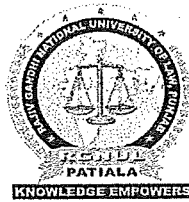


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RG/ET/07/05/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY - 2019
EIGHTH SEMESTER
PAPER-I : CRIMINAL LAW (PROCEDURAL
LAW-II)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: 80 (EIGHTY)**

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

Section - A

1. **Compulsory**

Write short note on:

a. A complaint alleging commission of offences under section 498 A of IPC was filed before Court at Patiala on 12.07.2018. The acts complained of were cruelty by husband on different occasion since marriage that took place on 10.5.2010. The complainant did not disclose any particular act of cruelty in the past one year. The husband pleads that the complaint is barred by limitation. Decide, giving reasons and case law in support of your answer.

[498A- Punishable with Imprisonment for 3 years and fine]

Contd.....P.2

- b. Abhi, a social activist was groundlessly arrested by police on 23.04.2018. He was later on released on 25.04.2018 because of the pressure created by media. Can he claim compensation under the Code?
- c. What are the circumstances under which certain period of time is excluded while computing the limitation period?
- d. Mona has given birth to second daughter but does not want to raise her as she wanted a son. Can such a child be surrendered? Discuss the procedure envisaged under the provisions of Juvenile Justice Act, 2015 for adoption of such a girl child.

Section - B

- 2. Which Court has the power to exercise revisional jurisdiction? Are there any limitations to the exercise of this power? Also discuss the orders that can be passed by a Court while exercising revisional jurisdiction
- 3. a) Discuss the complainant's right to file an appeal against acquittal.
b) Can appeal be heard by the Chief Judicial Magistrate? Discuss
c) Does an appeal abate on death of accused? Discuss.

(5marks each)

Section - C

- 4. a) Discuss the procedure for sentencing an offender already undergoing sentence of imprisonment for another offence as envisaged under section 427 of the Code of Criminal Procedure, 1973. **(7.5marks)**
b) Discuss the procedure for suspension or remission of sentences as given under the Code. **(7.5marks)**
- 5. a) Discuss the factors that are to be taken into consideration by the Court while deciding an application filed under section 438 of the Code of Criminal Procedure, 1973. **(10marks)**
b) Can bail granted by the Court be cancelled? If yes, by which Court and under what circumstances? **(5marks)**

Section - D

6. a) What are the grounds on which inherent powers can be exercised by the High Court? Are there any limitations to this power? (10marks)
- b) A false FIR was filed by a lady against her in-laws in order to pressurise them to give her more money on account of settlement of matrimonial discord. The in-laws have approached the High Court under section 482 of Cr.P.C. What orders can be passed by High Court? Discuss with the help of relevant case laws. (5marks)
7. a) Discuss the powers of Executive Magistrate for dispersal of unlawful assembly under the provisions of the Code of Criminal Procedure, 1973. (10marks)
- b) There is a Fight between Family 'A' and Family 'B' over a matter concerning land. In August 2015, there has been two murders concerning the same dispute and the matter is pending before the Sessions Court. On 21.09.2018, the Police officer has reported that again the families are causing disturbance to public peace. Family 'B' with the help of the support of local mafia wants to dispossess Family 'A' from the disputed land. Help the Executive Magistrate in dealing with this problem. (5marks)

Section - E

8. A Complaint has been received by police against (Rani). In the complaint the person 'Manu' has alleged that his minor daughter was lured by Rani and has been taken to city. Manu alleges that Rani (aged 17 years) is a part of racket that buys and sells minor for prostitution etc. On the basis of above mentioned proposition, discuss the following:-
- a) Can Police register FIR against Rani and can she be arrested on the allegation of buying or selling minor for purpose of prostitution under section 373 of Indian Penal Code.
(373- Cognizable- Punishable with 10 years of punishment)
- b) Can she be released on bail? In Case Rani is not released on bail, can she be kept in police lock up?
- c) What orders can be passed by the JJ Board in this case?
(5marks each)

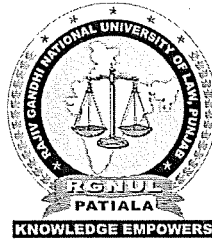
9. a) Discuss the institutional and non-institutional measures envisaged under the Juvenile Justice Act, 2015 for rehabilitation and social re-integration of Children. **(10marks)**

b) Anil causes cattle to enter upon fields belonging to Yakub. Anil knows that this is likely to cause damage to Yakub's crop. A complaint was filed against Anil and he was convicted by the Court of JMFC for committing mischief punishable under section 426 of IPC (Punishable with imprisonment for 3 months or fine or both). Help the Court in sentencing Anil. **(5marks)**

Roll no. _____

RG/A/09/05/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY - 2019
EIGHTH SEMESTER
PAPER-II: ENVIRONMENTAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. **Compulsory**

Write short note on:

a. Mr. Razia was having a sugar factory. He used to store molasses, a by- product in the manufacturing of sugar in tanks which were closed to Ms. Anreza Land and separated by a water channel. One day, one of the tanks collapsed. It emptied into the water channel and ultimately spoiled the paddy fields of Ms. Anreza. What remedy shall be provided to Anreza and under which law? Explain the law with essentials in detail.

b. Country Aziz us a party to Stockholm Declaration and is a least developed

Contd.....P.2

country with poverty as the main problem. The country is located on the shore of ocean. A massive cyclone hit the country, which caused lot of destruction in the Country. What obligation needs to be fulfilled under the international scenario for bringing the country back to its normal life.

- c. A company named, "Supreme Gold Company" was handling a hazardous substance and Mr. Amit was in-charge of handling the hazardous substance, Mr. Hari was the responsible for the conduct of the business of Hazardous unit. Mr. Hari was on leave when the hazardous substance leaked and it caused damage to the workers of the Supreme Gold Company. What shall be liability under the Public Liability Insurance Act, 1991 for the offences by the company and who shall be responsible for the liability in this company?
- d. The order was passed by National Green Tribunal Act, 2010 on 1st March 2019, against Mr. Bahaar not to conduct the Yoga Practice with more than 100 people near to the banks of the river. Still the yoga practice continued till 4th March 2019. What shall be the penalty on Mr. Bahaar, for failure to comply with the orders of the National Green Tribunal Act, 2010?

Section - B

2. The tea factory was discharging effluents into the river and thereby polluting the water in the river, which was used as drinking water by the people. What order can be passed against the owners of the factory under the criminal laws. Justify the answer with the relevant case laws and provisions of the laws available on it.
3. Pepsi Co owns five different foods and beverages brands, Frito Lay, Quaker, Pepsi Cola, Tropicana and Gatorade. It is also providing Carbonated and non-carbonated drinks and mineral water. It enjoys 13% market share in Indian Beverages. However, they are using the ground water. For each litre of soft drink produced by Pepsi Co. they are using 10 litres of ground water. The company has been alleged to practice "water piracy" for exploitation of ground water resources, resulting in scarcity of drinking water for the residents of the Palakkad district in Kerala, India. Multi national

Corporations are taking advantage for the weak enforcement mechanism in India. In the light of above facts explain the duties and liability of a Transnational company in order to protect the environment. Explain with relevant case laws on this point.

Section - C

4. "Since Stockholm Conference of 1972, the international environmental law has witnessed a rapid and substantial shift from environmental protection to sustainable development." Comment.
5. "The Paris Agreement of 2015 for the first time brings all nations into a common cause to undertake ambitious efforts to combat climate change." In the light of this statement, discuss the importance of Agreement towards the problem of climate change.

Section - D

6. Critically examine the salient features of the Air (Prevention and Control of Pollution) Act, 1981
7. In the case of Dhanna Lal v. Chittar Singh, 1959, MP 240, it was held that the constant, abnormal, and unusual noise can be a actionable nuisance. In the light of this judgment explain the legislative and Non Legislative measures available on Noise Pollution under the Noise Pollution Control rules, 2000.

Section - E

8. Whether Hunting is allowed under the Wildlife Protection Act, 1974? Explain the relevant Provisions of the laws available on Hunting of wild animals in certain cases with relevant case laws.
9. Ram Manohar Lohiya is a hospital and a medical college established in 1995 providing both health care facilities and education. It's a multi specialty 200-bed hospital with regular OPD service and gives medical degrees to the students as well. In course of the activities conducted in the hospital they produce medical waste which is required to be disposed off properly considering the nature of the wastes generated generally and by the treatment of the patients as well. A medical team comes to the hospital for inspection and they are surprised that all the medical waste is dumped in an open ground located next to the hospital and causing environment pollution. When the team visits the garbage ground they see rag pickers picking up the wastes and also animals. What is the liability of the hospital, discuss.

1870

1871

1872

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY -2019
EIGHTH SEMESTER
PAPER-III: INSURANCE LAW
(BUSINESS LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Compulsory

Write short note on:

- a. C and D are very close friends. They want to get married in future. To secure one another's life C takes an Ordinary Whole Life Policy on the life of D. Discuss the validity of such Insurance Policy.
- b. Mr. B is travelling to Singapore with his family in June 2019. He approaches you for an insurance policy for protection while he travels specifically with regards to baggage loss and delay in baggage arrival. Advise him which policy he should buy.

c. Crop Insurance in India provides financial support to the farmers in failure of only notified crops. Comment.

d. Mr. X claims policy amount under the fire insurance policy for his house from ABC Insurance Company on 10th March 2019. The Insurance Company paid only Rs. 20,000 whereas the actual loss was Rs. 50,000. Mr. X again approached the Insurance Company for payment of remaining amount. Till 20th April 2019 he did not hear anything from the Insurance Company. Discuss the remedy available with the aggrieved Insured Person.

Section - B

2 Write a short note on the following:

a. Life insurance policy is an investment. Comment.

b. Contract of Insurance is a contract of good faith. Comment.

3. Mr. G, an insurance policy holder assigned his policy to Mr. Y by endorsing upon the policy. But that assignment of policy from Mr. G to Mr. Y was not informed to the Insurance Company. Discuss the validity of such an assignment

Section - C

4. You are an Insurance Agent. Mr and Mrs. D approach you for buying a Life Insurance Policy. They are confused between whole life policies and endowment policies. They require such a policy where lumpsum amount is paid at the time of marriage of their children. Suggest them which policy to buy and clearly explain the difference between endowment and whole life policies.

5. The goods stored in godown were damaged due to excessive heating. The texture of the goods changed from solid to semi liquid. Insurance company rejected the claim that there was no actual ignition to cause the loss. The insured person contended it was incidental loss due to excessive heating. Comment.

Section - D

6. A ship left Mumbai port on 15th April 2019. On the way to Japan there

was high tide and due to that the engine of the ship was damaged. It was taken to Singapore for repairs which was not a defined path of the voyage. Discuss the deviation of the ship to Singapore as against the principle of non deviation in Insurance Contract. Discuss the circumstances in which ship is allowed to deviate from its voyage.

7. Mr. Y bought a car on 2nd March 2018. He took a Comprehensive Insurance Policy for his car. After expiration of the policy on 1st March 2019; he forgot to renew the policy for his car. In the meanwhile his minor son while driving his car hit a person going on the road. Mr. Y was asked to pay compensation to the person hit on the road. In light of the above statement answer the following:
- a. The need for renewal of compulsory third party insurance
 - b. Payment of compensation to the third party

Section - E

8. Two thieves enter the house and break open the locks of the door. Before they could enter the house; dog kept in the house attacked them and they scaled the walls and ran away. While scaling the wall they broke the lamp posts and some flower pots. The owner of the house had a full value insurance policy. Discuss whether the owner of the house can get any claim for theft insurance in the absence of actual theft.
9. Write a short note on:
- a. Role of IRDA in cancellation and suspension of license of an Insurance Company
 - b. There was a blast in a chemical factory on the night on 2nd January 2019 in Kanpur. The workers on duty at that time were severely injured and one worker died on the spot. The families of the workers claimed compensation from the factory owner on the basis of no faulty liability of the owner. Comment.

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RG/ET/13/05/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY - 2019
EIGHTH SEMESTER
PAPER-II: TRANSNATIONAL ORGANIZED
CRIMES
TIME DURATION: THREE HOURS
MAXIMUM MARKS: 80 (EIGHTY)**

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

Section - A

1. Write short notes on the following:
 - a. Define the term "*Transnational Organized Crimes*".
 - b. Define the term "*Narcotic Drugs and Psychotropic Substances*" as given in the International Conventions.
 - c. Discuss the issues referred and dealt with by the Supreme Court in *Bachpan Bacho Andolan v. Union of India* (2011) 5 SCC 1.
 - d. Discuss the concept of Terrorism as a Transnational Organized Crime.

Section - B

2. Discuss in detail the various United Nations efforts to combat Transnational Organized Crimes.
3. Deal with the Legislative Measures to combat Organized Crimes. Also discuss in detail the various difficulties in combating Organized Crimes.

Section - C

4. Explain in detail, with the help of relevant provisions, the United Nations efforts to combat Drug Trafficking as a Transnational Organized Crimes.
5. Explain with the help of relevant provisions the United Nations Convention against Corruption.

Section - D

6. Discuss, with the help of relevant case laws and provisions, the legal framework to curb Human Trafficking in India.
7. Discuss the various guidelines pertaining to procedure to be followed in case of missing children and kidnapped minor girls and women as issued by the Supreme Court of India in the Case of *Horilal v. Commissioner of Police, Delhi W.P. (Crl.) 610 of 1996*.

Section - E

8. Explain the concept of Money Laundering. Also discuss in detail, with the help of relevant case laws and provisions, the law concerning Attachment, Adjudication and Confiscation under the *Prevention of Money Laundering Act, 2002*.
 9. The constitutional validity of adjudicating authority, appellate tribunal and the Special Courts under the *Prevention of Money Laundering Act, 2002* has been challenged in *Preena Swaroop v. Union of India* (2008) 14 SCC 107 before the Supreme Court of India being violation of Articles 14, 19 (1), 21, 50, 323 B of the *Constitution of India, 1950*. Discuss in detail.
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Roll no. _____

RG/ET/13/05/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY - 2019
EIGHTH SEMESTER
PAPER:- SERVICE LAW
(CONSTITUTIONAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: 80 (EIGHTY)**

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

Section - A

1. Compulsory

Write short note on:

- a. Service Rules were framed prescribing different Quota for promotees and Direct Recruits in one Cadre. Different Quota was prescribed as they constituted different class in a cadre. Is this a violation of Equality Principles under Article 14. Give brief reasons
- b. Can the adhoc services of an employee be counted towards Seniority? Give reasons in support of your answer.
- c. Define 'Dismissal and Removal.' Distinguish both the punishments.

- d. What is the effect of following:
- a) Retirement while under Suspension
 - b) Death while under Suspension

Section - B

2. In the department of Excise, there were only 4 vacancies for Inspector for year 2019. Mr. Rohit was placed in the waiting list No. 1. During this time one of the serving inspector Mr. Krishan died on duty. His son Mr. Vikram was appointed as Inspector on Compasionate basis in 2019. Mr. Rohit challenges the appointment of Mr. Vikram as it is in excess of Vacancy. Will Mr. Rohit Succeed. Give reasons in support of your answer.
3. Mr. Ashok who was working as a peon in the Govt. Medical College Patiala is moved to the Punjab Civil Secretariat Chandigarh in 2015. He is then absorbed in the Cadre of peon in Punjab Civil Secretariat in 2018. In 2019, on the basis of his joining i.e 1989 in the Govt. Medical College, he is made senior to Mr. Vikas whose date of joining as Peon in 1990 in Punjab Civil Secretariat. Mr. Vikas challenges the Seniority of Mr. Ashok by contending that he was on deputation and hence Seniority of Mr. Ashok will be counted from 2018. Will Mr. Vikram succeed? Give reasons in support of your answers

Section - C

4. Doctrine of Pleasure, Under Article 310, which has been inspired from English Doctrine of Pleasure, is different from the original Doctrine. Is this statement true. Examine in detail by referring to the various limitations imposed under the constitutional frame work.
5. Explain in detail meaning of Compulsory Retirement. Is it not a punishment? Give reasons in support of your answer.

Section - D

6. Explain in detail the various principles to be followed for fixation of Seniority.
7. In Govt. Medical College, Ludhiana Vacancies for appointment of Associate Professor was advertised. As per quota rules, the ratio of promotees and Direct is 60:40. In 2016, 10 Post of Associate Professor were advertised, however the quota of direct recruits was not filed, But a assistant professors were promoted. In 2019, again 5 Post of Associate Professor were advertised. However, again no direct recruit was appointed. However 4 Assistant Professors were promoted. Mr. Gaurav a Direct Recruit challenges the actions of Govt. Medical College. Advise Mr. Gaurav of the errors in the process. Give reasons as well.

Section - E

8. What is the Procedure which can be followed for imposing major penalty? Explain in the light of decided Case Law and relevant rules.
 9. a) Explain the role of enquiry officer in conducting the disciplinary enquiry.
b) Is it mandatory to supply enquiry report to the delinquent employees? Discuss.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY -2019
EIGHT SEMESTER
PAPER - EMERGING TRENDS IN LAW-
MEDIA LAW, RTI, RTS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- (a) Mr. SRK 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. SRK filed a complaint to the court to take action against the journalist and the Channel for contempt of court. Decide.
- (b) Critically analyze the role of Press council of India with reference to Code of Ethics for Media.

- c) Ms Giny a Border Security Force (BSF) constable became Facebook friend with a Pakistani ISI agent Mr. Malik who posed as a “defence reporter”. Ms Ginny arrested by the Delhi Police for allegedly sharing sensitive information related to defence area’s maps and photographs. Decide in reference to Official Secrete Act?
- d) Public Authority under the Right to Information and Right to Service - Law in India.

Section - B

2. A famous Indian actor was under observation at rehabilitation center for 3 months at Singapore in the year 2009 to take treatment against drug additions. On 16th February 2010 this information was published in a leading national newspaper without any authorization, merely on the basis of the information acquired from the rehabilitation center. The actor filed a suit against the editor of for damages on the ground of breach of right to privacy by the newspaper, whereas the newspaper editor took the plea of freedom of expression for press as provided Indian constitution. Decided, with the help of relevant judicial pronouncements.
- In reference to above proposition critically evaluate the right to privacy and freedom of press in India. **(5+10 Marks)**

3. 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 dipcition 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)**

Section - C

4. Write a note on :-

- a) Social media regulation and liabilities of Intermediaries in India
- b) Right of Working Journalist under Indian scenario.

(10+5 Marks)

5. A2Z Private University offers many Undergraduate and Postgraduate courses in Hotel Management. The admission advertisement of A2Z University claims "*University with best placements*" and "*Scholarship worth 10 crores.*" Mr. X filed a complaint to ASCI claiming the advertisement as misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. In the light of above, answer the following questions-

- i. Whether the A2Z University have violated any provision of ASCI Code? Comment.
- ii. Explain the relevant provisions of Guidelines for Advertising of Educational Institutions and Programs and other chapters of the ASCI Code?
- iii. What is the procedure to for dealing with such complaints made to ASCI?

(3+7+5 Marks)

Section - D

6. "*Everyone has the right to freedom of opinion and expression; and this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers*"

In the light of above provision of UDHR, with the help of judicial pronouncements and nature of legislations make a comparative analysis of the recognition of Right of Information in international constitutional perspective.

7. "In modern constitutional democracies, it is axiomatic that citizens have a right to know about the affairs of the government which, having been elected by them, seeks to formulate sound policies of governance aimed at their welfare.... democracy.... expects openness is concomitant of a free society. Sunlight is the best disinfectant".

In the light of above statement, explain the journey of right to information interpreted by the judiciary, as inherent part of freedom of speech and expression, with reference to freedom of press.

Section - E

8. *"Every Citizen is entitled to hassle-free public services and redressal of his grievances. Based on the anticipated expectations and aspirations of public, standard, quality and time frame are to be drawn-up with care and concern for the concerned service users. Therefore, there should be clear, precise and enforceable statements of people's entitlements to public services"*.

In the light of above statement, explain the status of Right of service in India.

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

(a) Role of authorities and commission under RTS Law

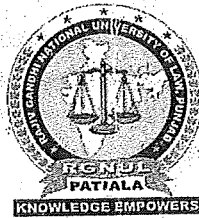
(b) Liability and penalty for violation of provision of RTS law

(7.5+7.5 Marks)

Roll no. _____

RG/ET/21/05/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY - 2019
EIGHTH SEMESTER
PAPER: INTERNATIONAL CRIMINAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: 80 (EIGHTY)**

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

Section - A

1. Write short notes on.

- a. In a country 'Zenia', the president was giving an order to kill, murder the people belonging to 'Hersha ethnic group'. Due to this almost 8,000 people of 'Hersha ethnic group were killed in three attacks by the army of 'Zenia' in the year 2003 'Zenia' became the member of the Rome statute. It signed and ratified in the year 2004. Can the President of 'Zenia' be prosecuted for the crimes listed in the International Criminal Court. Justify with the relevant provisions of the Rome Statute.
- b. The Arabs of Palenstines are given different treatment than the other people in Israel. What crime may be constituted under

Contd.....P.2

differential and suppressed treatment given by the Government?
Justify the crime and explain in detail.

- c. 'Saddam Hussain' was prosecuted under the Iraqi special tribunal. Justify the legality of Iraqi special tribunal in the light of the rights made available to Saddam Hussain under the International Criminal Law.
- d. Mr. Purto, the commander of the prison-camp had overall authority over the officers, guards and detainees, and the persons to whom the officers and guards were subordinate. Mr. Purto was having overall authority over the officers and guards under him. Mr. Purto chose a guard and officers and gave them power to exert harsh discipline. Due to this the subordinate, guard and officers starting mistreating and neglecting the duty and responsibility towards the detainees in prison camp. Mr. Purto made no effort to prevent and punish his subordinates who mistreated and killed prisoners. He was aware of the fact that detainees are mistreated or killed.

Can Mr. Purto be held liable for any crime committed under the Rome Statute? Justify your answer with relevant provision of Law under the Rome Statute.

Section - B

2. "United States attacked on 'Osama-bin-Laden' at midnight in the Sovereign country like Pakistan, without taking its permission or informing to enter its territory and killing a terrorist and declaring a win over the terrorism.

This act can be considered as precedent or can it be considered as a breach of 'sovereignty' under the International Law.

Justify your answer with relevant justification and law on this point.

- 3 (a) Who all are the subjects under the International Law?

(b) Can Non-State Actors be considered 'Subject' under the International Criminal Law? Explain it with relevant cases and law under the International Criminal Law.

Section - C

4. In country named 'Haldia', the systematic rape was committed on an ethnic group named 'cheerag'. Some women were spared in case they were married to the group named 'Zeerag'. 'Zeerag' was a dominating ethnic group in 'Haldia' and was allowed to mobilize the 'Zeerag' community over the "Cheerag" community. The sexual violence was a step towards the destruction of the 'Cheerag' community by destroying their spirit. What offence has been committed by "Zeerag" community in this case? Explain the crime in detail with the relevant provisions under the International Criminal Law.

5. In Country 'A', there was a Jurist who did a research on International Law. An attack was made by country 'B' in country 'A' and it killed civilian population. Although country 'B' wanted to destroy the arms and ammunition held by country 'A', which was a threat to the whole world?

Country 'A' took the opinion of a 'Jurist' on this matter about the attack attempted by the Country B. The Jurist gave its opinion on the reliance of it. Country 'A', initiated a war against the Country 'B'.

Can a Jurist be held liable for 'Aggression' as it was a Jurists opinion upon which the country 'A' wage a war against Country 'B'.

Justify your answer with the relevant provisions of the law under the Rome Statute.

Section - D

6. 'Tokyo Tribunal' were Constituted with the efforts of the UNSC. Further the U.S. was the active member to constitute the Tokyo Tribunals.

However, U.S. itself is not prosecuted for throwing bombs in Hiroshima and Nagasaki till today

Comment on the law available under the International Criminal Law under which United States may be punished for its acts.

7. What are the similarities of ICTY and ICTR. Also explain the dissimilarities as well.

In both tribunals ICTY & ICTR, is there any provision of Appeal? Explain in detail.

Section - E

8. The minimum age of criminal responsibility under the criminal law of each state is a matter of public policy of that state. If a Country 'A' is having an age of 10 years, for criminal responsibility in its territory. Can an individual of Country 'A' be held liable under the Rome Statute if it is more than 10 years but less than 18 years? Justify your answer with the grounds of excluding criminal responsibility.
9. The 'Jurisdiction' and 'Admissibility' under the International Criminal Law are two different concepts. In the light of this statement mention the relevant law available under the Rome Statute.

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY-2019
EIGHTH SEMESTER
PAPER:- LAW AND PRACTICE RELATING
TO PATENT DESIGN AND GEOGRAPHICAL
INDICATION
(BUSINESS LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: 80 (EIGHTY)**

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

Section - A

1. Compulsory

Write short note on:

- a. Essential components for a patent to be rejected
- b. Challenge the grant of a patent to a video game which is based on the folklore educative values.
- c. Nagpur Apples was granted a trademark by the government of India through its proper offices. The Apple association of

an objection regarding the grant of trademark. Is the grant of trademark justified? Comment.

- d. Evolution of Geographical Indications in India. an objection regarding the grant of trademark. Is the grant of trademark justified? Comment.

Section - B

2. What is the procedure for registration of Patents in India? Does the Government have power to supersede the registration process of Patents?
3. The International treaty of patents grants a monopoly right over the patent. These rights are absolute rights. The government of India uses the Patents owned by two corporations to counter the epidemic of fever and flue. The same medicines are supplied by the Ministry of Health to Africa when the same epidemic outbreak takes place there. The pharma giants Lcom and Ycom Sue the government of India for infringement of their patents. What can be the outcome of the case?

Section - C

4. How far are the contemplations true that the development of science and technology has been construed on the river of Human Rights? Discuss
5. Zconce applied for a patent on a gene therapy that can cure patents. In this therapy, a computer software operates a robot which performs a surgery to separate the gene causing cancer in human being. The application of the Company is pending for examination. Will it be awarded a patent under the provisions of the Bioinformatic rules of Patent laws in India?

Section - D

6. Outline the provisions of protection of Design in India.
7. Zeecom info has filed an application of registration of design in India and Europe. A single application is filed by the company as per the norms of WIPO. The applications was rejected in India as the design

was against the religious belief of an Indian Community. The Company took the Plea of Hague and Locarno agreements as the design got approved in Europe. Will they get relief in India as per the Indian Laws and regulations?

Section - E

8. Briefly discuss the features of protection of geographical indications in India in light of the international Treaties.
9. The state of Andhra Pradesh granted the local handicraft of the tribe the mark of GI protection and allowed the association to use the name 'CAAVI' for their trade purposes. The french company who is manufacturing 'CAAVI' wines from past eight decades objected to this protection. Another objection was filed by the Swiss company which has recently started the manufacturing of 'CAAVI' Chocolates. Discuss in detail the claims of these two companies against the Indian company in the light of the legal framework of protection of GI.

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**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY - 2019
EIGHTH SEMESTER
PAPER: CRIMINOLOGY AND PENOLOGY
TIME DURATION: THREE HOURS
MAXIMUM MARKS: 80 (EIGHTY)**

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

Section - A

1. Write short notes on the following:

- a. Inter-Relationship between Criminology and Victimology
- b. Theory of Differential Association
- c. Emerging Challenges in Penology.
- d. Re-socialization Processes

Section - B

2. "Crime is not confined to the lower strata of society. Social economic offences and white collar crimes are these days the domain of upper and middle classes." Elaborate, the concept of crime as an act committed or omitted in violation of public law forbidding or commanding it.

Contd.....P.2

3. "In etioloical process of crime, there are a number of causal factors which lead towards criminalistics role behavior. It is not only personal factor in the individual which is responsible for his criminalistics role behavior but there are social and environmental factors also where some traits are inherited by individual but he also acquires some traits from his environment"

In the light of the above statement mention the characteristics of crime along with the classification of crime?

Section - C

4. The theories of crime are based on the schools of criminology. Explain the concept laid down by Pre-School, Classical and Neo-Classical School of Criminology?
5. Explain the theory of 'Revolutionary throwback' given by the Cesare Lombroso. What are the main postulates of the theory and its limitations? Did Lombroso make an improvement in the principles with which he started?

Section - D

6. There is a need for curtailing the trend of arbitrary sentencing and the sentencing based on intuition. There is an urgent need of developing sentencing guidelines in India. Also, lay down the parameters of sentencing in regard to Imprisonment for Life, Capital Punishment and Fine.
7. Discuss the Prison Administration in India and the Role of All India Jails Reforms Committees and Judiciary in revamping and evolving more humane Prison Administration.

Section - E

8. Elaborate the Reformative Techniques for Correction of Offenders in India. If required, make a comparative analysis of the efforts made in India, USA and UK in respect to reformative efforts for correction as well as reintegration.
9. Elaborate the role of Psychiatrist, Psychoanalyst and Social Workers in Educational and Vocational Programmes for the Offenders. Also, elaborate the concept of Community Participation and its importance.

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**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY -2018
EIGHTH SEMESTER
PAPER-IV: CITIZENSHIP AND EMIGRATION
LAW
(CONSTITUTIONAL LAW GROUP)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Compulsory

Write short note on:

- a. Marshall's Sociological Theory of Citizenship
- b. *Animus manendi* and domicile of choice
- c. Status of *Chakmas* in India
- d. Types of Indian Passport

Section - B

2. Discuss in detail the multicultural theory of citizenship with special reference to recognition of rights of religious, linguistic and sexual minorities. How far do you think Indian Constitution addresses the need for building a diverse and multicultural society?
3. Citizenship is thought to presuppose a territorially bounded political community, where the central focus is on a common identity. To what extent this idea of common identity in a territorial community reflects the reality of a fast globalizing world in 21st century?

Section - C

4. Critics say that Indian Constitution's response to provisions regarding citizenship is not just ad hoc and provisional but also acts to preserve the memory of India's partition for eternity by granting it space in the constitutional text. Do you agree?
5. a) Discuss in detail statutory provisions for acquisition of citizenship under Indian law. Do you think there is any difference between citizens by birth and naturalized citizens with respect to eligibility to contest elections in India?
- b) Petra Schmidt, a German national, was an English language foreign journalist posted as Bureau Chief of English International Press at New Delhi for past 15 years during which she stayed in and worked from India mostly. After 15 years of her stay she applied for Indian citizenship and the same was granted on 22-03-17. She flew to Germany on an Indian passport on 22-01-19 and was convicted for 5 years on charges of drug trafficking. Can Government of India deprive her of her citizenship under Indian law? If yes, cite the relevant provision.

Section - D

6. Write a detailed note on Government of India's role in hosting of refugees of diverse religious and ethnic backgrounds in India. Do you think the time is ripe for a parliamentary legislation on determining the status of refugees in India?

7. Discuss the efficacy of International Law as a tool to combat discrimination against the emigrants. Also outline how WTO has a critical role in advancing the rights of migrant workers.

Section - E

- 8 a) What is a passport? Discuss in detail the law relating to variation, revocation and impounding of passports.
- b) Priya Kumari is an environmental rights activist and is actively involved in anti-government protests in different parts of the country on account of her opposition to construction of big dams and consequent displacement of villages, especially on account of a proposed dam in Thirunelveli district of State of Tamil Nadu. She was invited to address an Academic Conference at Harvard University but when she arrived at the Chennai Airport she was informed that Ministry of Home Affairs has issued a Look-out-Circular against her and her passport was stamped as Off-Load on account of her anti-national activity. What do you think is the legal course available to her? Cite latest case law.
9. a) Who is a foreigner? Write a detailed note on presence and registration of foreigners in India.
- b) Discuss in detail why Supreme Court struck down requirement regarding burden of proof under Illegal Migrants (Determination by Tribunals) Act, 1983 in *Sarbananda Sonowal v Union of India*.

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**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY -2018
EIGHTH SEMESTER
PAPER -V: REAL ESTATE AND ENERGY LAW
(OPTIONAL)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Compulsory

Write short note on:

- a. Real Estate Sector is an attractive place for investors in India. Discuss the key demand drivers for the growth of Real Estate Sector in India.
- b. Mr. A a registered real estate agent wilfully abstains from maintaining the record and books of accounts. C makes a complaint to the Real Estate Regulatory Authority under Section 32 of the *Real Estate (Regulation and Development) Act, 2016*. Comment.
- c. Atomic Energy Regulatory Board plays a major role in development, control and use of atomic energy for the welfare of the people in India. Comment
- d. Discuss the role of Captive Generation Power Plant in generation of electricity.

Section - B

2. Mr. B wants to buy 5 acres of land from Mr. XY. This land was a disputed land before it was sold to Mr. XY. Advise Mr. B on the importance of due diligence before purchasing the land.
3. Write a short note on the following:
 - a. Importance of a valid title certificate of immovable property
 - b. Difference between hypothecation and mortgage

Section - C

4. ABC Developers want to get their project registered with Real Estate Authority. Advise the Developers about the registration process and importance of mentioning the time line for completion of the project on time.
5. Write a short note on the following:
 - a. The XYZ Developers gave the possession of the house to the allottee on 5th January 2019. After the transfer of the physical possession, the allottee finds out that there is some defect in the flooring and there is some leakage in the pipes. The allottee makes a complaint to the promoter of XYZ Developers to make necessary repairs. Discuss the duty of the promoter to make the repairs.
 - b. At the time booking and issue of allotment letter the promoter is responsible to make available to the allottees certain information. Comment.

Section - D

6. Discuss the role of Central Electricity Regulatory Commission to promote competition, efficiency and economy in the power market in India.
7. Write a short note on the following:
 - a. Petroleum and Natural Gas Board decides the disputes pertaining to sale of petroleum at varying prices to the consumers. Discuss the factors to be taken into account while deciding such disputes under the Act.
 - b. Discuss the need for having renewable energy legislation in India.

Section - E

8. Discuss the role of Atomic Energy Regulatory Board and Nuclear Power Corporation in conducting Comprehensive Environmental Impact Assessment and setting up a Nuclear Power Plant.
9. Write a short note on the following:
 - a. Role of Electricity Ombudsman
 - b. Electricity Supply Code

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**B.A.LL.B. (HONS.) FYIC
END TERM EXAMINATION
MAY - 2019
EIGHTH SEMESTER
PAPER:- JUDICIAL PROCESS AND JUDICIAL
REVIEW
(OPTIONAL)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: 80 (EIGHTY)**

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

Section - A

1. Compulsory

Write short note on:

- a. Structure of Supreme Court of United Kingdom
- b. Doctrine of stare decisis
- c. Wednesbury Test
- d. Judicial activism.

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Section - B

2. Discuss in detail the hierarchy of courts in India with the help of relevant constitutional provisions.
3. The life of a nation is dynamic, living and organic; its political, social and economic conditions change continuously. It is, therefore, quite possible that a constitution drafted in one era, and in a particular context, may be found inadequate in another era and another context. It thus becomes necessary for the judiciary to make such interpretation of the provisions of the constitution so that they may be adapted from time to time in accordance with contemporary needs of the society to avoid both stagnation and revolution. Discuss.

Section - C

4. Critically evaluate Dicey's contribution to idea of rule of law. How far is his theory applicable in present day legal systems?
5. Discuss in detail how separation of powers is essentially a separation of functions and classical theory of separation of power is nothing more than a 'doctrine of functional specialization'.

Section - D

6. Write a detailed note on origin, historical development and nature of judicial review in US. with the help of relevant cases.
7. Constitution of India, unlike that of USA, expressly provides for powers of judicial review. Discuss with the help of relevant constitutional provisions and Judicial Interpretation.

Section - E

8. What do you understand by judicial legislation? Cite relevant examples to explain how courts actively chase facts and situations to make new laws over and above the function of merely deciding the constitutional validity of laws enacted by legislature.
9. Write an exhaustive note on how Public Interest Litigations have revolutionized the delivery of justice in India. Discuss some major creative innovations of Supreme Court in the field of Public Interest Litigations with the help of case law.
