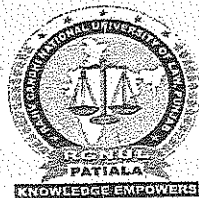


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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



**LL.M. (One Year Course)  
END TERM EXAMINATION  
MAY - 2019  
SECOND SEMESTER  
PAPER-I: LAW AND JUSTICE IN  
GLOBALIZED WORLD  
TIME DURATION: ONE AND HALF HOUR  
MAXIMUM MARKS: 40 (FORTY)**

**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. All two parts are compulsory.
  - a. Types of surrogacy.
  - b. Judicial activism for the protection and preservation of environment in India.

**Section - B**

2. "Apart from the general oppression, Ostracisation and hate, the LGBT community faces obstacles within the boundaries of homes, schools and workplace where acceptance still remains a constant struggle for them." In your opinion, what issues and challenges are being faced by the community and what are the recent legal endeavours to ameliorate their position in society.

*Contd.....P.2*

3. "Despite UN Convention of 1987, elaborate legal provisions and detailed instructions in State Police Manuals prohibiting abuse of powers, the problem of custodial deaths and fake encounters prevails in India. In the light of this statement, critically evaluate the efficacy of national and international legislative efforts to deal with the problem.

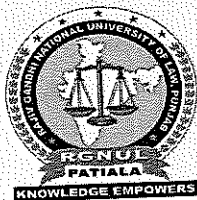
Section - C

4. Discuss the concept, reasons for growth and potential benefits of corporate social responsibility in India.
5. Explain the *ratio decidendi* in the recent judicial pronouncement in *common Cause (A Regd. Society) v. Union of India (2018) SCC OnLine SC 208* by the Supreme Court of India to recognise passive euthanasia and living wills.
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**LL.M. (One Year Course)  
END TERM EXAMINATION  
MAY - 2019  
SECOND SEMESTER  
PAPER: ADMINISTRATION OF CRIMINAL  
JUSTICE, CUSTODIAL AND NON-  
CUSTODIAL  
TIME DURATION: ONE AND HALF HOUR  
MAXIMUM MARKS: 40 (FORTY)**

**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 notes on.**

- a. Explain concept of a closed prison and differentiate it from an open prison.
- b. Briefly analyse objects and essentials of an Ideal Parole System.

**Section - B**

2. Discuss in detail the Right of Prisoners recognized under the Constitutional Mandate in India. Elaborate the role of Judiciary in recognising the rights of the Prisoners in India with the help of relevant Case Laws.

3. Discuss in detail the position and special rights of Women Prisoners in India. Support your answer with appropriate case law.

**Section - C**

4. Elaborate upon the law relating to Probation of offenders in India. Differentiate it with the concept of Parole in India.
  5. Discuss in detail the Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) 1990. Elaborate upon the merits of Non-Custodial Measures.
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**LL.M (ONE YEAR COURSE)  
END TERM EXAMINATION  
MAY -2019  
SECOND SEMESTER  
PAPER - SERVICE AND ELECTION LAWS  
(CONSTITUTIONAL LAW GROUP)  
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) Compulsory retirement
  - b) *De Novo* Enquiry

**Section - B**

2. Explain the meaning, purpose and procedure for placing a government servant under suspension. (3 marks)

Answer the following:

- i) For how long, the government servant can be placed under suspension? (2 marks)
  - ii) Which authority or authorities is/are competent to place a government servant under suspension? (2 marks)
  - iii) Whether a suspended government servant has any right of appeal against the suspension order? (2 marks)
  - iv) A government servant, who is placed under suspension and against whom the disciplinary case is pending, submits his resignation to the competent authority. Can the authority accept his resignation? Give reasons. (2 marks)
  - v) Whether the suspended government servant is entitled to receive subsistence and travelling allowance? (2 marks)
  - vi) Whether the suspended government servant is entitled to be considered for promotion? (2 marks)
3. Discuss the competence of the Indian Parliament to make law under Article 309 of the Indian Constitution. (6 marks)

What would be the constitutional validity of the following laws:

- i) A law enacted by the Parliament to abolish a government post. (3 marks)
- ii) Parliament passed a law to transfer the government servants compulsorily to a non-governmental body. (3 marks)
- iii) The concerned government department framed its own service rules under Article 309 of the Indian Constitution. (3 marks)

Section - C

4. Explain in detail the procedure to conduct major disciplinary enquiry against the delinquent government servant. (6 marks)

Answer the following:

- i) Whether an acquittal from the criminal court prohibits the department from initiating the disciplinary proceedings against the government servant on the same accusations? (3 marks)
  - ii) Whether the copy of the report of consultation with the Union Public Service Commission should be provided to the charged officer? (3 marks)
  - iii) On what grounds, the government servant can have judicial review of the disciplinary action? (3 marks)
5. Considering the significance of the principles of natural justice, explain the role of the Inquiry officer. (7 marks)

Answer the following to see whether it is fair that:

- i) An officer, who was a witness to any of the incident which is the subject matter of the inquiry, was appointed as an inquiry officer. (2 marks)
  - ii) The Inquiry was initiated on the report of the inquiry officer. (2 marks)
  - iii) Defence assistant was denied to the charged officer. (2 marks)
  - iv) Charged officer was not provided the opportunity to cross examine the department's witnesses and no exhibit or record was made available to him. The charged officer was straightaway asked to produce his evidence and documents in support of his case. (2 marks)
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**LL.M (ONE YEAR COURSE)  
END TERM EXAMINATION  
MAY -2019  
SECOND SEMESTER  
PAPER - II: CONSTITUTIONAL  
AMENDMENTS IN INDIA  
(CONSTITUTIONAL LAW GROUP)  
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 Rule of Law and The Constitution.(Thirty-Ninth Amendment) Act, 1975.
- b. Article 31-C of the constitution vis-a-vis Keshavananda Bharti's case



**Section - B**

2. Discuss the Constitutional Amendments and Protective Discrimination under Article 15 and 16 of the Constitution. What is the basis for filing of Writ Petition by the NGO, 'Youth for Equality' challenging the Constitutional Validity of the Constitution (One Hundred and Third Amendment) Act, 2019. Discuss with Reference to decided case laws.
3. Discuss the Major changes brought forth by the Constitution (Eighty-Sixth Amendment) Act 2002. Assess and Review the impact of the Right to education as a constitutional right.

**Section - C**

4. Discuss the Constitution (Fifty Second Amendment) Act 1985 and Anti-Defection Law. Examine the recent Decision of the SC which has stayed the disqualification proceedings against 2 AIADMK MLA's who were served notice by the TN Assembly speaker for allegedly indulging in anti-party Activities.
  5. Examine the Independence of Judiciary in light of the constitution (Ninety Ninth Amendment) Act, 2014. Examine whether opening Collegium to RTI will destroy Judicial Independence.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

**LL.M (ONE YEAR COURSE)  
END TERM EXAMINATION  
MAY -2019  
SECOND SEMESTER  
PAPER - II: LAW OF INSURANCE AND  
ARBITRATION (BUSINESS LAW GROUP)  
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. An application for setting aside the award was made by Mr. B after three months of the receipt of the award. He contended that he got late as he was under some incapacity to make an application on time. Comment in the light of the provisions of Section 34.
- b. Mr. X was appointed arbitrator in the proceedings between XYZ Co. and ABC Construction Co. Before his appointment he disclosed in writing that he is an independent person. But during the course of proceedings ABC Construction Co. objected that the arbitrator served as a counsel for the XYZ Co. in an unrelated matter 10 years back. Discuss the duty of disclosure by the arbitrator during the arbitral proceedings.

**Section - B**

2. An arbitration agreement was entered into by party A and B in writing on 31<sup>st</sup> December 2018. It was mentioned in the agreement that in the event of dispute arising between the parties they will consider for settlement by arbitration. Discuss the validity of such an arbitration agreement with the help of decided case laws.
  
3. a) Two parties entered into a business contract to supply fibre sheets. Parties agreed to appoint two arbitrators in the arbitral proceedings in the contract. Discuss the validity of such an arbitration agreement.
  
- b) DGF Co. based in Singapore, and its Indian subsidiary XYZ Co. based in India entered into a contract with ABC Co. based in India for the supply of fishing nets. During the course of business transactions a dispute arose regarding non payment of bills and dispute was referred to arbitration. At the time of appointment of arbitrator both the parties failed to appoint an arbitrator. Due to failure to appoint the arbitrator parties approached High Court for the appointment of the arbitrator. The Court rejected the application on the ground that the jurisdiction to appoint the arbitrator lies with the Supreme Court. Comment.

Section - C

4. Mr. Ajay was appointed as arbitrator on 25<sup>th</sup> March 2018 for arbitral proceedings to be conducted between ABC Developers and XYZ Construction Co. At the time of his appointment he disclosed in writing in accordance with Sixth Schedule that there is no other ongoing arbitration. After conducting arbitral proceedings for one year still he could not pass an arbitral award till 25<sup>th</sup> March 2019. Discuss the right available with the parties and penalty for the arbitrator for delay in conducting arbitral proceedings under Section 29 A of Arbitration and Conciliation Act, 1996.
  
  5. The Arbitral Award was made on 5<sup>th</sup> April 2019. The award did not specify about the time limit for payment of cost nor the manner in which the cost has to be deposited. The parties made an application on 30<sup>th</sup> April 2019 to give interpretation of the award under Section 33. In the light of provisions of Section 31 of the Arbitration and Conciliation Act, 1996, discuss the essential requirements to frame an arbitral award and meaning of additional arbitral award.
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**LL.M (ONE YEAR COURSE)  
END TERM EXAMINATION  
MAY -2019  
SECOND SEMESTER  
PAPER - III: CORPORATE REGULATIONS  
(BUSINESS LAW GROUP)  
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. "Insider trading is an unfair practice, wherein the other stock holders are at a great disadvantage due to lack of important insider non-public information. However, in certain cases if the information has been made public, in a way that all concerned investors have access to it, that will not be a case of illegal insider trading." Evaluate the statement with help of certain examples.

*Contd.....P.2*

- b. "Anything alternate to traditional form of investments gets categorized as alternative investments. Now, what is considered as traditional may vary from country to country. Generally, investments in stock or bonds or fixed deposits or real estates are considered as traditional investments. However, even with respect to investments in stocks, if the investments are in the stocks of small and medium scale enterprises (SMEs), it gets categorized as alternative investments in many jurisdictions. Generally, the term Alternative Investment Fund (AIF) refers to private equity and hedge funds." In the light of this statement try to define alternative investment fund in India.

### **Section - B**

2. Critically evaluate the mechanism for investor's protection in India.
3. Discuss the different types of intermediaries working in the financial markets in India.

### **Section - C**

4. Differentiate between collective investment scheme and mutual funds. Discuss the role of SEBI in regulating mutual funds.
  5. What are changes which have taken place under Foreign Exchange Management Act in comparison to its former counterpart? Discuss the scope and objectives of this Act.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



**LL.M (ONE YEAR COURSE)  
END TERM EXAMINATION  
MAY -2019  
SECOND SEMESTER  
PAPER - SCIENTIFIC AND FORENSIC  
TECHNIQUES IN INVESTIGATION OF  
CRIME (CRIMINAL LAW GROUP)  
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 what type of cases voice analysis can play an important role in investigation?
- b. Constitutionality of Polygraph Test

### Section - B

2. In a case of murder, the husband killed the paramour of his wife. To do poetic justice, he wrote a couplet (This is the way, the lovers end!) on a piece of paper and placed it in the pocket of the shirt of the deceased. When the police recovered the piece, they noticed a faint fingerprint on the piece of paper. The print on development and evaluation, proved to be that of the husband. Elaborate the basic fundamentals of fingerprints and other impressions in reference to forensic science and Criminal Investigation.
3. "Genuine documents are sometimes suspected and attacked and no doubt are occasionally set aside as fraudulent, while on the other hand great numbers of fraudulent documents undoubtedly wholly escape suspicion and pass as genuine". In the light of the above statement explain the fundamentals of forensic study related to questioned documents.

### Section - C

4. "It is believed that if a person is administered a drug which suppresses his reasoning power without affecting memory and speech, he will tell the truth. Some drugs create the twilight state, in most of the persons". In the light of the above statement, elaborate the concept of Narco-Analyses and constitutional issues related to it.
  5. Explain the necessity of building jurisprudence on Digital Forensics and in what kind of matters does the Digital Forensics play a pivotal role.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



**LL.M (ONE YEAR COURSE)  
END TERM EXAMINATION  
MAY -2019  
SECOND SEMESTER  
PAPER - IV: MEDIA 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) The state of MPST banned the entry and circulation of a newspaper GAJWA –E-URDU in the state of MPST under section 5 of maintenance of Internal Security Act of the State on the ground of maintenance of law and order situation. Which was challenged by the newspaper claiming violation of freedom of press. Comment.
- (b) Write a brief note regulation of Cable Television Network under the Cable Television Network (Regulation) Act 1995.

### Section - B

2. Mr. Guru Marto a renowned fiction author and also a famous director of sort films of social issues, made a short movie portraying true story of rape victim survivor. Certain part of the movie was considered as adult contents by the Censor Board and recommended to screen the film with certain cuts on the ground of decency and morality to remove adult contents from the movie. Mr. Marto challenged decision of the board as violation of freedom of expression of media on the ground of depiction of reality necessary to justify the emotions as interpreting exception clause of morality and decency. Decide.

On the basis of above facts with the help of relevant judicial pronouncement explain the concept of censorship and the test for determining obscenity in Indian scenario. **(5+10 Marks)**

3. Under its contempt jurisdiction, what is the extent to which Courts allow free and fair comments by media while reporting judgment, and what amounts to scandalizing of courts? Critically evaluate.

### Section - C

4. **Write a note on :-**

- a) Social media regulation in India
- b) Critically analyze the role of Press council of India with reference to Code of Ethics for Media.

**(7.5 +7.5 Marks)**

5. Mr. Anupam a senior lawyer was trying to settle the witnesses of a criminal trial to give evidence in favour to save his client in criminal case. The conversation was recorded in a sting operation by a electronic media journalist and telecasted on a private channel. The video was also shared on social media. Mr. Anupam filed a complaint to the court to take action against the journalist and the Channel for contempt of court. Decide.

In reference to above proposition critically evaluate the freedom of press with reference to Media Trail in India.

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



**LL.M (ONE YEAR COURSE)**

**END TERM EXAMINATION**

**MAY -2019**

**SECOND SEMESTER**

**PAPER - IV: CRIMINOLOGY, PENOLOGY  
AND VICTIMOLOGY (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. Relationship between Drugs, Alcohol and Crime.
- b. Relevance of Deterrent theory in relation to crimes against women.

*Contd.....P.2*

**Section - B**

2. "The problem of white collar criminality has its root in competitive business community which tries to oust their rival competitors in order to earn huge profits." In the light of above statement discuss the historical background of white collar crimes and elaborate its different kinds.
  
3. "Organised Crime resembles those economic adventures or enterprises which are organised to carry on illegal activities." Explain. Also highlight the characteristics and kinds of organized crimes.

**Section - C**

4. What is Victimology? Explain the theories of victimology. Elaborate the relevance of Restorative Justice for Crime Victims.
  
  5. "Sentencing of offenders being the most crucial aspect of criminal Justice System, it has to be rationalised on humanitarian principles." Discuss this statement in the light of the past theories of Punishment and the Modern reformatory approach for punishing criminals.
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# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M (ONE YEAR COURSE)  
END TERM EXAMINATION  
MAY -2019  
SECOND SEMESTER  
PAPER - LAW OF CORPORATE FINANCE  
AND TAXATION (BUSINESS LAW GROUP)  
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 Assessee is an employee of ESM-S Ltd. and worked on merchant vessels and tankers plying on international routes. He received salary for his services and in addition to it, he also received bank interest and pension from Indian Army. The assessee has stayed less than 182 days in relevant previous years and thus is a 'non-resident.'* The assessee was given a show cause notice by Assessing Officer (AO) as to why his salary received from ESM-S shall not be liable to tax in India". Decide the status of income arises or accrued to Assessee in the light of given statement and his tax liability.
- b. Discuss the process of Income Tax Appeal before the Commissioner (Appeal).

Contd.....P.2

**Section - B**

2. Discuss on the method of elimination of double taxation u/s 90 of the Income Tax Act and in the light of Double Taxation Convention.

(15 Marks)

3. *"The person responsible for crediting or making payment of the income on behalf of a Venture Capital Company or Venture Capital Fund, shall furnish to the person who is liable to tax in respect of such income and to the prescribed income-tax Authority, within such time as may be prescribed".* In the light of the given statement discuss the assessment & special provision of Taxing u/s 115 of Income Tax Act.

(15 Marks)

**Section - C**

4. *"Taxpayers should prepare and keep contemporaneous transfer pricing documentation to show that their related party transactions are conducted at arm's length".* Keeping in view of the given statement discuss the role of Arms' Length Principle in application of Transfer pricing rule.

(15 Marks)

5. *"GAAR is a tool for checking aggressive tax planning when any transaction or business arrangement which is/are entered into with the objective of avoiding tax".* In the light of given statement discuss the implication of GAAR and how does it work?

(15 Marks)

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