



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Administration of Criminal Justice Custodial and Non-Custodial

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. “Proper classification of prisoners can be very beneficial for the smooth functioning of Prison Administration”. Critically evaluate the parameters of classification of prisoners in India.
2. “Parole is one of the widely practiced non-custodial measures in India”. Discuss the eligibility for the same and critically evaluate the success of this measure in India.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. “Supreme Court in India has played a pivotal role in improvising the conditions of prisoners and has asserted time and again that prisoners are to be treated with human dignity and they are not to be deprived of their rights merely because they are in prisons as under trials or even as convicts”. In the light of this statement, evaluate how far the Apex Court has been successful in resolving the problems of prisoners and ameliorating their conditions in prisons. Support your answers with the help of decided case laws.
4. “Retribution, deterrence and incapacitation undoubtedly were the traditional notions for punishing an offender of crime. However, rehabilitation and reformation of prisoners has gained ground world over in the recent past, and has become an important facet of theories of punishment”. Evaluate the success of the steps initiated in India for the reformation of Prisoners.
5. “United Nations Standard Minimum Rules for the Treatment of Prisoners were adopted to address the rights of vulnerable prisoners”. In this backdrop, evaluate the key features of these Rules and how far these rules have been implemented in India for the upliftment of basic human rights of prisoners in India.
6. A man of fifty years was convicted by a court for a crime punishable with punishment of five years. He had already served an imprisonment of seven years for another



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Administration of Criminal Justice Custodial and Non-Custodial

Time – 1 ½ Hours

Maximum Marks – 40

offence punishable under IPC. Can his case be considered for release on Probation under the Indian laws? Discuss the application of Probation laws in India. Support your answer with the help of relevant case laws.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Constitutional Amendments in India

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

- 1) Justice Y.V. Chandrachud stated that Government and Judges might come and go but democracy; the basic feature of the constitution should remain eternal. It was further stated that the Constitution 42nd Amendment 1976 is responsive to the aspirations of the people and reflects the realities of the present time; Democracy had been abolished indefinitely, possibly forever; above all the importance of fundamental rights was greatly devolved.

In light of these statements examine how the Constitution was sought to be changed so as to reduce the element of Constitutionalism therein.

- 2) Analyse the Indira Nehru Gandhi v. Raj Narain Judgement and indicate if in any way it led to free and fair elections thus upholding the rule of law.

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) Legal Expert-V.G. Ramachandran described the 24th and 25th Amendments as not tinkering with the Constitution. He said, 'It is a veritable slaughter of the Constitution'. He stated that, the 25th Amendment smacks of totalitarianism and hurry to achieve socialism instantly overnight. In light of this statement, discuss citing related case laws indicating if the 25th Amendment did actually Strengthen the Directive Principles of State Policy.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Constitutional Amendments in India

Time – 1 ½ Hours

Maximum Marks – 40

- 4) How far have the various Constitutional Amendments to A.15 and A. 16 espoused the policy of protective discrimination as an endeavor to achieve Social Justice in India? Discuss with relevant Judicial Decisions.
- 5) Highlight the advantages and disadvantages of the Anti-Defection Law and further suggest what changes are required? How has the SC decided on the following issues? Explain, citing case law.
- i) Whether the Right to Freedom of speech and expression is curtailed by the Xth schedule.
 - ii) Whether only Resignation Constitutes voluntarily giving up membership of a political party.
 - iii) Whether Para 6 of the Xth schedule granting finality to the decision of Speaker/Chairman is valid.
 - iv) Whether a Speaker/Chairman can review his own decision to disqualify a member under the Xth Schedule.
 - v) When can a court review the Speaker's decision making process under the Xth Schedule.
- 6) Why was the National Judicial Appointments Commission considered to limit the primacy of the Judiciary and increase the Govt's powers in Appointments thereby impinging on Judicial Independence. Discuss citing relevant case laws.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)

Semester - II

Subject – Corporate Regulation

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. “Investor protection describes the entity of efforts and actions to safeguard and enforce the rights and claims of an investor desiring advice and legal action”. Critically evaluate the regulatory mechanisms available for investor protection in India, in the light of the statement.
2. The corporations of today can easily scam the public through the Collective Investment Schemes if not regulated properly. Briefly discuss the issues and challenges that the market economy faces with the implementation of such schemes.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. “The capital market in India is a market for securities, where companies and governments can raise long-term funds. It is a market designed for the selling and buying of stocks and bonds. It consists of the primary market, where new issues are distributed to investors and secondary market where existing securities are traded”. In view of the statement, list the kinds of intermediaries in the primary market and answer the following:
 - (a) Who are Underwriters? Elucidate the importance and types of Underwriting of a Public issue. **(7.5 marks)**
 - (b) Examine the role and functions of Merchant Bankers and Stock Brokers in facilitating the investors of primary market. **(7.5 marks)**
4. “An Insider is a person who is in possession or has an access to material non-public price sensitive information about the securities. Such information is obtained in the



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II
Subject – Corporate Regulation

Time – 1 ½ Hours

Maximum Marks – 40

performance of his duties at the corporation and he uses that information in breach of a fiduciary or other relationship of trust or confidence”. In light of the statement answer the following:

- (a) Highlight the scope of the term “Insider” with particular reference to “connected person”. **(5 marks)**
 - (b) Identify the prohibitions on communication or procurement and trading when in possession of unpublished price sensitive information by an Insider under the SEBI (Prohibition of Insider Trading) Regulations, 2015 with the help of suitable case laws. **(10 marks)**
5. The International Aviation Firm Zing bought another airline Astra in 2020. The company floated the benefits of Employees Benefit Schemes for their old employees out of the returns of profit that Astra had accumulated. The employees of Astra were not given any benefits as the takeover would only be completed by 2023. The employee base will become one after the completion only. The staff members of Astra objected against this to the Board of Directors. Does their complaint holds any ground? Discuss.
6. A new company was established by Bharat Inc in Africa in 2010. Bharat Inc is a renowned Multi National of the state and has a strong shareholder base. The Managing Director of the company bought shares worth 10,000 crore in his name and depicted the transfer to the African branch in the name of Advertisement. Discuss the liability of the Managing Director under the regulations of FEMA, 1998.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester – II

Subject – Criminology, Penology and Victimology

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. “Law grinds the poor and rich rides on them”. Discuss the statement in the light of ‘discretion’ exercised by judges while awarding death sentence.
2. Marshal B Clinard asserted that “the problem of white color criminality has its roots in competitive business community which tries to oust their rival competitors in order to earn huge profits”. Discuss this statement.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Some victimologists have projected a view that when a crime takes place, it has two partners, one, the offender and second, the victim, who provides an opportunity to the criminal to commit the crime. The victim is thus a part of the “penal couple” and therefore, he should bear some responsibility for crime. Do you agree with this statement; discuss with the help of judicial pronouncements.
4. Environmental crime is currently one of the most profitable forms of criminal activity and the organized criminal groups are attracted to it due to its high profit margins. Covid-19 pandemic induced worldwide lockdowns have lead to a further rise in the same. Discuss the above in the light of National and International developments.
5. “Dark web activity crosses local and state boundaries and national boundaries. Further, dark web actors might be emboldened by the lack of enforcement to conduct more illicit business using the dark web.” Discuss how in the modern times dark web is increasingly being used by organized criminals.
6. “The life is a combination of long term and short term events on an individual’s life. Your trajectory is simply the path in life that you choose. When you continue to progress your life in a certain direction you will reach a certain end-goal. A slight change in your trajectory can lead to huge difference in the outcomes you get in life.” In the light of above statements, discuss female criminality.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)

Semester - II

Subject – Scientific and Forensic
Techniques in Investigation of Crime

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. “The handwriting of every individual is unique. No two persons can write exactly alike.” Explain this statement with suitable examples.
2. Direct evidence from the narco-analysis is inadmissible unless supported by other evidence: Explain this elaborating concept and constitutionality of Narco-analysis as a technique for scientific interrogation.

Part - B

Attempt any two questions. Each question carries 15 marks.

3. Centralization of forensic data can help solve crime better: elaborate this mentioning utility of fingerprints in the personal identification of an accused.
4. An accused cannot say no to voice samples: justify this statement elaborating concept of voice recognition and its admissibility as evidence into the court of law.
5. The identification through DNA profiling is superior to other methods of identification in many respects: justify this statement with reasons.
6. What makes cyber-crime possible for criminals? Discuss in detail the legal issues regarding admissibility of digital evidence into the court of law.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Law and Justice in Globalized World

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. Michel Foucault questions whether the modern discussion of sexuality actually liberates or simply serves as a historical continuation of the regulation of sexuality. Explain in brief. **(5 Marks)**
2. Is there any fundamental right to access to active euthanasia? Answer briefly. **(5 Marks)**

Part – B

Attempt any two questions. Each question carries 15 marks.

3. A 2013 study by the U.S. Department of Housing and Urban Development showed that same-sex couples experience significant levels of discrimination when responding to advertised rental housing in metropolitan areas nationwide. In this study, heterosexual couples were favored over same-sex couples by sixteen percent. For transgender people, housing discrimination is even more prevalent. According to the 2015 U.S. Transgender Survey, nearly one quarter of transgender people report having experienced housing discrimination within the past year because of their gender identity. Is it possible for the LGBTIQ+ community members to enforce their right to housing horizontally against such kind of social discrimination? **(5 Marks)**
- (b) A Study published in May 2021 claimed that over 40% of LGBTIQ+ workers (45.5%) reported experiencing unfair treatment at work, including being fired, not hired, or harassed because of their sexual orientation or gender identity at some point in their lives. This discrimination and harassment is ongoing: nearly one-third (31.1%) of LGBTIQ+ respondents reported that they experienced discrimination or harassment



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Law and Justice in Globalized World

Time – 1 ½ Hours

Maximum Marks – 40

- within the past five years. What are the legal and constitutional protections for LGBTIQ+ working people? **(5 Marks)**
- (c) A lesbian couple (U.S. citizens) while on a world tour reached India, and planned to celebrate their marriage anniversary in New Delhi. They visited a renowned Bakery Shop 'X' in New Delhi in April 2022 to order an anniversary cake for their celebration. Bakery Shop's owner 'Z', who is a religious person, declined their cake request, informing the couple that he did not create wedding or anniversary cakes for marriages of LGBTIQ+ couples owing to his religious beliefs, although the couple could purchase other baked goods in the shop. This act of discrimination compelled the couple to file a criminal complaint against the Bakery owner at a Police Station, but Police refused to register any complaint. What could be the remedy for the couple? **(5 Marks)**
4. What should be the legislative response to the following issues:
- (a) The use of donor eggs and surrogates to have children also involves the commodification of women, and exposes them to significant physical and psychological harm. The high sums of money are being offered, especially for elite egg donors (who are often college students or young professionals with student loans hanging over their heads), and many argue that offering so much money is exploitative and a violation of human dignity. **(5 Marks)**
- (b) Psychological and gestational relationship of the Surrogate mother with the child **(5 Marks)**
- (c) Altruistic surrogacy too exploits vulnerable women **(5 Marks)**
5. What is the Corporate Social Responsibility in the following cases:
- (a) In the hopes of huge export revenues, the developing nations, especially Africa and Latin America, are leasing millions of hectares of land to foreign investors. But



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Law and Justice in Globalized World

Time – 1 ½ Hours

Maximum Marks – 40

there's a dark side to this dream of prosperity. The results are massive forced evictions of the indigenous communities, and the exploitation of Agricultural workers.

(5 Marks)

(b) Fast fashion has radically transformed the textile industry. These days, 56 million tons of clothing are sold every year. But cheap garments come at a high price: A precarious existence for workers and a catastrophic environmental impact.

(5 Marks)

(c) Corporations in many sectors of industry use a lot of water. In general, industry uses around 20% of the world's freshwater withdrawals, while in the wealthiest nations, corporate water consumption can be as much as 40% of the total. It is claimed that Corporate freshwater use violates human right to water.

(5 Marks)

6.a) In an empirical study on 'revenge porn', the results indicated that victims were perceived as more promiscuous and more blameworthy when they were more naked, and by participants with more traditional gender roles. What kind of jurisprudence is needed to combat victim blaming stereotypes in case of 'revenge porn' victims.

(5 Marks)

(b) There are widespread reports of domestic workers in India being underpaid, overworked and abused by their employers. Incidents range from withholding of wages to starvation, not allowing time for sleep or rest, and beatings, torture, and sexual abuse. What are the legal protections available for the domestic workers in India?

(5 Marks)

(c) Do prisoners have right to privacy?

(5 Marks)



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Law of Insurance and Arbitration

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. A rubber tyre manufacturer in Kerela entered into a contract with a party in Mumbai for the supply of rubber tyres. During the course of transactions it was found that tyres were defective, and the party based in Mumbai brought an arbitration claim against the Tyre manufacturer. In the meantime, the rubber tyre manufacturer started dissipating assets. Can the party in Mumbai file for interim measures restraining the rubber tyre manufacturer from dissipating its assets? Discuss.
2. An arbitral award is delivered by the Arbitrator on 15th April 2022 in New Delhi for the dispute between A2B Construction Company and Sunview Real Estate Developer. A2B Construction Company makes an application for setting aside the Arbitral Award after six months on the ground that they were not given a notice for the appointment of Arbitrator and they were not given a fair hearing during the proceedings. Discuss in the light of Section 34 of the Arbitration and Conciliation Act.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Mr. Ajay is approached for his likely appointment as an Arbitrator. He submitted an undertaking that he has sufficient time to conduct the Arbitration as he has only one Arbitration going on at that time. He also claimed that he is an independent person and not interested in the subject matter of the dispute. During the proceedings, criminal charges were proved against him. Parties approach you to take an advice on the matter to terminate the mandate of the Arbitrator and appoint a new arbitrator. Guide the parties.
4. M/s Asia Co. Ltd, a Bamboo Dealer in Assam entered into an agreement with Vendor named M/s Jeewan in Delhi to supply Bamboo baskets. During business transactions,



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Law of Insurance and Arbitration

Time – 1 ½ Hours

Maximum Marks – 40

a dispute arose as to supply of inferior quality bamboo due to which the baskets are very brittle and would break easily. M/s Jeewan wrote an email to M/s Asia to resolve the dispute through Arbitration. M/s Asia replied by suggesting Mr. Aman as the Arbitrator to represent them. There was no communication from M/s Jeewan for two months. M/s Asia sent a notice to M/s Jeewan to commence Arbitration proceedings. Whereas M/s Jeewan contends that there is no arbitration agreement. Discuss the importance of Arbitration Agreement in writing in the light of the present facts.

5. An arbitral award was delivered on 20th April 2021 between a Sweet Manufacturer in Ahmedabad and Milk supplier in Ahmedabad; on 7th May 2021 Sweet Manufacturer applied for the interpretation of the part of the award and made an application for deciding a dispute raised in the statement of claims but no decision was made in final arbitral award. Discuss and decide.
6. Manmohan Continental, Patiala entered into a contract with Rajan Caterers, Sonapat to supply crockery, staff, and hospitality services for a period of five years. During the subsistence of the contract dispute arose as to non-availability of staff during summer months. This led to a dispute between the parties, and they want to initiate Arbitration proceedings. You are appointed as an Arbitrator in the present case, explain the procedure to the parties for conducting arbitration proceedings.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End-Term Examination- May 2022

LL.M. - II Semester (Optional)
Subject – Media Law

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. The Press Council of India came across various news reports that some journalists are trying to built a narrative about a sensitive case of rape and murder. A leader of ruling party had threatened these journalists. The leader said *“ABC media jourmanlists had created a wrong narrative regarding the XYZ rape and murder case. They must draw a line so that brotherhood in the State remains intact and we also join the journey of development. It is better to control yourself before the situation gets worse”*. Whether the Press Council of India can take *suo-moto* action in such cases. Critically evaluate the Role of Press Council of India in reference to code of ethics and *suo-moto* proceedings.
2. 'The Don' is a reality show with adult content, which was broadcasted on a private channel owned by the media house Counterword Pvt. Ltd. 'The Don' was telecasted on a private channel during prime time for an hour 7 pm to 8 pm against the code/regulations framed under the specific legislations. Decide what action can be taken, under which regulations and against whom?

Part – B

Attempt any two questions. Each question carries 15 marks.

3. *“In judging the question of obscenity, the Judge in the first place should try to place himself in the position of the author and from the view point of the author the Judge should try to understand what is it that the author seeks to convey and what the author conveys has any literary and artistic value”*.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End-Term Examination- May 2022

LL.M. - II Semester (Optional)
Subject – Media Law

Time – 1 ½ Hours

Maximum Marks – 40

Evaluate the statement with the help of relevant judicial pronouncements determining test of obscenity in India to impose restrictions on the ground of morality and decency.

4. Unable to secure a judgment in favour of his client, a practicing Advocate Rana Parvez gave an interview to local newspaper 'Ujala' published at Bikaner, where he said about imputing motives to the Judge decided the matter against his client. Mr. Rana said the judgment is biased due to political nexus; it is also affected by corrupt judicial practice and is trash to be thrown in dustbin. The District Bar Association of Bikaner filed a case of contempt of court against Mr. Rana for scandalizing the Court and impairing confidence of the public in Court during his interview to the press and that he also passed certain derogatory personal remarks against the sitting judge who decided the case against his client.

On the basis of above facts explain the criteria for determining a case of contempt of court as well as defamation with the help of relevant judicial pronouncements.

5. Z10 is an e-commerce portal to sell and purchase goods. On special occasions the sale on the portal goes high. Z10 released a short movie on its portal portraying true story of rape victim survivor. Certain parts of the movie were considered as adult contents by the Censor Board and allowed to screen with certain cuts to maintain decency and morality when it was to be screened in theatres/multiplex. A complaint against Z10 was filed for violation of the programme code



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End-Term Examination- May 2022

LL.M. - II Semester (Optional)
Subject – Media Law

Time – 1 ½ Hours

Maximum Marks – 40

and regulations issued by the concerned ministries and a criminal case was registered against the director of the company. Decide the liability of Z10 and the director:

- a) Whether Z10 is under any liability as intermediary under the Information Technology Act or regulations?
 - b) Whether the director can be held liable under various provisions of criminal laws?
 - c) Whether both can be held liable under violation of any other legal norms?
6. Mr. Hans, a senior lawyer, was defending a high profile road rage case. In order to save his client in a criminal case, Mr. Hans arranged a meeting with an important witness and induced him witness to testify in favour of his client and resile from his earlier statements given to the police and magistrate. The entire conversation took place in a hotel which was recorded by a journalist in a sting operation. The video and audio recording was telecast on a private channel. The video was also shared on social media. Mr. Hans has filed a complaint to the court to take action against the journalist and the Channel for contempt of the court. In the light of the facts, answer the following:
- 1) In reference to the above proposition critically evaluate the freedom of press with reference to Media Trial in India.
 - 2) Whether and how the media trial in *sub judice* matters influences the judicial decisions?



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Service and Election Laws

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. In the light of Article 309 of the Constitution, critically analyse whenever there is a conflict between executive instructions and rules, what prevails. Explain with the help of decided case laws.
2. Mr. Vaibhav who was excise inspector, was caught accepting a bribe of Rs. 50, while in his office, departmental enquiry was initiated and charge sheet was served upon him. However, by taking into consideration his length of service of 35 years, he was ordered to be compulsorily retired without any stoppage of pension. Is the compulsory retirement of Mr. Vaibhav punishment. Give reasons in support of your answer.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. What is the constitutional validity of the following departmental actions:
 - a) Subsistence allowance was denied to an employee during suspension. **(5 Marks)**
 - b) Suspension orders were continued beyond three months without reason. **(5 Marks)**
 - c) Departmental Promotion Committee refused to assess the suitability for promotion of a government employee under suspension. **(5 Marks)**
- 4.a) The Disciplinary authority though not competent to impose major penalties of dismissal and removal, initiated disciplinary proceedings against a government employee. Does it violate Article 311 (1) of the Indian Constitution? **(5 Marks)**
- b) An incident took place which resulted in the death of the petitioner's co-officer 'X' due to the alleged mishandling of a weapon. The respondents alleged that the petitioner had been given a weapon, i.e., a firearm, which went off, resulting in the firing of three shots which resulted in the death of 'X'. Immediately after the death,



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Service and Election Laws

Time – 1 ½ Hours

Maximum Marks – 40

the petitioner was suspended and an FIR was lodged against him. After trial, the petitioner was acquitted on the ground that there existed “reasonable doubt” about his involvement and role in the rash or negligent handling of the firearm. Concededly, no appeal against the acquittal was preferred. The petitioner was suspended from his services from the day of the occurrence of the event itself. After the petitioner’s acquittal by the criminal court, departmental proceedings were instituted against him and a charge sheet for offences under Section 11(1) of the Central Reserve Police Force Act, 1949 was filed against him. On the basis of the enquiry conducted during the said proceedings, several witnesses whose depositions were recorded in the trial proceedings were also examined. The findings and report of the Enquiry Officer were considered by departmental authorities who found the petitioner guilty of negligence. This led to the imposition of penalty of his removal from service. The petitioner’s appeal and revision to superior officers, questioning the order of removal, were of no avail; he therefore challenged the said orders in High Court under Article 226 of the Constitution. Does it amount to a violation of protection against double jeopardy under Article 20(2) of the Indian Constitution? Discuss with the help of judicial pronouncements. **(10 Marks)**

- 5.a) A superior officer criticized adversely the work of an officer working under him, and issued a written warning to him without noting it in the officer’s confidential roll. Does it amount to a ‘censure’ that would have the effect over the right to promotion of the government employee? **(5 Marks)**
- b) A government employee remained absent from duty for six months but upon being charged of such misconduct, he fairly admitted his guilt and explained the reasons for his absence. He said that he did not have any intention to violate the service rules. Despite his request, the disciplinary authority removed him from service. Is this punishment proportionate? Discuss. **(10Marks)**



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
LL.M. (OYC)
Semester - II

Subject – Service and Election Laws

Time – 1 ½ Hours

Maximum Marks – 40

6. What is the constitutional validity of the following departmental actions:
- a) Departmental enquiry was conducted without allowing the charged officer to cross-examine the witnesses. **(5 Marks)**
 - b) During departmental enquiry, the Inquiry officer played the role of prosecutor. **(5 Marks)**
 - c) Delinquent employee was not supplied the enquiry report. **(5 Marks)**
