

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**LL.M. (ONE YEAR COURSE)****FIRST SEMESTER****MID TERM EXAMINATION****SEPTEMBER - 2023****PAPER - I: LEGAL METHODS AND RESEARCH
METHODOLOGY****TIME DURATION: ONE AND HALF HOURS****MAXIMUM MARKS: FORTY (40)**

Note: Section - A is compulsory and each question carries 5 marks. Attempt one question each from Section B & C. Each question carries 15 marks.

SECTION - A

1. Write short notes on the followings:

- a. Mr. Baldev has keen interest in doing research in the area of Sentencing and more particularly Feasibility of Abolition of Death Sentence in India. For this, he wants to understand the historical background of Death Sentence, arguments for and against its abolition, different methods used for execution in different countries, Constitutional framework, provisions under Indian Penal Code and judicial approach in India. When he started searching for information relating to his topic, he found that there was tremendous information available online as well as in library. In light of this:
 - a) What factors will guide him to choose the appropriate sources and write a Literature Survey?
 - b) Frame an appropriate title for this research.
- b. Ms. Suman is a social activist and has contributed a lot in the field of Women Empowerment and Protection of Women Rights. She wants to understand the relation between illiteracy and female foeticide in the State of Punjab

Contd.....P.2

And for this she wants to do an empirical study. What factors should she take into account to arrive at a working hypothesis? Also, suggest a working hypothesis for her research.

SECTION - B

2. In the outbreak of Covid-19 in 2019-2020 all over the World, people were made aware about the bodily symptoms of Corona disease and advised to follow the prescribed guidelines to stop the further spread of the disease. On observation of multiple corona patients, few symptoms were considered to be pointing towards the presence of Corona Disease. It had been observed that most people who were detected with Corona virus and hospitalized for its treatment had symptoms like high body temperature, dry cough, loss of smell or taste or both, shortness of breath, mucus or phlegm, congestion or runny nose. So, on the basis of multiple observations a generalized conclusion was drawn about the presence of Corona Virus in a person with above symptoms. But later on, different cases also came into picture where people who had no such symptoms were also found suffering with Corona and people who had some of the above symptoms were not detected with Corona. So, the presence or absence of such symptoms gave no certainty about drawing the conclusion that somebody is Corona positive or negative. Unless and until, a lab test is done, it is only a matter of speculation.

- a) Explain the reliability of Inductive reasoning in the above case.
- b) How does Inductive reasoning differ from Deductive Reasoning.
- c) Explain the suitability of inductive or deductive methods in legal reasoning followed by courts while pronouncing judgments.

3.a) Mr. Singh is a renowned lawyer and has been practicing in the field of Land Reforms and Resettlement for past 20 years. He also played a vital role during farmers protest in Punjab recently. He is interested in doing a research in the area of Land Acquisition cases under Land Acquisition, Rehabilitation and Resettlement Act, 2013. His research objectives are:

- i) to find out whether the land owner gets fair compensation from the government,
- ii) to determine whether transparency is maintained in awarding compensation

- iii) to find out the problems that the land owners face in land acquisition cases
- iv) to suggest removal of administrative or technical problems in awarding fair compensation.

Suggest the most appropriate Research Model.

- b) The Government of India has proposed three new Bills to replace Indian Penal Code, CrPC and Indian Evidence Act. In your opinion which research model would be most appropriate in a research, carried out to anticipate the effects of this proposal?

SECTION - C

4. Ms. Pooja is pursuing her LLM from a National Law University. She is also a part of Legal Aid Clinic of the University. While her visits to various villages as a part of an initiative of the Legal Aid Clinic, she found that villagers, were oppressed by the powerful and they were not able to fight for their rights for various reasons including fear, ignorance, poverty etc. She felt that if free legal aid is provided to the aggrieved, then it will contribute significantly in protection and preservation of their rights. For that, she wants to do an experimental research. Answer the following questions:
- a) Which research design should be adopted by her?
 - b) Which principles are applicable in such research design?
 - c) What are the different steps and requirements that she must keep in mind while designing her research?
5. Mohit went to Fun Republic Cinema with his friends to watch a movie 'Chhapaak', an Indian Hindi language biographical drama film based on the life of Acid Attack survivor Laxmi Agarwal. The film depicts that not only Malti (Deepika Padukone) falls victim to Acid attack but is also forced to go through the ordeal of a court procedure while trying to heal mentally. Mohit was so moved by the movie that he decided to conduct a research on rehabilitation of Acid Attack survivors and wants to suggest stricter punishment for the offence. Not only this, he also wants to understand the causes that led to such attacks, how the victims suffer and how society treats them.

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- a) What type of research would be most appropriate for achieving these objectives?
- b) What methods and tools of data collection should be adopted by Mohit?

SECTION C

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**LL.M. (ONE YEAR COURSE)
FIRST SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - II: COMPARATIVE PUBLIC LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a) Imagine that the government contracts out the task of transporting prisoners to and from court. It awards the contract to the bidder offering the lowest price. To provide the service within the agreed price, the contractor only assigns one member of staff for every ten prisoners being transported, with the result that some prisoners escape. Does the government share some of the blame for failing to scrutinise the contractor's bid or set expectations about staffing levels? Does public law have an impact on the conduct of government?
- b) The Cine Costume Make-up Artists and Hair Dressers Association of Mumbai (Association) was registered as a trade union under the Trade Unions Act, 1926. The Association's by-laws prohibited qualified women make-up artists from becoming members of the Association based solely on their sex. How can fundamental rights be enforced horizontally in this case? While answering this, also briefly explain the third-party effect of fundamental rights.

Contd.....P.2

Section - B

- 2.a) In the United Kingdom, a local council outsourced a number of its functions and services to private contractors without consulting the affected persons. What is the constitutionality of the decision of the local council in this case? **(5 Marks)**
- b) A local body placed a contract with a private company, 'S', a housing association, to run a residential home for the elderly. Later on, the private company 'S' wished to close the home because it was not profitable. Can the residents seek judicial review of private company 'S' for breach of their fundamental right to stay in the home for life? **(5 Marks)**
- c) The Ministry of Power introduced the Electricity (Amendment) Bill with an aim to privatize electricity and transform the power sector, with a special focus on boosting the electricity distribution network in the country. In addition, the bill was not referred to the Parliamentary Standing Committee on Energy. How will the privatisation of electricity affect the political accountability of the government? **(5 Marks)**
3. T. R. S. Allan said, "The rule of law preserves the sovereignty of individual choice and action by allowing each person to pursue his own purposes, free from domination either by state officials or overbearing fellow citizens." In the light of this statement, answer the following questions:
- a) Suppose an individual has to surrender the responsibility for choosing the purposes and projects that best fulfil her ambitions for her own life to the state and society. Does it mean she has "liberty in the sense of independence"? **(5 Marks)**
- b) How does the conception of liberty as independence provide a basis for Lon Fuller's eight desiderata? **(5 Marks)**

- c) How is the "Bill of Attainder" the paradigm case of a violation of the rule of law? (5 Marks)

Section - C

4. In the United Kingdom, what is the interpretive obligation placed on the courts under the Human Rights Act of 1998 in the following cases?

- a) Suppose 'N' was in a homosexual relationship and shared a flat with his partner 'W'. The flat that was shared was under a statutory tenancy granted to 'W' under the Rent Act 1977. Following W's death, the landlord, 'L', brought proceedings against 'N' to reclaim possession of the flat. 'N' argued that the Rent Act 1977 should be read in such a way as to allow a surviving tenant from a same-sex relationship to succeed to a tenancy held by their deceased partner. (5 Marks)
- b) The Anti-Terrorism, Crime, and Security Act 2001 (in the UK) was passed following the terrorist attacks in the USA on September 11, 2001. One of the provisions in the Act provided for the detention of foreign nationals suspected of involvement in terrorism. Under Section 23, the home secretary was empowered to detain suspects who could not be deported to their country of origin or a third country. In essence, the Act provided for their indefinite detention without trial and deportation. (5 Marks)
- c) In a constitutional case, two applicants claimed that the Home Secretary had unlawfully decided not to release them from prison after they had been convicted of murder as children. The Home Secretary considered public petitions demanding a life sentence for the murderers. He refused to take account of their progress and development during their detention. He increased the 'sentence period' from 10–15 years to delay release and said they should be dealt with on the same basis as adult offenders, where mandatory life sentences were imposed. (5 Marks)

5. a) According to Mark Tushnet, "The treatment of emergencies in national constitutions provides another example of provisions as to which legal analysis, in addition to political science, can illuminate comparative issues. Emergencies take a wide range of forms: natural disasters, terrorist threats, sustained or sporadic domestic disorder, economic distress, and more. Emergency conditions may induce political leaders to suspend some aspects of ordinary constitutional legality. They may seek to enact regulations by executive decree, bypassing the legislature. Or they may limit civil liberties in ways that might be unjustified outside the emergency context." In light of this statement, explain how emergency powers can be regulated. **(5 Marks)**

b) Generic constitutional law deals with the ways in which constitutions protect individual rights, and specifically with the ways in which constitutions identify when and how such rights can be limited. Prior to the emergence of generic constitutional law, constitutional systems used either a balancing or a categorical approach to determining when rights can be limited. What were the limitations of these approaches? And briefly explain the Canadian Supreme Court's formulation (*Regina v. Oakes* [1986] 1 SCR 103) providing structure to the proportionality inquiry. **(5 Marks)**

c) *Partygate* is a political scandal in the United Kingdom about gatherings of government and Conservative Party staff during the COVID-19 pandemic in 2020 and 2021, when public health restrictions prohibited most gatherings. Suppose the executive sabotaged the parliamentary scrutiny process that was discussing and questioning the role of the executive in the *Partygate*. Is this in violation of the idea of responsible government, which is a part of the rule of law? And what is the rationale for parliamentary scrutiny? **(5 Marks)**

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**LL.M (ONE YEAR COURSE)
FIRST SEMESTER
MID TERM EXAMINATION
SEPTEMBER 2023
PAPER - III: INDIAN FEDERALISM AND
CENTER -STATE RELATIONS
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. It is claimed that Article 248 is superfluous keeping in view entry 97 of List-I of the Seventh Schedule of the Constitution. Comment.
- b. Define and illustrate vertical and horizontal imbalance in financial relations in Indian federation.

Contd.....P.2

Section - B

2. Balraj Ltd., a public limited company incorporated under the Indian Companies Act was engaged in manufacture of Cement in the State of Rajasvir under the licence granted by the Govt. of Rajasvir. It was granted lease for limestone and kankar for a period of 20 years over an extent of 150 acres of land in Rajasvir. Company started mining operations soon after the execution of the lease deed and has ever since been paying the royalties etc. Under Rajasvir Panchayats Act, company was required to pay local cess at the prescribed rate. It was levied with retrospective effect along with local cess surcharge. Company contends that no such cess on royalty can be levied by the State under the Constitution of India. State contends that cess levied on royalty is a tax on land which the State is competent to levy under entry 49 of List II of Seventh Schedule or to say the least land revenue. Explanation appended to the relevant section in the Act declared that such cess shall be deemed to be public revenue due on all the lands in respect of which a person is liable to pay local cess and all the said lands, the buildings upon the said lands and their products shall be regarded as the security for the local cess.

The royalty was fixed under the Mines and Minerals (Regulation and Development) Act, 1957 which is a central Act by which the control of mines and minerals had been taken over by the Central Government. The Act was passed by virtue of the power of the Parliament under entry 54 of list I of the 7th Schedule. Entry 23 of List II dealing with mines and minerals is subject to entry 54 of List I. Discuss the law applicable, interpretation of the provisions of the constitution, principles for the same and decide the issue.

3. There was a long-standing dispute relating to Ram Janma Bhumi-Babri Masjid Structure in Ayodhya which led to communal tensions. The structure was demolished and riots ensued thereafter. The Union of India, keeping in view communal tension and riots, enacted *Acquisition of Certain Areas at Ayodhya Act, 1993*. The Preamble of the Act clearly stipulated that keeping in view long standing dispute and resultant communal tensions and riots, the Central Government has decided to enact *Acquisition of Certain Areas at Ayodhya Act, 1993*. The Act vested the area of 67 acres in the Union Government. The Union Government claimed that it has the legislative competence to enact the law whereas State claimed that the public order is a State subject and therefore, acquisition of property for maintenance of public order and

Contd.....P.3

reducing communal tension is a State subject and hence the Union does not have the legislative competence to enact the law. Keeping in view, the accepted doctrines for interpretation of the entries contained in various lists of the Seventh Schedule, decide the matter and explain which doctrine shall be applicable and why.

Section - C

4. State of Sattal in the Union of Indistan introduced tax on carriage of goods @1000 per quintal subject to minimum of Rs. 5000 and maximum of Rs. 25000 on every vehicle plying in and through the State of Punjab and carrying goods. The Transport Union has challenged the levy of tax as unconstitutional being violative of Articles 301 and 304 of the Constitution. Assuming that the Constitution and laws of Indistan are analogous to Constitution of India and Indian laws, decide the matter in the light of judicial precedents.
 5. Union of India has, on the recommendation of the Finance Commission, given grants to eight States under Article 275. The grants were given to these eight states on the ground that these states had revenue deficit even after the devolution of the share of the state in union taxes. This apart, Union has also given specific grants to all States for upgradation of jails in accordance with the scheme formulated by the Union. The Union has imposed a condition that the States shall submit a utilization certificate stating that the amount of specific grant is used for the purposes of upgradation of jails in accordance with the scheme formulated by the Union. One of the States want to challenge this practice of giving grants to cover up the revenue deficit claiming that it promotes inefficiency. Another states wants to challenge the conditions imposed by the Union for spending specific grant on the ground that it amounts to interference in state subjects and is therefore, unconstitutional. Advise with reasons.
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LL.M. (ONE YEAR COURSE)

FIRST SEMESTER

MID TERM EXAMINATION

SEPTEMBER -2023

**PAPER - III: ADVANCED SUBSTANTIVE
LAW**

TIME DURATION: ONE AND HALF HOUR

MAXIMUM MARKS: FORTY (40)

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

Section - A

1. Write short note on:

- a. In the Context of 'Offence Differentiation' and 'Offence-Naming' which principle of criminal law becomes relevant?
- b. "A man is presumed to know the nature and consequences of his act and is therefore held responsible for it." Discuss the above statement in the light of the object and purpose behind the general exceptions as provided in the Indian Penal Code, 1860.

Contd.....P.2

Section - B

2. "Actus non facit reum, nisi mens sit rea" is the cardinal principle of criminal liability. Discuss the applicability of this principle in the perspective of the modern criminal jurisprudence with special reference Juvenile Delinquency.
3. "Explain critically the principle of legality embodied in the maxim, "Nullum Poena Sine Lege, Nullum Crimen Sine Lege." Discuss whether this maxim has Constitutional sanctity.

Section - C

4. The accused who were Sikhs, abducted a Mohammed woman and converted her to Sikhism. Nearly a year after the abduction, the relatives of the woman's husband came and demanded her return from the accused. The later refused to comply and the woman herself expressly stated her unwillingness to re-join her Muslim husband. Thereupon the husband's relatives attempted to take her away by force. The accused persons resisted the attempt, and in doing so, one of them inflicted a blow on the head of the woman's assailants, which resulted in the latter's death. Analyse this case in the light of the IPC, 1860.
 5. "The concept of the responsibility and Mensrea form fundamentals of the Penalisation of convicted offenders and their possible rehabilitation." Discuss the above with special reference to the debate regarding retentions or abolition of death penalty in India. Substantiate your answer with the help of relevant case laws.
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**LL.M. (ONE YEAR COURSE)
FIRST SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - III: CORPORATE GOVERNANCE
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. Discuss in brief the Anglo-Saxon Model of Corporate Governance.
- b. When should the woman director be appointed and what are the penalties in case of non-appointment of a woman director within the specified time.

Contd.....P.2

Section - B

2. "The purpose of corporate governance is to help build an environment of trust, transparency and accountability necessary for fostering long-term investment, financial stability and business integrity, thereby supporting stronger growth and more inclusive societies". In the light of above statement critically analyse the G20/OECD Principles of Corporate Governance.
3. Examine the relationship between various stakeholders of the business while carrying out the activity of the business. Distinguish the Stewardship and Transaction Cost Theory of Corporate Governance with case studies.

Section - C

4. You are an attorney representing a corporation facing a lawsuit due to the actions of a senior executive. Discuss the legal framework and implications of treating company officials as "organs" and their liability in comparison to individual liability for bodily actions. Provide relevant examples.
 5. As a financial analyst advising an investment firm interested in the Indian market, analyze the historical evolution and detrimental impacts of insider trading in India's stock market. Provide specific cases and regulatory changes to illustrate its consequences and measures taken to curb it.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



LL.M. (ONE YEAR COURSE)

FIRST SEMESTER

MID TERM EXAMINATION

SEPTEMBER -2023

**PAPER - IV: INTERNATIONAL CRIMINAL
LAW**

TIME DURATION: ONE AND HALF HOUR

MAXIMUM MARKS: FORTY (40)

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

Section - A

1. Write short note on:

- a. The Iraqi High Tribunal was established to try Iraqi nationals or Iraqi residents accused of genocide, crime against humanity, war crimes or other serious crimes committed between 1968-2003. Was it established as per the International Law Principles? What was the primarily intention of this tribunal? Criticize the Iraqi tribunal.
- b. Individual is not a subject of International Law. What is the relevance of Article 25 when Individual is not a subject?

Contd.....P.2

Section - B

2. "Many theorists have endorsed the notion that state sovereignty does not constitute an impenetrable barrier to international criminal proceedings, which may be justifiable if the situation within a state becomes sufficiently dismal". "Sovereignty of State" under International Criminal Law in the light of this statement. Whether the sovereignty of Ukraine is breached in the Russia Ukraine Invasion?
3. "Genocide is the intentional destruction of a people usually defined as an ethnic, national, racial, or religious group in whole or in part" as per the definition given by Raphael Lemkin in 1944. Whether "Genocide" incidents had happened in India after Independence. How many perpetrators had been punished for Genocide in India? Explain the law where a person in India can be help liable for committing Genocide.

Section - C

4. The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were established by the United Nations in 1993 and 1994 to apprehend and try individuals suspected of committing war crimes including genocide. Explain your views on the success of ICTY and ICTR to create the deterrent effect of the tribunals.
 5. Can SIT be considered as a hybrid or domestic tribunal as per the definition of the International Tribunal? Why SIT was constituted in India and for what crime? Explain in detail.
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**LL.M. (ONE YEAR COURSE)
FIRST SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - IV : BANKING LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. Vijay has two loan accounts with the SLFC Bank. Over one loan account (first account), he has deposited certain property documents as security for the loan while the second account is secured by shares of a publicly listed company. He also has a joint account with his minor son Rahul with the bank, operated only by him till the son's maturity, into which money is regularly deposited by him. In addition, he has a savings account with the bank. The second loan account security becomes valueless because of the insolvency of the company, whose shares were used to secure it. The bank wishes to set-off the amount in the first loan account, the joint account and the savings account with the second loan account as it fears the bankruptcy of Vijay. Does the bank have the right to do so? Justify with reasons.
- b. Enumerate the functions of Reserve Bank of India as provided under the Reserve Bank of India Act, 1934.

Contd.....P.2

Section - B

- 2.a) The Bank of Saurashtra accepted cheque of Mr. Kailash for collection on 15th July, 2022 and paid the amount due on the instrument on 17th July, 2022. This is the first transaction between the Bank and Mr. Kailash. Identify the date since when Mr. Kailash would become a customer of the Bank in the light of the theories on the subject while citing the relevant case laws. **(5 marks)**
- b) "The money deposited by the customer with banker is in the legal terms lent by customer to banker who makes use of it as per his discretion. The creditor has right to demand back his money from banker and banker is under an obligation to repay the debt as and when he is required to do so". Discuss the statement by identifying the nature of the banker-customer relationship. Support your answer with suitable case laws. **(10 marks)**
3. "A digital payment also known as an electronic payment is the transfer of value from one payment account to another using a digital device or channel". In light of the statement discuss the Unified Payment Interface as a real time payment model of making payments. Also, highlight the changes introduced by the RBI through the launch of Central Bank Digital Currency by identifying its potential benefits and drawbacks for the Indian economy.

Section - C

4. "The banking institutions are the custodians of private savings and a powerful instrument to provide credit. They mobilize the resources of the country by accepting deposits and channelize them for industrial and national development by granting advances". Explain the statement in light of the Socialistic pattern of economy and the Nationalization of Banking Companies with the help of Bank Nationalization Case. Also, cite reasons for privatization of banking companies in India.
5. Laxmi Villas Bank Ltd. is a banking company carrying on its operations in India. After obtaining the licence of a banking company in 2015, the directors of the Laxmi Villas Bank Ltd did not comply with the mandatory guidelines of the Reserve Bank of India such as the maintenance of Cash Reserve Ratio and Statutory Liquidity Ratio on a routine basis and even resorted to a wrong reporting of its non-performing assets. Explain the legal action which Reserve Bank of India is empowered to take against the directors of Laxmi Villas Bank Ltd.
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**LL.M. (ONE YEAR COURSE)
FIRST SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - IV: ADMINISTRATIVE LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. Defining Delegated Legislation compare and contrast the explanation given in the Halsbury's Law's of England and the Black's law Dictionary as quoted in the case, *ISHWAR SINGH V. STATE OF RAJASTHAN* AIR 2005 SC 773
- b. Extrapolate the relationship between Administrative Law and Constitutional Law Expounding on the views of Wade and Forsyth, Garner, Holland, Maitland and Hart.

Contd.....P.2

Section - B

2. What is the myth and reality of Indian Administrative Law? How do you understand the meaning of Indian Administrative laws from a sociological and Historical perspective or understanding? What is Globalizing Administrative Law?
3. Enumerating the principles of Rule of Law explain the same with relevant case laws and elucidate the factors for India's position on the World Justice Project Report, Rule of Law Index 2022. Further what is the connection between Administrative law and India's ranking on the World Happiness Index?

Section - C

4. Extrapolate on the question of permissible limits of the Constitution within which law making power may be delegated covering three different periods:-
 - i. When the PC was the highest Court of Appeal.
 - ii. When the Federal Court became the highest court of Appeal.
 - iii. When the SC became the highest court of Appeal.
 - 5.a) How are the Following Control Mechanisms of Administrative rule making exercised in India:-
 - i. Laying on the Table
 - ii. Role of Committee on subordinate Legislation of Lok Sabha
 - iii. Ante Natal and Post Natal Publicity.
 - b) Is Delegated Legislation held invalid on the ground of substantive ultra vires:-
 - i. Where Delegated Legislation is inconsistent with parent Act.
 - ii. Where Delegated Legislation is unreasonable. Cite relevant case Laws.
-

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 - b) Is Delegated Legislation held invalid on the ground of substantive ultra vires:-
 - i. Where Delegated Legislation is inconsistent with parent Act.
 - ii. Where Delegated Legislation is unreasonable. Cite relevant case Laws.
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Roll no. _____

RG/MT23/09/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M (ONE YEAR COURSE)
FIRST SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - V: SERVICE AND ELECTION LAW
(OPTIONAL)
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. Rights of Probationers
- b. Electoral Offences

Section - B

2. Maharashtra Nirman Party(MNP), a political party in the State of Maharashtra contested the Vidhan Sabha Elections, in the state of Maharashtra in 2019. When the results were declared, they won 38 seats in the elections. After the elections, 34 elected members of the party joined the Bhartiya Kisan Party(BKP) and merged with the BKP. The president of the Maharashtra Nirman Party(MNP) plans to challenge the actions of these 34 members and seek their disqualification. Please advise the President of Maharashtra Nirman Party(MNP). Give detailed reasons alongwith relevant provisions of the Constitution and decided case laws.

Contd.....P.2

3. The elections were announced in the state of UP. Mr. Ashok, the president of the Bahujan Aadmi Party, issued the election manifesto of the party in which it is mentioned that if the people of the state vote for his party and made him the chief minister of the state, then immediately after winning elections he will make electricity free in the state, he also promised free rice flour and monthly pension for all. Mr Ashok thereafter wins elections and became chief minister of the state. Mr Bhushan who lost the elections plans to challenge the election of Mr Ashok on the ground that the promise and allurements made by Mr Ashok amounted to "Corrupt Practices" during elections and hence his election must be set aside. Advise him? Give detailed reason in support of your advice.

Section - C

4. Ms Reena, an inspector with Haryana Police, while in service was involved in two criminal cases of corruption and one case under the NDPS Act, but as trials were pending, she was permitted to continue with her job. On 16-02-2023, she was seen selling narcotics to a smuggler and she was caught red handed by the SSP and on the same day FIR under NDPS Act was registered against her and she was arrested. There was a lot of media hue and cry, accordingly, on 18.02.2023, the DGP Haryana, while invoking the provisions of Article 311 of the Constitution of India, dismissed her from service with immediate effect by dispensing with the departmental enquiry. Ms Reena has approached you for challenging order of her dismissal. Advise her? Give detailed reason in support of your advice.
5. Mr Manish who is working as an Adhoc teacher in Government School is being paid Rs 500/- per lecture and is not being paid monthly salary or other benefits and no salary is given to him during vacations or when the school is not in session. Similarly, Mr Ganesh who is a regular teacher, is getting a monthly salary of Rs 30,000/- and is receiving all the other benefits of service. Both the said teachers are performing similar work in the school and are working for same number of hours. Alleging violation of the principle of "Equal Pay for Equal Work" and violation of his rights protected under Article 14 and 16 of the constitution of India, he has filed a writ before the Hon'ble high Court. Will he succeed? Give detailed reason in support of your answer.

Roll no. _____

RG/MT/23/09/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M (ONE YEAR COURSE)
FIRST SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - V: CYBER LAW (OPTIONAL)
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. There has always been a difficulty in defining the term 'Cyber Crime' as there is no global convention that prescribes the essential constituents which may be considered. In the absence of the global consensus the nations are left with no choice but to formulate information technology laws as per their requirement. Keeping the situation in mind and looking at the way traditional crimes are defined, formulate a definition for the word 'Cyber Crime'. Also, highlight the essential characteristics?
- b. There is a provision under the Information and Technology law that provides for the civil liability. Elaborate the provision and also discuss its present status after the enactment of The Digital Personal Data Protection Act, 2023.

Contd.....P.2

Section - B

2. The world is progressing at a swifter pace with ever evolving immersive, disruptive and advanced technologies. Big Data Analytics is changing the contours of society by making the lives of the individuals vulnerable to violations and infringements. The use of CCTV Cameras, Biometric, Facial Recognition and Voice Recognition are violative of fundamental rights and human rights as they collect without consent the sensitive personal data of an individual and lack accountability. In the light of the above argument highlight the salient features of the Digital Personal Data Protection Act, 2023?
3. The recent Manipur situation has once again highlighted the concern on Internet Shutdown Situation. Discuss whether internet shutdowns are important for maintaining law and order in the society or do you believe that internet shutdown violates your fundamental rights provided under the Indian Constitution? Refer to the case laws for supporting your arguments.

Section - C

4. The intermediaries have always been guarded by clauses that talk about due diligence. Discuss the relevant section of the Information and Technology Act and the latest guidelines about the intermediary regulation in the country.
 5. The Information and Technology Act, 2000 was enacted to validate electronic documents and facilitate e-commerce. This legislation was an open domain as it talked about both civil liabilities and criminal liabilities, some regulatory and procedural provisions had no phrases and sentences for cybersecurity. The offences mentioned under the IT Act, 2000 were not complete and certain more cyber offences were added to the list by way of Information Technology (Amendment) Act, 2008. Elaborate the offences added by way of the amendment and also discuss briefly the other changes brought in the 2000 legislation.
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