

Roll no. _____

RG/ET/09/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.L.L.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - III: COMPARATIVE
CONSTITUTIONAL LAWS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. "Constitutionalism, as referred to in Carl Friedrich's Constitutional Government and Democracy, is based on the simple concept that the government is organised by the people and operates for the people, but is subject to a series of restraints designed to prevent the abuse of power by those who are called upon to do the Governing." Comment
- b. *"In attempting to harmonize the text with profound ideas of political legitimacy and with courtroom practice, we may have to go beyond the scope of our usual legal sources. In other words, anything that the "unwritten Constitution" can achieve, unwritten law can do better; and anything that unwritten law cannot do, probably should not be attempted. Whether we accept the concept of an unwritten constitution or not, it has a significant impact on our legal system."* Earmark the diversifying analogies of Stephen E. Sachs with respect to different Constitutions.

Contd.....P.2

- c. Influence of American Bill of Rights on Canadian Charter of Rights and Freedoms.
- d. Supermajority clauses in different Constitutions and their relevance in bringing socio-legal change.

Section - B

- 2.a) On January 9, 2022, The Government of Republic of Cinida, passed the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules; enabling the Government to shut down the Internet for indefinite period on the basis of a "public emergency" or in the "interest of public safety". A proviso was added in the rules which mentioned that suspension must be "necessary" and "unavoidable". Before these rules were notified, there were no codified processes to block telecom services and the Internet in the country. By virtue of power bestowed on the Government by these rules, an internet shut down was imposed in the state; perceiving the risk of religious riots on account of brutal murder of a girl of one religion by gang of men belonging to another religion. The notification mentioned shutdown for 45 days extendable for such time period as the Government may think fit. One NGO E-xcess filed a Public Interest Litigation before the Apex Court of democratic socialistic, secular republic of Cindia, challenging the constitutional validity of these rules. Decide with the help of judicial decisions regarding the 'Right to internet.' **(10 Marks)**
- b) The essential ideals might compete and differ according to the judicial discourse of the country, causing difficulties inside and between key state institutions, especially the executive and the judiciary. If the Constitution is to work correctly, if each institution is to comprehend the proper scope and boundaries of its authority, and if the rule of law is to be preserved, there must be a "Constitutional Balance" between them. Highlight the rationale of the concept and its legitimacy in the changing times. **(5 Marks)**
- 3.a) A senior high school in California, USA made a rule for senior athletes. The said rule mandated the student athletes' being subjected to random drug tests. All pupils participating in extracurricular activities at some schools were then subject to drug testing. It was contended by the athletes that the said action was against the Fourth Amendment of the US Constitution. Decide in accordance with the US Bill of Rights.

- b) The Rule of law and Constitution-making are two fundamental elements of a viable democracy. In general, the rule of law necessitates that everyone, including administrative bodies and officials, and also civilians, be subject to the law and treated equally. Constitutions, however, serve as the principal repository and ultimate guarantee of the rule of law at the national level, offering the blueprint for a working system of governance of law and safeguarding and strengthening the institutions responsible for implementing and enforcing this system. Do you think that the varied dimensions as to diversion of 'rule of law' to 'rule by law' have tilted the dimensions of Constitutional mandate?

Section - C

4. The ruling of the Supreme Court over the permanent commissioning of women officers in the Indian Army has been a result of judicial creativity for transformative constitutionalism. The Court concluded that refusing them Permanent Commission would violate their rights guaranteed under Article 14. This stance has transformed into a novel method employed by the judiciary to protect the human rights of vulnerable segments of the population. Elucidate the judicial creativity as a device to cater to ultimate goal of Constitutional Justice.
5. "When equality is accorded to the citizens of colour and whites by the way of assuring access to same and equal facilities in public transport systems and elsewhere; it does not amount to inequality." The State of Ohio passed one such legislation wherein the equality was catered to in the similar fashion by separating the public places to be used by Americans of colour and whites. The matter came up before the Apex Court under 'due process clause', which gives the judiciary the power to question the law on the basis of fundamental principles relating to the right of an individual. The question now raised under the phrase 'due process' is whether the judiciary should be given the additional power to question the laws made by the State on the ground that they violate certain fundamental principles. Emancipate the pragmatic shift in the interpretation of the principle in the recent times and decide the case.

Section - D

6. On 5th of June 2021; Government of India issued a list of essential medicines under the Drugs and Cosmetics Act, 1940 in which Buprenorphine in the specified compositions was also listed. In order to acquire Buprenorphine in doses of 0.4 and 2 milligrams, the Central Medical Services Society, which is an independent society operating under the aegis of the Ministry of Health and Family Welfare, has issued a request for bids. Both M/s Human Care Laboratories and M/s Naun Pharmaceuticals Limited submitted bids for the same opportunity. **(5 Marks)**

These companies were notified that the tender had been terminated in February 2022, without any notice being given to the qualifying bidders, and that a new tender had been published. In addition to this, it was mentioned in the new tender that the qualifying criteria for bidders concerning their previous experience providing supplies had been relaxed. M/s Human Care Laboratories and M/s Naun Pharmaceuticals Limited have challenged the validity of the said action of the Ministry of Health and Family Welfare before the High Court and have sought the judicial review of this order of the concerned department. In the light of above facts, discuss the dimensions of judicial review in this case. **(10 Marks)**

7. The Central Government issued a directive endeavouring to ensure Public Private Partnership in key infrastructure development projects. Under this directive the Airport Authority of India ('AAI') planned to lease out Jharkhand International Airport. This plan was to be executed in accordance with the directives of the Central Government. The State of Jharkhand, the Jharkhand State Industrial Development Corporation ('JSIDC'), and individuals from a variety of walks of life, both on public and private interest challenged this directive of the Central Government. The State argued to have preferential claim, in public interest as regards the concession for operation, development and management of the Airport. The State also sought the declaration against AAI for accepting the proposal of the leasing company to grant the facility. Prepare a case sheet from the sides of both the parties and also deliberate on the jurisdictional issues.

Section - E

- 8.a) Service charges for the supply of the water and maintenance of sewage system of post office colonies, were levied by the state government in the state of Kerala. It was contended that the action of the state Government amounts to taxation on the property of the Central Government. Decide the jurisdiction clause applicable in this case and also manifest on the nature of remedy in the pertinent case. **(5 Marks)**
- b) Raveri river flows through three states of India before merging with the sea through the Bay of Bengal. During rainy season, the river is said to be prone to flash floods. The state of origin of this river is Uttarakhand. The State of Uttarakhand constructed a Dam over Raveri Bridge in the year 1995. In 2005, the state received a notification from the Meteorological Department warning heavy rainfall in the coming season. Consequently, the state decided to raise the level of reservoir of the dam constructed over the Raveri bridge. The riparian state challenged this action of the state of Uttarakhand on account of possibility of water scarcity. The riparian state has approached you for the legal opinion over this dispute. Guide in accordance with established principles of law and judicial pronouncements over the prospective dispute. **(10 Marks)**
9. Cindia is socialistic secular democratic republic country of south Asia. During the general elections for Parliament that took place in March 1997, the incumbent Congress party was defeated in five of the country's states, including Lihar, Uppar Pradesh, Himachal Rajya, Madhya Rajya and East Bengal. On April 27, 1997, the Union Home Minister wrote a letter to the Chief Minister of each of these States, requesting that they encourage their respective Governors to seek a new mandate from the people and dissolve the Assemblies. This was then followed by a broadcast from the Law Minister, whose main point was that the Government in these states run by Congress had lost the confidence of the public, and that it was therefore undemocratic for them to remain in office. The states challenged the stance of the Union law minister before the Apex court of Cindia. Decide in the backdrop of relevant judicial interpretations over the issue.
-

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - IV: MERGERS AND ACQUISITIONS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. The Paid up Equity Share Capital of A Ltd consists of 10,000 shares as on April 01, 2014. The promoters hold 4000 shares as on April 01, 2014, which is 40% as on April 01, 2014. The promoters comprise of three shareholders, A who holds 2200 shares (i.e. 22%), B who holds 1500 shares (i.e. 15%) and C who holds 300 shares (i.e. 3%). The company makes a preferential allotment of 800 shares to A as a result of which the post issue shareholding of A would be 3000 shares. Discuss whether open offer is triggered or not for (i) promoters together (ii) Mr. A?
- b. X Ltd. has decided in the Annual General Meeting to buy back its shares. The number of outstanding shares of the company are 25 Lakhs of Rs. 10 each. The Company also has a free reserve of 50 lakhs. The Company called for a board meeting and went ahead with the buy back without passing a special resolution. Can the company do so? What is the maximum amount of buy back that the company can do?

- c. Company X manufactures and sells toys in India. Company Y manufactures and sells video games in India. Y approached X with a proposal to acquire 100% shareholding of X. For financial year 2021-22, sales turnover of X was INR 200 crore and sales turnover of Y was INR 7500 crore. Both the parties agree to go ahead with the said combination. Decide whether it needs to be notified to the Competition Commission of India.
- d. Discuss in light of relevant case laws, the reasons for introducing the concept of 'registered valuer' under the Companies' Act, 2013.

Section - B

2. The combination relates to the acquisition by X of: A) 8.96 percent stake in Y Transport Finance Ltd (YTF) on 10th may 2013 from the stock exchange by way of a contract note; B) 24 percent equity stake in Y Capital Ltd (YCL) pursuant to the execution of collaboration agreement dated 17th April 2014. C) 6.99 percent stake in Y City Union Finance Ltd (YCUF). On 3rd June 2014, pursuant to a preferential allotment. YTFL, YCL and YCUF are group companies. No notice was filed to CCI, so the CCI held its meeting on 20th October 2014 and *suo moto* decided to initiate an enquiry for the above-mentioned acquisition. The commission sent a show cause letter dated 24th October, 2014 to X Ltd. asking that why was a notice not filed for the said combination and to file a notice in Form II in terms of section 20(1) of the Act. On 18th Feb, 2015, the Competition Commission of India (CCI) received a notice in Form II given by X Limited (Acquirer), under sub-section (1) of Section 20 of the Competition Act, 2002. The Commission approved the Combination on May 26th 2015 but want to levy a penalty under provisions of the Competition Act. Elaborate on the concept of Gun Jumping and with the relevant provisions of the Act and combination regulations discuss with respect to these facts that whether X Ltd. was obligated to notify the combination to CCI and whether there will be any case of Gun Jumping in the light of the exemptions given in the combination regulations.
3. A Ltd. and B Ltd. decided to merge and filed a notice with the Competition Commission of India regarding the same on April 1, 2022. Before the CCI could form a prima facie opinion regarding Appreciable Adverse Effects on Competition (AAEC) caused by such a merger, the parties

offered a modification on April 25, 2022. CCI still framed a prima facie opinion and delivered a show cause notice to the parties and the parties gave the responses. Upon examining the responses the CCI didn't find it to be satisfactory and went on for an in-depth investigation. After considering the factors, CCI suggested certain modifications to the merging parties. Answer the following questions based on the above mentioned facts and substantiate with relevant case laws:

- a. What is the time frame in which the commission has to be approved/disapproved? What exemptions does CCI get in computing the total number of days as per the time frame? What if the merging entities start to function as a merged unit before the clearance of the commission? What is the remedy available if the commission has not given any decision in the requisite time frame?
- b. What are the possible outcomes of the modifications provided by the commission to the merging entities?
- c. What are the five possible modifications that CCI has suggested in various cases?

Section - C

4. "Negative Control doesn't amount to control for the purpose of Takeover Regulations". The statement reflects the view of SEBI Appellate Tribunal and is further reiterated in recent NDTV case. Based on the above statement discuss the Concept of 'Control' under the Takeover Regulations with special reference to the *Subhkam Ventures case*. Whether the decision of *Subhkam Ventures case* be treated as a precedent?
5. "When the Takeover Code aims to protect the interests of the public shareholders by providing an exit opportunity at the best possible terms, it only adds to their benefit if there are multiple competing acquirers." In lieu of this background, discuss the concept of 'Competing Offer' and pre-requisites for making a competing offer with reference to the Bharti Shipyard and ABG Shipyard Takeover battle.

Section - D

6. Write Short notes on:
 - a. Continual Disclosures under SEBI (SAST) Regulations
 - b. Any two Takeover Defenses with case study
 - c. Creeping Acquisition

- d. Demerger with a relevant illustration
 - e. Minority Squeeze out
7. Define Valuation. Discuss the importance of IP valuation citing relevant case laws. What are the different kinds of IPs that needs to be valued? Also discuss the circumstances where IP valuation is required.

Section - E

8. Define Corporate Restructuring. What are the different modes of Corporate Restructuring?
9. Reliance Communications Ltd. is in the business of mobile communication. It has incorporated a wholly owned subsidiary named LYF Telecommunications Ltd. LYF is in the business of manufacturing mobile sets. Both these companies wish to attain synergy through corporate restructuring. Suggest them a suitable mode for corporate restructuring, which can be adopted. Discuss the various types of synergies.
-

Roll no. _____

RG/ET/14/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - V: ADVANCED IPR
(OPTIONAL PAPER)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Lovely Sweets is well known for its 'Laddu' Mark and recently conceived an idea of establishing education hub. When Mr. 'X' relative of Lovely owner purchased 'Laddu' sweet, he was surprised to get a free 'Hand Bag & Ball Pen' with the Logo of the Lovely University. Discuss the concept of branding and concept of well-known trademark in the light of given statement.
- b. Mr. Vinay Guard is into the business of manufacturing water purifier and has registered Trademark as 'vGuard' in Delhi. It has been dominating the market in the Eastern sector of India. Having impressed with the popularity of 'vGuard', Mr. Narinder, who is a distant relative of Vinay and is a resident of Madras and a student of Computer science registered the 'nGuard' domain name. In the course of time 'nGuard' received many proposals for business. Vinay could see sharp decline to his business on emergence of 'nGuard'. As an IP attorney advise 'vGuard' for remedial action and discuss the defenses of 'nGuard' if any in the light of statutory provisions and decided case laws.

Contd.....P.2

- c. X entered into an agreement with Y wherein X agreed to work in the film produced by Y and on completion of the film, work will belong to X absolutely and the copyright therein shall vest in him. Y will not be entitled to exhibit the said picture until full payments are secured to X'. It was, agreed that upon the payment of the agreed amount, the copyright will automatically vest in Y the producer company. X claimed performance right and filed suit for injunction to not to exhibit and release the film other than agreed territory. Discuss the rights of X in the light of given statement and the statutory provisions.
- d. 'Zenta Co.' entered in an agreement to purchase the empty 'Inhaier' manufactured by Cipla Company and sold by 'Chi Pharma' in China. After importing the 'Inhaier' into India, these 'Inhaier' were filled with Nasal Spray patented in India and sold in Indian market for Covid treatment in the name of Zenta Co. During the 2nd phase of Covid, Cipla Company stopped supplying 'Inhaier' and threatened either to get Cipla License or to face infringement prosecution. In the light of given statement discuss the safeguards and remedies for Zenta Co and Cipla Company in the light of statutory provisions.

Section - B

2. TopZU Limited started its business in manufacturing and processing of 'HALDI CREAM' biscuits in March 2020 in JAIPUR without registration of Trade Mark and fulfilled the demand of One Ton Biscuits in first month for export and later on TopZU could not maintain its books of accounts and supply order. COBRA Co. applied for 'HALDI WALA' Trademark and got registered Trademark for manufacturing and production of 'HALDI WALA' Bakery products on May 7, 2020. It started production and marketing its biscuits and cakes on June 1, 2020 in Delhi which dominated in the market. TopZU Limited filed a suit for injunction against COBRA Co. and filed post-opposition for grant of HALDI WALA Trademark. Comment upon the rights of plaintiff and defendant for grant of Trademark and write down your argument for TopZU Limited regarding claim for damages and passing off.
3. The University approached you to protect its logo (as given) from any misuse and its infringement. Suggest different protections under IP Laws where protection can be granted.



Section - C

4. The 'FIRNEE' sweet manufacturers got motivated with high incentive in the state of Punjab and Haryana for more than a decade. Jarnalal Singh & Singh (JSS) Transport is retailer of Punjab and Haryana for in the name of 'DEVIGARH FIRNEE' and selling across country during June-July months. Sweet Manufacturers Association Patiala Punjab (SMAPP) applied for 'DEVIGARH FIRNEE' for Geographical Indications in Sep 2022 which was opposed by JSS and Pundri Sweet Manufacturers Association-Haryana (PSMAH), claiming that JSS and PSMAH are associated for many decades in supplying and manufacturing of 'FIRNEE'. In the light of given statement, discuss the rights of SMAPP and PSMAH and JSS. Also explore the essential conditions and possibilities for getting GI.
5. Farmers and Businessmen Associations have been claiming for many potential goods which deserve to be tagged with GIs. You being researcher and IP attorney for the State of Punjab, comment on the statutory requirements of community IP and strategies for management of Geographical Indications to enrich the living standard of manufacturers and protection of state of art.

Section - D

6. Two brothers Harsh and Vimarsh shared an idea to make a film based on the Novel of Rakesh Mohan 'Modern Family.' Due to family disputes, the film making could not be taken up. After a gap of two years, Vimarsh announced and released his film i.e. 'Akela Balak' on Dec 2, 2021 on the theme of one chapter of the Novel 'Single Child Family'. Harsh released his film one week later due to his ill health. The title of his film was 'Aadmi Akela' on the theme of 'Single Parent Family'. Both the films impressed the viewers and gained popularity. After one month on Jan 2, 2022 believing that title of the films seems to be conflicting and Vimarsh filed a suit for damages, injunction and Copyright on the title of his film. In the light of Idea-Expression Dichotomy, discuss the rights of both brothers'.
7. Anup Chanchal a famous composer and singer is a registered member of Copyright Society of Indian Performing Right Society (IPRS) for composing songs and their recordings in CDs. Anup's songs and bhajans attracted the music listeners market and received handsome royalty for his work. Mr Jobar Singh is also a famous singer who sings

bhajans, he invited his family and friends on account for his Marriage Anniversary and was requested to sing Anup Chanchal's bhajans. Anup filed suit for damages and infringement of copyright by prosecuting Jobar Singh and IPRS in failing to manage and regulate his copyright work. In the light of given statement advise Jobar and IPRS to defend the suit in the light of statutory provisions, exceptions and decided case laws.

Section - E

8. Multi component Telepresence System is the Japanese patented invention relating to robotic assisted surgery by Mercer Inc. Maxi Hospitals Private limited is one of prominent health care chains of India. The pertinent hospital chain has been generating good revenue on account of medical tourism in India. In order to further enhance their market globally, they signed an agreement with Mercer Inc to provide 200 units of Multi component telepresence system. On 5th April, 202 Mercer Inc filed a patent for the Multi component Telepresence System which according to the claim related to robotically assisted surgery, provides surgical tools having improved mechanical and/or data interface capabilities attached with software to enhance the safety, accuracy, and speed of minimally invasive and other robotically enhanced surgical procedures. Furthermore it has also been claimed in the full specification of the claimed patent; that in robotically assisted surgery, the surgeon typically operates a master controller to remotely control the motion of surgical instruments at the surgical site. The controller may be separated from the patient by a significant distance (e.g., across the operating room, in a different room, or in a completely different building than the patient). During an operation, the surgeon may employ, via the robotic surgery system, a variety of surgical instruments such as tissue graspers, needle drivers, electrosurgical probes, etc. Each of these structures perform functions for the surgeon, for example, holding or driving a needle, grasping a blood vessel, or dissecting, cauterizing, or coagulating tissue. Additionally, patient trauma can generally be reduced by eliminating the number of tools used at any given time. More specifically, in minimally invasive procedures, the number of entry ports into a patient is generally limited because of space constraints, as well as a desire to avoid unnecessary incisions on the patient. Hence, a number of different surgical instruments will typically be introduced through the same tracer sleeve into the abdomen for example, during laparoscopic procedures. The

above patent claim was published and one NGO Healthy Me India opposed the grant of patent on the ground that such type of invention can not be patented in India. Argue for and against the grant of patent in the present context

9. Bharat Biotech and AstraZeneca are the biggest players in India for manufacturing of Covid Vaccine. India sent samples of Covid Vaccine manufactured by Bharat Biotech for clinical trial to Russia. Bharat Biotech filed the suit for infringement against Govt. for exporting Covid Vaccine claiming that Govt. has impaired the patentee's rights. Discuss the statutory provisions and advise Govt. of India for its appropriate defence with the help of decided case laws and TRIPs agreement.
-

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - V: BASICS OF CYBER LAW
(OPTIONAL PAPER)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. A terrorist was caught by FBI and got injured because of bullet firing. He was admitted in a hospital for emergency treatment as he could reveal important information about the terrorist organization 'Al Faqr'. The Hospital was under heavy security and every effort was made to save the life of that terrorist. Meanwhile, a cyber professional from the 'Al Faqr' group hacked into the hospital's computer network and changed the name of medicines which could prove lethal to the health of the terrorist caught by FBI. The nurse after taking note of medicines mentioned in the medical record, administered the injection to the terrorist leading to his death. Discuss briefly whether this crime is covered under the Information Technology Act, 2000 and also briefly mention the cyber crimes not covered under the IT Act, 2000.

- b. An engineer created a portable ventilator during the COVID times and wanted to get it patented. The portable ventilator is also available on various e-commerce website for sale. He was denied the registration on the ground that the essential element of 'novelty' is missing along with other basic requirements. Discuss whether the portable ventilator can be patented and whether its sale online can help in getting a patent.
- c. Madhur went to the 'Shopper Cropper Store' and purchased some clothes for his family on the Christmas eve. He used his debit card and made the payment of Rs 40, 000/-. After two days, he started receiving bank text and emails about transactions taking place using his account details. He immediately called the bank and blocked the card. Is there any provision under the Information Technology Act, 2000 to deal with frauds related to internet banking or use of Credit Cards. Discuss various kinds of offences related to E-Banking.
- d. India is not a party to the Budapest Convention but is eagerly waiting to join hands with Russia to sign the Multilateral treaty on Cybercrime. State briefly the reasons for India not signing the Budapest Convention and Support Agenda of Russia led Treaty.

Section - B

- 2. Ramjash posted comments against the government which were defamatory and inciting in nature on the social media platform named 'Switcher'. Ramjash accused the government for making policies against the minorities resulting in unrest amongst few communities. The government sent a notice to 'Switcher' asking them to take down the comments. The company took down the content and blocked the user profile of Ramjash. Ramjash contested by claiming his right to freedom of speech and expression. Refer to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule 2021 and relevant provisions of the Information Technology Act, 2000 to explain whether the Government's action is justified?
- 3. In 2020, a pandemic broke out leading to lockdown across the world. People were restrained from moving out of the houses and complete administration used online mode for governance purposes. Many people lost their job and started looking for new opportunities where they could earn by working from home. Madham was 24 years old boy living in Mumbai who was the only bread earner of the family as he lost his father at the young age. Madham and five other boys from his university created a new app for children named 'LTAP- Let's take a Picture' where children

could post their pictures and make animal avatars for themselves. The app became very popular in no time. Madham and other boys could now make a lot of money. In June 2021, various complaints were filed against the app creators as the pictures posted by children were morphed and nude pictures of these children were available for download from the same app. The police immediately took charge of the situation and arrested all the boys and seized pornographic content and laptops from them. They were accused of Cyber pornography. Discuss the liability under the Information Technology Act, 2000.

Section - C

4. A company named 'TACOS' was a popular brand in India, famous for selling Tacos and Quesadilla. The company had a registered Trademark and used a tilted 'T' symbol. The customers knew that the tilted 'T' symbol, seen from distance, indicated the presence of an outlet of 'TACOS'. Another company named 'TOCOS' started the same business and used a straight 'T' symbol and was not registered. However, the 'TOCOS' company registered the domain name as www.tacostocos.com and gave the customers an option for online delivery of tacos and quesadilla's. The customers were not satisfied with the food quality when it came to online deliveries. The company named 'TACOS' now contests for infringement of trademark and requests the company TOCOS not to use this domain name as it harms the very reputation and goodwill of the company. The company 'TACOS' also contests that the symbol of straight 'T' used by the Company 'TOCOS' is creating a lot of confusion amongst its customers. Taking the above situation into consideration, explain if there is trademark infringement and also suggest the remedy. As the infringement is also in regard to domain name, also discuss the provision (if any) under the Information Technology Act, for Trademark violations in cyberspace.
5. Professor Karwan S. from Adelaide University authored a book titled, "Faces of Human Evolution", and used a software named GPSS which produced graphic images and topographical maps of different locations around the world in accordance with the data fed into that software. Two months after the release of the book, Professor Kim from Kansas University challenged that 80 percent of the content of Professor Karwan's book has been copied but paraphrased differently from the book named "Facts about Evolution of Our Species" and the software used by Professor Karwan that is GPSS is also a pirated software and this can be inferred from the watermark that appears in the background

of every graph used in this book. Professor Karwan rebuts the argument by saying that there is no plagiarism and it is the similarity index, but he fails to acknowledge his references. You are working in a law firm and your senior has now asked you to prepare a brief on Copyright infringement and Software piracy in cyberspace in support of Professor Kim's argument. Use the above stated facts to prepare the brief and support your arguments with relevant case laws.

Section - D

6. A person sitting in Mumbai 'A' ordered special rice from Karachi, Pakistan from Person 'B'. All the communications in this regard took place via emails, telephonic communications, telegrams and postal means. The agent 'C' in Chandigarh facilitated the communication between the person 'A' and the other person 'B' in Karachi. The person in Bombay paid the amount to the agent in Chandigarh who further transferred the amount to Karachi. Person 'A' despite making the payment never received his order. All the later communications were made on email but he received no response. Determine the cyber jurisdiction in the case stated above and also refer to the relevant principles of jurisdiction to substantiate your argument.
7. Ashok ordered an Iphone from an e-commerce website named 'the Havana' and made the payment in this regard. The delivery date of the product was displayed as August 24, 2022 but the product was received by Ashok on September 25, 2022 after raising various complaints provided in a certain format on that website. On September 25, 2022 when Ashok was all excited to open his packet, he was shocked to see that he had received five bathing soaps instead of an Iphone. He immediately raised his concern and asked for the refund. The company denied his request for refund and contested that Ashok had consented to the non refundable policy which appeared on the screen in a scroll box to which he consented by clicking on the 'I AGREE' tab. Ashok argued that how can someone read such a long policy printed in such a small font. Prepare the arguments on behalf of Ashok and discuss the liability of E-Commerce websites when it comes to contractual terms.

Section - E

8. Adhim was suspected to be selling certain narcotic products on the 'dark web'. When the concerned department raided his place they could seize certain articles and laptops which may provide digital evidence against Adhim. Considering the situation above, what principles of Digital Forensics must be taken care of during the search and seizure. Discuss the process of how the cyber forensic team will prepare the report of the evidence collected and also mention about the admissibility of digital evidence in a court of law.

 9. Alfat wrote letters to her husband's organization blaming him of adultery and loose character. She also sent emails to her husband's friend circle and family with pictures of her husband with different women. The husband reported to the police and pleaded that something must be done to stop her wife from defaming him as these emails are harming his reputation at his work place and otherwise. Considering the situation mentioned above discuss if there is any provision in regard to Cyber Defamation or Civil remedy under the Information Technology Act, 2000. Discuss whether this is a case of cyber tort.
-

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER 2022
PAPER- I: CRIMINAL LAW (PROCEDURAL-I)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. A was arrested by a police party from his house on the complaint of his wife who has accused him of cruelty. Further, the police has also arrested the parents and sister of A. They have not been allowed to meet their lawyer and when produced before the Magistrate, the Magistrate has remanded them to 15 days judicial custody. Are there any irregularities in the arrest process? Discuss.
- b. A riot of grave nature took place in Sakhini village in which 11 people died and some others were injured including a head constable who was on bandobast duty. There were 21 persons accused in the case including Reddy. The accused were tried under various sections of IPC for the offence of dacoity and section 25 of the Arms Act. During the trial, Reddy wants to use the case diary to show that he was wrongly framed in the case. Can he 'use' it? Also discuss, if there are any limitations imposed on the use.

Contd.....P.2

- c. Determine the place of trial in following cases:
- Where the offence is a continuing one and continues to be committed in more local areas than one. (2.5 marks)
 - Avinash boarded a train from Patiala. Scuffle between Avinash and Rajan ensued somewhere in the compartment between Panipat and Sonapat. Rajan got down at Sonapat. On reaching Delhi, Avinash broke his journey and lodged an FIR at Delhi. (2.5 marks)
- d. Rules of procedure are handmaiden of justice and are meant to advance and not obstruct the cause of justice. Comment.

Section - B

2. A Court of Session convicts a person for the offences punishable under Sections 302, 365 and 326 of IPC and sentences him to imprisonment for life, rigorous imprisonment for 5 years and fine and rigorous imprisonment for 3 years and fine respectively for those offences. In the light of this statement, discuss:
- If the Court does not direct that the sentences shall run consecutively or run concurrently, then how will the said sentence be executed? Decide with relevant provision of law and case laws. (7.5 marks)
 - Also guide the Court of Session in deciding the order in which these sentences shall be executed in case the court decides that they are to run consecutively. (7.5 marks)
3. Rani, the wife of Tapati Das left the matrimonial home (Delhi) in January 2022 shortly after giving birth to her son. She went to Mumbai to her paternal home and filed an application for interim maintenance under section 125 CrPC on 22-2-2022 and also filed for maintenance before the family court under section 24 of the Hindu Marriage Act. The Court on 22-7-2022 under section 125 has ordered a monthly maintenance of Rs. 5000/-. On the basis of this statement, discuss the following:
- What conditions should be pleaded by Rani in order to ensure that the Court grants her maintenance under section 125 of the Code of Criminal Procedure, 1973? (5 marks)

- ii) Guide Rani as to the date from which maintenance is payable in the light of recent Supreme Court judgments. (5 marks)
- iii) Whether the two proceedings filed by Rani, are maintainable? Discuss the guidelines laid by the Court to solve the issue of overlapping jurisdictions. (5 marks)

Section - C

4. Discuss the following:

- i) The deceased, a boy of 11 years, was found missing. The accused lodged an FIR with the police that he saw three persons taking the boy from the school to the Ramlila ground on 5 November. Later on he heard some screams from the ground and went there and saw the boy lying dead in a pool of blood. The accused was arrested by the police and prosecuted for the offence of murder. Decide regarding admissibility of FIR. (5 marks)
- ii) FIR has been filed in the police station of Nanded for offences of theft, house breaking at night and hurt. The FIR has been filed in which 5 persons have been named as accused. Raju has been named as one of the accused. He contends that he has been wrongly implicated in the case. Can he ask for a copy of the FIR? Suggest him the manner in which he can procure a copy of the FIR. (5 marks)
- iii) Ram has gone to the police station to report about his missing daughter and urges the police officer to file an FIR. However, the police officer insists that efforts should be made by Ram to trace the girl and does not register an FIR at that instance. The police officer wants to conduct an inquiry before registering an FIR as he suspects the truthfulness of the information. Is the action of the police officer justified? Discuss. (5 marks)

4. Atu is a student of Bachelors and is studying in DAV College. He gave a rebellious speech on the eve of Independence Day and was arrested by the police on the charges of sedition on 23-2-2022. He was questioned by the police for his involvement in the alleged offense and also about his linkages with cross border agencies. In the light of the above statement discuss, the following:

- a) Atu wants to apply for bail. What factors which are to be taken into account by the Court while considering bail application of Atu? (7.5 marks)

- b) In case the bail is granted to him by the Court of Sessions, can this bail be canceled? If yes, under what circumstances and by which Court? (7.5 marks)

Section - D

6. Ani is a rape victim who goes to the police station to get FIR registered against Jog who she has alleged of committing the crime of rape. In light of this statement, answer the following:
- a) Can a doctor who has been asked to medically examine Ani perform the 2-finger test on her? Discuss with the help of case laws. (3 marks)
 - b) Can Jog refuse to answer questions when he is interrogated by the police? (3 marks)
 - c) Can Jog be forced to undergo narco-analysis for the purpose of getting information regarding the incident? (3 marks)
 - d) Jog has confessed to the police about his involvement in crime. Can this confession be a part of evidence before the Court for proving the prosecution case? (3 marks)
 - e) Can Ani ask for her statement recorded by the Magistrate during the course of Investigation? (3 marks)
7. Atul has filed a complaint for defamation against the CEO of his company on 23-3-2022. The Magistrate did not examine Atul but dismissed the complaint holding that there was no sufficient ground for proceeding. Atul again filed the complaint on 24-5-2022. In the light of the statement discuss the following:
- a) What procedure should have been followed by the Magistrate after receiving the first complaint? (10 marks)
 - b) Whether the second complaint is maintainable? Discuss. (5 marks)

Section - E

8. a) Can there be a joinder of trial under following circumstances:
- i) Shri commits four offences of theft in Patiala in 2021 of which two are punishable under section 379 of IPC and the other two are punishable under section 380 of IPC. (2.5 marks)

- ii) Amit attempts to rescue Bali from the custody of the police and while making such an attempt causes grievous hurt to constable 'C' and simple hurt to constable 'D'. (2.5 marks)
 - iii) Anu has abetted her husband Hari to commit criminal breach of trust by defrauding the bank accounts of his employer. (2.5 marks)
- b) Amit is being tried for the offense of stalking committed against Rani by the Court of Magistrate. Rani was followed by Amit everyday while going to office and on one day she went to the police station to report the matter. Enlist the steps for trial that shall be followed by the Court. (7.5 marks)
9. On 30-5-2022 at 9 p.m. when Kamli was coming home from the market, she was on the way stopped by a tribe of roadside romeos and eve teasers. She threatened them and on hearing her voice, her brother came out of the house. On seeing the brother, all fled except Lauxman. An altercation took place between Lauxman and Kamli's brother and Lauxman took out a knife and stabbed Kamli's brother. He was arrested by the police and was tried for offence of culpable homicide not amounting to murder triable before the Court of Session. In the light of the given situation, discuss the following:
- a) Can the Court discharge Lauxman? If yes, under what situations? (3 marks)
 - b) What is the difference between 'discharge' and 'acquittal'? (3 marks)
 - c) Can Kamli's cross examination be deferred by the Court? (3 marks)
 - d) Can Lauxman plead guilty before the court? (3 marks)
 - e) The arguments got concluded on 23-9-2022 and the accused was convicted on the same day and sentenced to undergo life imprisonment. Discuss the validity of this order. (3 marks)
-

Roll no. _____

RG/ET/16/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - VI: INDIRECT TAXES
(OPTIONAL)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. **Write short note on:**
 - a. Discuss how GST has resolved the cascading effect dichotomy under previous indirect tax laws?
 - b. Discuss the levability of Indirect Taxes on the following:
 - (a) Alcoholic liquor for human consumption
 - (b) Petroleum crude, diesel, petrol, aviation turbine fuel and natural gas
 - (c) Tobacco
 - (d) Opium, Indian hemp and other narcotic drugs and narcoticsRenting of immovable property
 - c. Does CGST law provide for any appeal to a person aggrieved by any order or decision passed against him by an adjudicating authority under the CGST Act? Explain the related provisions under the CGST Act.

Contd.....P.2

7. Mr. XYZ & Sons has entered into a contract to supply two consignments of certain taxable goods. However, since it is unable to determine the value of the goods to be supplied by it, it applies for payment of tax on such goods on a provisional basis along with the required documents in support of its request.

On 12.01.2020, the Assistant Commissioner of Central Tax issues an order allowing payment of tax on provisional basis indicating the value on the basis of which the assessment is allowed on provisional basis and the amount for which the bond is to be executed and security is to be furnished.

Mr. XYZ & Sons complies with the same and supplies both the consignments of goods on 25.01.2020 thereafter paying the tax on provisional basis in respect of both the consignments on 19.02.2020.

Consequent to the final assessment order passed by the Assistant Commissioner of Central Tax on 21.03.2021, a tax of Rs. 1,80,000 becomes due on 1st consignment whereas a tax of Rs. 4,20,000 becomes refundable on 2nd consignment.

Mr. XYZ & Sons pays the tax due on 1st consignment on 09.04.2020 and applies for the refund of the tax on 2nd consignment same day. Tax was actually refunded to it on 05.06.2020.

Determine the interest payable and receivable, if any, by Mr. XYZ & Sons in the above case.

Section - E

8. Ranjan intends to start selling certain goods in Delhi. However, he is not able to determine (i) the classification of the goods proposed to be supplied by him (as the classification of said goods has been contentious) and (ii) the place of supply if he supplies said goods from Delhi to buyers in U.S. Ranjan's tax advisor has advised him to apply for the advance ruling in respect of these issues. He told Ranjan that the advance ruling would bring him certainty and transparency in respect of the said issues and would avoid litigation later. Ranjan agreed with his view, but has some apprehensions.

In view of the information given above, you are required to advise Ranjan with respect to following:

- (i) The tax advisor asks Ranjan to get registered under GST law before applying for the advance ruling as only a registered person can apply for the same. Whether Ranjan needs to get registered?
 - (ii) Can Ranjan seek advance ruling to determine (a) the classification of the goods proposed to be supplied by him and (b) the place of supply, if he supplies said goods from Delhi to buyers in U.S?
 - (iii) Ranjan is apprehensive that if at all advance ruling is permitted to be sought, he has to seek it every year. Whether Ranjan's apprehension is correct?
9. "The recommendations of GST Council are not binding on Union and States". In the light of above statement, discuss the reasons with relevant case laws.

Roll no. _____

RG/ET/16/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.L.L.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - VI: LAW AND MEDICINE
(OPTIONAL PAPER)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Informed Consent
- b. An unmarried mentally unsound female (victim of rape) was 25 weeks pregnant, when she was brought by her guardian to a registered medical practitioner for medical termination of pregnancy in the year 2022 . Discuss the legal position with regards to this and safeguards which the medical practitioner has to comply.
- c. A pharmaceutical company wants to launch a new medicine for cancer in the market. Guide the company regarding legal safeguards to be complied before introducing the medicine for human consumption in the market.
- d. A doctor indulges in sex-selection by putting a symbol '6' for a girl and '9' for boy on the reports, although no such verbal communication was made by the doctor to the patients. Discuss the liability of the doctor under Indian law.

Contd.....P.2

Section - B

2. WHO defines Health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. How far Indian Constitution protects the Right to Health in India. Elaborate upon the role played by Judiciary in safeguarding the Right to Health.
3. A person was victim of a hit and run case, and brought in an emergency condition to the nearby hospital. The medical practitioner on duty, in good faith performs the operation of this patient to save the life of that patient. However, the patient died during the operation. Discuss the criminal liability of the doctor in this case. Support your answer with the help of decided case laws.

Section - C

4. Two brother's 'X' (aged 17 years) and 'Y' (aged 25 years) died in an accident. 'X' during his lifetime had made a declaration of transplantation of his organs after his death, however no such willingness or declaration was made by 'Y' regarding transplantation of his organs. 'Z' the surviving brother (aged 20 years), the only surviving close relation wants to donate their organs. Whether 'Z' can donate the organs of his deceased brothers? Discuss the legal parameters which 'Z' needs to ensure and comply for successful organ transplantation. Elaborate the difference in approach had 'X' and 'Y' been alive and they wanted to donate their organs during their lifetime.
5. 'X' a foreign national needed transplantation of kidney, for this purpose he planned a visit to India and approached a tout 'T' to secure a kidney for him during his visit to India and offered him a reward of 2 lakhs and 10 lakh rupees to the donor of kidney. 'T' managed to secure a kidney match from an unclaimed body in a hospital. Discuss the validity and legality of such a kidney transplantation in the light of Indian law. Discuss the responsibility of the doctors in case of a such transplantation.

Section - D

6. A mentally ill child aged 17 years, was admitted to a Mental Health Establishment by his grandfather, who made an advance directive regarding the treatment of his grandson. The father of the child was living in a foreign country at the time admission to mental health care establishment. Unfortunately, the grandfather died before the grandson attained majority. During the course of treatment, the medical practitioner

- was not in agreement to the advance directive and wanted to give different treatment to the child. Discuss the validity of this advance directive and legal position in case of deviance from the advance directive. Can a medical practitioner act as a nominated representative of a mentally ill minor child in case no family members are alive?
7. A mentally ill person admitted in a mental healthcare facility directed the medical practitioners and the staff that no visitors or communication from outsiders in whatsoever regard should be made with him during his stay. However, by the order of court a Judicial officer came to visit him in the facility. The mentally ill person wants to sue the mental health facility in this regard. Discuss the legal position regarding this. Moreover, during the visit by judicial official, one of the psychiatrists who was treating this mentally ill person took some photographs of the mentally ill person along with the judicial officer and uploaded it on his Facebook account. Discuss the legal implications of the same.

Section - E

8. 'X' delivered a pre-term baby in a Hospital. However, certain mandatory tests such as Retinopathy of Prematurity (ROP) were not conducted, which led to blindness of the child. Whether such an act on the part of Hospital amounts to Medical Negligence?. Discuss the liability of the Doctor concerned. Support your answer with the help of decided case laws.
9. An Indian couple having an autistic child of their own entered into a surrogacy agreement with an unmarried female relative aged 40 years, promising her an award of 10 lakh for acting as surrogate mother in the year 2022. Discuss the validity of such an agreement in the light of Surrogacy law in India. What would have been the legal position, had this arrangement was made in the year 2009?

Roll no. _____

RG/ET/16/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - VI: INTRODUCTION TO FORENSIC
SCIENCE (OPTIONAL)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. **Write short note on:**
 - a. Explain the Utility of Forensic Science in Sexual Assault Cases.
 - b. What is Expert Opinion? Explain with relevant provision of law.
 - c. Comment on *Selvi v. State of Karnataka*.
 - d. Explain the Perspective plan for Indian Forensic.

Section - B

2. Explain the Role and Impact of Forensic Evidence under the Criminal Justice System.
3. Elaborate the following:
 - a. How law and Forensic Science are related to each other.
 - b. What are the Issues and Challenges in Forensic Science?

Section - C

4. A Thief approached a house from the backyard late one evening, knowing that the owners were not at home. He tried and failed to pry open several windows. Finally, he broke a windowpane with the old pry bar. While entering in the house his fingers touched the clay adhered to the windowpane and his shirt torn with the broken window glass. He climbed in over the sill and was promptly bitten on the leg by the owner's dog, provoking a sharp blow to the dog's head with the pry bar. The Thief burglar then went upstairs to the bedrooms to steal jewellery. On his way out through the kitchen, he took a bite from a piece of cheese that was on the counter. Feeling pretty good about his haul despite his bloody leg, he left a note on a pad near the cheese: "Thanks for everything, suckers." He unlatched the back door and disappeared into the misty night. What evidence could link the Thief/burglar to the Theft/burglary?
5. Write a note on the following questions.
 - a. What are the precautions to be used by investigating agency while collecting the evidences from the place of incident?
 - b. What is the "Chain of Custody"? What is its relevance and how will you prove chain of custody in a court of law?

Section - D

6. A is arrested by the police in connection with a FIR registered against him by name at the instance of X, the victim of the alleged rape by A. A is arrested and in due course sent to judicial custody. While in custody, the police made an application to the court stating that A has been uncooperative during the time he was in the custody and for the purpose of an effective investigation, the police want to have a DNA profile of A

for a scientific investigation of some specimens collected during the investigation from the spot and the evidence furnished by the victim. A, on the advice of his counsel, declines to give the sample of his blood or semen, as called upon by the Police. He contends that in terms of the Constitutional protection envisaged in Article 20 (3) of the Constitution of India, which says that no person accused of any offence shall be compelled to be a witness against himself, he cannot be called to give any specimen as asked by the police and he also claims his right to privacy being a part of Article 21 of the Constitution. The police contended that the court can order use of necessary means to secure the taking of the required evidence for the purpose of Investigation. Decide the problem giving detailed reasons and substantiate with the help of judicial pronouncements.

7. Write a note on the following
- What is Narco-Analysis and its admissibility under the Indian Legal System?
 - Explain the importance of firearms as scientific evidence in firing incidents.

Section - E

8. Discuss the Concept and Admissibility of Digital Evidence in the Court of Law. Explain with help of leading case laws.
9. S gave a public speech provoking enmity against community represented by G. One 'M' recorded the speech in his mobile and filed a criminal complaint with police for registration of FIR against 'S'. 'G' also filed an application for registration of FIR against 'S' for inciting religious enmity. The Chargesheet is presented and police wishes to use mobile recording of M for proving charges against 'S'. The mobile recording of 'M' was copied in a pen drive and its transcript is filed in Court.
- Whether the recording can be proved in Court with the use of a pendrive?
 - What is the procedure to be followed for proof of the recording?

Substantiate your answer with the help of relevant legal provisions and judicial pronouncements.

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - III: BANKING LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Amaltas Co. Ltd. as a principal borrower had borrowed a sum of Rs. 50 Lakhs from SBI. Mr. Ajay being one of the directors of the company had given guarantee along with some other directors by creating an equitable mortgage on the property Y by deposit of title deeds. The SBI filed an Original Application for recovery of a sum of Rs. 5,95,09,700/- with interest in the Tribunal which dismissed its application. Mr. Ajay seeks release of the original perpetual lease deed executed in his favour which was lying in the possession of the SBI Bank, stating that the Property Y was mortgaged only for the bank guarantee facility of Rs. 50 Lakhs and not for any other loan or facility. Can the bank claim general lien over the said property? Justify your answer with relevant case laws.
- b. *"An ombudsman is basically a person appointed to investigate individual's complaints against a company or organization especially a public authority". In view of the statement highlight*

the role and functions of Banking Ombudsman under the Banking Ombudsman Scheme, 2006. What are the limitations faced by the Ombudsman in the discharge of his duties?

- c. Determine in between A and B, as to who shall have priority over the concerned assets? Give reasons in support of your answer:
- a) Z has mortgaged his building to A. A allows the mortgagor to retain possession over the building with there being no mark to indicate that it has been mortgaged. The mortgagor subsequently sells the building to B.
 - b) A has fixed charge over the company's machinery and B has fixed charge over the company's receivables. The company sells the machinery without the knowledge of A and pays it into the account of receivables.
- d. Identify which of the following are valid negotiable instruments and why:
- (i) I promise to pay A Rs 50,000/- and the fine according to the rules.
 - (ii) I promise to pay X Rs. 70,000/- when convenient or able.
 - (iii) I promise to pay Z a sum of Rs. 1,00,000/- after seven months.
 - (iv) I am liable to pay S, in a sum of Rs. 8000/- to be paid by installments.
 - (v) I am bound to pay a sum of Rs. 10,000/- which I received from you.

Section - B

2. a) *"To constitute a customer, there must be some recognizable course or habit of dealing in the nature of regular banking business. It is difficult to reconcile the idea of a single transaction with that of a customer. The relation of a banker and customer begins as soon as the first cheque is paid and accepted for collection". Discuss the above statement in light of the existing theories and decided case law.*

b) "Money lodged with the bank as fixed deposit is a loan to the bank. The banker in connection with fixed deposit is a debtor. The depositor accordingly would cease to be the owner of the money in fixed deposit. The said money becomes the money of the bank enabling the bank to do so as it likes subject however to repay the debt on maturity". Discuss the statement by identifying the nature of the banker-customer relationship. Support your answer with suitable case laws.

3.a) A Bill of Exchange which is payable to 'Rajnish or order' is stolen from Rajnish and the thief forges the signature of Rajnish and endorses it to Kavish who takes it as a 'holder in due course'. Later Kavish takes the value on the Bill. Discuss whether Kavish has committed a bank fraud? Justify with reasons.

b) "Any behaviour by which one person intends to gain a dishonest advantage over another can be defined as a fraud". In light of the statement discuss the modes of commission of bank frauds particularly with special reference to the internet. Also, point out the preventive measures adopted by banks to reduce instances of bank frauds.

Section - C

4. Answer the following with the help of relevant provisions contained in the Banking Regulation Act, 1949:

a) Anuradha and Vikram are the directors in PMC Bank Ltd. The Bank disbursed a loan of Rs. 20,00,000/- to Anuradha and Rs. 25,00,000/- to Vikram. Analyze the validity of the loan.

b) Laxmi Villas Bank Ltd. is a banking company carrying on its operations in India. After obtaining the licence of a banking company in 2015, the directors of the Laxmi Villas Bank Ltd did not comply with the mandatory guidelines of the Reserve Bank of India such as the maintenance of Cash Reserve Ratio and Statutory Liquidity Ratio on a routine basis and even resorted to a wrong reporting of its non-performing assets. Explain the legal action which Reserve Bank of India is empowered to take against the directors of Laxmi Villas Bank Ltd.

5. *"The banking institutions are the custodians of private savings and a powerful instrument to provide credit. They mobilize the resources of the country by accepting deposits and channelize them for industrial and national development by granting advances".* Explain the statement in light of the Socialistic pattern of Indian economy and the Nationalization of Banking Companies with the help of Bank Nationalization Case. Also, cite reasons for privatization of banking companies in India.

Section - D

6. Tiara Ltd., was a company engaged in designing of diamond jewellery. It had its head office at Delhi and was selling jewellery throughout the country and making good profits. In the process of expanding its business operations the company established a new showroom in northern India, for which it borrowed a sum of Rs. 3 Crores from Bank of Baroda and a consortium of banks. In November, 2018 a fire occurred at one of its showrooms due to which the company suffered huge losses and was unable to pay its debts. After identifying default for a period of 30 days, the Bank of Baroda classified the company's account as a SMA-0 account under the RBI Prudential Guidelines on NPAs, 2018. Later due to non-payment, it was classified as an SMA-2 account and subsequently after 2 years, it was categorised as a Non-Performing Asset account. Later, as per the RBI Prudential Guidelines on NPAs, 2018 the Bank of Baroda tried to implement a resolution plan involving restructuring of the loan but it failed. Since the resolution plan could not be implemented within 180 days from the reference date, Bank of Baroda initiated the Insolvency resolution process against the Tiara Ltd. before the NCLT, New Delhi. As a response, the Company challenged the power of the Bank to initiate insolvency resolution. Elucidate whether the Bank of Baroda is justified in taking such an action? Examine the constitutional validity of the RBI Prudential Guidelines on NPAs, 2018.
7. A consortium of banks had given a loan amounting to Rs. 1.5 Crores to Bhushan Steel Ltd. for setting up a steel fabrication unit, on the security of mortgage of factory. Since, Bhushan Steel Ltd. defaulted in the repayment of loan, the consortium of banks by consensus decided to sell the loan to AMC Ltd., an Asset Reconstruction Company. Accordingly, AMC Ltd. restructured the loan and issued security receipts in lieu of the price. As per the restructured loan, it was to be paid by the end of third year, but Bhushan Steel Ltd. was unable to repay even at the end of the ninth year after extensions. In view of the facts, answer the following:

Contd.....P.5

- a) Advise the consortium members on the course of action open to them as the security receipts are unsatisfied.
- b) Advise the secured creditor seeking to enforce his rights under SARFAESI Act, 2002 if
 - i) The amount recovered on the sale of secured property is less than the outstanding amount.
 - ii) The secured property has *pari passu* charges created in favour of other banks.

Section - E

- 8. (a) Saket, the holder of a bill endorses it to Piyush, Piyush endorses to Harsh, and Harsh to Rekha. Rekha endorses it again to Saket. Can Saket, being a holder in due course of the bill by second endorsement by Rekha, recover the amount thereof from Rekha? Also, can Saket sue Piyush, Harsh and Rekha? Discuss the liability of the endorser. Give reasons in support of your answer.
 - (b) Gagan who is in the possession of an uncrossed cheque which he received from Sukhbir, writes 'Not Negotiable' on the face of the instrument. Is there any 'material alteration' in the instrument and does this invalidate the instrument? Give reasons in support of your answer.
 - 9. M/s Kriti, a proprietorship firm engaged in the sale and purchase of chemicals had an amount of approximately Rs. 5 Crores outstanding towards M/s Sunanda. Certain post-dated cheques were signed by the authorized signatories of M/s Kriti and were issued to M/s Sunanda in discharge of the debts. However, out of the seventeen cheques issued to M/s Sunanda, some were dishonoured with an endorsement stating "mismatch of signature". On receiving such endorsement, M/s Sunanda in compliance with the statutory provisions as provided under the Negotiable Instruments Act, 1881, sent a notice to M/s Kriti to issue fresh cheques in their favour. M/s Kriti cited the "change in the mandate" to be the reason for such dishonour and undertook to issue fresh cheques on return of the dishonoured cheques. Nevertheless, the same remained unpaid by M/s Kriti, thus compelling M/s Sunanda to take recourse to legal action as a last and final resort under Section 138 of the Negotiable Instruments Act, 1881. Discuss whether M/s Sunanda will succeed in a suit for dishonour of cheques? Support your answer with suitable case laws.
-

Roll no. _____

RG/ET/12/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022**

**PAPER - IV: HUMAN RIGHTS LAW AND
PRACTICE**

**TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Human Rights are universal, however are shaped, defined, by the historical factors that beset a nation. In the light of the statement, analyze the intersectionality of universality *vis a vis* evolution in light of socio-political-cultural matrix of a nation with the help of case laws.
- b. A, a citizen of Oceania had come to Geolandia as a wildlife photographer. In one of her photography expeditions, she was gangraped by the employees of the Geolandia Tourism Corporation. The Apex Court of Geolandia upheld the decision of the lower courts granting A compensation. Identify the school of jurisprudence used by the Apex Court of Geolandia to grant her compensation, elucidating cases wherein the constitutional rights of a country can be used to provide justice to nationals of another country.

Contd.....P.2

- c. The Paris Principles stress on inclusivity as well as plurality in the constitution of Human Rights Commission of a country. In the light of the same, analyze plurality of National Human Rights Commission with the help of relevant sections.
- d. Indian Constitution is gender blind. Analyze.

Section - B

2. A, an accused, housed in Neolandia Prison gets his autobiography published through a well known publisher Leo Publishers. The autobiography also reveals a diabolical nexus between the prisoners and the prison officials' as well as reveals grim underbelly of prisons. The Inspector General of Neolandia prison, on behalf of the state of Neolandia, files a case against A alleging that the contents of the autobiography are false and defamatory. Further, the State of Neolandia contends that Freedom of Speech and Expression is not absolute, but is subject to reasonable restrictions. Decide the case on the basis of the following issues:-

- a) Whether the Inspector General of Neolandia prison will be successful since Fundamental Rights are only enforceable against the state. Critically analyse with the help of case laws. (7 marks)
- b) Critically analyze the scheme of horizontality under the Indian Constitution, analyzing the rough spectrum of verticality vis a vis horizontality. (8 marks)

Note: Laws of Neolandia are *pari materia* with the laws of India

- 3. Critically analyze the relationship between generations of human rights and International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, 1966, with the help of cases and relevant articles;

Section - C

- 4. A, an individual was found to be HIV positive. A was supposed to be betrothed to a girl X and was due to marry her in a month. A's doctor reveals his HIV positive status to the girls' family, leading to his proposed marriage to X be called off. A files a case against the doctor as well as the hospital authority citing the violation of his right to privacy. Critically

analyse the clash of "right to be let alone" with another person's right to be informed and the disclosure of true facts even if they have the tendency to disturb a person's tranquility. Further, decide the case with the help of appropriate precedents of the Supreme Court of India.

5. Many human rights NGOs in India have initiated public interest litigation (PIL) effectively, and sought recourse to judicial remedies to protect and promote the human rights of a large number of people, particularly the poor and the needy. Elucidate the concerted efforts of NGO'S that have resulted in landmark judgments that contributed to human rights discourse in India.

Section - D

6. In a case of alleged cow slaughter, the police sent two minor girls, aged about 12 and 16 years, to the jail along with seven others in Kiranagar, district Mandela Moringa county instead of sending them to juvenile home, as per the law. The police officers preferred to go by their physical appearance instead of believing their Aadhar cards, which were shown to them as proof of their age. The girls could come out of the jail on bail only after spending three and half months there and now feel traumatized. The National Human Rights Commission has issued notices to the Chief Secretary and DGP of the Government of Moringa County, calling for a detailed report in the matter. Elucidate the powers of National Human Rights Commission to take up cases, with the help of relevant sections of the Protection of Human Rights Act 1993 and case studies.
7. Taking suo motu cognizance of the death of two women suspected of witchcraft by the villagers, in the village of Barbados. The National Human Rights Commission (NHRC) reprimanded the State Government severely and ordered the payment of adequate compensation to the families of the two victims. However, it was found that the State Government had taken no action as directed by NHRC. This led to the media tainting NHRC as a toothless tiger. Critically analyse with the help of relevant provisions and cases, the systemic lacunae in the functioning of NHRC.

Section - E

8. P was employed as the general manager of an educational establishment operated by Cornwall County Council, and was originally recruited as a man. When P informed her employer that she intended to undergo gender reassignment, she was dismissed. She brought a sex discrimination complaint. The industrial tribunal decided that the true reason for P's dismissal was her employer's objection to her intention to undergo a gender reassignment operation. The tribunal did not believe, however, that P had a remedy under the Sex Discrimination Act (SDA), because the SDA prohibits only adverse treatment for men and women because they belong to one sex or the other, not because they are transsexual people, and the tribunal was satisfied that P would have been dismissed for undergoing gender reassignment surgery whether she had been a man or a woman. The tribunal decided to ask the Cornwall Apex Court for a ruling on whether the Equal Treatment Directive is wider in scope than the SDA. Decide the case with the help of international conventions and municipal laws.

(The laws of Cornwall County Council are *pari materia* with the laws of India)

9. *Gender Identity lies at the core of one's personal identity, gender expression and presentation and, therefore it will have to be protected under Article 19 (1)(a) of the Constitution of India.* In the light of this statement, critically analyse gender equality under the Indian Constitution with the help of case laws.
-

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - IV: SPECIAL LAWS- I
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Five migrants were travelling to middle east from Delhi. On reaching Qatar, their fake passports were taken away by five men with covered faces. Identify the crucial elements and point of time when illegal migration takes the form of Human Trafficking.
- b. Whether the unilateral power of the executive under Section 35 of the Unlawful Activities (Prevention) Act, categorize an individual as a terrorist and include them as such in Schedule IV goes against the principles of rule of law, natural justice and the person's fundamental right to reputation?
- c. Discuss the issues related to Transparency and Clarity when it comes to the Prevention of Money Laundering Act, 2002 with special reference to issues related to Enforcement Case Information Report.

- d. A famous painter painted an objectionable picture of a famous leader. The painting was said to be 'Obscene' and 'Indecent'. Discuss the difference between 'indecent' as mentioned under the Indecent Representation of Women Act and 'Morality.' Discuss the Hicklin test to support your answer.

Section - B

2. Rohini, Sujata and Mansi were studying at Carmal Public Residency School at Bhuj Nagar. On their way back home they stopped for a cup of coffee at the nearest coffee shop near the school. These girls started discussing their financial problems and were curious to join some jobs at the earliest to support their families. Ms. Sundara sitting on the next table overheard the conversations and invited them to join the working women group where the advertisements regarding jobs for women are shared. The girls out of excitement shared their numbers and hence joined the group. Ms. Sunadara after a month shared an advertisement that invited young girls to join a hotel in Bangkok for catering and hospitality services. Rohini and Mansi immediately applied for the job and expressed their interest to join the job. Ms Sunadara arranged for their travel and these girls left home on August 25, 2022 leaving behind a letter for their parents stating that they are going for some work and will return back with lot of money to pay back the loans. The girls were then transported by sea to seven different countries where they suffered from not only sexual exploitation but forced pregnancy. In the light of the above facts, discuss the provisions from national and international laws and instruments. Also, discuss the rehabilitative measures that are provided in the concerned international instruments.
3. Mehar Singh was eager to move to Canada but many a times he faced rejection from the Canadian Embassy. He was rejected tourist visa, work permit etc. Mehar Singh later joined a group of Singers and accompanied them as a band master to Canada. The documentation that he procured was fake and forged. The moment he landed in Canada he fled and couldn't be found for next three years as he changed his looks. After three years he was arrested by the Canadian police. Considering the above circumstances, discuss whether this is a case of illegal migration or human trafficking. Discuss the responsibilities of the nation states in reference to the Convention against the Transnational Organized Crime and its protocols. Also, elaborate the legal status of Mehar Singh in Canada.

Section - C

4. The group named 'alpha Pro' targeted all the computer systems, networks and servers at Bhopal from a computer used in Burnswick Cyber Café. The 'alpha Pro' group took away all the banking details from banks, interrupted the Power and Oil Supply and even manipulated the medical history of the patients at reputed hospitals. The classified information related to Defence was also shared with other agencies across the world. Identify if this is the case of Cyber Terrorism as explained under the Information Technology Act, 2000. Support your answer with case laws
5. Person 'M', 'N', and 'P' planned an attack on the Senate Building in India. A drone was used one week prior to the attack which was noticed by some of the localities residing near the Senate Building. On August 12, 2022 there was a blast 10 kms away from the senate building at 10:45 am. At 11:00 am another blast was reported in a hospital and then at 11:30 a.m. there was a blast in a school. 'M' and 'N' were arrested but no evidence or information could be gathered from them. Bail was denied to them without any justification. Prepare a brief for your Senior, against the person 'M' and 'N' citing the relevant provisions from the UAPA law. In the brief discuss the justification for rejecting the bail without reasons and also whether person 'M' and 'N' can be listed as 'terrorist'.

Section - D

6. Recently, many senior bureaucrats and officials have been trapped by the enforcement directorate on the charges of Money Laundering. Citing the recent cases, discuss the powers bestowed upon the enforcement directorate by the Prevention of Money Laundering Act, 2002.
7. Mr. Gopal was a corrupt official who earned crores of rupees and was even dismissed from service. The officials empowered under the Prevention of Money Laundering Act, 2002 raided his house, confiscated some of the items and also attached his property that was a benami transaction. The authorities failed to recover the money that he sent to various tax havens or invested in different countries. Discuss the liability of Mr. Gopal under the Prevention of Money Laundering Act, 2002 and also discuss how the process of money laundering takes the form of transnational crime, making it difficult for the nations to address the problems related to it. Are there any means suggested under the Prevention of Money Laundering Act, 2002 to dispose or audit the 'proceeds of crime'.

Contd.....P.4

Section - E

8. Sona was Married to Rahul for five years. Sona never complained about the issue of domestic violence in her matrimonial home. She one day recorded a video of hers explaining about the emotional, physical and sexual abuse that she suffered at the hands of her husband and relatives. She shared pictures of all the wounds and scars on her body and thus posted the video on her social media page. Immediately after posting the video she went missing and returned back to her matrimonial home after a week. The husband and her in laws didn't open the gate and refused to take her inside saying that she can go back to her parents. Discuss the important provisions that may help Sona to get immediate relief under the Protection of Women from Domestic Violence Act.
9. Rupesh and his family consistently kept dowry demands to Shika's family. Rupesh and his mother taunted Shika about her father's financial status. They made her do every household work and food was given to her only after she finished all the assigned task. Shika one day was admitted to hospital for burn injury. Rupesh and his parents said that she sustained these injuries while she was working in the kitchen. The marks on her body and burns hints towards torture and mal treatment. Whether Rupesh and his family can be held liable under the Dowry Prohibition Laws. Support your answer with recent case laws.
-

Roll no. _____

RG/ET/09/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - III: GENERAL PRINCIPLES OF
CRIMINAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. **Write short note on:**

- a. A crime is generally considered to be a creation of the state. Define crime as per the definitions given by different scholars of Criminal Law and Jurisprudence. Also discuss the test for criminality or criminal liability.
- b. With reference to *mens rea* what is the doctrine of Contemporaneity? Explain with the help of relevant case laws.
- c. A gives pills to a pregnant woman to induce abortion, but they have no effect because the drug turns out to be innocuous. Discuss the liability of A. Support your arguments with the relevant case laws and general principles of Criminal Law.

Contd.....P.2

- d. Ayushman, the captain of a steam vessel, suddenly, and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat Ganga, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat Yamuna with only two passengers on board, which he may possibly clear. Ayushman alters his course without any intention to run down the boat Yamuna and in good faith for the purpose of avoiding the danger to the passengers in the boat Ganga, Ayushman runs down boat Yamuna in doing so. Analyse the issues of morality and criminality involved in this case. Support your answer with the arguments raised by Michael Sandal in his book 'Justice'.

Section - B

2. According to Jerome Hall, "Principles stipulate what is common in all crimes. They are the broadest and delineate the area of Criminal Law." In light of this statement elucidate the seven principles of Crime as discussed by Hall in his book General Principles of Criminal Law.
3. Herbert L. Packer writes "The kind of criminal process we have is an important determinant of the kind of behaviour content that the Criminal Law ought rationally to comprise." In light of the aforesaid statement, discuss the two models of criminal process proposed by Herbert Packer.

Section - C

4. With reference to the maxim *actus non facit reum nisi mens sit rea* as a principle of Criminal Law discuss the following:
- i) Critically evaluate the relevance of *mens rea* under the Criminal jurisprudence in India.
 - ii) Distinguish rashly with recklessly and negligently.
 - iii) According to Glanville Williams, what is the reason behind punishing people for negligence?
5. A struck his wife on the head with a ploughshare, which made her unconscious. Believing her to be dead, in order to lay the foundation of a false defence of suicide by hanging, the accused hanged her. The hanging actually caused her death. Examine the liability of A with special reference to *mens rea*.

Section - D

6. With reference to abetment discuss the following cases with relevant judgments:
- i) A bribed B, an inspector for providing a false certificate to him. B was the principal offender who was acquitted at the trial. Whether A will be liable for abetment?
 - ii) Discuss accessory before the fact and accessory after the fact in case of the commission of an offence in light of abetment.
 - iii) Uday with a guilty intention instigates Majnu to murder Ghunghru Seth, their common enemy. However, Majnu refuses to do so. Discuss whether Uday will be liable for abetment. Also discuss in the above circumstance if Majnu is lunatic and does not commit murder of Ghunghru Seth.
7. "The gist of the offence of conspiracy lies not in doing the act or effecting the purpose for which the conspiracy is formed, nor in attempting to do any of the acts nor in inducing others to do them, but in forming of the scheme or agreement between the parties." Justify this statement in light of the principles laid down by the Apex Court in *State of Tamil Nadu v. Nalini* AIR 1999 SC 2640 on Conspiracy.

Section - E

8. The facts of the case before the Court are that the complainant has sent about 20 labourers to his field for plantation of paddy. At about noon on the date of the incident a mob of around two hundred people assembled on the field to stop the labourers from work. When the complainant objected to this, the accused directed the mob to kill the labourers. The two accused fired from their respective guns on the labourers which caused the causality of few people. The mob also started assaulting the labourers from their weapons which caused serious injury to others.
- i) The question before the Court is that whether the mob which had the common object to prevent the labourers from working in the field had developed on the spot common intention to commit murder. Determine this question with supporting arguments and case laws.

- ii) Section 34 is a rule of evidence while section 149 creates a substantive offence. Comment.
- iii) Also distinguish between common intention and similar intention with the help of decided cases.

9. "The right of self-defence is a very valuable right, serving a social purpose and should not be construed narrowly. Situations have to be judged from the subjective point of view of the accused concerned in the surrounding excitement and confusion of the moment, confronted with a situation of peril and not by any microscopic and pedantic scrutiny. In adjudging the question as to whether more force than was necessary was used in the prevailing circumstances on the spot it would be inappropriate, as held by this court, to adopt tests by detached objectivity which would be so natural in a court room, or that which would seem absolutely necessary to a perfectly cool bystander. The person facing a reasonable apprehension of threat to himself cannot be expected to modulate his defence step by step with any arithmetical exactitude of only that much which is required in the thinking of a man in ordinary times or under normal circumstances." Supreme Court in *Vidhya Singh v. State of Madhya Pradesh* (1971) 3 SCC 244.

In light of the above discuss the following:

- i) The right of private defence is wider than the right of self-defence.
 - ii) Private defence is preventive in nature not punitive. Comment
 - iii) When does the right to private defence commence and when does it terminate?
 - iv) What are the limitations on the exercise of the right of Private Defence?
 - v) What is the objective behind providing the right of private defence?
-

Roll no. _____

RG/ET/07/12/22

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
END TERM EXAMINATION
DECEMBER -2022
PAPER - II: ENVIRONMENTAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:
 - a. Environmental Spiritualism
 - b. Co-processing and its importance with the help of relevant rules
 - c. Anthropocentrism vis-à-vis Ecocentrism
 - d. Precautionary Principle

Section - B

2. The Sub-Divisional Magistrate, Delhi directed the municipal corporation under Section 133 of CrPC to remove the nuisance by ordering the municipality to construct drain pipes with a flow of water to wash the filth and stop the stench. Discuss the validity of the order.
3. "The shift from Strict Liability to Absolute Liability is the need of the hour. The law cannot remain static." In the light of the above argument, state the measures of liability of an enterprise that is engaged in an inherently dangerous or hazardous activity. Discuss with the help of decided case laws.

Section - C

4. "Rio Declaration re-affirmed the Stockholm Declaration with the object to establish a global partnership to protect the human environment," Analyse the nexus between the two Declarations.
5. Sustainable Development, as a concept, has been introduced globally at the insistence of the global north, through the Brundtland Commission Report. However, the same has always been present in India. Elucidate the indigenous perspective on sustainable development with the help of examples and analyse the concept of sustainable development as enunciated by Brundtland Commission.

Section - D

6. DLF Housing Society is a residential society having more than six hundred houses, hospitals, and schools. There is an old Gurudwara and Temple and the loudspeakers were installed there. The loudspeakers create a lot of disturbance in the society as they start at 4:30 am in the morning. When residents complained, they were told that loudspeakers were used for delivering religious sermons in

Contd.....P3

consonance with their religious faith. Now the residents want to get the loudspeakers removed from the Gurudwara and Temple or the noise level should be controlled. Being a lawyer, advise them on the basis of laws related to noise pollution and the fundamental rights guaranteed under Part III of the Constitution of India.

7. E-Waste is a term used to cover items of all types of Electrical and Electronic Equipment (EEE) and its parts that have been discarded by the owner as waste without the intention of re-use. Remix Electro is basically a Computer Centre, which was established in 2020 to conduct online exams and they also manufacture and sell electronic pieces of equipment. They create almost half a ton of e-waste every year. Explain the responsibilities of Remix Electro arising under the E-waste (Management Rules) 2016 as Bulk Consumers, Manufacturers and Collection Centres.

Section - E

8. A three-day Cultural Festival took place at Rishikesh on the bank of river Ganga, and lakhs of people gathered there. After they left, the banks of the river and the river were badly polluted. The three-day event destroyed and degraded the ecologically fragile environment of Rishikesh. The local residents wanted to take legal action; they approached the National Green Tribunal which imposed a nominal penalty of 5% of the dividend of the Cultural Festival. Critically analyse the order with the help of the judicial pronouncements and provisions of the National Green Tribunal Act, 2010.
9. Oswal Hospital, one of the leading hospitals in Ludhiana, was not following proper procedures in disposing of bio-medical waste. Due to this reason, the bio-medical waste is being dumped in the open area behind the hospital and this had created fear in the minds of the local residents. Residents of the area where the hospital is situated have approached you. As a lawyer advise them of the various remedies available under the various provisions related to the Environmental Laws in India.