

**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

**B.A.LL.B. (HONS.) FYIC  
SIXTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - II: FUNDAMENTALS OF IPRs  
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 following:**
  - a. "Intellectual property rights increase the innovators' ability to obtain returns from their intellectual labour; the resulting potential for increased private gains to the innovators and stimulates additional innovation". In light of the above statement explain the need and importance of intellectual property.
  - b. Comment on the concept of "Passing off" and how is it different from infringement and what can be the remedies.
  - c. The plaintiff (Rakesh) presented cartoon characters, Bheem and Chutki, through the cartoon pages of magazine Manat. Children have been enjoying their pranks and mischiefs and their adventures. Their companion characters include Jaggu and Raju who help Bheem in solving the problems faced by him. The arrangement, under which such presentation was made, changed from time to time. Plaintiff pictured

*Contd.....P.2*

the popularity of the weekly magazine Manat. After quitting from the magazine Rakesh started publishing the cartoon series in another magazine. Discuss in light of the above facts whether the artistic work of an author made as employee, and while in the course of his employment, pass on to the employer.

- d. Discuss on the concept of 'Well-known' Trademark and how is it different from the Registered Trademark.

### SECTION - B

- 2.a) The plaintiff asserted copyright on the reports of the judgment made by it in the publication Kerala Law Times, including head notes, short notes, long notes, citations, various copy editing inputs etc. as published in Kerala Law Times. Can the plaintiff claim copyright over these summary judgments. Discuss and decide.
- b) The plaintiff was commissioned by the TV channel, Rang, to write a television play. The contract prevented Rang from making material alterations to the script. Rang deleted one important part in the play, which the author considered to be of basic importance to his play. Is there a violation of the moral rights of the author? Discuss and decide with the help of relevant case laws.
3. Discuss the theories of intellectual property that defend the ownership of IP, property having social construction and the property as a result of productive activity.

### SECTION - C

4. Mr. Rodrix registered "AppleTV" as Trademark for '*Ready-Made Garments*' under class 25 in the year 1994 and subsequently in the year 1999. Then he started '*Footwear Business*' under the same brand and applied for its registration. In 2002 Mr. Rodrix sold '*Readymade Garment*' Business to Mr. Zora Bux who expanded his business introducing '*Apple Collar Tie & Wristband*' in 2008 under the same brand which dominated the Indian market and increased

his annual turnover to Rs. one million per quarter. '*Footwear Business*' was not doing well and Mr. Rodrix objected for registration of '*Apple Collar Tie & Wristband*'. In the light of given statement discuss about the statutory provisions and argument on behalf of Mr. Rordrix and in favour of Mr. Zora Bux.

5. A case was filed for deceptive similarity by Releegh before the Registrar of Trademarks Registry and the Registrar granted association Trademark to RawLigh in 2018. Releegh moved to the Appellate Tribunal stating that Releegh Scooter has distinguishing technology and feature form that of RawLigh Scooter. It stated that '*Releegh Scooter*' had advanced gearless technology and battery powered engine which was most convenient to drive and preferred by females whereas '*RawLigh Scooter*' having patrol / diesel engine which was with gears and mostly preferred by male.

In light of the above facts of the case discuss about the essentials of deceptive similarity and decide the remedies available to the parties with the help of statutory provision and decided case laws.

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RG/MT/24/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
MARCH - 2023  
EIGHTH SEMESTER  
MID TERM EXAMINATION  
PAPER - II: LAW OF EVIDENCE  
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 and Section - C each question carries 10 marks

## SECTION - A

1. Write short notes on the followings:
  - a. When the witnesses, X and Y rushed to the place of occurrence, they found the dead body of the deceased and an injured victim in an unconscious state. The mother of the deceased was weeping. They heard about the entire incident from other injured persons including the accused. Discuss the relevancy of the statements of X and Y under section 6 of the Indian Evidence Act.
  - b. A is accused of receiving stolen property knowing it to be stolen. At the time of receiving stolen property he was found in possession of other stolen articles. Also he had been convicted of receiving stolen property knowing it to be stolen 5 years back. Discuss the relevancy of these facts under the Evidence Act. Refer to relevant provisions.
  - c. When do the previous judgments between non-parties become relevant in a subsequent suit.

Contd.....P.2

- d. A person is tried under NDPS Act and he pleads juvenility. He intends to produce school leaving register for proving his juvenility. The trial court has directed bone-ossification test and has ignored school leaving register. Discuss and decide.

### SECTION - B

- 2.a) The probative value of identification of a person through DNA or fingerprints is different than in case of handwriting or superimposition test or sniffer dogs. Do you agree? Support your answer with relevant provisions and case law. (5 marks)
- b) Decide upon the relevancy of following facts. Refer to relevant provisions.
- i) In a suit for specific performance, the fact of failure on the part of plaintiff to establish his ability and willingness to pay consideration amount. (5 marks)
  - ii) In a prosecution for rape, the fact that victim and accused lived in the same house.
  - iii) In a prosecution for murder of B by A, the fact that A had previously shot at B to show his intent.
  - iv) While deciding whether A is the legitimate son of B, the fact that B had no access to his wife when A could have been begotten.
  - v) The fact of wife not bringing sufficient dowry in a dowry death case.
3. A dacoity was committed in the house of F, a big landlord, residing in a village. Five persons G, H, J, K, and L were suspected of having taken part in that dacoity and were arrested by the police. One of them H was a retired Subedar, who had served with distinction during the Indo-Pak war of 1971 and was at that time the Headman of the village. During investigation, the police produced him before a Magistrate, to whom he made a detailed confession, implicating himself and the other four arrested persons. In making his confession he stated to the Magistrate: "I want to make a clean breast of everything for the reason that I am a retired military officer and a Village Headman and have been loyal servant of the government all my life. If by making this confession, I can serve the government once again, I am sure government will take pity on me and release me." The Magistrate made no promise to H that he would assist in securing his release. At the trial H retracted the confession. Explain with reference to relevant provision (s) of the Indian Evidence Act and the case law, whether the confession is admissible.

- a) Against H
- b) Against the co-accused G, J, K, L.
- c) Also discuss what value should be attached to it?

### SECTION - C

4. Abhijeet and his wife Tarika used to fight daily. Abhijeet is prosecuted for murdering his wife on 12<sup>th</sup> January, 2020. It is alleged that Abhijeet stabbed Tarika with a sword and also injured her sister Purva, who came to her rescue. Purva recovered from the injury. While she had been admitted in the hospital, immediately after she had regained consciousness, her statement was recorded by the Magistrate on 21<sup>st</sup> January 2020, in which Purva narrated the whole incident. She survived the injuries but she passed away a few months later in a traffic accident before she could appear as a witness in the trial of murder of her sister Tarika.

Prosecution had produced the following evidence against Abhijeet.

- a) Witness 'A' a neighbor who has testified to the effect that on 12<sup>th</sup> January, 2020, he had seen Abhijeet come out of the house and he overheard him saying that "I have finished her. Now I am free from the daily quarrels. I am a free and relieved man."
  - b) The statement that was made months ago by Tarika to her neighbours that she is under constant fear of being hurt and killed by Abhijeet.
  - c) The statement dated 21<sup>st</sup> January 2020 of Purva recorded by the Magistrate  
Discuss the relevance, admissibility and evidentiary value of the above evidence.
5. Simran, daughter of a famous politician, Amrish, accused that her parents and one of their friends had kidnapped and murdered her husband as she contracted a love marriage out of caste. Investigation agency demanded Narco-Analysis Test of the accused.
- a) Discuss whether conducting of Narco-Analysis Test on the accused is violative of Article 20(3) of the Constitution of India?
  - b) Explain the requirements to be satisfied for conducting this test as laid down by Supreme Court of India.

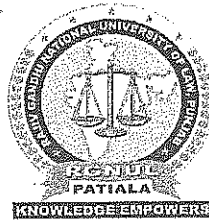
Refer to relevant provision and the latest case law.

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# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
SIXTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER-I: INTERNATIONAL RELATIONS  
AND ORGANIZATIONS  
(MAJOR - VI)  
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 following:
  - a. What led to the Neo Realism vs Neo Liberalism debate?
  - b. Differentiate between Collective Security and Collective Defense.
  - c. What was the Great Divide Theory?
  - d. Discuss the impact of Russian withdrawal from the New START treaty.

*Contd.....P.2*

SECTION - B

2. "From Empires to Globalisation, the international state system has come a long way." Critically examine the evolution of the nation-state system in the light of this statement.
3. "The Collective Security system came as a saviour to break the shackles of Balance of Power system." Comment.

SECTION - C

4. In contemporary times, a Pole is no longer seen only in military terms." In this light, do you think the world order has moved towards Multipolarity?
  5. "Propaganda and War go hand in hand." Discuss with examples.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

**B.A.LL.B. (HONS.) FYIC  
SIXTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - I: SOCIOLOGY OF GENDER  
(MAJOR - VI)  
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 following:
  - a. Multiple social and cultural factors resulted into development of 'Sociology of Gender' as an independent branch of Sociological Studies. Explain.
  - b. Discuss the features of Indian familial structure which perpetuate 'Gender Discrimination'.
  - c. 'Liberty for All' has been the basic thrust of Liberal Feminism. Appraise this theoretical claim.
  - d. Discuss some prominent contents which have been popular during all four waves of development of feminism and feminist theoretical perspectives.

Contd.....P.2

**SECTION - B**

2. Discuss the mechanisms and socialization patterns adopted by society while undertaking Social 'Construction of Gender'
3. Discuss the factors which transform 'Division of Labour' into 'Social/ Sexual Division of Labour'.

**SECTION - C**

4. Critically evaluate the theoretical notions propounded by Radical Feminist Perspective.
  5. Critically evaluate the theoretical notions propounded by Marxist/ Socialist Feminist Perspective.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



**B.A.LL.B. (HONS.) FYIC  
SIXTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - I: POLICY AND STATISTICAL  
ECONOMICS (MAJOR - VI)  
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 following:**

- a. "The instruments of implementing Land Reforms have turned into instruments of subverting Land Reforms." Comment.
- b. Representing the statistical data by diagrams (including graphs) has its own advantages and limitations as well. Do you agree? Explain.
- c. Why was economic liberalization in India expected to produce growth? What structural features highlighted the economic transformation in the economy?
- d. Draw a 'Less than' Ogive for the following data:

Profit (in Rs Lakhs)	10 - 20	20 - 30	30 - 40	40 - 50	50 - 60	60 - 70	70 - 80	80 - 90	90 - 100
No. of companies	6	8	12	18	25	16	8	5	2

*Contd....P.2*

SECTION - B

2. The New Industrial Policy provided a sharp boost to domestic investment, ushered in, an unfettered freedom to foreign investment and eventually proved to be a policy promoting 'jobless growth' in the economy. How far is this a correct way of analyzing the Industrial Policy of 1991? Provide quantitative support to your arguments.
3. The advocates of disinvestment argue that it is not the business of the government to be into business, but critics believe that it is really advisable for the government to reconsider the areas that deserve to be included in the strategic sector. However, keeping in mind the fact that in the post liberalization period, the performance of the CPSEs has been progressively improving, do you support the government's wisdom in deciding in favor of disinvestment? Illustrate your arguments using suitable examples from the recent history of disinvestment in the country.

SECTION - C

4. Draw a suitable bar chart for the following data showing the percentage of total population in villages and towns:

Category	Percentage of Total Population in	
	Villages	Towns
Infants and Young Children	13.7	12.9
Boys and Girls	25.1	23.2
Young Men and Women	32.3	36.5
Middle Aged Men and Women	20.4	20.1
Elderly Persons	8.5	7.3

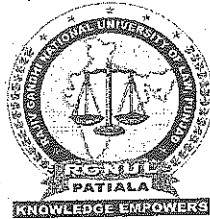
5. Draw a histogram and hence a frequency polygon for the following frequency distribution.

Class Interval	0 - 5	5 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40
Frequency	7	10	20	13	17	10	14	9

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RG/MT/20/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
SIXTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - IV: CONFLICT OF LAWS  
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 following:

- a. 'Forum Shopping' and '*Lex loci celebrationis*'
- b. A an Indian, domiciled in England, died in India without making Will and left movable and immovable property in India and London. Which law would govern the succession of these properties? Decide
- c. A person domiciled in Bolivia and a habitual resident of France, enter into a contract by e-mail and agree to meet in New York to record a CD of songs. Which choice of law rules would be applicable for testing the validity of contract and breach of contract?
- d. Inter-country Adoption

Contd.....P.2

SECTION - B

2. "The Scope of private international law is rapidly increasing due to many factors in globalized world. Is unification of rules of Private International Law required?"
3. "An Indian domiciled Muslim goes to UK with his wife and acquires an English domicile. The wife files a suit against him for divorce in the English Court. He pleads that the English Courts have no jurisdiction as his marriage is a polygamous one under Indian Muslim law." How English court will characterize the question of dissolution of marriage? Also explain the importance of characterization in private international law.

SECTION - C

4. "Mrs. S is an English woman married to Mr. R; a Holland national, domiciled in England. Subsequently, he is deported from England as a result of which he lost his English domicile and reverted to his Holland domicile. Mrs. S filed the divorce petition in an English court." Discuss the jurisdiction of the court to decide the divorce. Explain the applicable rules of private international law for divorce to the present case.
  5. Mr. G was domiciled in India and got married to Mrs. M in 1952 in India accordance with Hindu rituals. After 2 years he moved to England and acquired a domicile there. In the meanwhile, he married an English woman. His first wife opposed the second marriage and filed for annulment of marriage. Decide the case by deciding the jurisdiction of the court and the validity of the marriage.
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RG/MT/21/03/23

**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



**B.A.LL.B. (HONS.) FYIC  
SIXTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - V: ADMINISTRATIVE LAW  
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 questions carries 10 marks.**

**SECTION - A**

1. **Write short notes on the following:**
  - a. "Constitutional Law and Administrative Law are subjects which interlock closely and overlap extensively". Analyze this statement given by Prof. William Wade and C.F. Forsyth and discuss what is termed as 'watershed' in Administrative Law?
  - b. Administrative Law is wholly a judge made law, which has all the "strengths and frailties of judicial Law making". Comments?
  - c. Is it correct to say that even if today Parliament sits all the 365 days in a year and all the 24 hours, it may not give that quality and quantity of law, which is required for the proper functioning of a modern government? Justify with suitable reasons?
  - d. Whether the power conferred on government to bring an Act into existence to grant exemptions under it is conditional or delegated legislation. Support your arguments by differentiating both the legislations?

Contd.....P.

### SECTION - B

- 2.a) Discuss how functional overlap in each organ of the Government undermines the doctrine of separation of powers with the help of relevant illustration?
- b) What are the nature and functions performed by Conseil d' Etat?
- 3.a) Whether the Individual Security and liberty is above the Constitution of India. Elaborate with the help of ADM Jabalpur v. Shivkant Shukla 1976 SC 1207 judgment?
- b) Do you agree that in the present Scenario, the rule of law depended not only on the existence of adequate safeguards against the abuse of power by the executive but also on the existence of effective Government capable of maintaining law and order and ensuring social and economic conditions of life for society. Comments?

### SECTION - C

4. What are the important factors to decide that a particular legislation suffers from "excessive delegations" or not with special reference to The Delhi Laws Act Case?
- 5.a) Under Parent Act, power to initiate prosecution for offences was conferred to the State Government but not to administrative officer. Later under the rules of same act, the power of prosecution was delegated to the Inspector. Whether the sub delegation is ultra vires the parent act or not?
- b) Exceptional delegation is also called as Henry VIII Clause to indicate executive autocracy? Explain with suitable illustration.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

**B.A.LL.B. (HONS.) FYIC  
SIXTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - VI: TAXATION LAW  
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 questions carries 10 marks.**

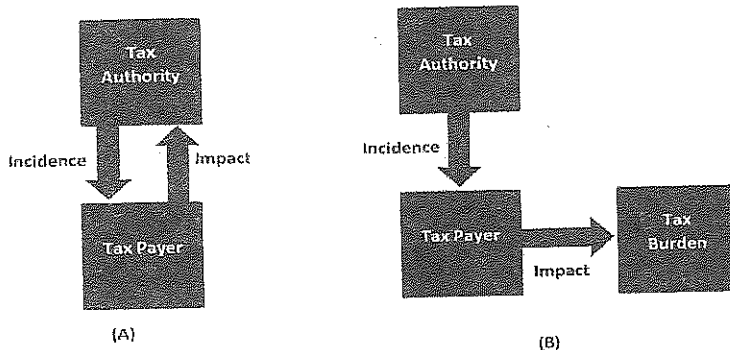
**SECTION - A**

1. **Write short notes on the following:**
- "The distinction between a tax and fee has been weathered down".  
Justify the statement with relevant case laws.
  - What are canons of taxation? Discuss in brief the 'classical' and 'modern' canons of taxation.
  - Examine with reasons whether the following transactions attract income-tax in India in the hands of recipients:
    - Salary paid by Central Government to Mr. X, a citizen of India of Rs.7,00,000/- for the services rendered outside India.
    - Interest on money borrowed from outside India of Rs. 5,00,000 by a non-resident for the purpose of business within India say, at Mumbai

- d. Adarsh, a law graduate received Rs. 10,00,000/- as scholarship from Vidya Foundation located in Bengaluru for pursuing Masters of Law from United Kingdom. The foundation gave the scholarship on the condition that at least 50% of the amount shall be spent on the tuition fee. Due to certain medical exigencies Adarsh, couldn't spend the whole amount and returned to India without receiving a degree. Discuss whether the money received by Adarsh will be exempt from tax. Support your answer with suitable provision and reasons.

### SECTION - B

2. Explain in detail the below tax system (in chart) with its merits and demerits.



3. Decide whether the following is "Income" under the Income Tax Act, 1961. Justify your answer with the relevant provision and reasons:

- Rahul, a part-time director in the Bajaj Co. Ltd, and his wife Meena received Rs. 52,000/- from Bajaj Co. Ltd. for the salary of their driver as a perquisite.
- Kaustubh, the manager of a charitable trust named Shanti Devi receives Rs. 80,000/- as perquisite for expenses of his domestic servant.
- Kamal, a shareholder having 100 shares in Treo Constructions Ltd. receives Rs. 1,00,000/- from the company on account of buy-back of its own shares by the company u/s 68 of the Companies Act, 2013.

- d. Prakash Ltd. takes a loan of Rs. 60 Lakhs from State Bank of India (SBI). The loan is taken to purchase land to set up an industrial undertaking in Karnataka. In the previous year 2019-2020, Prakash Ltd. gets a waiver of Rs. 20 Lakhs from SBI as the project becomes financially non-viable.
- e. Suresh receives shares from his father as a gift having a fair market value on the day of the gift of Rs. 4,00,000/-

### SECTION - C

5. Mr. D, an American national, joined ABC Co. Ltd. as an engineer in India on 1st May, 2010. On 31st December, 2011, he went to Sri Lanka on deputation. On 1st April, 2016, he came back to India and left for China again on 31st May, 2016. He returned to India and joined his original post on 1st July, 2020. Determine his residential status for the A. Y. 2021-22.
6. Decide whether the following incomes are Agricultural in the hands of Aditya and Ankur. Support your answer with relevant provisions and case laws.
  - a. Aditya grew sugarcane in his fields. He then converted the sugarcane into jaggery as this variety of sugarcane was unfit for chewing purposes and could not be stored beyond 48 hours and thereafter the crop would start losing its sugar contents and there was no sugar mill within a radius of 50 miles from the fields. Aditya, thus received Rs. 2,00,000/- from the sale of jaggery.
  - b. Ankur, a moneylender advances money on interest to an agriculturist for agricultural purposes and receives a part of the agricultural produce towards payment of interest on the money advanced.

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