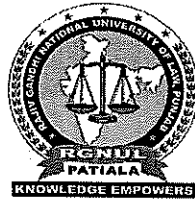


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RG/MT/16/09/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: LEGAL METHODS AND RESEARCH
METHODOLOGY
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 marks. Attempt one question each from Section B & C and each question carries 15 marks.

Section - A

1. Write a short note on :
 - a. Contribution and importance of research for the development of law and society.
 - b. *"The path of a successful research moves; on the reliability of literature used for conducting any research."* Explain the statement in the light of object and contribution of literature review.

Section - B

2. With the help of relevant example, write short note on:-
 - (a) Inductive and Deductive Method
 - (b) Fundamental Research and Applied Research
 - (c) Quantitative Research and Qualitative Research
3. *"The problem of Displaced Persons are not new, they need special protection through enactment of specific legislation for promotion and protection of their human rights. With this object the ministry of social justice is willing to sponsor a research to know the problems of displaced persons in different states to frame a policy or specific legislation to resolve the problems".*

On the basis of above information prepare explain the essential features of the research study based on doctrinal and non-doctrinal research methodology alongwith essential characteristics.

Section - C

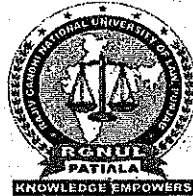
4. What is the significance and importance of research design? Explain the essential characteristics of a scientific legal research design and also make a research design for the problem titled "Role of Judiciary for protection of Environment."
5. Write Short note:
 - i. Definition and kinds of Hypothesis.
 - ii. *"Although the Supreme Court has suggested that a law be enacted specifically to deal with problem of lynchings, it will be advisable to widen the scope of the legal remedy to include all forms of mob violence, even if doubts are likely to remain about the efficacy of the proposed solution. The wider ambit should include the killings and acts of intimidation of the kind which took place during the recent past in different parts of the country"*

On the basis of above preposition, to conduct the research for enactment of specific law, formulate a research problem and explain the relevant factors to be considered while formulating a research problem.

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: COMPARATIVE PUBLIC LAW
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 marks. Attempt one question each from Section B & C and each question carries 15 marks.

Section - A

1. Write short notes on:
 - a. "We all are governed according to constitution and constitution is what judges say it is" Evaluate.
 - b. Structure of European Union's Parliament.

Section - B

2. The conceptual horizons of unitary and federal structures of the government seem to fade away in current political regime of the world. How far do you agree with the statement? Elucidate your observations with judicial interpretations.
3. The Constitution is a living document. The constitutional provisions have to be construed having regard to the march of time and development of law. It is, therefore, necessary that while construing the doctrine of basic structure due regard be had to various decisions which led to expansion and development of the law. Emancipate.

Section - C

4. "One need not cavil at the description of amending power as a sovereign power for it is sovereign only within the scope of the power conferred by a particular Constitution which may expressly limit the power of amendment both substantive and procedural. It cannot therefore be said that amending power can have no limitations being a sovereign power. Parliament has no power to amend Particular articles of the Constitution for any purpose whatsoever, be it political or otherwise. If power to abridge the fundamental rights is denied to Parliament revolution is not necessary result. The existence of an all comprehensive power cannot prevent revolution if there is chaos in the country brought about by misuse or abuse of power. Such considerations are out of place in construing the provisions of the Constitution by a Court of law.: Discuss the validity of the statement by Justice KS Rao in present scenario.
 5. Compare and contrast the legislative mechanism of few unitary and federal structured Governments.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: GENERAL PRINCIPLES OF
CRIMINAL LAW
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 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. The principle of Mens rea must mean that the defendant should be criminally liable only for events or consequences which he intended or knowingly risked. Comment.
- b. Once an act enters into an arena of attempt, criminal liabilities begins, as the attempt takes the offender very close to the successful completion of the crime and so it is punishable in Law like completed offence. Comment.

Contd.....P.2

Section - B

2. It is difficult to fix responsibility for crimes committed by the corporations. Discuss the jurisprudence which has evolved in India in regards to crimes committed beyond financial crimes in the form of bodily injury or even death in regards to corporate criminal liability of corporations.
3. Discuss the changing nature of crime since the evolution of the society to present times with specific reference to use of technology in the commission of crimes.

Section - C

4. Raj Mohan along with his two friends Sohan and Ramesh buy acid and some chemicals to make a solution to be thrown on Raj Mohan's girlfriend Seema. Before they could throw acid on Seema they were caught by the police. Discuss their liability. Also discuss the various tests propounded by various jurists to distinguish between Preparation and Attempt.
5. Write a short note on the following:
 - a. Conduct and consequence crimes.
 - b. Age of responsibility for criminal conduct.

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



LL.M. (OYC)

MID TERM EXAMINATION

SEPTEMBER - 2019

FIRST SEMESTER

PAPER: LAW OF CORPORATE

GOVERNANCE

TIME DURATION: ONE & HALF HOURS

MAXIMUM MARKS: 40 (FORTY)

Note: Section-A is compulsory and each part carries 05 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. Elements of Good Governance
 - b. Role and relevance of OECD Principles.

Section - B

2. What do you understand by the concept of Corporate Governance? How far have the theories of origin justified the concept of corporate governance. Discuss in detail.
3. Under what circumstances do the directors become responsible for ineffective management in a company? What provisions under the law exist with the Board to imply and create effectiveness of operations in a company. Explain.

Section - C

4. If desirable disclosure is advocated and accepted by the corporates, then what provisions will become applicable on them? Is every company liable to adopt and imply these provisions?
 5. The year 2022 will show the strength of Incorporation of Regulatory mechanism of SEBI in full force.' How far do you agree with this statement. Trace the history and evolution of this statement as well.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: FUNDAMENTAL RIGHTS AND
DIRECTIVE PRINCIPLES
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 marks. Attempt one question each from Section B & C and each question carries 15 marks.

Section - A

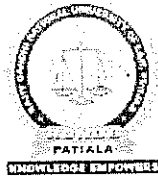
1. Write short notes on the following:
 - a. Doctrine of Waiver.
 - b. Due Process

Section - B

2. Explain the concept of Transformative Constitutionalism and Constitutional Morality in India.
3. What are the implications of *Shelley v. Kraemer*, 334 U.S. 1 (1948)? Is there any horizontal effect of fundamental rights under the Indian Constitution? Answer it with the help of relevant case laws.

Section - C

4. What are the factors which the State has to consider while giving reservation in promotion to the members of Scheduled Castes and Scheduled Tribes? Critically explain it in the light of Articles 16(4), 16(4A) and 16(4B) of the Indian Constitution along with relevant case laws.
 5. Critically evaluate the scope of freedom of speech and expression against the arbitrary powers of the government.
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LL.M. ONE YEAR COURSE

MID TERM EXAMINATION

SEPTEMBER 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. *“National Treatment rule applies first to all the “Nationals” of the member Countries”*. Comment on the above statement in response to the Paris Convention.
- b. Comment on the ‘John Doe’ Order.

SECTION – B

2. *“Artificial Intelligence (AI) is an emerging new digital frontier that will have a profound impact on the world. It will have enormous technological, economic, and social consequences and is going to transform”*. In the light of the given statement discuss critically on the patentability for its protection.
3. *“The statutory provision empowers the owner to exercise his exclusive right to enforce his Intellectual property rights. In this context, arbitration, as a private and confidential procedure, is increasingly being used to resolve disputes involving intellectual property rights, especially when involving parties from different jurisdictions. Intellectual property disputes have a number of particular characteristics that may be better addressed by arbitration than by court litigation”*. Discuss about the WIPO dispute settlement mechanism in the light of the above statement.

SECTION – C

4. Traditional Single colour **‘Punjabi Pagri’** with Logo Om is popular product in State of Punjab made by SAHABZADE brothers of Patiala whose father has been running this business since pre-independence. Defendant CHOUDHARY SONS is a manufacturer of similar multi-colour **‘Pagri’** in Ludhiana which has huge demand in the market for last five years. CHOUDHARY SONS applied for registration of mark under Trademark Act. SAHABZADE filed an objection for grant of **‘Pagri’** Trademark. Keeping in view of the above case decided the claims of SAHABZADE or counterclaim of CHOUDHARY SONS.
 5. Critically discuss the powers of police officers vested under Section 64 of the Copyright Act in dealing with cases of Copyright infringement and remedies available with the owner for enforcement of his rights.
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RG/MT/19/09/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: INTERNATIONAL CRIMINAL LAW
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 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. International Criminal Law interplay with other branches of Law?
Comment..
 - b. Explain the principle of Legality under the Rome Statute.

Section - B

2. Explain the Historical development of International Criminal Law in detail.
3. Explain the concept of "Sovereignty" under the International Criminal Law.

Section - C

4. Explain 'Genocide' in detail. Explain the Indian History on Genocide.
 5. Critically examine the legality of two International Military Tribunals (IMTs), at Nuremberg and Tokyo.
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RG/MT/19/09/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: ADMINISTRATIVE LAW
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 marks. Attempt one question each from Section B & C and each question carries 15 marks.

Section - A

Write short notes on the following:

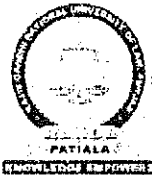
1. World Justice Project (WJP) Rule of Law Index 2019.
2. If an Administrative Authority further delegates its law making power to some other Authority and retains a general control of a Substantial nature over it. Is there a delegation so as to attract the doctrine of 'delegatus non-potest-delegare'. Discuss.

Section - B

2. There is a great divergence of opinion regarding the definition or concept of Administrative law. Elucidate.
3. No Constitution can survive without a conscious adherence to its five checks and balances. Comment.

Section - C

4. Discuss the Constitutionality of Administrative rule making in india during the period when the Privy council was the highest court of Appeal, Federal court was the highest court of Appeal and the Supreme Court became the highest court of Appeal with case laws.
5. How is Procedural control over Delegated legislation better than Parliamentary Control over Delegated Legislation.



**LL.M. ONE YEAR COURSE
MID TERM EXAMINATION
SEPTEMBER 2019
FIRST SEMESTER
PAPER -V: CENTRE STATE RELATIONS
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

Note: 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. Doctrine of Occupied and Unoccupied field
- b. Role of Governor in Centre-State Relations

SECTION - B

2. State of X levied education cess annually as under:

- a) in respect of land at the prescribed rate on annual value as assessed
- b) in respect of a coal-bearing land, at double the prescribed rate on the annual value of the coal-bearing land
- c) in respect of a Mineral-bearing land (other than coal-bearing land) or quarry, at the rate of three times of the prescribed rate on each tonne of minerals (other than coal) or materials despatched

The legislative competence of State to levy education cess, as above has been challenged on the ground that State does not have any such power under entries 23, 49 or 50 and that such power is only with the Union government. Relevant entries of List I of the seventh Schedule are:

52. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.

53. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.
54. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

Relevant entries of List II of seventh schedule are:

23. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.
49. Taxes on lands and buildings.
50. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.
66. Fees in respect of any of the matters in this List, but not including fees taken in any court.

Determine the constitutional validity of Cess Act in the light of decided cases.

3. Indian Federalism has passed through various stages viz. Union dominance, confrontationist federalism, Cooperative federalism. Discuss the changing nature of Indian Federalism and the current trends in centre-state relations in India.

SECTION - C

4. Mr. A has filed a petition in Supreme Court alleging that in northern States, in the name of cow-vigilantism, some persons are taking law into their own hands and due to increasing number of such incidents and mob lynching, the law and order situation has worsened and have reached the stage of internal disturbance in the States of Bihar, Gujarat, U.P. and Rajasthan. Mr. A has pleaded before the Supreme Court that the States are not doing anything in the matter owing to their political ideologies. He has pleaded that Union has the duty and the power under Articles 256 and 355 to issue directions to the States for taking legal action against the violators and to protect the States against internal disturbance and on failure of the States to discharge their duties, to take action as prescribed by the Constitution. Discuss the constitutional provisions and the duty of the Union government and decide the petition.
5. Discuss Constitutional and statutory mechanism for resolution of Inter-state river water disputes in the light of Amendments passed by Lok Sabha by amendment Act of 2019 to Inter-State River Water Disputes Act

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RG/MT/20/09/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: LAW OF BANKING
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 marks. Attempt one question each from Section B & C and each question carries 15 marks.

Section - A

1. Whether the following is a promissory note:
 - a. "I promise to pay B or order Rs. 500."
 - b. "I acknowledge myself to be indebted to B in Rs. 1,000, to be paid or demand, for value received."
 - c. "Mr. B, I.O.U. Rs. 1,000."
 - d. "I promise to pay B Rs. 500 and all other sums which shall be due to him."
 - e. "I promise to pay B Rs. 500 first deducting there out any money which he may owe me."
2. A promissory note was signed by X as "X, managing agent, ABC & Co." The object clause of memorandum of association mentioned, among other things, the execution of promissory notes. The articles of association gave power to managing agent to make contracts and sign receipts on behalf of the company generally.

Discuss the liability of company on the promissory note.

Section - B

2. Discuss the regulatory framework of banks of India.
3. Discuss the various instruments covered under Negotiable Instruments Act.

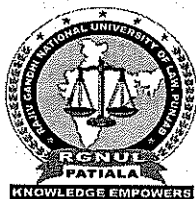
Section - C

4. Critically evaluate the law for recovery of loans by the banks.
 5. Explain the capacity and liability of various parties under the Negotiable Instruments Act.
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Roll no. _____

RG/MT/20/09/19

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. (OYC)
MID TERM EXAMINATION
SEPTEMBER - 2019
FIRST SEMESTER
PAPER: EMERGING AREAS OF
CRIMINALITY
TIME DURATION: ONE & HALF HOURS
MAXIMUM MARKS: 40 (FORTY)**

Note: Section-A is compulsory and each part carries 05 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. Four factors responsible for human trafficking.
 - b. Licit Opium Production in India.

Contd.....P.2

Section - B

2. Human Trafficking has emerged as a serious form of transnational organised crime. Discuss this statement in the light of International and National developments including the legal framework. Also differentiate between 'human trafficking and 'migrant smuggling'.
3. Discuss in detail the purpose, rationale and key features of the Narcotic Drugs and Psychotropic Substances Act, 1985 along with Judicial Perspective. Apart from the NDPS Act, 1985, which are the other legal mechanisms to control the Illicit trade in NDPS?

Section - C

4. What is Money Laundering? Discuss the various stages of this offence and the legal framework to deal with it.
 5. What is Terrorist Financing and different sources through which the terrorists finance their nefarious acts. Also elaborate the nexus between Money Laundering, Terrorist financing and Drug trafficking.
-