



**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH 2024**

**PAPER - I: CRIMINAL LAW
(PROCEDURAL -II)**

**TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks.
Attempt **One Question** each from **Section - B** and **Section C** each question carries 10 marks.

SECTION - A

1. **Write short notes on the followings:**
 - a. Who is an approver?
 - b. What was held in Sukh Das vs. State of Arunachal Pradesh, 1986(2) SCC 401 in context of free legal aid concept prescribed under Indian Criminal Justice System.
 - c. Mani, filed proceedings before the District Court for the grant of probate of a Will which he said was executed by his deceased father. However, his half brother, Raman filed a criminal complaint for forgery under section 463, 193 of the Indian Penal Code, 1860 for forgery and giving false evidence against Mani before the Magistrate's Court on the ground that the Will produced by Mani is a forged and fictitious document. However, the criminal Court to which the complaint under section 463 and 193 was filed dismissed the complaint on the ground that the

complaint should have been filed by the District Court as per the bar laid in section 195(1)(b) of the Code of Criminal Procedure, 1973. Discuss the legality of the order issued by the Magistrate's Court in view of the precedents laid by the Supreme Court of India.

- d. Probation is a sentencing alternative. Provide examples of cases where probation may be a suitable sentencing option and highlight the factors that influence the decision to grant probation. Can probation be granted for those offences which prescribe minimum punishment?

SECTION - B

2. A is tried for Causing Grievous hurt and is convicted. The person injured afterwards dies. Can A be tried for culpable homicide? Explain with example and case laws.
3. Limitations on the power of Magistrate in summoning witnesses at the instance of the party and otherwise.

SECTION - C

4. Aman, a rape victim, approaches the police station and expresses her desire to register FIR against accused Pandu. The police investigates the case and submit the charge sheet. The Court of Sessions took cognizance of the offence and charges were framed under section 376 of the Indian Penal Code for the offence of rape. The prosecution adduced medical evidence in the case which pointed towards the commission of crime. In the meanwhile, it was found that Aman was pregnant. On the intervention of some family members and village elders, Aman and Pandu were married. Now, Aman wants to settle the matter privately with Pandu if he agrees to give a certain portion of land in her name. The Prosecution has closed its evidence and the defence has to enter evidence. In the meantime Aman files an application for settling the matter privately. In light of this, whether the Court should allow the application? What factors should the Court consider when deciding whether to allow or prohibit compounding in such situations?

How does this decision impact the criminal justice process? Discuss with case laws.

5. Section 319 of the Code of Criminal Procedure, 1973 is based on the doctrine that a judge is condemned when guilty is acquitted. In the light of this, answer the followings:
 - a) Explain the meaning of the term “evidence” for the purpose of exercising power under section 319 of the Code of Criminal Procedure.
 - b) What is the degree of satisfaction of the Court for invoking powers under this section?
 - c) Can a person not named in FIR or though named in FIR but who was not charge -sheeted be summoned under this section?
 - d) Till this power be exercised by the Appellate Court?
 - e) What are the Principles that should be borne in mind by the Court while exercising such powers? [Support your answer with case laws.]

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
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MARCH - 2024
PAPER - II: LAW OF EVIDENCE
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 Section - C each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. Whether Affidavit is an evidence? Why Evidence Act is not applicable to affidavits?
- b. In a robbery and murder case, the four accused refused to participate in Test Identification Parade (TIP) directed under Section 54 A, CrPC, on the following grounds:
 - a) That they had already been shown to the witnesses in police station,
 - b) That TIP violates their right under Article 20(3) of the Constitution.

Explain the validity of their contentions in the light of relevant judgments of the Supreme Court of India.

- c. Mr. X was prosecuted for murder. The prosecution produced a diary written by Mr. X which was recovered from the bank locker of Mr. X. In the diary Mr. X confessed to have committed the murder and prayed to the God to be forgiven. The handwriting expert in his report confirmed that the alleged handwriting is of the accused Mr. X. Discuss the relevance and evidentiary value of the evidence under relevant provisions of the Indian Evidence Act.
- d. There was a property dispute between two brothers Anil and Sunil with regards to possession of a 2 kanal of industrial plot. Anil filed a suit against Sunil and obtained a decree for possession of the plot. Prakash, Sunil's son got infuriated by this defeat and in consequence decided to kill him. He arranged poison from his friend and mixed it in Anil's food and killed him. Discuss the relevancy of above facts under Indian Evidence Act, 1872.

SECTION - B

2. On 29th March 2023, at around 10 am, SHO received a cryptic phone call about kidnapping and murder. SHO went to the scene of crime and found the victim murdered. He examined the neighbourer Mr. RJ at 11:45 am on 29.03.2023 wherein he confessed to the commission of crime. On the strength of this confession the police and the witnesses and RJ went to the well, wherefrom the murder weapon was taken out. Another witness Mr. PJ confessed to the commission of the crime and the same was also recorded on 29th March 2023 and he helped the police in seizing his blood-stained clothes. Both of them were formally arrested on 29th March at 5 pm. In the light of these facts, discuss the admissibility of statements and evidence collected and comment on the evidentiary value thereof.
3. Renu Bala, a sub-Inspector of Police was posted as a duty officer in police station, Industrial Area, Phase 2, Mohali on 8 December 2022. Ashraf, a constable was also on duty. At about 5:15 pm, Ashraf came to the reporting room and started talking on the official telephone. After 5-7 minutes, Renu Bala advised him not to keep official phone busy as Police station may receive urgent calls, but he did not pay any heed.

Around 5:40 pm, Renu Bala requested the Santri, Ram Singh to ask Ashraf to desist from continuing with his conversation on the phone. Ram Singh entered the duty room and put his hand on the shoulder of Ashraf and advised him to end the call. Ashraf playfully pushed Ram Singh while holding latter's SAF Carbine. Ram Singh tried to extricate his SAF. During the scuffle, SAF got entangled in the chain attached to Ram Singh's belt which led to the firing of 5 rounds from the automatic weapon in the neck of Ashraf. The police personnel rushed him to hospital where he was declared dead. The testimony of Renu Bala and Satbir Singh (internal security guard at Police Station) support the defence of Ram Singh that it was accidental and unintentional firing. Ashraf's father revealed during investigation that prior to the incident, Ashraf had caught Ram Singh and Renu Bala in objectionable condition and they got annoyed and had threatened to kill his son. But he could not convince the court about this. According to the ballistic expert opinion, when the incident occurred, the change lever was not kept in a safety position by Ram Singh and so, SAF got cocked which resulted in the firing of 5 bullets. Two more witnesses, Davinder and Manjeet gave the testimony that they heard the gunshots and the cries of Ashraf 'Mujhe Bachao'. They also deposed that when they rushed to the scene of occurrence, Ram Singh said to Renu Bala 'Madam apne ye kya karva diya, mere bacche barbaad ho jayenge', to which Renu Bala replied 'tum fikar mat karo may bhi tumhare saath hu, court tak tumhara saath dunga'.

In the light of these facts and circumstances:

- a) Whether failure to prove existence of motive is one of the circumstances which makes the prosecution case regarding intentional firing by Ram Singh not worthy of acceptance?
- b) Discuss the relevancy of statements of Ram Singh and Renu Bala under relevant provisions of Indian Evidence Act, 1872.
- c) Whether statement of Ram Singh to which Section 6 is applicable can be treated as a confession of guilt?
- d) Decide the culpability of Ram Singh under 302 or 304-A of Indian Penal Code?

(2.5 marks each)

SECTION - C

4. Who is an expert? How handwriting can be proved in a court? What is the evidentiary value of the opinion of Handwriting expert and how can it be contradicted?

5. Alka was married to Satish. They were blessed with two sons. After few years, differences arose between the couple and they divorced. The custody of sons was with Alka and court gave visitation rights to Satish. Satish and his sons felt extremely happy whenever he met them. Alka could not bear Satish's happiness and allegedly burnt her kids when they were sleeping in their room. The servant claimed to have seen Alka setting the room on fire and thereafter, fastening the door latch from outside and running away. The Dying Declarations of both kids were recorded wherein they said that their mother had set them on fire. They also stated that after a long time a neighbour came to their rescue and took them out of the burning room. Their DD did not say a word about the presence of servant, who in her cross-examination stated that to the best of her knowledge, the children had fastened the latch from inside.
 - a) Explain the evidentiary value of DDs of deceased children in the light of these circumstances.
 - b) Also explain various factors laid down by the Hon'ble Supreme Court to determine its weightage.

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**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH - 2024
PAPER -III: INSURANCE 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 Section - C each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. Raman has sold his house to his friend Abhishek for Rs. 55 lakhs. Raman has a fire insurance policy of Rs. 30 lakhs for his house. He wishes to assign the policy to Abhishek. Guide him the procedure for the same.
- b. Vijay is 55 years old illiterate person, he wants to buy an insurance policy which can provide economic security to his family members after his death. He is not well versed with legal jargons and is not able to decide upon which policy to take. Explain him the difference between 'contract of insurance' and 'contract of assurance', so that he can take a decision accordingly.

- c. Rajiv is travelling to Colombo with his wife and 10-year old daughter for one week. He plans to do adventure sports, rafting and visit beaches. He approach you to seek guidance for travel insurance policy. Guide him about the travel insurance policy and various exclusions under the policy.
- d. Hira is a distributor of electronic gadgets in Patiala and Rajpura region. He receives the shipment from Delhi by train and distributes the gadgets to various shopkeepers in the area. He approaches you to take an insurance policy for his godown situated near Patiala railway station, shops in Patiala and Rajpura respectively. Guide him the best policy to be taken.

SECTION - B

2. The proposal was made by Monu on 10th January 2023. Along with the proposal form he submitted a cheque of Rs. 35000/- for premium for three months. The Insurance company gave the cheque for encashment on 16th January and on 20th January Monu died. The cheque bounced for insufficient balance. The nominee of Mr. Monu claimed the insurance amount whereas the Insurance company repudiated claim on the ground that there was no concluded contract. Discuss.
3. Abhijit is owner of a furniture shop in Patiala. He sells modern and antique furniture in his shop. He wants to take two different policies for securing the modern and antique furniture. He approaches Devi Insurance company for the issuance of policy. The insurance company suggested him that the goods would be re-insured as Devi Insurance Company is unable to issue the policy alone. He approached another Insurance company who suggested him that he can take double insurance. He is confused as to which type of insurance he must take. Guide him whether he can take double insurance, or he should opt for re-insurance.

SECTION - C

4. Discuss whether following insurance policies are valid applying the principle of insurance-
 - a) Aman and Pallavi are married for two years, they have a joint life endowment policy. In February 2024 they are divorced.
 - b) Surbhi has given a loan of Rs. 2 lakhs to Arun with the condition that the loan must be returned within two years. Surbhi is concerned that whether Arun will return the amount. She take a life insurance policy for Arun.

5. Discuss whether fire insurance claim will be applicable in the following circumstances-
 - a) On the night of the event, a marriage party is happening in the plot adjacent to Abhey's house. While cooking, the wooden fence of Abhey's house catches fire which ultimately spread to the gazebo in the garden. The fire also damaged the chairs kept in the garden and damaged the furnishings and furniture on the ground floor of the house. Abhey claims the Insurance amount from the neighbors.

 - b) Ranjit is doing barbeque in the garden of his house. Due to barbeque there is a lot of smoke which blackens the walls of the garden. He applies to the Insurance company for claim.

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**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH - 2024
PAPER - III: SPECIAL LAW - II
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 **Section - C** each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. POCSO Act is a gender-neutral legislation. Critically examine the same citing the object, purpose, and relevant provisions of the Act.
- b. A, a man of 55 years asked a boy of 11 years to insert A's private parts in his mouth. A paid 20 Rs to the boy and asked him not to disclose this to anybody. After the incident was known to the boy's family members a case was filed under the provisions of the POCSO Act, 2012. The Special Court convicted A under section 4 of the POCSO Act, for the offence of Penetrative Sexual Assault. Discuss the legality of the conviction citing relevant cases.
- c. "The expansion of the Criminal Procedure (Identification) Act, 2022 ambit to people who have been arrested for any offence includes people under preventive detention laws." Comment upon the wide ambit of this new legislation with special reference to detained persons and undertrials.

- d. Briefly discuss the guidelines laid down in the case of *Vishakha v. State of Rajasthan* to deal with the issues related to sexual harassment at workplace. Also, whether the guidelines provided by the court conform with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

SECTION - B

2. A, a girl aged 12 years is residing with her single mother in the city of Secunderabad, Telangana. A, studies in standard Seventh at Global Universal School, Secunderabad. She commutes to her school by the school bus and her home is the last stop of the bus. On 6th of February 2024, while A was going back to home by her school bus at around 2 pm, before the last stop of the bus, the conductor of the bus named X came to A and suddenly groped her from behind. A, felt uncomfortable and screamed in distress. She got down at her stop and went straight to her mother and narrated the entire story. Her mother immediately rushed to the police station and registered an FIR. Police charged A under section 354 of the IPC, 1860 along with section 8 of the POCSO Act, 2012. Before the Sessions Court, X took the plea that there was no skin-to-skin contact that took place and hence he is not liable under Section 8 of the POCSO Act, 2012. The Sessions Court acquitted X on the charge under the POCSO Act but convicted him under the IPC and sentenced him to 1-year imprisonment. The state filed an appeal before the High Court of Telangana against the order of the Sessions Court for acquitting X under the POCSO charge. Decide the case with the help of relevant cases.
3. "Keeping in view the protection of the children and the statutory scheme conceived under the POCSO Act, it is necessary to issue certain directions so that the legislative intent and the purpose are actually fructified at the ground level and it becomes possible to bridge the gap between the legislation remaining a mere parchment or blueprint of social change and its practice or implementation in true essence and spirit is achieved." What are the directions given by the Supreme Court of India in *Alakh Alok Srivastava v UOI* (2018).

SECTION - C

4. 'The Criminal Procedure (Identification) Act, 2022 has caused a lot of deliberations and protest, as it raises concerns over excessive delegation, collection of sensitive personal data, privacy violations etc'. In the light of the above statement discuss the following issues:
- a) Violation of Privacy
 - b) Coercive Collection of samples
 - c) Handling of Data
5. Recently the Supreme Court refused to entertain a plea seeking amendments in Gender Sensitization and Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013 for making the same gender neutral. The amendments were sought in view to bring the constitutional rights of other persons such as LGBTQIA. Discuss the salient features of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and give your opinion on whether the law be amended to make it gender-neutral.

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**B.A.LL.B. (HONS.) FYIC
MARCH - 2024
EIGHTH SEMESTER
MID TERM EXAMINATION
PAPER - III: SERVICE 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 Section - C each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. A contractual employee and a regular employee are being given different salaries for the same work performed by them. Is this a case of violation of the equality principle as contained in Article 14 of the Constitution of India. Give brief reasons in support of your answer.
- b. Mr. Ashwin who was working as a Manager in Bharti Airtel Ltd, was dismissed from service, without enquiry and opportunity of hearing, thereby violating the principles of natural justice. Mr Ashwin files a Civil Writ Petition challenging his order of dismissal. Will he succeed in getting his job back in a civil writ petition under Article 226 of the Constitution of India? Give Brief reasons in support of your answer.
- c. Discuss the status and rights of a Daily Wage worker in a government service?
- d. Define "Adhoc Employee"? Also discuss the rights of an adhoc employee.

SECTION - B

2. Mr. Mahesh, an inspector in Himachal Pradesh Police died while on duty. His wife Richa was living separately from him due to a matrimonial dispute, however she was receiving maintenance from her husband on the basis of court orders. After the death of Mr. Mahesh, Ms. Richa filed an application for grant of job on compassionate basis. Her claim was resisted by her mother-in-law on the ground that she was having a dispute with her son, hence she is not entitled to claim compassionate appointment. The claim of Ms. Richa was rejected on the ground that she was in a matrimonial dispute with her deceased husband hence not entitled to compassionate appointment. Is the reason for rejection justified? Also explain the various aspects of compassionate appointment.
3. Mr Vikram was working as a Computer Operator in the Department of Health for the past 10 years. He was working on year to year contract. The last contract ended on 31.12.2023. On 01.01.2024 the Department issued advertisement for filling the post of computer operator on permanent basis. Ms. Vani was selected on the said post after participating in the selection process. Mr Vikram challenges the appointment of Ms. Vani by raising a plea that his services cannot be replaced by another employee. Will Mr Vikram succeed. Give reason in support of your answer.

SECTION - C

4. What are the implications of doctrine of pleasure under Article 310(1) of the Constitution of India? Also, give a critical comment on the constitutional safeguards available to a government servant under Article 311 of the Constitution of India.
5. Mr Rajat was appointed as a Civil Judge on 02.02.2019. He was to be on probation for a period of 1 year. On 02.02.2020, instead of confirming his appointment, his probation was extended for a further period of 1 year. On 02.02.2021, when the period of probation ended, his probation was not extended and he was relieved from services by citing reason of insubordination and mis-behaviour. He challenged his removal as being stigmatic and the fact that he has been removed without an enquiry and chargesheet. Explain Mr Rajat of his rights and whether he can succeed in a court of law.

Roll No. _____

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH - 2024
PAPER -IV: INSOLVENCY AND
BANKRUPTCY
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 Section - C each questions carries 10 marks.

SECTION - A

1. Write short notes on the followings:
 - a. *"Insolvency reforms have encouraged debt restructuring and reorganization procedures and thus reducing both failure rates among small and medium size enterprises and the liquidation of profitable businesses."* In light of the statement highlight the role of Insolvency and Bankruptcy Code, 2016 in promoting ease of doing business in the Indian economy.
 - b. Mission Holdings Pvt. Ltd had a corporate insolvency resolution process going on against it which completed on 10.8.2023. On 12.12.2023, Mission Holdings Pvt. Ltd. initiated an application for corporate insolvency against Spears Pvt. Ltd. (one of its debtors). Is it entitled to file such an application under the Code? Justify with relevant provisions and case laws.

- c. 'HSDC Bank' has a recovery order against 'LSML Pvt. Ltd.' on enforcement of security interest under the Securitisation and Asset Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. However, the date at which the HSDC Bank filed for execution of the decree, the Court observed that moratorium period is in force and denied execution of the same. Can the recovery order be enforced? Support your answer with suitable case laws.
- d. During the CIRP of Cloud Nine Realtors Pvt. Ltd. the Resolution Professional issued notice to the Committee of Creditors for a meeting of all its creditors. While voting was going on regarding changes in the contract of statutory auditors, the representative of operational creditors voted against the change. Decide whether the operational creditors can vote in the COC? Justify with relevant provisions.

SECTION - B

- 2.a) Windshield Co. Ltd. is a private limited company. It has committed a default in repayment of loan of Rs. 2 crores which was borrowed from State Bank of India. Another financial creditor, TSBC Bank has Rs. 10 Lakhs owed from Windshield Co. Ltd. which is not yet defaulted. Can the TSBC Bank file an application for initiation of CIRP against Windshield Co. Ltd.? Support your answer with suitable provisions and reasons.
- b) "The Adjudicating Authority if satisfied that a default has occurred, the application is complete and there is no disciplinary proceeding pending against the proposed resolution professional, it may, by order admit the application for corporate insolvency resolution process" Examine the statement in light of the judgment of the Supreme Court.
3. Omaxe Pvt. Ltd., engaged in the business of real estate development is constructing 3000 flats at Gurugram, Haryana. Due to delay in construction and delivery of possession of flats, the home buyers filed an application for initiation of corporate insolvency resolution process against it. After the initiation of CIRP, Mr. Malhotra one of the home allottees who had paid the token amount and installments pleaded that he is no more interested to take the possession of the flat and wants a refund. As a response, the Corporate Debtor challenged the constitutional validity of the Insolvency and Bankruptcy Code (Second Amendment) Act, 2018 and Insolvency and Bankruptcy Code (Amendment) Act, 2020. In light of the facts, discuss whether home

allottees can initiate an insolvency resolution against Omaxe Pvt. Ltd. Also, can the NCLT allow the resolution of a single project of a real estate developer? Explain the relevant provisions and support your answer with suitable case laws.

SECTION - C

4. *"The defaulter's paradise is lost. In its place, the economy's rightful position has been regained. Conclusively, the experiment contained in the Code passes the constitutional muster"*. In light of the statement discuss the judgment of the Hon'ble Supreme Court on assessing the feasibility of the Committee of Creditors constituted under the Code. Also, point out the decision on other provisions challenged in the case.

5. Renu Steel Ltd. engaged in manufacturing of mild steel wires and alloys went into corporate insolvency resolution process due to adverse market conditions. In the fourth meeting of the Committee of Creditors (COC) held on 16.7.2023, the resolution plan submitted by Hindalco industries Ltd. was accepted by the COC with a majority of 63.45%. The resolution professional in order to obtain the threshold, floated the resolution plan again in the meeting of the COC. As a result, Jena Bank Ltd. changed his dissenting vote to an assenting vote and Bank of Baroda Ltd. converted his vote from assenting to dissenting. Later, an operational creditor i.e., BON Ltd. filed an objection before the NCLT that the conduct of the CIRP has not been as per the provisions of the Code and that the resolution plan submitted by Hindustan India Ltd. was not accepted by the COC as being submitted after the deadline. In light of the above facts, answer the following with the help of suitable provisions and case laws:
 - a) Can a financial creditor change his vote on the resolution plan subsequently?
 - b) Can the COC approve a resolution plan even when the voting percentage in favour of a resolution plan is less than the prescribed threshold?
 - c) What are the duties of a resolution professional in the CIRP?

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MARCH - 2024
PAPER -IV: CRIMINOLOGY AND
PENOLOGY
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 **Section - C** each questions carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. A systematic study of criminology was first taken up by the Italian scholar, Cesare Beccaria, he for the first time proceeded with the study of criminals on a scientific basis and reached certain conclusions. It is believed that the 'theories of criminology or the schools of criminology' are of later origin. In the light of the above statement discuss the meaning of the 'School of Criminology' as provided by Sutherland.
- b. Define 'Criminology' and distinguish it from penology, sociology and criminal justice system. Also, briefly discuss the interrelationship between criminology, penology and victimology.

Contd.....P.2

- c. Criminology conflict theory suggests that 'the laws of the society emerge out of conflict rather than out of consensus'. Explain the economic perspective of criminology indebted to Marxism by highlighting the propositions given under conflict school or criminology and critical criminology?
- d. Does the Social process Criminology indicate towards the Sutherland's ideology, which focusses on the idea that 'criminal behavior is a learned behavior'? Comment

SECTION - B

2. In his book "On Crimes and Punishments" Beccaria presented a coherent, comprehensive design for enlightened criminal justice system that was to serve people rather than monarchy. According to Beccaria, the crime problem could be traced not to bad people but to bad laws. Beccaria's philosophy laid down in his book is presently followed by the modern criminal justice system for instance the principle of equal treatment before the law, judges should not interpret the law etc. Beccaria's book supplied the blue print. By referring to the principles laid down by Beccaria in his book, critically analyze Beccaria's blue print of a modern criminal justice system.
3. Referring to the case of Mc Cleskey v. Kemp explain the concept and scope of criminology in the light of the statement, 'criminologists study showed that race of individuals in the State impacted whether the defendant was sentenced to life or death'. Also, discuss the evolution of the concept of causation of crime by reference to pre-classical, classical and neo-classical school?

SECTION - C

4. Explain the Psychological Theories of Crime, which share the basic belief that, crime is the result of some personality attribute uniquely

- possessed, or possessed to a special degree, by the potential criminal. Elaborate how these theories dwell on variety of possibilities that account for individual difference such as defective conscience, emotional immaturity, poor moral development etc?
5. Explain the approach taken by William Sheldon in explaining criminality by way understanding 'a typology of body physiques? Also, it is believed that not all the mesomorphics are criminals and not all the Criminals are mesomorphics. When we use a few all-or-none categories, we force on nature an over simplified scheme. When physique is proposed as direct cause of criminal behavior, further problems emerge. Even if there is a correlation between the physique and the criminality, it does not necessarily mean that one causes the other. The people with aggressive behavior and strong physique indulge in criminal behavior not because of body structure but because they dominate and terrorize the inferior. On the basis of the above argument, do you believe that the William Sheldon's findings should be referred to as Social Learning theory explanation rather than constitutional one?
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**B.A.LL.B. (HONS.) FYIC
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MARCH - 2024
PAPER - IV: CITIZENSHIP AND
EMIGRATION 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 Section - C each questions carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. Citizenship is a result of double process of fusion and separation. Critically analyse the statement in the light of post-colonial developments of India.
- b. Elucidate the points of distinction between Marshall and Dahrendorf's theory of citizenship.
- c. As per Pratiksha Bakshi, in *Habeas Corpus: Judicial Narratives of Sexual Governance*, Muslim women who had been *recovered* and sent to camps constituted as *impure* body populations who had no claims to Indian citizenship, and no man or his family could claim that these women had been unlawfully detained in camps, unlike routine law. Critically analyse the suspension of the writ of habeas corpus with the help of decided cases.

Contd.....P.2

- d. The debate on citizenship in the Constituent Assembly had religious undertones. Elucidate the same in the light of the views of members of the Constituent Assembly.

SECTION - B

2. The Global Hunger Index 2023 has ranked India at 111 out of 125 countries with sufficient data to estimate hunger levels. Critically analyse the same in the light of the hypothesis that there is a lack between citizenship status and citizenship exercise. Also explain the theory that postulates the hypothesis.
3. The substance of citizenship are the entitlements that are to be removed from the day to day caprices of politics. Critically analyse the same in the light of Dahrendorf and how has he refined and differed from Marshall.

SECTION - C

4. According to Valerian Rodrigues, the provisions on citizenship had an inclusive and non-denominational approach. Elucidate the constitutional provisions that highlight the same, critically analysing them and discuss the various modes of acquisition of citizenship under the Citizenship Act 1955.
5. Women were infantilized by the state and notion of national honour was put through legal procedures that sifted, identified, rescued, repossessed such women through rule and governmentality with statistics of identification, recovery and restoration. Critically analyse the restoration of national honour through the language of law in the light of Abducted Persons (Recovery and Restoration) Act of 1949, with decided cases.

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH 2024
PAPER - V: JUDICIAL PROCESS AND
JUDICIAL REVIEW (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** and **Section - C** each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. Discuss in brief the difference between Civil Contempt and Criminal Contempt
- b. Perhaps the most important single formal requirement is that judicial decisions be based on reason. All decision-makers are expected to act based on the best available knowledge and to make decisions that conform to the rules of logic and rationality. Briefly discuss the effective measures of the judicial process.
- c. Do you agree that the doctrine of separation of powers is not recognized by the Indian legal system in its absolute rigidity?
- d. Briefly outline the reasons why Dicey outlines that the rights of people flow from the customs and traditions of the people recognized by the courts in the administration of justice.

Contd.....P.2

SECTION - B

3. "The contemnor not only gave wide publicity to the statement before the same was tendered to the Court but also gave various interviews about sub judice matters, thereby further attempting to bring down the reputation of this Court. If we do not take cognizance of such conduct, will give a wrong message to the lawyers and litigants throughout the country. However, by showing magnanimity, instead of imposing any severe punishments, we are sentencing the contemnor with a nominal fine of Re.1/(Rupee one)..." Critically analyse the above case to establish the objectives of punishment for contempt of Courts under Articles 129,142 and 215 of the Constitution of India and the Contempt Courts Act 1971.
3. In the matter of the 'Nirbhaya case' where the commonest of the common was talking about how the law must be, what must be the punishment, etc. With the help of the above case critically discuss the role of the judicial process in social change by citing some other important pronouncements of the Supreme Court of India.

SECTION - C

4. Critically analyse the importance of precedent under Indian law. Do you think a 4:3 judgment can overrule a unanimous 5-bench judgment of the Supreme Court of India? Cite case law to support your answer.
 5. Rule of law is to be understood neither as a 'rule' nor a 'law'. It is generally understood as a doctrine of 'state political morality', which concentrates on striking a correct balance between the rights and powers of individuals and the State in any free and civil society. Discuss.
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**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH - 2024
PAPER -V: COMPETITION LAW AND
PRACTICE
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is **Compulsory** and each part carries 5 marks. Attempt **One Question** each from **Section - B** and **Section - C** each question carries 10 marks.

SECTION - A

1. **Write short notes on the followings:**
 - a. Discuss the difference in approach in Harvard School of thought and Chicago School of thought in the US antitrust regime.
 - b. The transition from MRTP to Competition Act was due to the fact that MRTP act became obsolete after the introduction of the LPG reforms and India required a new act to tackle the changing dynamics of the market. What were the major differences in the competition act as compared to the MRTP Act?
 - c. Deliberate upon the concept of Tying and Bundling with the help of a case law.
 - d. Lesser Penalty Regulations is an essential tool for busting Cartels. Discuss the present regime of LP Regulations and how has it helped the commission?

SECTION - B

2. After the introduction of the Competition Act 2002, there were various issues regarding the implementation of the act as well as the jurisdiction of the commission. With the help of the two landmark judgments, explain that how these issues were resolved?
3. Discuss in brief:
 - a) Types of Market with examples
 - b) 'Agreement' under the Competition Act
 - c) Concept of Relevant Market
 - d) Difference between consumer in Consumer Act and Competition Act

SECTION - C

4. In the past decade, the Indian onion market has witnessed significant price spikes, often triggered by erratic rainfall leading to production shortages. Maharashtra and Karnataka contribute 45% of India's onion production. In November 2020, excessive rainfall delayed onion arrivals, causing shipments to drop from 2000-3000 tons per day to 700-800 tons per day in New Delhi markets within a week. This shortage drove onion prices from Rs 35 to Rs 88 per kg. Market concentration is high, with few large traders easily monitoring industry output and pricing. In 2009, the DG found no evidence of collusion in the onion market, despite price fluctuations suggesting cartel activity, attributed partly to ample rainfall. However, in 2010, an investigation revealed onion traders forming associations in Nashik, discussing prices weekly. A data processing firm was hired to manage onion price and quantity data. Some onion manufacturers doubled prices in specific months, meeting weekly to address market issues. Blame for price hikes also extended to holding, official incompetence, and trader price ramping. Allegations surfaced of New Delhi retailers and traders charging a 135% markup, but no proof of collusion with Nashik traders was found. Answer the following questions:

- a) Examine whether there is any anti – competitive agreement in the given set of facts. If yes, the examine whether there is possibility of cartel in the year 2009 and 2010.
 - b) As a DG, you are asked to find out the Relevant market for the above set of facts. Describe your stand with relevant provisions of the Act and various case laws.
5. An information was filed under section 19(1)(A) of the Competition Act 2002 against car manufacturers for alleged anti-competitive practices. The manufacturers, involved in manufacturing, sale, distribution, and servicing of passenger motor vehicles in India, were accused of restricting independent original equipment suppliers from selling spare parts in the open market. This created a monopoly-like situation, allowing manufacturers to influence spare parts prices. They also denied access to original diagnostic tools and repair manuals in the open market and disclaimed responsibility for issues arising from spare parts obtained from unrecognized suppliers. Discuss the business justification and consumer effects of such practices. With over 20 car companies in India, explore the potential for market power in the after-sales market and analyze the anti-competitive vertical agreements in the case. Provide relevant case law under the Competition Act 2002.
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**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH 2024
PAPER - V: CORPORATE FINANCE AND
TAXATION (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** and **Section - C** each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. In accordance with the assertion by Solomon Ezra & J. John Pringle that “Corporate Finance is concerned with the efficient use of an important economic resource, namely capital funds” elaborate on the scope, objectives, functions, and importance of Corporate Finance.
- b. Company XYZ is strategizing to construct a new factory and has calculated that it requires Rs. 50 Lacs in capital to finance this expansion. Considering this scenario, provide a detailed recommendation on the proportion of equity financing and debt financing that Company XYZ should adopt to raise the required capital. Furthermore, elaborate on the advantages and disadvantages associated with both equity financing and debt financing in the context of this funding decision.
- c. Discuss as per the Income Tax Act the concept of a company in which the public are substantially interested.

Contd.....P.2

- d. "Special provision is designed for closely held corporate taxpayers to avoid any tax evasion", based on this observation explore the concept of closely held companies and the specific measures introduced to counteract potential tax evasion within this business structure.

SECTION - B

2. As an aspiring entrepreneur leading a dynamic tech startup, B envisions seeking funding to propel the growth of her venture. Tech Innovations Inc., the company, has pioneered a groundbreaking artificial intelligence software set to transform the healthcare sector. In this context, analyze the suitability of Private Equity (PE) and Venture Capital (VC) for B's startup. Additionally, elaborate on the concepts, differences, and provide illustrative examples of Private Equity (PE) and Venture Capital (VC).
3. As a financial analyst offering counsel to an Indian company exploring opportunities for outbound direct investment (ODI), you're assisting GlobalTech Enterprises, a technology sector player, in expanding its global footprint. GlobalTech seeks to invest in emerging markets to diversify its revenue streams and seize growth prospects abroad. In this context, discuss the current regulatory landscape shaping ODI and its implications for investment strategies. Furthermore, propose two ODI routes to GlobalTech Enterprises, outlining the scenarios wherein which of the approaches would best suit the company's objectives.

SECTION - C

4. ABC Ltd is headquartered in the USA, but it convenes its board of directors' meetings in London. Nevertheless, the company's senior management, responsible for making key decisions, is based in India. In this scenario, elucidate the concept of Place of Effective Management (POEM) and its role in preventing double taxation. Additionally, determine the company's PoEM in the case of ABC Ltd.
5. Minimum Alternate Tax (MAT) is attracted under section 115JB of the Income Tax Act, on account of tax on total income being less than 15% of book profit as per the profit and loss account for the relevant previous year. Comment in regards to the meaning, history, objective, Applicability & Non-Applicability, and calculation of MAT.

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH 2024
PAPER-VI: INTERNATIONAL CRIMINAL
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** and **Section - C** each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. Mr. Abhay committed most heinous Crime mentioned under the Rome Statute, in the state A. The International Criminal Court takes the matter under its jurisdiction. The State A claims that it is a breach of the “State Sovereignty”. Explain in detail whether state A can take back its case under the state sovereignty.
- b. Israel army personnel killed 20 Hamas civilians, in a hospital where they were getting treatment. Whether this killing constitute any crime under the International Criminal Law? Explain your answer with relevant provision and case law.
- c. In the attack of Russia over Ukraine in February 2022, whether this attack constitute a breach of the concept of sovereignty, under the International Criminal Law? Comment and justify with relevant provisions under International Criminal Law?

Contd.....P.2

- d. A, the head of State 'X', banned every youth from taking part in the protest against the Government in State 'X'. A also ordered his executive machinery to kill those youth having an age of 21-35, who are taking part in protest against the Government in State 'X'. Only samari community youth take part in protest against the Government in State 'X'. No other community or youth are taking any part in the protest in State 'X'. So the executive started killing the youth of the Samari community who were taking part in protest against the Government. Almost 50 youth were killed in one month. Whether it is a crime under International Criminal Law. Explain with relevant case laws.

SECTION - B

2. "Except as provided in this Statute, no person shall be tried before the Court with respect to conduct which formed the basis of crimes for which the person has been convicted or acquitted by the Court". Explain the international trials, which had happened in the past and have breached the Principle of Legality. Can we consider these trials as fair trials? Explain with relevant case laws.
3. Why do we need International Criminal Court, when every country has its own national judicial system? What makes the need and origin of the International Criminal Law?

SECTION - C

- 4.a) A, the head of the state, had no intention to kill the specific ethnic group. However, he ordered a mission to kill the entire terrorist in his state in 2006. This mission continued for three years and in a mission to kill the terrorist group, all the ethnic group people named 'Tumsi' were killed and not even a single ethnic person survived as the terrorist were mixed in the population of ethnic group of 'Tumsi'? Can this case be considered a situation of Genocide? Explain with the features of genocide and case law. ?
- b) Explain in detail the 'Protected Property' and Protected 'Person' under the International humanitarian law.

5. State of Camberia has a proof that their country under the threat of cyber attack from State of Zambia in 2019. In order to protect the country State of Camberia attacks the Zambia in 2020. Does this action of State of Camberia constitute the crime under the Rome Statute? Explain the position in the light of the relevant provision under the Rome Statute.

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
EIGHTH SEMESTER
MID TERM EXAMINATION
MARCH 2024
PAPER - VI: REAL ESTATE 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 Section - C each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. Barman Builders are developing a Real Estate Project near Ambala Delhi highway. Due to farmers protest commuters started using the half built roads in the Project to access the highway. Builders object to it and the commuters continue to use the road. The Real Estate Project is near completion, builders is apprehensive if this amounts to easement if he continues to allow the use of land to approach the main highway. Discuss.
- b. You plan to develop a Real Estate Project in Patiala on Bhadson road near the University. There is a huge river passing by the proposed project and proposed project is near to the wildlife reserve where rare species of birds and plants are present. What approvals and sanctions you have to take before applying for the Registration of the Project in the light of present facts.
- c. Raja Developers are building a Real Estate Project in Patiala. They have arranged for the lease of the land from Rajesh who is the joint property holder along with his brother Suresh. This land was previously owned by Rajesh's Father, a landlord owning around 200 acres of land in the Patiala district. Rajesh has purchased some property, acquired some property by way of will from his Uncle and inherited the property from his father. In the light of the present facts discuss the importance of Title Insurance.

- d. Seema gave her 80 acres of land on lease to Rajeev Real Estate Developers to develop into a Real Estate Project. In return Rajeev Real Estate Developers promise to provide two flats and three town houses to Seema. When the project is complete and she gets the delivery of flats and town houses she comes to know that the area of the flats and town homes is lesser than the area for other flats and town houses put for sale. She files a suit against the Real Estate Developer that there is a breach of contract and eviction from the property on the ground of non- registration of lease for 80 acres of land. Discuss the importance of registering the property in the light of present facts.

SECTION - B

2. Best Eastern Developers are planning to develop land in New Chandigarh region. They have a plan to lay down a township with multiple facilities. Guide them the possible opportunities for investment in the real estate sector.
3. Your friend plans to develop a Real Estate Project in collaboration with his brother in Indore. They are keen to invest around 80 crores by financing the project by selling their immovable property and arranging for finances from other sources. They approach you to take suggestion for having the possession of the land near the highway. Suggest them different ways and means by which they can arrange for the possession of the land and start with construction.

SECTION - C

4. Arjit along with his friend Harijit want to initiate development in the Real Estate Market. They have 50 acres of land near Rajpura which can be developed into the Project. They approach you to take advice for making the arrangements for the finances. Advise Arjit and Harijit about various ways to arrange for finances.
5. Sima Developers are building a Real Estate Project on Bhadson road, Patiala. They purchased the land from Sidhu Brothers which was a joint property. This land was previously owned by Ramesh Sharma a landlord owing different properties in the district. He had himself purchased some properties and he had grabbed certain lands from small landholders. Sima Developers approach you to discuss about the need for title verification before purchase of the property. Guide Sima Developers about the importance of Title verification and due diligence in the light of present facts.