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RG/ET/16/12/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
DECEMBER 2019
FIRST SEMESTER
END TERM EXAMINATION
PAPER - II: EMERGING AREAS OF
CRIMINALITY
(CRIMINAL LAW GROUP)
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory.

Attempt **One Question** each from **Section - B** and **Section - C**

SECTION - A

1. **Write short notes on the following:**

- a. Domestic Violence
- b. Cyber Crime

2 X 5=10 Marks

SECTION - B

2. 'Sexual abuse of children is on the increase despite strict penal provisions'. Discuss effective penal measures provided by recent amendments in penal law for prevention of sexual abuse of children especially by their trustees.
3. "Honour killing and acid attacks are manifestation of morbid mind." Analyse these crimes and suggest effective and viable legal steps for redressal of victims of these crimes.

15 X 1=15 Marks

SECTION - C

4. Discuss terrorism as emerging potential crime. Analyse new dimensions of terrorism as provided by amended unlawful Activities (prevention) Act, 1967. How confiscation of proceeds of terrorist activities could be effective deterrent?
5. 'In the modern society of information technology, cyber crime is posing potent threat to effective administration of criminal justice'. Discuss effective legal measures for control of cyber crime especially cyber snooping.

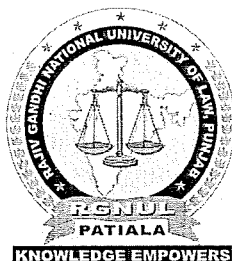
15 X 1=15 Marks

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2019
PAPER - III : FUNDAMENTAL RIGHTS AND
DIRECTIVE PRINCIPLES
(CONSTITUTIONAL LAW GROUP)
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory.

Attempt One Question each from Section - B and Section - C

SECTION - A

1. Comment on the followings:

- a. Whether Aadhar Card affects Right to Food and other basic necessities?
- b. Strict Judicial Scrutiny

2 X 5=10 Marks

Contd.....P.2

SECTION - B

2. (a) Suppose, a law passed by the legislature prohibits individuals in India from publishing or possessing any material relating to social justice and communism at their private homes. In order to implement the law perfectly, the government mandatorily installed the audio-video cameras at all public and private places. Do you think the law and government action are constitutional in nature? Comment. **(4 Marks)**
- b. On internet, people use hate speech on the basis of caste, gender, race, region, religion, colour, physical appearances, etc. Definitely, it is destroying the pillars of social harmony and social justice. According to the preamble to the Constitution of India, India is also a Socialist State. Is it possible for the State to completely switch off the internet facilities in order to bring social justice in a region or a State? Comment. **(4 Marks)**
- c. Big corporate are sweeping vast amount of personal information from the users of the digital world without their informed consent in order to achieve the commercial purposes. For commercial entities, personal data is wealth. And, it is also true that who has wealth and absolute control over the means of its production, has potential to exploit the masses at large. What should be the response of the State, especially when it is an obligation of the State under Article 39(c) of the Indian Constitution to secure the economic system from the concentration of wealth and means of production? **(3 Marks)**
- d. Is it possible for the State to ban the consumption of intoxicating drinks completely? **(2 Marks)**
- e. A documentary depicting exploitation of sex workers indulged into the porn industry was broadcasted at National Television in India. The documentary also shows some nude pictures of the sex workers. However, the State prosecutes the director and sex workers under the obscenity law. Do you think such State Action is constitutional in nature? **(2 Marks)**
3. (a) Do you think that the arbitrary imposition of death sentence on and the denial of the rights of the arrested persons to the poor classes only affect the social justice system of India? Should the death sentence provision be deleted from the Indian penal system? Comment. **(5 Marks)**
- (b) Whether State has power to acquire the land and structures owned by the religious denominations? Comment. **(3 Marks)**
- (c) Is it mandatory for the Shopping Malls to play National Anthem every day, and to compel its visitors to stand for and sing in respect the National Anthem? **(2 Marks)**
- (d) The protection of Women Health in India is a Directive Principles of the State Policy. Suppose, a law passed by the legislature prohibits commercial

surrogacy in order to protect the health of women in India. Do you think such law would be constitutional? Comment. (3Marks)

(e) Suppose, a law passed by the legislature prohibits the teachers from teaching anything other than the expressly mentioned material in the books written by the State recognised body. Do you think such law violates right to education of children? Comment. (2 Marks)

Section C

4 (a) Explain the Rights of the victims of crime to access to justice.

(5 Marks)

(b) Suppose, runners of Food app and online purchasing app, Workers engaged through House Keeping apps, drivers working for Taxi apps, etc., are being exploited in the absence of any express law. Do think such Laissez

Faire approach on the part of the State towards such workers is unconstitutional?

(3 Marks)

(c) What would be the Uniform Civil Code in case of adoption of Children in India?

(2 Marks)

(d) Suppose, in order to raise the standards of public health, the government makes it mandatory for the citizens to get vaccination from the public and private hospitals. Would it contravene with the individuals' right to refuse medical treatment?

(2 Marks)

(e) Explain the public trust doctrine and stubble burning in India. (3 Marks)

5 (a) What are the rights of the prisoners to access to Justice? (5Marks)

(b) Explain the right to health against the noise pollution caused by the excessive use of the handy Bluetooth speakers in educational institutions, villages, gated apartments, etc.

(2 Marks)

(c) How right to privacy is a part of right to psychological health? (3 Marks)

(d) In order to protect the socially defined Gender 'I' from any kind of sexual harassment at work places, a law passed by legislature eliminated the jobs or job opportunities during night hours for persons belonging to Gender 'I'. Do you think such law is constitutional? Comment. (2 Marks)

(e) Suppose, a law passed by the legislature directs the minority educational institutions to participate in the environment protection programs, and to introduce yoga classes for the students. Do you think such law violates the minority character of the institutions? Comment.

(3 Marks)

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**LL.M. ONE YEAR COURSE
END TERM EXAMINATION
DECEMBER 2019
FIRST SEMESTER
PAPER -V: LAW OF BANKING
(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 notes on the following:

- a. Distinguish between the presentment for acceptance and the presentment for payment under the Negotiable Instruments Act.
- b. Discuss the role of Consumer Protection Law in governing banker-customer relationship.

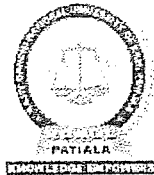
Contd..... P. 2

SECTION – B

2. Write short notes on: (1) Payment in due course; (2) Crossing of cheques; and (3) Discharge of negotiable instruments.
3. What do you understand by dishonour of cheque? Discuss the liability of a customer for dishonour of cheque.

SECTION – C

- 4 'E-banking has given a rise to banking frauds'. Critically evaluate the statement.
- 5 'Banking Ombudsman is a toothless tiger'. Critically evaluate the statement.



**LL.M. ONE YEAR COURSE
END TERM EXAMINATION
DECEMBER 2019
FIRST SEMESTER
PAPER -I: LEGAL METHODS AND RESEARCH
METHODOLOGY
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 notes on the following:

- a Comment upon the Stratified sampling and Cluster Sampling.
- b. Role of Law Commission of India in promotion of Legal Research.

SECTION - B

- 2. Draw out the synopsis while writing an article about the ongoing STUBBLE BURNING PROBLEM. Draw the appropriate title of paper, an abstract not more than 200 words and 4-6 key words, Main body of paper with heading, sub-headings, conclusion and suggestions.
- 3. Arrange the following details of books/journals/case law as foot noting of your research work used by you in your Term paper/Dissertation. The Mode of citation shall be observed as per the RLR, University guidelines.

3x5=15Marks

(i) In your research you referred a page no 10 of book; role of information technology in cyber world; written by Pawan Duggal; printed by Bharat Law house New delhi in 2010.

(ii) You referred a page no 1140 from the case of Shafin Jahan versus ashokan KM which was reported in All India Reporter of 2018.

(iii) You referred a page no 5 of research paper titled Human rights and deprived strata; written by naresh vats published in MDU law journal, rohtak.

(iv) You referred a page no 11 of research paper titled Climate change and role of NGT; written by naresh vats AND Urmila published in CLR, NLU Nagpur available at https://nlunagpur.ac.in/PDF/2019/CLR_Vol_2_No.II.pdf.

(v) You referred a page no 335 of book titled Method of social survey research; kanpur printed in kitabghar in 1972 written by SR Bajpai; Ram Ahuja and R Ackoff.

SECTION – C

4. *“Plagiarism means the act of plagiarizing or appreciating the ideas, writings or interventions of another without due acknowledgement”*. In the light of the given statement discuss the common forms of plagiarism and consequences of plagiarism.

5. a. Role of funding Agencies in promotion of Legal research in Indian

b. Role of Legal Reform Committee for the development of Law.



**LL.M. ONE YEAR COURSE
END TERM EXAMINATION
DECEMBER 2019
FIRST SEMESTER
PAPER -III: LAW OF CORPORATE GOVERNANCE
(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 notes on the following:

- a. A Corporate can face any hurdle if the risk management system and internal control of the corporation is very efficient. Explain this statement with the help of examples.
- b. Corporate Governance has not only grown through reports and referendums but also through the Corporate governance Forums. How?

SECTION – B

2. The legislative framework regarding corporate Governance in India has the imprints of western Philosophies and legislative policies. Explain in detail how these influences play a role in drafting the legislative framework in India
3. Outline how the framework of corporate governance operates in BANKS, PSU's and Insurance Sector?

SECTION – C

4. Corporate citizenship is about global growth along with sustainability of the National issues and concerns. Elaborate this concept by mapping the role and significance of corporate citizenship.
5. How is environmental sustainability related to corporate social responsibility? Discuss with the help of relevant case studies.

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LL.M. ONE YEAR COURSE

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DECEMBER 2019

FIRST SEMESTER

**PAPER -V: GENERAL PRINCIPLES OF CRIMINAL
LAW (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 notes on the following:

- a. Discuss the doctrine of provocation as a partial defence to charge of murder under exception (1) to Section 300 of IPC.
- b. The rule of proportionality should be the guiding principle of sentencing policy. Comment.

Contd..... P. 2

SECTION – B

2. The right of private defence is recognized in every system of law and the extent of the right varies in inverse ratio to the capacity of the state to protect the life and property of the subject. Critically examine the statement with decided cases. How has the Criminal Law Amendment Act 2013 also made some changes in this right. Illustrate.
3. In the wake of demonetization a group of 50 people forcibly entered a leading bank and started vandalizing the premises. The bank employees who intervened or tried to restrain the crowd were assaulted. Five group members who carried lathis and rods with them played an active role whereas the rest of the people quietly witnessed the proceedings. Two bank employees suffered grievous injuries and another suffered simple hurt. Discuss the liability of those who were armed and those who were unarmed.

SECTION – C

4. Punishment is not treatment nor it is revenge. Elucidate critically in context of Indian Criminal Justice system.
 5. It has now been held that we have cared too much for the Criminal and his reformation but very little for the victim. Discuss in the light of judicial activism in granting compensation and rehabilitation of the victim.
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LL.M. ONE YEAR COURSE

END TERM EXAMINATION

DECEMBER 2019

FIRST SEMESTER

PAPER -V: INTERNATIONAL CRIMINAL LAW

(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 notes on the following:

- a. i) Ne bis in Idem under Rome Statute of ICC
- ii. Presumption of Innocence under Rome Statute of ICC
- b. Superior and Command Responsibility under International Criminal Law

SECTION – B

2. Explain the jurisdiction of International Criminal Court (ICC). Also explain the role of Security Council to refer the Case before ICC.
3. Write short notes on the followings:
 - a. Duties and Powers of Prosecutor with respect to investigation under ICC
 - b. Reparations to Victims under the Rome statute of ICC

SECTION – C

3. Explain the Individual Criminal Responsibility under International Criminal Law with reference of cases of ICTY, ICTR and ICC.
4. “Rome statute of ICC is Codified Law to Provide Criminal Justice for International community.” Is it sufficient and satisfactory in Present and for future? In this context discuss the future of ICC.

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**LL.M. ONE YEAR COURSE
END TERM EXAMINATION
DECEMBER 2019
FIRST SEMESTER
PAPER -IV: INDUSTRIAL AND INTELLECTUAL
PROPERTY RIGHTS
(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 notes on the following:

- (a) *"Patent for invention is granted in member countries to national or residents of members countries must be treated as independent of patents for invention". In the light of the given statement discuss the rule concerning the Independence of patents with the help of the illustrations and decided case laws.*
- (b). *"Grant of patent is the consideration of revealing the confidentiality". In the light the given statement comment critically on the regulatory jurisprudence on the concept of Trade Secret.*

Contd..... P. 2

SECTION – B

2. *"Although extinction is a natural phenomenon, it occurs at a natural "background" rate of about one to five species per year". In the light of the given statement discuss the role of Central Government for its conservations and list the persons who statutorily cannot undertake these activities without approval of National Biodiversity Authority.*
3. *"To protect any invention, the examiners of the patents are expected to follow these guidelines while examining any patent, whereas any computer related matters are protected under copyright Laws". In the light of the given statement place your arguments with the help of decided case laws on the emerging issues for granting patent to the computer related inventions.*

SECTION – C

4. What are the registrable plant varieties under the Act and who can make an application for registration. Also discuss about the 'Benefit Sharing' and 'Breeder'.
5. Comment on the followings:
(a) Requisite conditions for registration of Design;
(b) Grounds for prohibition of registration of Geographical Indications.

2x7.5=15 Marks

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**LL.M. ONE YEAR COURSE
END TERM EXAMINATION
DECEMBER 2019
FIRST SEMESTER
PAPER -IV: ADMINISTRATIVE LAW
(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 notes on the following:

- a. Recommendations of the Committee on prevention of corruption headed by Shri Kasturiranga Santhanam.
- b. Discuss the statement of objects and Reasons of *the Lokpal and Lokayukta's Act 2013*.

SECTION - B

2. No Proposition can be more clearly established than that a man cannot incur the loss of liberty or property for an offence by a Judicial proceeding until he has had a fair opportunity of answering the case against him. Examine the statement in light of decided case laws.
3. Discuss the chief characteristics of a Statutory Public Corporation. A Statutory Public Corporation is legally independent and therefore does not act for or on behalf of the govt. Discuss with illustrative decisions of the Supreme Court.

SECTION - C

4. A General Principle which has remained unchanged is that discretionary power Conferred on an administrative authority which is required to be exercised reasonably. Examine the statement with decided Case laws.
5. 'Tribunals are not an end in themselves but a means to an End, therefore S.28 of the Administrative Tribunal Act 1985 and the exclusion of Jurisdiction clauses in all other legislations enacted under the aegis of Article 323 A and Article 323 B would be unconstitutional. Examine the statement in light of Supreme Court decisions.



**LL.M. ONE YEAR COURSE
END TERM EXAMINATION
DECEMBER 2019
FIRST SEMESTER
PAPER –V: CENTRE STATE RELATIONS
(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 notes on the following:**
 - a. NITI Aayog and Centre-State Relations
 - b. Centrally Sponsored Schemes and Union-State Relations

SECTION – B

- 2. Write short notes on the following**
 - (a) Grants in Aid to States

(b) Borrowing Powers of the Union and States

3. Critically analyse constitutional provisions regarding Taxes levied and collected by the Union but assigned to the States in the light of Sixth, Forty Sixth, Eighteenth and One Hundred First Amendment Acts.

SECTION – C

4 Discuss the role and functions of Finance Commission. Also discuss the criteria adopted by Fourteenth Finance Commission for sharing of Union Taxes with the States.

5. Discuss constitutional provisions regarding levy of CGST, SGST and IGST. Discuss how the proceeds of IGST are to be shared. Also discuss constitutionality of GST (Compensation to States) Act, 2017 in the light of judicial decisions.

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**LL.M. ONE YEAR COURSE
DECEMBER 2019
FIRST SEMESTER
END TERM EXAMINATION
PAPER - II: COMPARATIVE PUBLIC LAW
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory.

Attempt One Question each from Section - B and Section - C

SECTION - A

1. Write short notes on the following:

- a. "The due process doctrine is followed in the United States of America and Indian Constitutional framers purposefully left that out. But in most of the judgments of the Supreme Court of India, the due process aspect is coming into picture again". In the light of this statement, discuss the difference between 'due process of law' and 'Procedure established by law' and what change of situation in India has come after the Maneka Gandhi Judgment?
- b. "Giving punishment to the wrongdoer is at the heart of the criminal justice delivery, but in our country, it is weakest part of the administration of criminal justice. Indeed there are several factors that weigh in the mind of a Judge while deciding on sentencing and a standardized system of sentencing may not necessarily be best suited in all situations but it is inescapable that some guidelines are needed to regulate the sentencing policies in India". Comment.

2 X 5=10 Marks

Contd.....P.2

SECTION - B

2. "Judicial Review is central in dealing with the malignancy in the exercise of administrative power". Explain the grounds for judicial review of administrative actions. Also highlight the present scenario of Indian Judiciary over administrative actions and the remedies in that regard.
3. "Separation of Powers has always been a current issue of some controversy concerning debates about judicial independence in India". Explicate the statement with the help of landmark case laws.

15 X 1=15 Marks

SECTION - C

4. "In recognising the constitutional right to privacy, the Court in its recent judgment highlighted the interplay between freedom of expression and privacy. Article 19 of the Constitution of India welcomes the Supreme Court's decision as important reminder that privacy is a necessary prerequisite for the meaningful exercise of freedom of expression, particularly in the digital era". Comment.
5. What is the significance of Public Morality in shaping the fundamental rights of individuals in India?

15 X 1=15 Marks