

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

**LL.M. ONE YEAR COURSE  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER - 2022  
PAPER - I: LEGAL METHODS AND RESEARCH  
METHODOLOGY  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: 40 (FORTY)**

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

**SECTION - A**

- 1. Write short notes on the following:**
- a. You are conducting a research on legalisation of same sex marriages in India. There is a lot of information available on the internet in the form of judgments, statutes, articles, blogs, books, case comments etc. What factors one should keep in mind while choosing web material?
- b. The rising prevalence of diabetes worldwide is the major driver of the global anti-diabetic drug market. According to the International Diabetes Foundation, in 2019, approximately 463 million adults (20-79 years) suffered from diabetes which is projected to rise 700 million by 2045. It is argued that because the maximum range to diagnose diabetes (140 mg/dL) has been significantly reduced (110 mg/dL) by medical profession to favour pharmaceutical sector, that a huge population has become diabetic. It is contended that there is bias in collecting data and health data is being misused by medical profession for certain ulterior motives. Also, there is lack of democratisation of data and people are not aware of the actual data collected. In the light of such prevalent situation, what do you think are the requirements for collection, analysis and interpretation of data?

**Contd.....P.2**

### SECTION - B

2. The government of India is thinking about decriminalisation of Section 309 of the Indian Penal Code, 1860. The Law Commission of India and the Supreme Court of India recommended the repeal of attempt to commit suicide. The Ministry of Law and Justice desires you to conduct a non-doctrinal study on the subject. You are required to:
  - a. Frame a suitable title and research design followed by a Report. You may write in favour of retention or repeal of Section 309.
  - b. Which tool of data collection would be the most appropriate and why?
3. Answer the following questions:
  - a. The Indian government after dealing with Covid-19 Pandemic claimed of receiving good feedback globally, the Health Ministry is giving out funds for a project to students of RGNUL to research upon the areas requiring more focus and how the frontline workers can be trained for future such pandemics for achieving even better results in saving lives. You have to draft a research proposal and need to mention the procedure of doing the data collection for the same. Who will be the people you will involve in your study? What type of sampling will you use and why?
  - b. Please suggest the most appropriate method of survey with respect to the following:
    - i. A drug manufacturer would like to research the adverse side effects of a drug 'X' on the country's population.
    - ii. The Government wants to find out birth rates and death rates in the Country.  
Give reasons in support of your answer.

### SECTION-C

4. A Professor was marking her Term papers when she came across a paper of a student named Sushant, that alarmed her. Firstly, few paragraphs seemed to be familiar which actually were from an article she herself had authored. Then again, she found that there were differences in writing style throughout the term paper. At various places the writing style appeared more of a student's work, with some grammatical and punctuation errors. And sometimes the writing was extremely sophisticated and seemed to be of a legal expert.

Contd.....P.3

When the professor googled the words from familiar paragraphs, she quickly found that Sushant had plagiarized from various sources on the Internet. Also, she noticed few sentences copied without acknowledgment or footnotes. When she asked Sushant about the questionnaires he had distributed to respondents, she found that the answers to subjective questions in majority of questionnaires were in same handwriting. He admitted that he also took few paragraphs from his own Article which was published 6 months back.

In the light of above facts, answer the following questions:

- a. Is there any ethical obligations on the part of Sushant?
- b. Can Sushant be made liable for Plagiarism?

5. Law reform has been a continuous process in India to keep the system responsive to the reasonable demands of the times such as to-

a) *i. Identify laws, which are no longer needed or relevant and can be immediately repealed.*

*ii) Identify laws, which are not in harmony with the existing climate of economic liberalization and need change*

*iii) Identify laws which otherwise require changes or amendments and to make suggestions for their amendment.*

In the light of analyze the role of Law Commission of India or any law reform committee with notable contribution in the above field.

- b. "It has been observed in many instances that whenever any research is done to investigate the socio-economic conditions of the marginalized groups of society, many funded research agencies use different crucial and sensitive parameters to collect data."

In the light of the above examine what kind of research ethics should be followed by the funded research agencies.

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

**LL.M. ONE YEAR COURSE  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER - 2022  
PAPER - IV: INDIAN FEDERALISM AND  
CENTRE STATE RELATIONS  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: 40 (FORTY)**

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

**SECTION - A**

1. **Write short notes on the following:**
  - a. GST Council has been constituted as a Constitutional Body under Article 279A of the Constitution of India to regulate, streamline and coordinate the indirect taxes in the country. On the recommendations of GST Council, Union and States have enacted GST laws and have made amendments therein from time to time. In this backdrop explain whether and to what extent, the Union and States are bound to accept the recommendations of the GST Council in the light of judicial decisions.
  - b. Discuss in brief the relevance of full faith and credit clause in the working of a federal Constitution.

## SECTION - B

2. Constitution of Hindustan provides for appointment of Finance Commission once in every five years for recommending to the union regarding devolution of taxes from the union to the states and for determination of share of states inter se and also for recommending grants in aid to states among other things. Constitution does not lay down the formula for grants in aid or for sharing of taxes. Finance Commission is appointed by the Union government unilaterally without consultation with states. Being a constitutional body, Finance Commission decides its own procedure and makes recommendations regarding vertical and horizontal devolutions, grants in aid to states, grants to local governments and other matters. In 2020, there was an outbreak of corona virus which was declared as a disaster under Disaster Management Act by the union of Hindustan. Owing to Corona virus induced lockdown and consequent shrinking of economic activities and taxes, economy of the country was crippled. States constituting the union of Hindustan claim that the Union owe a duty to provide grants in aid to States to bail them out of this corona pandemic induced economic stress. Finance Commission has already submitted its report for six years from 2020 to 2026. In this backdrop answer the following, assuming that constitution and laws of Hindustan are analogous to Constitution and laws of India
- Can states legally compel the Union to constitute finance commission before the expiry of five years in case of national disasters?
  - Can the states claim grants in aid as a matter of right?
  - What remedies states have, if the Union refuses to provide grant in aid claiming that the resources of the union have also shrunk considerably owing to corona pandemic
3. Union of India enacted Constitution (One Hundred and First Amendment) Act, 2016. The Act was ratified by requisite state legislatures and it received the assent of the President. Union constituted GST Council in accordance with the mandate of the Constitution Amendment Act. GST laws were enacted on the recommendations of GST council including GST

(Compensation to States) Act, 2017. The Act contemplated 100% compensation by the Union to States for loss arising out of implementation of GST for a period of five years, if indirect tax revenue growth is less than 14%. In the beginning of 2020, there was spread of corona virus in India and consequently lockdown was imposed by Union Government. Owing to lockdown and closure of economic activities, there was huge loss of revenue. There was loss of revenue to states in 2019-20 and 2020-21. States have demanded that Union should compensate the States if the revenue of the State is less than the assured amount (i.e. base amount and growth of 14%). On the contrary, Union has claimed that loss of revenue is primarily on account of corona virus which they claim is the act of God. Union has accordingly expressed its inability to fully compensate the states claiming that there is huge gap between the compensation demanded and the amount collected by levy of cess. Cess was levied to fund the compensation to be given to States. States raised this question in GST Council but States claim that Union has a veto power in the GST Council. Accordingly, three states have filed a petition in the Supreme Court claiming that the composition of the GST Council is unconstitutional as it gives veto power to the Union. They have claimed that Article 279A be declared unconstitutional as it is against the federal principles claiming that federalism is part of basic structure. Decide the maintainability and decide the matter.

### SECTION-C

4. Do you agree with the proposition that adjudication is an unsatisfactory way of dealing with inter-state river water disputes in India? Discuss with the help of decided cases and controversies relating to inter-state river water disputes.
5. Socialist Party of India (SPI) won a landslide victory in recently concluded parliamentary elections by winning 380 seats in Lok Sabha. The newly formed Union government removed the Governors of fifteen states from their office on account of ideological and political differences. Mr. Romesh Patialawala is one such Governor who challenged his removal from the office before Supreme Court. Do you think he is likely to succeed? Cite case law.

## JIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**LL.M. ONE YEAR COURSE****FIRST SEMESTER****END TERM EXAMINATION****DECEMBER - 2022****PAPER - III: ADVANCED SUBSTANTIVE LAW****TIME DURATION: ONE AND HALF HOURS****MAXIMUM MARKS: 40 (FORTY)**

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

**SECTION - A**

**Write short notes on the followings:**

“The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process.” Do you agree with the above statement with regards to retention of death penalty as a mode of punishment?

“Society has two set of standards for judging the morality of men and women.” Discuss this statement in the light of Adultery as an offence in different parts of the world.

### SECTION - B

2. "The Deterrence Theory of Punishment still continues to be the corner stone of modern penal policy, but the extent of deterrence has to be gauged and modulated according to the Individualized needs of the criminal and the gravity and impact of the crime on the society. Some penologists prefer to call it as an 'adjustment principle'." Discuss the above in the light of sentencing policy in India. How has the sentencing policy in our country evolved in the recent two decades?
3. "Honour Killing should be made a distinct offence from ordinary murders by widening the definition of murder under section 302, IPC or a separate section 302A IPC be added." Do you agree with the above?

### SECTION - C

4. Can Abortion Laws be viewed as a weapon against women? Discuss in detail the Reproductive Autonomy of a woman vis a vis Abortion Laws. How have the Abortion Laws in India evolved with the passage of time. Comment.
  5. "Majoritarian views and popular morality cannot dictate constitutional rights. Autonomy of an individual is important. He or she cannot surrender it to anyone." Discuss the above in the light of decriminalizing homosexuality and gay sex between consenting adults.
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# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



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

**FIRST SEMESTER**

**END TERM EXAMINATION**

**DECEMBER - 2022**

**PAPER - V: CRITICAL CRIMINAL LAW**

**(OPTIONAL)**

**TIME DURATION: ONE AND HALF HOUR**

**MAXIMUM MARKS: FORTY (40)**

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

## **Section - A**

**1. Write short note on:**

- a. *"To come to criminal law in a spirit of criticism is to find a subject full of paradoxes. It is an area where there is an abundance of criticism and yet where critique has hardly started."*

Identify and elaborate upon the functional criticism of police and N prosecution within our criminal justice system in light of the above mentioned statement.

- b. *"The question of a need to restrict the State's intervention in the conduct of a person emerges from a libertarian need to reconcile utilitarian considerations of the greatest happiness for greatest number of persons with the individualistic notions of ensuring that the individual must be allowed to determine the extent of his restrictions himself."*

Critically analyse the impact of libertarian critique of criminal law upon section 497 of the Indian Penal Code, 1860

*Contd.....P.2*

### Section - B

2. *"Criminal Law's historical development has borne no relation to any plausible normative theory, unless "more" counts as a normative theory.*

In view of the above mentioned statement, analyse the requirements which R.A. Duff expects a normative theory of criminal law to perform.

3. *"The scholars of Critical Legal Studies approach law with suspicion that inherently speaking, laws are made with the sole purpose of supporting the interests of the creators – those who are wealthy, privileged and powerful. In this sense, law becomes a tool in the hands of such interests to ensure that the social hierarchies that perpetuate inequality are maintained."*

Explain on how anti-beggary and vagrancy laws in India have continued to perpetuate colonial and elitist biases in its continued application in the contemporary context.

### Section - C

4. *"Given that criminal law is one of the most powerful institutions to reflect social morality and guide it, it was natural that the same would become one of the first canvases for the feminist scholarship to leave a mark."*

In light of the statement above, map the impact of the emergent feminist critique of criminal law upon the trajectory of the development of rape laws in India.

5. *"Lawyers... are trained to prevent and solve conflicts. They are socialised into a sub-culture with a surprisingly high agreement concerning interpretation of norms, and regarding what sort of information can be accepted as relevant in each case. Many among us have, as laymen, experienced the sad moments of truth when our lawyers tell us that our best arguments in our fight against our neighbour are without any legal relevance whatsoever and that we for God's sake ought to keep quiet about them in court. Instead they pick out arguments we might find irrelevant or even wrong to use."*

6. Explain how Nils Christie's work on 'Conflict as Property' is illustrative of the dialogical critique of criminal law in light of the above mentioned statement.

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



**LL.M. (ONE YEAR COURSE)  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER -2022  
PAPER -V ENVIRONMENTAL JUSTICE  
(OPTIONAL)  
TIME DURATION: ONE AND HALF HOUR  
MAXIMUM MARKS: FORTY (40)**

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

**Section - A**

**1. Write short note on:**

- a. Article 14 of the Indian Constitution embodies the concept of equality. Critically analyse the intersectionality of Article 14 and Environmental Justice.
- b. Apex Court was the driver of environmental adjudication post the 1960's prior to the creation of National Green Tribunal. Critically analyse with the help of decided cases.

*Contd.....P.2*

**Section - B**

2. A company X operating large smelting plants in state of Z discharged sulfur dioxide into the atmosphere, causing damage to crops, timber, pasture, livestock and buildings in the adjoining state of Y. Several private claims had been made against the company through municipal (national) law, but no satisfactory settlement had been achieved. Consequently, Y and Z agreed to settle the dispute through international arbitration Article IV of the compromis (the agreement to settle the dispute by arbitration), provided that (a) the applicable law be "the law and practice followed in dealing with cognate questions in the state of Y as well as international law and practice," and (b) that consideration be given "to the high contracting parties" to reach a solution just to all parties concerned. Decide the case with the help of principles framed under the Stockholm and Rio Conference?
3. *The Indian Constitution is an embodiment of the justice, which is holistic, encompassing the concept of Environment Justice.* Critically analyse.

**Section - C**

4. Despite the wide discretion provided by the NGT Act of 2010 with respect to determining compensation, the NGT has been unreasonable in pegging the same. Further, NGT has failed to establish an environmental baseline condition prior to the alleged damage and accordingly is unable to quantify environmental damage. Demonstrate this lack of framework through relevant case laws.
5. M/s Kahrier & Soms are a toll tax collector in Mandi. The firm is responsible for the collection of toll tax for all vehicles passing to and fro the toll booth, on the way to Rohtang Pass. The Ministry of Environment & Forests, comes out with a report titled "Carbon Footprints and the Tourism Industry". The findings of the report point towards rising pollution owing to vehicular traffic in the Rohtang Pass. Taking suo motu cognisance of the report, National Green Tribunal, increases the toll tax by 20 %. Owing to the rise in toll tax, the business of taxi drivers suffers losses. The taxi drivers' association files a Public Interest Litigation under Article 32 of the Constitution. Decide the case with the help of relevant articles of the Indian Constitution.

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RG/ET/16/12/22

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER - 2022  
PAPER - V: CYBER LAW (OPTIONAL)  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: 40 (FORTY)**

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

## SECTION - A

1. Write short notes on the followings:

- a. Can a statement of a witness under Section 161 of the *Code of Criminal Procedure*, 1973 be recorded by the Police officer making an investigation by using Audio-Video medium?
- b. In the light of *Ultra Home Construction Private Ltd v. Purshotam Kumar Chaubey* 227 (2016) DLT 320 discuss that in addition to the places where suits could be filed under Section 20 of the *Civil Procedure Code*, 1908, the plaintiff can also institute a suit under the *Trade Marks Act*, 1999 and the *Copyright Act*, 1957, as the case may be, by taking advantage of the provisions of Section 134(2) or Section 62(2), respectively.

## SECTION - B

2. The case of *(India TV) Independent News ... v. India Broadcast Live LIC and Ors.* (Date of Judgment: 10<sup>th</sup> July, 2007) is related to the launching of leading TV channel "INDIATV" in March 2004. As per the plaintiff the

Contd.....P.2

mark was adopted since 01.12.2002 and they applied for registration of the same mark on 22.01.2004. The mark was published in 2006 without any objection within the stipulated period. During the search on Internet plaintiff discovered the website. Plaintiff filed a suit against defendant for permanently restraining the defendant from the use of the mark. The defendant questioned the jurisdiction of the court as they claimed that they were American entities and don't reside or work for gain in India.

In the light of the above-mentioned case, discuss that the traditional jurisdictional rules were not enough and therefore the court referred to jurisdiction rules of the USA courts to settle the issues in this case.

3. Explain in detail, with the help of relevant case laws, that an electronic record by way of secondary evidence is not to be admitted in evidence unless the requirements under Section 65-B of the Indian Evidence Act, 1872 are satisfied. Further in the case of CD, VCD, chip, Call Detail Records (CDR) etc., the same shall be accompanied by the certificate in terms of Section 65-B obtained at the time of taking the document, without which, the secondary evidence pertaining to that electronic record, is inadmissible.

### SECTION - C

4. In the context of Domain and Trademark issues, do you agree with the statement that *if an individual is a sophisticated user of the Internet he may be an unsophisticated consumer of information and such a person may find his/her way to the different Internet site which provides almost similar type of information as that of the plaintiff and thereby confusion could be created in the mind of the said person who intends to visit the internet site of the plaintiff, but in fact reaches the internet site of the defendant.*

In the light of the above statement, discuss in detail with the help of relevant case laws, that Indian Courts have given a new interpretation to the phrase "*a man of average intelligence and imperfect recollection*" by equating him with "*an unsophisticated consumer of information*".

5. Discuss the following cyber space issues concerning the Copyright law in India:
  - a. Software Protection under the Copyright law
  - b. Webpage protection under the Copyright law
  - c. Legal protection of original databases.

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RG/ET/16/12/22

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER - 2022  
PAPER - V: CYBER LAW (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 and E and each question carries **15 marks**.

## **SECTION - A**

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

- a. Discuss the various Cyber Crimes related to Online Banking.
- b. Examine the legal validity of e-contracts in the light of the requirements of a valid contract as per the Contract Act and IT Act.
- c. Can a statement of a witness under Section 161 of the *Code of Criminal Procedure*, 1973 be recorded by the Police officer making an investigation by using Audio-Video medium?
- d. In the light of *Ultra Home Construction Private Ltd v. Purshotam Kumar Chaubey* 227 (2016) DLT 320 discuss that *in addition to the places where suits could be filed under Section 20 of the Civil Procedure Code, 1908, the plaintiff can also institute a suit under the Trade Marks Act, 1999 and the Copyright Act, 1957, as the case may be, by taking advantage of the provisions of Section 134(2) or Section 62(2), respectively.*

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### SECTION - B

2. *The Petitioners in the Case of Shreya Singhal v. Union of India, Writ Petition (Criminal) No. 167 of 2012, argued that Section 66A was unconstitutional because its intended protection against annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, or ill-will fall outside the purview of Article 19(2) of the Indian Constitution. They also argued that the law was unconstitutionally vague as it fails to specifically define its prohibitions. In addition, they contended that the law has a "chilling effect" on the right to freedom of expression.*

In the light of the above statement, discuss in detail the various legal issues that are involved in the above-mentioned case and how the Court decided the matter.

3. Explain about Encryption Techniques and differentiate between Secret Key Encryption and Public Key Encryption.

### SECTION - C

4. Mr. Raman was a family friend of the victim and was interested in marrying her. She married another person and that marriage ended in divorce. Mr. Raman started contacting her once again. On her reluctance to marry him he started harassing her through the Internet. Mr. Raman started posting obscene, defamatory and annoying message about a divorcee woman in the Yahoo message group. E-mails were forwarded to some persons by Mr. Raman through a false e-mail account opened by him in the name of the victim where her phone number was shared. As a result she received some annoying calls from some unknown phone numbers. Based on the complaint, the police nabbed Mr. Raman.

Discuss in detail, with the help of relevant case laws and provisions, the liability of Mr. Raman.

- 5.a) Ajay withdraws money from the account of his friend by dishonestly using his electronic signatures, passwords and other unique identifications features. Discuss the liability of Ajay in the present situation.

- b) A college girl named Sheela clicks the pictures of her roommate while she was undressing herself in the washroom without her knowledge & consent.



Later, Sheela shared these pictures with her boyfriend who posted them on different social media sites: Discuss the liability of Sheela and her boyfriend and also suggest the remedies available to the victim.

### SECTION - D

6. The case of *(India TV) Independent News... v. India Broadcast Live LIC and Ors.* (Date of Judgment: 10<sup>th</sup> July, 2007) is related to the launching of leading TV channel "INDIATV" in March 2004. As per the plaintiff the mark was adopted since 01.12.2002 and they applied for registration of the same mark on 22.01.2004. The mark was published in 2006 without any objection within the stipulated period. During the search on Internet plaintiff discovered the website. Plaintiff filed a suit against defendant for permanently restraining the defendant from the use of the mark. The defendant questioned the jurisdiction of the court as they claimed that they were American entities and don't reside or work for gain in India. In the light of the above-mentioned case, discuss that the traditional jurisdictional rules were not enough and therefore the court referred to jurisdiction rules of the USA courts to settle the issues in this case.
7. Explain in detail, with the help of relevant case laws, that an electronic record by way of secondary evidence is not to be admitted in evidence unless the requirements under Section 65-B of the Indian Evidence Act, 1872 are satisfied. Further in the case of CD, VCD, chip, Call Detail Records (CDR) etc., the same shall be accompanied by the certificate in terms of Section 65-B obtained at the time of taking the document, without which, the secondary evidence pertaining to that electronic record, is inadmissible.

### SECTION - E

8. In the context of Domain and Trademark issues, do you agree with the statement that *if an individual is a sophisticated user of the Internet he may be an unsophisticated consumer of information and such a person may find his/her way to the different Internet site which provides almost similar type of information as that of the plaintiff and thereby confusion could be created in the mind of the said person who intends to visit the internet site of the plaintiff, but in fact reaches the internet site of the defendant.*

In the light of the above statement, discuss in detail with the help of relevant case laws, that Indian Courts have given a new interpretation to the phrase "*a man of average intelligence and imperfect recollection*" by equating him with "*an unsophisticated consumer of information*".

9. Discuss the following cyber space issues concerning the Copyright law in India:
    - a. Software Protection under the Copyright law
    - b. Webpage protection under the Copyright law
    - c. Legal protection of original databases.
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RG/ET/09/12/22

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER - 2022  
PAPER - II: COMPARATIVE PUBLIC LAW  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: 40 (FORTY)**

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

## **SECTION - A**

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

- a. The Virginia Military Institute (VMI), an all-male military college located in Lexington, Virginia, is one of fifteen institutions of higher education directly supported by the Commonwealth of Virginia. Petitioners filed a civil rights enforcement action against the Commonwealth, claiming that VMI's all-male admissions policy violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. While explaining both tests, answer which test the United States Supreme Court would apply in this case, the Strict Judicial Scrutiny Test or the Intermediate Scrutiny Test?
- b. SBI Kadurai branch accorded a home loan of Rs 25 lakhs to Mr Ramprasad in 1995 for twenty years. In 2015; the bank declared his account as NPA as no repayment was made. After following procedure established by law, the bank decided to put his property in question for public auction. Thereafter, his particulars were published in the leading newspaper along with his photograph. Mr Ramprasad sued the bank on account of breach of privacy. Discuss.

Contd.....P.2

**SECTION - B**

2. (a) In the United States, the COVID-19 pandemic prompted states to change rules governing commercial and personal activities to prevent the spread of the coronavirus. Many governors' executive orders were challenged as violations of the constitutionally protected rights of those affected. Judges decided on the issues of whether emergencies can justify more restrictions than would be permitted in normal circumstances and whether some rights deserve more protection than others, even in an emergency. But in cases involving emergency restrictions on religious freedom and access to reproductive health services, judges altered the standards of judicial review of the state's emergency powers. What could be the result of changing judicial standards during a pandemic?
- (b) Suppose Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2022 was promulgated by the President in order to fix the terms of services of Chairperson, Vice-Chairperson and other members of statutory tribunals. The Ordinance stated that the Central Government would be responsible for making rules on the appointments, salaries, tenures and removal of the members of tribunals. It set the tenure of members of the tribunals to four years, and set the minimum age for appointment at 50 years. The Ordinance also provided that members of tribunals can be removed by the executive. What would be the constitutional validity of the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2022?
3. a) In the United Kingdom, a prison policy requiring prisoners to absent themselves from their cell while searches were conducted by prison officers was challenged as there was a danger that legally privileged correspondence between the prisoner and his legal adviser might be read by prison officers and its confidentiality would be compromised. On the other hand, the Home Department argued that the policy was necessary for various reasons, which included preventing prisoners intimidating officers, becoming familiar with search techniques, and making a scene. Which test will the court apply while exercising its power of judicial review—the test of irrationality or proportionality?
- b. In 1997, the State of Maharashtra granted Multiplex Owners a licence to operate a cinema on the condition that no children under the age of 15, regardless of whether they were accompanied by an adult or not, were admitted on Sundays. Cinemas were permitted to be open from Monday to Saturday under the Cinematograph Act 1952, but they were not permitted to be open on Sundays. However, under a Regulation, the commanding

officer of military forces stationed in a neighbourhood was permitted to apply to the licencing authority for permission to open a cinema on Sundays. Associated Picture House; a Multiscreen company filed a petition challenging the imposition of such condition on the licensing. Decide

### SECTION-C

4. Rekha Chawla and Anirudh Prakash are the journalists working for print media and online media section of Snake post; a very popular print and online media platform in Delhi. They got a lead from a local source that the city Councillor through his agents asks for monetary benefit for endorsing the required signatures on property papers. He had also been involved in certain activities of procuring illegal benefits from residents.

On 5<sup>th</sup> May, 2021 Rekha Chawla disguised as a local resident and approached the Councillor for endorsing her property papers. She was told to come in next few days. Regardless of her repeated attempts, she was not able to meet him for the work. One evening, she received a call from Mr. Jagmohan and he assured the completion of her work in time with the help of one Miss Geeta.

In the series of events, Councillor agreed to meet them through Mr. Jagmohan on 28<sup>th</sup> of September. On 6<sup>th</sup> October, a video clip was broadcasted on YouTube channel and print section of the Snake post. In the video, it was shown that Councillor asked for Rs 1,000,00 as token money for endorsement. The lady was shown to hand over the currency notes to Mr. Jagmohan and he kept the same amount in a bag kept near Councillor. There was a lot of public outrage after this video clip became viral. People demanded resignation of the Councillor. He approached the High Court for the violation of his 'Right to Privacy' and registered an FIR against Ms Rekha Chawla and Anirudh Prakash as he was made a subject of illegal sting operation. Prepare a case note from both the sides and support your contentions with judicial pronouncements over the issue.

5. The Equal Opportunity Act, 2010 was enacted with the goals of addressing the structural factors that contribute to discrimination and achieving a more equal society on a progressive basis. It imposed a positive duty on all organisations that were subject to the Act to take efforts that were reasonable, proportionate, and proactive in the fight against discrimination.

Lifestyle Communities Ltd provides for elderly care facilities in the Delhi City. The Company sought an exception from the Equal Opportunity Act, 2010 so that it could only provide places to those over the age of 50, and it was granted the exemption by the regulatory authority established under the Act. The said exemption was challenged by a self help group before the court. According to a decision made by the court, the exemption cannot be justified as a reasonable constraint on the right to equality before the law. The court determined that there was no valid cause to reject any candidate who was under the age of 50 and that the company's proposal was founded on generalisations and prejudices. The appeal has been filed in the pertinent case, prepare arguments from both the sides.

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Roll No. \_\_\_\_\_

RG/ET/12/12/22

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER - 2022  
PAPER - III: INTERNATIONAL CRIMINAL LAW  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: 40 (FORTY)**

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

## **SECTION - A**

1. **Write short notes on the following:**
  - a. Can Death Penalty be awarded under the International Criminal Court Statute? Explain the relevant provision on the maximum punishment awarded under the ICC statute in detail.
  - b. A committed Genocide under duress. A submitted that he was under threat to be killed in case he does not kill the particular minority community. Now his case is before the ICC. Can A take any ground to exclude his liability? Explain with relevant case law.

Contd.....P.2

## SECTION - B

2. On February 23, 2022, the Chief Prosecutor of the International Criminal Court (ICC) addressed the situation in Ukraine and the possibilities of punishing perpetrator to justice for possible international crimes. The prosecutor gave his opinion as under:

“The decision to do justice in Ukraine should be taken. Currently, Ukraine is not a State Party to the Rome Statute and Russia is also not a party to the Rome Statute. Therefore, intervention by the ICC on the alleged crimes committed in Ukraine can occur only if the Ukrainian authorities accept the jurisdiction of the Court, (through article 12(3) of the Rome Statute). In the absence of such step, the United Nations Security Council can decide to refer the situation to the Court. The Office of the Prosecutor will act only after either decision is taken.”

Three days later, on February 26, 2022, the UN Security Council adopted Resolution 1970, and decided to refer the situation in the Ukraine since 15 February 2022 to the Prosecutor of the International Criminal Court. Under which provision of ICC statute the UN Security Council refer a situation to the ICC Prosecutor?

3. The Reparation to Victim is allowed in the ICC statute. It states that “The Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and will state the principles on which it is acting.”

In the light of this statement explain the decision on ‘Reparation to Victims’ decision given by the ICC in AL Mahdi Case. Also explain how much the Reparation cost has been allowed to victims in AL Mahdi Case. Whether it has been recovered and distributed to the victims? If not then why?

## SECTION-C

4. The country Namonia was governed by an oppressive regime led by President Sastre. In the beginning of January 2016, students at the capital’s university began to engage in peaceful demonstrations against the regime. The demonstrations soon prompted others, and within two weeks peaceful



demonstrations had spread across the country. On 10 February, in an attempt to retain control over the situation, the president Sastre placed security forces in the streets of all major cities, but with no success. President Sastre then ordered the use of military force including bombs directed against civilians, as well as other measures such as censorship and blocking of communications. After four weeks, more than 20,000 civilians had been killed. The international community implemented several political measures to stop the horrors in Namonia, but they all proved unsuccessful.

On 15 May 2016, the UN Security Council adopted a resolution under Chapter VII to take the situation of Namonia under ICC.

President Sastre's lawyers argued that the President could not be held responsible before the ICC because he was immune. Alternatively, if he was not considered immune, he had not committed any crime under the ICC's jurisdiction.

Can President Sastre claim immunity under the ICC statute?

5. The Croatian army drove 100,000 Serbs from Croatia under the leadership of commander Belzer. The Croatian army regained territory that had been held by Serb rebels for four years, and in the process targeted mostly civilians. In terms of numbers, it was the largest single 'ethnic cleansing' of the war. Military Personnel maintained its involvement limited to the provision of human rights training only. Moreover, the help from private military was also taken.

Can Commander be held liable for the Individual Criminal Liability under the ICC statute for ethnic Cleansing? Explain the answer with relevant provisions and cases decided under the ICC statute.

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## RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE  
FIRST SEMESTER  
END TERM EXAMINATION  
DECEMBER - 2022  
PAPER - III: ADMINISTRATIVE LAW  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: 40 (FORTY)**

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

**SECTION - A**

1. Write short notes on the followings:
  - a. Discuss in brief whether the office of *Lokpal* and *Lokayukta* have achieved the mandate of their offices to combat rampant corruption in public life in India.
  - b. Discuss in brief the role of Supreme Court in ensuring statutory recognition for the post of CVC in India.

### SECTION - B

2. How far do you agree that the Principles of Natural Justice are judge made rules and still continue to be a classic example of judicial activism developed by Courts to prevent accidents in the exercise of outsourced powers of adjudication entrusted to administrative authorities?
3. The doctrine of legitimate expectation confers upon persons a right to fairness, which is enforceable in case of its denial. But whether an expectation is legitimate or not is a question of fact, which has to be determined not according to the claimant's perception but in larger public interest. Comment.

### SECTION - C

4. Judicial review is a review of procedure, not the decision. Comment with the help of decided cases.
  5. Discuss in detail how the increasing backlog and procedural delay in the overall Indian legal system has been an important causal factor for the rise of Tribunals in India. How far do you think that Tribunals have been successful in combating the pendency in the system?
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