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RG/ET/13/05/23

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



**LL.M. (OYC)  
SECOND SEMESTER  
END TERM EXAMINATION  
MAY -2023  
PAPER - II: SCIENTIFIC AND FORENSIC  
TECHNIQUES IN INVESTIGATION  
OF CRIME  
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 C each question carries 15 marks.

**Section - A**

**1. Write short note on:**

- a. An investigating officer, while investigating a case of alleged suicide found a suicide note on a paper. On the backside of paper, the suicide note was blank. The investigating officer used the backside of the paper itself for recording the notes of his work at the scene of occurrence. The new ink feathered on accidental writing. Later, when it became important to establish the authenticity of the suicide note, the feathering prevented the definite identification of the author of the suicide note. In the light of the facts mentioned above elaborate the role played by investigator in preservation of the questioned document.
- b. Explain the concept of Digital Forensics. Is it justified to place digital forensics as a separate subset because of a varied skill involved in its investigative technique?

*Contd.....P.2*

### Section - B

2. The permanence of fingerprints permits the identification of an individual even after changes in height, age, face, figure etc. Even surgery fails to change the patterns. In a murder case the body of the victim was partially burnt and buried. The body was recovered many days after the murder. The body was completely disfigured and could not be identified. The investigating officer collected available skin pieces from tips of the fingers, through a doctor. He sent them to the fingerprint expert along with one authentic print of the suspected deceased available on his will. Identity of the deceased was established. In the light of the case mentioned above discuss the nature of fingerprints which helps in efficient investigations and also explain the role of the investigator in this regard.
3. Explain the characteristics of questioned documents which help in tracing and identification of offenders indulging in forgery and fraud in the light of two cases mentioned below:
  - i. The historical importance of the personalities of the world war dictators Mussolini and Hitler was great. The forgers exploited the historical curiosity of the historians. They forged, on mass scale, the diaries of both the personalities. The forgers were nailed. In addition to other evidence, the type of paper, used in diaries of Mussolini, was treated with brighteners which were not used in his life time.
  - ii. The signatures of late Giani Zail Singh were forged on an important document when he was the chief minister of Punjab. The suspect refused to give specimens of the forged signatures. However, his writings in the same script were available. The signatures were 'synthesised'. The signatures permitted the identification of the author of the forged signatures.

### Section - C

4. "No individual should be forcibly subjected to any of the techniques in question, whether in the context of investigation in criminal cases or otherwise. Doing so would amount to an unwarranted intrusion into personal liberty." In light of the statement above and the essential component of 'consent', discuss the findings given in the case of Selvi & Ors. v. State of Karnataka. Also, discuss the 'Guidelines for

administration of Polygraph Test on an Accused' issued by National Human Rights Commission in 2000.

5. Mohama was arrested for murder of a young girl and a house help. Despite questioning him several times, he did not give answers and every information supplied by him contradicted the ascertained facts of the case. Confused with the behaviour of Mohama, the police compelled him to undergo a Narco test. The civil societies protested and called it a blatant violation of human rights and constitutional rights.

Elaborate the following to discuss the constitutionality of Narco-Analysis as a Crime detection mechanism:

- i. Constitutional Provisions on Narco-Analysis in India
- ii Admissibility of Narco-analysis
- iii The Right against self-incrimination in light of Dinesh Dalmia v State by Spe, CBI (2006)

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



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

**SECOND SEMESTER**

**END TERM EXAMINATION**

**MAY -2023**

**PAPER-III: JUDICIAL PROCESS AND  
JUDICIAL REVIEW**

**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 C each question carries **15 marks**.

**Section - A**

**1. Write short note on:**

- a. Discuss in brief if practices like *nikah halala* and polygamy in Muslim law can be subjected to judicial review in India?
- b. How far do you agree that *Independent Thought v. Union of India* is a landmark precedent to save the girl child from early marriage?

### Section - B

2. Prof. (Dr.) Soutik Banerjee is a Chemistry Professor at Biswa Kalyan State University, Nadigram with 22 years of teaching experience. He posted a message in his RWA whatsapp group stating that 'CM of the State has gone senile and that people of Nadigram have to rise to the occasion and show the tyrants their place in state's history'. Some members of RWA group objected to such words being used for the Hon'ble CM and police has registered an FIR against Prof. (Dr.) Soutik Banerjee under s. 153C of IPC, which provides punishment for sending offensive messages through a communication service. S. 153C of IPC, as inserted in IPC by state amendment dated 01-01-2022, reads as under **S. 153C. Punishment for sending offensive messages through communication service, etc.-** Any person who sends, by means of a computer resource or a communication device, -

- (a) any information that is grossly offensive or has menacing character;
- (b) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages, shall be punishable with imprisonment for a term which may extend to three years and with fine.

Do you think Prof. (Dr.) Soutik Banerjee can challenge the vires of s. 153C of IPC, as inserted by state amendment dated 01-01-2022? If so, on what grounds? Cite relevant case law

3. Write a detailed note on the decision of the Supreme Court of United States in *Marbury v. Madison*. Do you agree with Felix Frankfurter J. when he critiques the judgment by suggesting that the 'courage of *Marbury v. Madison* is not minimized by suggesting that its reasoning is not impeccable and its conclusion, however wise, not inevitable'. Discuss.

### Section - C

4. Classical positivist school of jurisprudence created by the 19th century English jurists Bentham and Austin, and developed in the 20th century by Hart, Kelsen and others, taught that law making is the

task of the legislature, not the judiciary. But sociological jurisprudence, created in Europe towards the end of the 19th century by Ihering, Duguit, etc and developed in the United States by Roscoe Pound and others said that judges can, and in fact do, legislate. The 'realist school' in the US of Gray, Frank and Llewelyn went on to argue that the only real law was judge made law, while statutes by the legislature were only the raw material which a judge uses to make law. Which one do you agree with, and why?

5. Mr. Raman Singh is a public spirited individual who files a PIL before Punjab and Haryana High Court seeking directions to the State of Punjab to close all liquor vends on national and state highways running through the State in order to curb road accidents and further that no such shop shall be allowed in 500m from highways. Do you think the High Court can issue such directions to the State? Also state if such a direction would amount to overstepping the constitutional *laxman rekha* by the Court?
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# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



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

**SECOND SEMESTER**

**END TERM EXAMINATION**

**MAY -2023**

**PAPER-III: ADVANCED CRIMINAL  
PROCEDURE**

**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 C each question carries **15 marks**.

## **Section - A**

**1. Write short note on:**

- a. A and his friends are accused of gang rape and murder of a 18-year-old girl. They have been arrested by the police and produced before the Magistrate. Can bail be granted to them? What factors are to be taken into account by the court before grant of bail? Also, which Court has the competence to grant them bail. Discuss.
- b. Sentencing is a complex and difficult exercise. It is said that 'If the criminal law as a whole is the Cinderella of jurisprudence, then the law of sentencing is Cinderella's illegitimate baby'. In the light of this statement, discuss the paradoxes faced by judges while deciding the quantum of sentence.

*Contd.....P.2*

### **Section - B**

- 2.a) How has the decision of Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)*, (2022) 5 SCC 1 effected the law as to the expiry of time period of anticipatory bail? Discuss. (7.5 marks)
- b) Section 436A was introduced in the Criminal Procedure Code to solve the problem of undertrial prisoners languishing in jail for long time. What are the conditions on which the accused can be released? How far this section has been able to achieve its purpose? What guidelines have been issued by the judiciary in order to ensure the utility of the section? Comment. (7.5 marks)
- 3.a) The Supreme Court in *Nikesh Tarachand v. UOI*, (2018) 11 SCC 1 held that the bail conditions mentioned in the Prevention of Money Laundering Act, 2002 as unconstitutional. Comment. Also, discuss the amendments brought thereafter and the constitutional validity of such amendments. (10 marks)
- b) Write a short note on bail and its constitutional manifestations by emphasizing the principles on which bail law is based. (5 Marks)

### **Section - C**

4. a) In India, there is a bifurcated trial. Once the accused is convicted by the Court, hearing is to be done on deciding the quantum of sentence. You, as a trial court judge, discuss the factors which shall be taken into account by you while deciding the quantum of sentence. (5 marks)
- b) The Sessions Court has convicted Amit, a young boy of 25 years for committing rape and murder of a college student. Can the Court award him death penalty? What factors shall be borne in mind by the Court while sentencing him to death? Discuss. (5 marks)
- c) Raju was tried for the offence of rape and was sentenced to a punishment of ten years on the same day as the day on which the court convicted him. Is there any illegality on the part of the court in passing this order? Discuss. (5marks)
5. Write a detailed note on sentencing guidelines of USA and UK. Also, compare the sentencing guidelines of these two countries. Is there a need for such guidelines in India? Comment.



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

**SECOND SEMESTER**

**END TERM EXAMINATION**

**MAY -2023**

**PAPER - IV: VICTIMOLGY AND VICTIM  
JUSTICE (OPTIONAL)**

**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 C each question carries **15 marks**.

**Section - A**

**1. Write short note on:**

- a. What special services do victims with mental illness and victims with disabilities need from the Criminal Justice professionals and agencies? Do we have any specific law to deal with people suffering from Mental Health Issues in India?
- b. The potential consequences of and costs to crime victims are plenty and occur over a short and long period of time. Discuss with the help of important cases the victim compensation mechanism in India.

### **Section - B**

- 2 a) A 15 year old woman is raped by a group of 4 men while she was coming home from her tuition. She informs her parents about the incident; when they go to lodge the FIR the police refuses to register the case as one of the accused belongs to a highly influential family. What are the legal remedies available for the girl and her parents? Substantiate your answer through legislative and judicial perspectives.
- b) A mentally challenged woman is raped by the cleaner of the special home where she is lodged. The Manager of the special home immediately informs the nearest police station about the incident. Discuss the criminal procedural law that needs to be invoked in the present situation.
3. Discuss with the help of suitable case law the position of a victim under the :
  - a) The POSCO Act, 2012.
  - b) The Protection of Women from Domestic Violence Act, 2005.

### **Section -C**

- 4 "The first priority of Justice Process is to assist the victims". Discuss the above statement in the light of Restorative Justice. What are the various techniques which can be utilized in restoring the victim back to his/ her original position? Answer the questions by also reflecting upon the Legislative and Judicial framework in India.
  3. "The Principles of Victimology have roots in the Indian Constitution itself." Discuss this statement in the light of the Victim Jurisprudence in context of the sexual offences in India.
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# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



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

**SECOND SEMESTER**

**END TERM EXAMINATION**

**MAY -2023**

**PAPER-IV: CONSTITUTIONAL  
AMENDMENTS**

**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 C each question carries **15 marks**.

## **Section - A**

### **1. Write short note on:**

- a. The Government of India in partnership with State Governments had made strenuous efforts to fulfill the mandate of original Article 45 of the Indian Constitution. Though tremendous advances in spread of primary education were reported in census after census, the ultimate goal of providing the universal and quality primary education remained unfulfilled till the time 86<sup>th</sup> Constitutional Amendment Act, 2002 was brought in. Discuss in brief the changes introduced in the Constitution by virtue of the said amendment and consequent legislative action in that direction.

*Contd.....P.2*

- b. Suppose the Parliament effects a constitutional amendment providing special provision as to elections to Parliament in the case of Prime Minister and Speaker whereby no election to either House of Parliament of any person who holds the office of Prime Minister at the time of such election, or is appointed as Prime Minister after such election, and to the House of the People of any person who holds the office of Speaker of that House at the time of such election, or who is chosen as the Speaker for that House after such election, shall be called in question except before such authority or body and in such manner as may be provided under a special law to be made by Parliament and not under ordinary law relating to elections of Members of Parliament. Also the validity of any such law and the decision of any authority or body under such law shall not be called in question in any court. Do you think such an amendment is constitutionally valid?

### Section - B

2. The Prime Minister is keen to amend the Constitution to provide that 'no law giving effect to the principles contained in clauses (b) or (c) of Art 39 shall be deemed to be void on the ground of inconsistency with Articles 14 and 19 and no law containing a declaration to that effect shall be called in question on the ground that it does not give effect to such policy' and has sought your opinion as Attorney General of India on the said matter. Draft an opinion citing reasons and case law in support of your views.
3. Discuss in detail how the increasing backlog and procedural delay in the overall Indian legal system has been an important causal factor for the rise of tribunals in India. How far do you think that tribunals have been successful in combating the pendency in the system?

Section - C

4. ~~Any process for appointment of judges must necessarily be conducive~~ for establishment of not only an independent judiciary but also ensure its efficiency by having Judges who decide causes brought before them expeditiously and efficaciously in keeping with the principles of jurisprudence and generate sufficient confidence in the litigants and polity that they indeed dispense justice. How far do you think 99<sup>th</sup> Constitutional Amendment Act, 2014 would have helped, or defeated, the stated objective if it were to be allowed to be put in operation by the apex court. Discuss in detail the judgment of Supreme Court in *Supreme Court Advocates on Record Association v. Union of India* (2015).
  5. Fifteen MLAs have resigned from the membership of Manipur Vidhan Sabha after Speaker initiated the disqualification proceedings against them. The Speaker disqualified them on the ground that they have voluntarily resigned from the membership of their party under paragraph 2(1)(a) of the Tenth Schedule. The legislators have approached High Court and argued that they cannot be disqualified after resigning from the membership of the House. Decide the case in light of the settled position on the issue.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



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

**SECOND SEMESTER**

**END TERM EXAMINATION**

**MAY -2023**

**PAPER - I: LAW AND JUSTICE IN  
GLOBALIZED WORLD**

**TIME DURATION: THREE HOURS**

**MAXIMUM MARKS: FORTY (40)**

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

**Section - A**

**1. Write short note on:**

- a. How can Lewis Mumford say that from late neolithic times in the Near East, right down to our own day, two technologies have recurrently existed side by side: one authoritarian, the other democratic, the first system-centered, immensely powerful, but inherently unstable, the other man-centered, relatively weak, but resourceful and durable?
- b. Gig Workers are being exploited by their employers. None of their rights have been recognised. They are being considered as independent contractors. How the rights of gig workers be protected?

**Section - B**

- 3 (a) Google was the first to learn how to capture surplus behavioural data—more than what they needed for services—and use it to compute prediction products that they could sell to their business customers, in this case advertisers. On what basis does Shoshana Zuboff claim that the audacious, unprecedented quality of surveillance capitalism's methods and operations has impeded our ability to perceive the effects of data surveillance and grasp their meaning and consequence?

**(8 Marks)**

(b) Suppose a whistleblower at Facebook disclosed that Facebook is collecting data on its users without their explicit consent and also transferring users' data to other companies and retaining the data indefinitely. Moreover, Facebook has not provided any effective security for users' personal data against unauthorised access. In such circumstances, what remedies are available to the data subject under the GDPR?

**(7 Marks)**

- 4 (a) Forensic DNA databases have become an integral component of criminal justice systems in many jurisdictions around the world since the successful application of DNA evidence in solving a double-murder case in England in the mid-1980s. Existing forensic databases only contain DNA profiles of convicted felons, and to some extent, arrestees. DNA databases that are used in criminal investigations and court proceedings are called 'forensic' DNA databases, as distinguished from 'medical' databases or biobanks. When they include the entire population of a given country, they are called 'universal' forensic DNA databases. Universal databases, as it has been claimed, promise to yield greater investigative and deterrent capacity and reduce racial and ethnic polarisation. Many argue that it is time for constructing a universal genetic forensic database. The topic has become a subject of debate, especially in the United States, and its theoretical application has been evaluated in Australia. However, what are the constitutional and legal safeguards against the abuses of having universal DNA databases?

**(8 Marks)**

(b) The use of covert communication surveillance by law enforcement agencies is increasing day by day. Because of the unprecedented capabilities of surveillance technologies, no one knows whether they are being monitored or not. But the dangers of covert surveillance are real. There is no independent oversight mechanism available to check on the government's surveillance powers. Is judicial review

*Contd.....P.3*

possible in the realm of mass surveillance programmes? What does TJ McIntyre have to say on judicial oversight over surveillance? (7 Marks)

### Section -C

5. (a) The failure of the international community and national government to ensure just climate mitigation and adaptation interventions means that ongoing climate change imposes unmitigated burdens and costs on poor and marginalized groups. Moreover, the “present generation” is also violating the inter-generational equity principle by overburdening the “future generation” in order to implement the “Paris agreement.” How can the basic concepts of justice—distributive, procedural, recognition, restitution, and reparation—be used to address climate injustice? (8 Marks)

(b) How can it be said that people living in more socio-economically disadvantaged neighbourhoods and minority ethnic groups have higher rates of almost all of the known underlying clinical risk factors that increase the severity and mortality of COVID-19, including hypertension, diabetes, asthma, chronic obstructive pulmonary disease (COPD), heart disease, liver disease, renal disease, cancer, cardiovascular disease, obesity, and smoking? (7 Marks)

6. (a) In India, access to water is determined by a complex entwining of caste, class, and gender identities that work to perpetuate structural inequalities. In some parts of the country, safe drinking water is inaccessible, causing widespread suffering, illness, and disease. In other regions, cheap and state-subsidized access to water is taken for granted and easily abused. How socio-economic and gender inequalities create formidable barriers that limit access to drinking water for marginalized groups, with or without climate change? (8 Marks)

(b) Developing states have turned to products that are lucrative in the export market and have allocated agricultural land to products such as cocoa, coffee, and tobacco instead of crops that will feed their people. Even if they grow wheat and rice, their yields are being exported to rich countries. Further, developing countries do not provide any kind of subsidies to their farmers. The people of developing countries have gradually become dependent on cheaply imported foods, which are easily available through free trade regulations. Increasingly, drought and floods exacerbate the situation. Under such circumstances, how can the fundamental right to food be enforced? (7 Marks)



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**LL.M. (OYC)**

**SECOND SEMESTER**

**END TERM EXAMINATION**

**MAY -2023**

**PAPER - II: AFFIRMATIVE ACTION AND  
DISCRIMINATIVE JUSTICE**

**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 C each question carries **15 marks**.

**Section - A**

**1. Write short note on:**

- a. According to Karl Marx, "Exploitation is directly related to the creation of surplus value. It is a phenomenon wherein one person enjoys the fruits of the labour of other person without performing the actual work." Elucidate the concept earmarking the role of state in securing justice through affirmative action.
- b. "A member of the Scheduled Caste community cannot use the SC and ST (Prevention of Atrocities) Act, 1989 as a weapon by putting a merely civil litigation between him and an upper caste member under the ambit of this harsh penal law." Discuss in the light of judicial decisions on the topic.

### Section -B

2“The Constitution does not list reservation as a Fundamental Right.However, the state must take special care to advance the economic and educational interests of the under privileged groups of the population.” Highlight the jurisprudence surrounding reservations based on the Constitutional mandate of Equality of Opportunity in Public Employment. Also elucidate the nature of facilitating provisions that give the Government the option to consider reservations for the Socially and Educationally Backward Classes of citizens.

3.a)The Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of State Policy under The Constitution of India, explicitly mention the importance of gender equality. In addition to guaranteeing women’s equality, the constitution gives the state the authority to implement measures that positively discriminate in favour of women. Prepare a case sheet on judicial endeavours for compensatory action in favour of women. (10 marks)

b) Highlight the conceptual dimensions of vertical reservation. (5 marks)

### Section -C

4. a.)Ms Meera Sehgal is a 13 years old gymnastic acrobat. She has represented her state in the junior National games. She has been approached by India’s Got talent for auditions and participation in the show. The show makers have approached you for legal help as to inclusion of terms for drafting an agreement with parents of Meera Sehgal. Suggest accordingly. (7.5 marks)

b. “The radical men of society grow envious of the emergence of other genders and are apprehended of competition from these communities, thus this issue of prejudice against transgenders in stereotypical culture needs robust legal framework for ensuring legal and social equality.” Comment (7.5 marks)

5. “The presumption of incompetence, which is based on societal prejudice rather than an impartial analysis of the circumstances, can be used to violate someone’s right to equal opportunity. It yields broader implications since it prompted a long overdue of the justice for people with various sorts of disabilities.” Under the light of this statement, emancipate the legal provisions for the upliftment of persons with benchmark disabilities.