

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER - IV: VICTIMOLOGY AND
COMPENSATORY
JURISPRUDENCE
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each questions carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. *"Identification of the victim is the first step towards the identification of ways and means of securing justice to victims."*
In light of the above, critically examine the definitions of victim under the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Code of Criminal Procedure, 1973, in a comparative context.
- b. Critically evaluate the typology of crime victims created by Mendelsohn through his Victim Precipitation theory.
- c. Discuss the importance of a 'needs assessment' in determining the barriers to access to justice for victims of crime? List out the factors which must be considered while conducting such a 'needs assessment.'

Contd.....P.2

- d. Ann, a 25-year-old from the United Kingdom was visiting India as a tourist. In Goa, she was gang-raped and violently beaten up by locals who left her at a beach assuming her to be dead. The police found Ann and took her to the hospital for immediate medical treatment. You are a well-established legal practitioner in the state of Goa and the family members of Ann have approached you for help and appointed you as their legal representative.

In view of the abovementioned factual matrix and as her legal representative in the country, list out the positive and normative duties of the police officers that must be enforced in favour of Ann's right of access to justice.

SECTION - B

2. *"The tendency to see oneself as a victim might in the perspective be called a personality trait. At the level of social systems, some systems might be of the type where a lot of victimization is seen as taking place, while others are seen as being without victims."*

Critically analyse the concept of Nil's Christie's 'ideal victim' in relation to the hierarchy of victimisation within varying social contexts.

3. *"As a generation of scholars to be inspired by Packer's seminal models of criminal process, we must carry forward his work by critically examining it and we must see how we can better the two models which have been proposed by him and what are the pressure points and which are the contradictions that we have to resolve."*

In view of the above, discuss the problems identified by Douglas Beloof, Leslie Sebba and Kent Roach in Packer's Two Models of Criminal Process.

SECTION - C

4. *"Maybe we should not have any criminology. Maybe we should rather abolish institutes, not open them. Maybe the social consequences of criminology are more dubious than we like to think."*

Discuss the central thesis underlying Nils Christie's piece titled "Conflicts as Property." Why does Christie refer to all lawyers as "professional thieves"?

5. *"Every now and then a hue and cry is being raised by the victims of the crime or relatives of the victims that investigation is not being conducted by the Investigating Officer in a fair and transparent manner, the same is conducted keeping them in dark, without informing them about the progress of investigation."*

Critically analyse the importance of the victims' right to fair investigation within the factual matrix of the Chhattisgarh High Court judgment in the case of *Sonalal Soni v. State of Chhattisgarh* [2005 SCC OnLine Chh 132].

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**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER-IV: INTERNATIONAL DISPUTE
RESOLUTION BODIES
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. The precept of "subsequent lapse of the Declaration" cannot be determinantal to the jurisdiction of the ICJ if the court has already established the jurisdiction. Explain this statement in light of Article 36 of the Statute of the International Court of Justice along with judicial precedents.
- b. Analyze the principle of "Exhaustion of local remedy" from the context of international arbitration.
- c. State 'Z' has been constantly aiding the local mercenaries, having a physical presence in the form of terror camps in its jurisdiction, to launch an attack on State 'Y'. The assistance comes in the form of arms and ammunition, military intelligence, financing and recruitment of suitable personnel to carry out the attack. State 'Z', being a member state of the United Nations (UN), enjoys a great reputation amongst other members of the UN while State 'Y' has recently applied for membership and a decision is yet to be taken. Sensing it as a great disadvantage, State 'Y' appoints you as its Legal Secretary so as to solicit a precise legal opinion regarding the possible action(s) that can be taken in accordance with the Chapter VI of the UN Charter, 1945.

Contd.....P.2

- d. In the context of the Djibouti V France ICJ case, discuss the concept of Forum Prorogatum.

SECTION - B

2. Gwain Wheat Pvt. Ltd. (GWPL) is a registered company in the U.S.A. and has agreed with the Manak Bread Co. Ltd. (MBCL), which is a company registered under the Indian Company Act, 2013. The agreement, inter-alia, pertains to the selling and shipping of a certain quantity of wheat by GWPL in India upon specific orders made by MBCL. In lieu of that MBCL has to make payment to the GWPL accordingly. Due to some misunderstanding among the parties, they declined to perform their respective obligations. As a result, the arbitration clause provided within that agreement was invoked by GWPL and upon conclusion of the proceedings, an award was made in favour of GWPL. The award clearly stated that MBCL has to provide \$1.5 Million compensation for damages to GWPL. GWPL brought enforcement proceedings before Delhi High Court for enforcing the aforesaid award. Now your legal advice is sought by MBCL to apprise them of the grounds on which an international arbitration award can be refused to be recognized and enforced. Also, provide a brief analysis of those grounds.
3. One of the critical aspects of dispute settlement is the “application of the law” in the context of that dispute. As an international law scholar, broadly analyze those pertinent provision(s) and evaluate the sources which emanate from those provision(s).

SECTION - C

4. An “Investor-State Dispute Resolution” clause of the India-Singapore Bilateral Investment Treaty (BIT) has been invoked by an investor namely, Dan Smith Co. Ltd. against the Government of India for breach of the Fair and Equitable Treatment clause of the BIT. The forum for settling this dispute happens to be the Permanent Court of Arbitration

(PCA) and the PCA Arbitration Rules 2012 shall be applicable for governing the procedure of arbitral proceedings. In this regard, it was later discovered that one of the arbitrators Prof. William Schmidt is a shareholder in Dan Smith Co. Ltd. You are the counsel representing the Government of India and are being asked to devise appropriate strategy, i.e. legal actions which can be undertaken in light of the above, along with the procedure that needs to be complied with. Kindly enumerate the same.

5. The State of Banzania shares unpleasant relations with the State of Gambia due to conflicting territorial claims over the land of Soltoros, which is currently under the administration of Gambia. Although both claim territorial sovereignty over this land, but they don't substantiate their claim through legal provisions. It is largely due to the fact that there does not exist any international convention among them. Banzania has filed a claim against Gambia in the International Court of Justice, claiming territorial sovereignty over the whole of Soltoros being duly contested by Gambia. It is pertinent to mention that both nations have bestowed compulsory jurisdiction on the ICJ. You being a legal researcher asked to advise the panel of judges, in accordance with Article 36 of the Statute of ICJ, whether there exists a 'legal dispute'.

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER- IV: LAW RELATING TO
BIODIVERSITY
BIOTECHNOLOGY AND PLANT
VARIETIES
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- A company named Ciba Geigy was into agricultural research and had patent for various agricultural equipment's. The Company filed an application for the grant of patent for a cucumber seed, which was treated in a manner that it became resistant to any agricultural chemicals. Can a patent be granted to a seed that is essentially a propagating material? Discuss and decide.
- A company called BMC Ekrahara wants to seek NGT intervention to declare coal as a bio resource to be able to insist on benefit sharing from coal companies. The company approaches you for the legal advice. Discuss.
- "Biotechnology is the 'Sunrise Sector' and is considered as the 'Technology of Hope'. Elucidate the sentence with the help of relevant case laws and illustrations.

- d. What are the main principles of the Convention on Biological Diversity, 1992?

SECTION - B

2. A company named South Eastern Limited was granted a patent for conventionally bred watermelon. These watermelons were originally from United States and the special feature, which they had, was that they were resistant to certain types of viruses. Research was conducted on one type of virus, which was then extracted from the watermelons and was introduced in muskmelons to make them resistant as well. The company called it "South Eastern Limited invention". An Indian company called Rameshwar and Co Ltd. took this technology and started using the same virus on its different vegetables.

South Eastern Limited filed for injunction for the non-use of the process as the company had already been granted a patent for the same. Advise South Eastern Limited whether their claim is going to succeed.

3. Discuss the various institutional and normative frameworks for the development of biotechnology. Critically analyse how far these frameworks have been able to justify the minimum standards laid down for the development of biotechnology.

SECTION - C

4. The Uttarakhand Biodiversity Board (UBB) sent a notice to Divya Pharmacy in early 2016 stating that the company was in violation of the BD Act for using biological resources from the state for its Ayurveda products, without duly intimating the Board and that it was liable to pay an ABS fee (Access and Benefit Sharing). Divya Pharmacy is the commercial arm of Baba Ramdev's Patanjali Yogpeeth, which manufactures ayurvedic products from its units based in Uttarakhand. Challenging the board's notice the company

filed a writ petition before the Uttarakhand HC in December 2016. The petition challenged the powers of the SBBs to regulate access and determine benefit sharing upon access by Indian entities. Argue the petition.

5. In 1986 Loren Miller, an American Scientist and entrepreneur, was granted a patent for Ayahuasca, a vine native to the Amazon Rain Forest. The plant had been used by the healers and religious leaders to treat sickness, contact spirits, and foresee the future throughout the Amazon tribes for generations. The Council for the tribe applied and obtained a rejection of the Ayahuasca patent from the US Patent and Trademarks Office. In light of the above facts discuss the concept of bio piracy and whether Mr. Loren Miller can be held liable under the concept of bio piracy.
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**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER - I: DRAFTING, PLEADING
CONVEYANCING AND
PROFESSIONAL LEGAL ETHICS
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each question carries 10 marks

SECTION - A

1. **Write short notes on the followings:**
 - a. Your client wants to recover Rs 10,000 he had lent to his neighbour vide a Promissory Note. But now he has no money to pay the court fee since he has become an indigent. Draft an application seeking permission to sue as an indigent person.
 - b. You are a research scholar working on the topic. 'Death Sentence'. You want information from the Jail Authority Patiala regarding the number of Hangings that have taken place in Patiala Jail since 2010, whether any hangman is working on a permanent post if yes what are the remunerations paid to him for each hanging. Draft an application under the RTI act.
 - c. Explain Counter claim and differentiate between Counter Claim and Legal Set off with the help of illustrations.

- d. Explain the difference between Set off and Equitable set off with the help of illustrations

SECTION - B

2. A tenant is not paying the rent of the house let out on rent and he has also depreciated its value and utility. Draft a Petition under Rent Restriction Act for getting the house vacated.
3. The son has gone astray and does not bother about his old father. The father had permitted his son to reside with his family on the first floor of his house without paying rent. The daughter is getting married soon and the old man needs the said portion for his personal necessity and requirement. Draft the plaint for the suit to be filed.

SECTION - C

- 4.a) What is a caveat? Explain its objects and essentials?
- b) Your client is anticipating that his next door neighbour will file false case against him for getting permanent Injunction. He wants that the application under order 39 Rule 1 and 2 CPC should not be heard behind his back and no order be passed without hearing his cause. Draft the application.
5. Draft a civil Revision against the order of a Rent Controller, Patiala who has disallowed an application seeking permission to amend the plaint under Order 6 Rule 17 CPC in a case under Rent Restriction Act for getting the tenant evicted from the premises.
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**B.A.L.L.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER-IV: PARLIAMENTARY PRACTICE
AND PROCEDURES
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each questions carries 10 marks

SECTION - A

1. **Write short notes on the followings:**
 - a. Around the world, data analytics companies like Cambridge Analytica and cyberattackers try to meddle in elections. Some of their methods have been tested for decades. Others use brand-new technology, taking interference to the next level. How is it affecting the right to be an informed voter, guaranteed under Article 19(1)(a) of the Indian Constitution?
 - b. Can a speaker who has received a notice of removal be barred from deciding disqualification petitions under the anti-defection law?
 - c. Do women parliamentarians get equal opportunities in working conditions such as work, tasks, and assignments; leadership; infrastructure; and the organisation of interactions between parliamentarians?
 - d. What efforts should be made to involve the public in the pre-legislative process as part of a deliberative democracy?

Contd.....P.2

SECTION - B

2. Since the Election Commission of India has wide discretionary powers to conduct free and fair elections in India, it is able to exercise architectural regulation that has the potential to control electoral behaviour without any restriction. How can architectural regulation adversely affect electoral behaviour? And how can the Election Commission be held accountable for using such an intangible architectural regulation?
3. Big Corporate quietly pay millions of dollars to finance election campaigns, skew public opinion, and bolster politicians who support their agenda. What impact can such corporate lobbying practices have on Indian democracy, especially when the opaque Electoral Bonds scheme was recently introduced and passed under the Finance Act? How can corporate lobbying be controlled?

SECTION - C

4. Suppose, in a constitutional democracy, the government is undermining the core democratic procedural values and principles in a very stealthy manner. Constitutional scholars give various names to such governmental techniques, such as “stealth authoritarianism”, “abusive constitutionalism” and “autocratic legalism”. Can these invisible failures of political processes be identified, and how effective is the power of judicial review to combat them? And under such circumstances, can comparative political process theory be helpful?
 5. Suppose the President promulgated the Biometric Attendance of Students in Educational Institutions Ordinance, 2023, when Parliament was not in session. Furthermore, there is no parliamentary law on the subject. The Ordinance authorizes all educational institutions to collect biometric information of all students without considering its impact on the fundamental right to privacy of students. The President withdrew the Ordinance as soon as the Parliament resumed. Later, again when the Parliament was not in session, the President re-promulgated the same Ordinance. On what grounds is such an ordinance subject to judicial review? Is it constitutional to re-promulgate such an ordinance?
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER-II: CLINICAL LEGAL EDUCATION
(PUBLIC INTEREST,
LAWYERING, LEGAL AID AND
PARA LEGAL SERVICES
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. *The PIL in the United States owed much to substantial resource investment from the government and private foundations; the PIL work was espoused mainly by specialized public interest law firms. The issues within the sway of PIL in the United States concerned not so much state repression or governmental lawlessness but rather civic participation in governmental decision making. In the light of the above discussion, explain the development of the concept of Public Interest Lawyering in U.S.A.*
- b. *Social Justice is a quality of being just and fair to all the individuals and not to favoured class. Social Justice may require preferential treatment to the weaker sections but that is only to correct the imbalances existing in the society and not to cause unnecessary harassment or injustice to the advanced sectors thereof.*

In the realm of Public Interest Law in the above-mentioned discussion, discuss the concept of Social Justice as referred in the Preamble to the Constitution of India, 1950.

- c. *It is rightly said that, prevention is better than cure. In these days, the number of litigations are increasing day by day, which is very dangerous for smooth administration of justice. So far, emphasis was given only on post-litigation assistance or help but now it is being realised that pre-litigation legal services are more useful than post-litigation legal services.*

In the light of the above Statement, write a short note on the pre-litigation legal services.

- d. Do you agree with the statement that every default cannot be the subject matter of PIL. If yes then comment what are the issues that cannot be filed in Public Interest Litigation?

SECTION - B

2. *The Courts expanded the meaning of right to life and liberty guaranteed under Article 21 of the Constitution. The rule of locus standi was diluted and the traditional meaning of 'aggrieved person' was broadened to provide access to justice to a very large section of the society, which was otherwise not getting any benefit from the judicial system.*

In light of the above statement discuss in detail, with the help of relevant case laws, the concept of locus standi in light of the broadened definition of 'aggrieved person'.

3. *It is not required that every time when a public interest cause is taken up, it must be on behalf of a good number of people and that legal aid to deserving one person is also a public cause and that the determining factor is the effect of a particular cause of action on the society at large.*

In reference to the above-mentioned Statement, explain in detail with the help of relevant case laws and provisions, the concept of 'Public Interest Law'.

Contd.....P.3

SECTION - C

4. Do you feel that lack of or misguided policies and decisions are hampering the greater common good and creating unacceptable situation related to abuse and violation of basic human rights and social justice, if so, how you believe a socially conscious citizen would fix the system through Court of Law?
 5. 'Legal Aid work is evidence of lawyer's recognition of the professional obligation not only to the individual client, but also to the general public'
—Discuss in detail, in the light of the Constitutional Mandate.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER -III: INTERNATIONAL
INTELLECTUAL PROPERTY LAW
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each question carries 10 marks.

SECTION - A

- 1. Write short notes on the following:**
 - a. How far has Paris Convention been able to handle conflicts of contemporary intellectual property rights today? Comment.
 - b. Briefly outline the relationship between WIPO UDRP and Domain Name piracy issues.
 - c. WTO is dedicated towards creating an equitable platform for the global trade through its functioning. Enlist the major contributions and functions of WTO.
 - d. TRIPS not only gives us a minimum protection program for trade and intellectual property but also extends out a comprehensive dispute resolution system through its regulations. Elaborate this statement.

Contd.....P.2

SECTION - B

2. The theories of Intellectual property Rights are capable of defending the community rights along with the individual interests. Analyse how these theories protect the different types of interelectual properties in detail.
3. How does the WIPO Arbitration and Mediation Centre allow an advantage to the member countries. Discuss if the dispute resolution gives the right to fight to the minority voices of the trade world.

SECTION - C

4. What options will the firms of a country have in terms of IPR protection when the countries become members of WTO? What recourse will be available to a State Government when another state in a bilateral agreement flout the rules of the organisation.
 5. Discuss how WTO is creating measures to ensure strict health and safety regulations worldwide and still protecting the national produce?
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.L.L.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER-III: LAW OF DRUGS AND NARCOTIC
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

**Note: Section - A is Compulsory and each part carries 5 marks.
Attempt One Question each from Section - B and Section - C
Each question carries 10 marks.**

SECTION - A

1. Write short notes on the followings:

- a. What are the loopholes in the Single Convention 1961?
- b. Explain the role of International Narcotics Control Board (INCB).
- c. Explain the National Policy on Narcotic drugs and Psychotropic Substance in India.
- d. Whether NDPS Act, 1985 provides Extra Territorial Jurisdiction? Explain with the help of decided case laws.

Contd.....P.2

SECTION - B

2. Universal ratification of the drug control conventions is imperative for strengthening the international licit drug control framework and for ensuring that traffickers do not target non-parties owing to actual or perceived weaknesses in the scope of control of scheduled substances. In the light of said statement decided the following questions.
 - a) What are the controls and measurements provided under the Convention on Psychotropic Substances of 1971 for International Trade?
 - b) How international cooperation would help to control the problem of illicit drug use and trafficking across the world?
3. The 1961 UN Single Convention on Narcotic Drugs replaced the previous international agreements that had been developing piecemeal since the early years of the twentieth century, but included new provisions not contained in earlier treaties, creating a stricter zero-tolerance and more prohibitive system for control. Explain the Importance and Object of the said Convention and also comment on the existing trade control systems, cultivation of plants from which narcotic drugs were derived.

SECTION - C

4. Explain the legislative history of the Narcotic Drugs and Psychotropic Substances Act, 1985.
 5. Whether pure drug content or entire mixture to be reckoned for computing small or commercial quantity? Explain with the help of case laws.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER -III: CORPORATE GOVERNANCE
AND CORPORATE SOCIAL
RESPONSIBILITY
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

Note: Section - A is Compulsory and each part carries 5 marks.
Attempt One Question each from Section - B and Section - C
each question carries 10 marks.

SECTION - A

1. Write short notes on the followings:

- a. A public company, X Ltd, was established in the year 2012. It appointed 17 directors at the time of incorporation. Can they do so? Discuss with respect to the provisions of the Act. With the help of the relevant provisions of the Act, decide how many independent directors shall be there if a total of 15 directors are there in a company and an executive director is the chairperson.
- b. Mr. X was appointed as the managing director in MP Ltd. on 1st January 2020. MP Ltd. is engaged in manufacturing automobiles. Mr. X holds a few patents in his name since July 2010 and he is requested by MP Ltd. for a licence of 5 years of one of the patents for which an amount of Rs 50 lakh is proposed to be paid. Discuss the fate of such a transaction.

- c. What are the basic theories that led to the evolution of concept of the Corporate Governance?
- d. Discuss in brief the development of corporate governance structure in India through various committees and codes.

SECTION - B

- 2. "A good corporate governance framework and sound corporate practices are key pre-requisites for companies and countries that wish to attract and retain the capital they need for investment and economic growth." Discuss the importance of Corporate Governance in India.
- 3. Board of Directors of M/s ABC Motors Ltd. made the following appointments at its meeting held on 1st January, 2014:
 - a) Mr. X, a Director of its subsidiary company, namely, ABC Forgings Ltd. was appointed as purchase manager on a consolidated salary of Rs. 1 lakh per month w.e.f 1st January 2014
 - b) Mr. Y was appointed as the sales manager on a consolidated salary of Rs 1.5 lakhs per month w.e.f 1st January 2014.

Answer the following:

- a) Does the appointment of Mr. X require the approval of the members in a general meeting of any company? Will your answer be different if M/s ABC Motors Ltd is the subsidiary of Ms ABC Forgings Ltd.?
- b) Mr. P, a relative of Mr. Y was appointed as a Director of M/s ABC Motors Ltd. on 1st August, 2014. Does it affect the continuation of Mr. Y as the Sales Manager?

SECTION - C

- 4. Answer the following questions on Related Party Transaction:
 - a) A company named R Limited enters into purchase / sale of goods with its director Anul Ambani. The value of the transaction is Rs.150 cr. The turnover of the company is 2000 cr. What are the legal compliances that a company will have to do?

Contd.....P.3

- b) A Director of X1 Limited (Subsidiary Co.) gives a post to his relative in X Limited (Holding Co. of X1 Limited) with a remuneration of 3 Lacs p.m. Does the relative hold an office or place of profit requiring compliance under Section 188? What will be your answer if brother's son of director is appointed?
5. "A scientific whistle blower of the company will enhance glory of existence of good Corporate Governance. Is it true? Mention important disclosures under whistle blowing policy for good Corporate Governance.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER -III: ELECTION LAWS
TIME DURATION: ONE AND HALF HOURS
MAXIMUM MARKS: FORTY (40)**

**Note: Section - A is Compulsory and each part carries 5 marks.
Attempt One Question each from Section - B and Section - C
each question carries 10 marks.**

SECTION - A

1. Write short notes on the followings:

- a. A person in lawful custody of the police is barred from voting, however, he can contest elections, if he has been registered as an elector. Discuss the rationale behind this.
- b. How the constitutional and statutory provisions ensure qualitative and quantitative equality of suffrage?
- c. N, a sitting member of Parliament, is convicted under the Prevention of Corruption Act, 1988 and sentenced to imprisonment for 3 years by the court. Can N continue as a member? Will N be able to contest the next elections if he is granted bail by the appellate court during the pendency of his appeal?

Contd.....P.2

- d. Z has a contract with the state government for construction of a road. Can Z contest elections to the House of People? Decide with the help of legal provisions and judicial decisions.

SECTION - B

2. There were multiple defections in the legislature of a State and none of the parties individually or as a pre-poll or post-poll alliance had the majority in the State Legislature. Accordingly, none of the parties staked claim to form the Government in the State. After multiple failed attempts by the Governor to have a stable government in the State, the house was dissolved. In the meantime, elections to the office of the President were announced. In the light of these facts, answer the following with the help of legal provisions and judicial decisions:
- What is the composition of the electoral college that elects the President of India?
 - Whether the election of the President of India can be challenged owing to the existence of vacancies in the electoral college due to dissolution of the state assembly.
 - Whether the election of the President of India can be challenged on the ground that the returned candidate was not a suitable candidate?
3. a. Government of India constituted a Delimitation Commission on 6th March 2020 for delimiting Constituencies in Jammu & Kashmir and Ladakh. The petition was filed in the Supreme Court claiming that as per the 2nd proviso to clause (3) of Article 170 of the Constitution of India, there is a freeze on delimitation of constituencies until the figures for the first census taken after the year 2026 are published. In the light of these facts, discuss the rationale and the correctness of the Supreme Court decision in Haji Abdul Gani Khan v. Union of India, 2023.
- X was appointed as a senior functionary by the Government of Punjab in 2012. Since his appointment he has been residing at Punjab. He has permanent residence at New Delhi where he has been registered as a voter. In 2022, Elections to the State Legislature,

he has been registered as a voter in Punjab. Under what circumstances, under what legal provisions and from where the name of X will be omitted from the Voter List and how?

SECTION - C

4. One of the states in the Indian federation have given additional charge of the State Election Commissioner to Law Secretary of the State in 2022 when the elections to Panchayats were round the corner. The appointment was challenged by filing a petition in the High Court on 03rd January 2023. In the meantime, on 4th January 2023, State Election Commission issued the notification notifying elections to Panchayats in the State. State Election Commission has claimed that all arrangements have been put in place and it will not be appropriate to interfere in the process now. In the light of these facts, discuss and decide in the light of legal provisions and judicial decisions,
 - a. Whether High Court can interfere and decide the petition?
 - b. If the appointment is not cancelled and the elections are held as per the schedule under the Charge of the present State Election Commissioner, whether the election results can be challenged on this ground?
 5. Khas, recognized as a national party by the Election Commission of India, has not conducted internal elections for the office bearers of the party. Though the constitution of the party provides for regular elections to the post of President and other official posts in the party, yet no elections have been conducted for the past three decades. Election Commission of India (ECI) has issued a notice to the party to conduct elections immediately. However, despite various notices, no elections have been conducted and the party is being managed by the family. All the office bearers are the members of the family. After three notices, ECI has given a warning that it will deregister the Khas party. In this backdrop, discuss and decide, whether the ECI can de-register the Khas party. Also discuss the law and judicial precedent relating to deregistration of political parties.
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**B.A.LL.B. (HONS.) FYIC
TENTH SEMESTER
MID TERM EXAMINATION
MARCH - 2023
PAPER - V: ENVIRONMENTAL 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 Section - C each
question carries 10 marks**

SECTION - A

1. Write short notes on the following:

- a. State A has always been prone to natural disasters and environmental pressures such as deforestation and human encroachments have worsened flood conditions and reduced the availability of natural resources for the natives of State A. Consequently, millions of natives from State A have migrated into the neighbouring states of B and C. The migrations have shifted the balance of political power in these states, threatened indigenous culture, and increased competition over resources. As a result, ethnic clashes have broken out in the states, claiming the lives of thousands of individuals. Critically analyse the connotation of 'Environmental Conflict' in the present situation.
- b. The cargo ship *Bayan Dee*, registered in State M, was loaded with more than 14,000 tons of ash from waste incinerators in State N. Over the next 8 months, *Bayan Dee* searched all over the Atlantic for a place to dump its cargo. Adjacent states A, B, and C refused to accept the waste. Its return to State M also failed. In the 9th Month of loading, the crew finally dumped 4,000 tons of the waste near State P as "topsoil"

fertilizer". When the government was informed by *Green-world* NGO about the origin of the waste, the government ordered the crew to reload the ash, but the ship slipped away. The government subsequently banned all waste imports. Local clean-up crews later buried some of the waste in a bunker inland, but the rest remained on the beach. In the above situation, decide the compliance principles to be implemented for environmental justice.

- c. Environmental Justice in Developing Countries
- d. Indigenous environmental justice

SECTION - B

- 2. The word Environmental Justice is used as a part of action research, as a campaigning slogan, and as a policy principle. Based on the above statement critically analyse the status of Environmental Justice in the developed world.
- 3. No one bears the majority of environmental burdens, and everyone must have equal access to environmental decisions and resources. The awareness of Environmental Justice was started in the 1980s and now it is reaching its peak. Elaborate on the major incidents which cause global movements for Environmental Justice.

SECTION - C

- 4. Changes in the natural environment can also lead to changes in society itself. Slower changes in the environment can also have a large social impact. We see the clearest evidence of this when a major hurricane, earthquake, or another natural disaster strikes. Many recent disasters illustrate this phenomenon. Critically analyse the impact of environmental justice on social change.
 - 5. The new approach to environmental justice often referred to as 'regulation by revelation,' has been increasingly accepted by many countries around the world. This new approach forms an essential part of environmental governance frameworks that are entered on expanding transparency to improve environmental outcomes. Critically analyse with case studies.
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