denies to be true.

Contd.....P.3

- b) A is charged with travelling on a railway without a ticket.

(10+5)

9. Elucidate the conditions required for invoking the doctrine of estoppel. How estoppel differs from res-judicata?

Roll no. _____

RG/A/11/12/14

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER - V: LEGISLATIVE POWERS UNDER
THE CONSTITUTION OF INDIA
(CONSTITUTIONAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- Describe Residuary Powers of the Union.
- Describe Parliamentary laws for the Parliament.
- Explain Maintenance of Public Order under Indian Constitution.
- Explain Colourable Legislation.

Contd.....P.2

-2-

Section - B

- Discuss Principles of Distribution and Limitation on Legislative Powers.
- Discuss Territorial Operation of Union and State Laws.

Section - C

- Explain Parliamentary Laws in Certain Contingencies.
- Discuss saving of State Law in Certain Contingencies and Impact of Repeal of Original Law.

Section - D

- Discuss Regulation of Mines and Minerals, Industries and Trade and Commerce under Indian Constitution.
- Explain Regulation of Trade Unions, Labour Disputes and Welfare Measures under Indian Constitution.

Section - E

- Discuss Ancillary Powers.
- Discuss Rule of Harmonious Construction.

Roll no. _____

RG/A/09/12/14

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DECEMBER - 2014
SEVENTH SEMESTER
PAPER-IV: SOCIO ECONOMIC OFFENCES
(CRIMINAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- What do you mean by Socio Economic Offences? Discuss its various features?
- Discuss the offences of giving and taking dowry under prevention of *Dowry Prohibition Act*, 1961?
- Explain the definition of Public Servant under the *Prevention of Corruption Act*, 1988.
- Discuss offences under *Essential Commodities Act*, 1955.

-2-

Section - B

- ‘Traditional Criminal jurisprudence recognised that there can be no crime without guilty mind’. Discuss it in the light of new principle of criminal liability in Socio-Economic Crimes.
- What is the difference between Socio-Economic Offences and Traditional Offences?

Section - C

- What are offences and Penalties under the *Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act)*, 1989? Discuss in detail.
- What are the various offences recognized under the *Protection of Women from the Domestic Violence Act*, 2005?

Section - D

- Discuss the contributory factors of White Collar Criminality.
- Explain the role of White Collar Crimes in medical and legal profession.

Section - E

- Elucidate the offences under the *Transplantation of Human Organs Act*, 1994?
- Explain in detail the offences under *Prevention of Food Adulteration Act*, 1954.

Roll no. _____

RG/A/11/12/14

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**B.A.LL.B. (HONS.) FYIC
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DECEMBER - 2014
SEVENTH SEMESTER
PAPER-V: LAW AND PRACTICE RELATING
TO COPYRIGHT AND
TRADEMARK
(BUSINESS LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- Write a short note on Licensing of copyrights; with special reference to licensing of copyrights in Music Industry of India.
- Briefly discuss *Digital Millennium Copyright Act*.
- What are well-known marks?
- What is Anton Pillar order?

-2-

Section - B

- What are the works in which copyright subsists? Discuss the process of registration of copyright and who can apply for registration?
- Discuss the rights conferred under *Copyright Act*. Briefly discuss the related rights.

Section - C

- Explain the acts that do not amount to infringement of copyright with special reference to doctrine of fair-use.
- Discuss the offences under the *Copyright Act*.
 - Briefly explain Intellectual Property Insurance.

Section - D

- Define Trademark. Discuss the procedure for registration of trademark. What are the effects of registration of trademark?
- Discuss the absolute and relative grounds of refusal of trademarks. Explain the grounds of opposition with reference to case-laws.

Section - E

- Write a note on infringement of trademark. What is the difference between infringement and action for passing-off?
- Discuss the domain-name issues in details; refer to cyber squatting with case-laws.

Roll no. _____

RG/A/11/12/14

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**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
DECEMBER - 2014
SEVENTH SEMESTER
PAPER-V: CYBER CRIMES AND IT
OFFENCES
(CRIMINAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: Section-A is **compulsory** and each part carries **5 marks**. Attempt **one question** each from Section B,C, D & E and each question carries **15 marks**.

Section - A

1. Compulsory

Write short note on:

- a. Nature of Cyber Crimes
- b. Crimes not covered under IT Act.
- c. Computer Forensic
- d. International Initiative to Combat Cyber Crime.

-2-

Section - B

2. Write a note on various types of Cyber Crime. Give suitable illustrations.
3. What are the reasons for emergence of Cyber Crimes in the present era?

Section - C

4. How the Criminal Liability is dealt under the *IT Act*, 2000? Refer to various elements of Cyber Crimes.
5. What are the inadequacies of the IT Act, so far as question of dealing with Cyber Crime is concerned?

Section - D

6. Write a note on jurisdictional issues in Cyber Crimes at the International level.
7. How is the investigation of Cyber Crimes different from the traditional crimes?

Section - E

8. Discuss the need and role of Cyber Crime Cells, in dealing with the Cyber Crimes.
9. Why and what measures need to be taken for creating awareness regarding Cyber Crimes?
