

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

RG/MT/20/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.L.L.B. (HONS.) FYIC  
EIGHTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - IV: INSOLVENCY AND  
BANKRUPTCY  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

## SECTION - A

1. Write short notes on the followings:
  - a. Godrej Interio Ltd. engaged in manufacturing of furniture delivered furniture worth Rs. 1,75,00,000/- to a retail store managed by Urban Ladder. When the manufacturer delivered the furniture, it billed the retailer for the furniture and recorded the payment owed under account receivable. Later the retailer was unable to make the payment. Examine whether and under which provision the manufacturer can file for an insolvency resolution process against the retailer.
  - b. Briefly discuss the pre-legislative framework and non-statutory guidelines prevalent before the enactment of the Insolvency and Bankruptcy Code, 2016. Also, point out the shortcomings existing in such framework.
  - c. 'BPSL Bank' has a recovery order against 'Tesco Ltd.' on enforcement of security interest under the Securitisation and Asset Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Contd.....P.2

However, the date at which the Bank filed for execution of the decree, the Court observed that moratorium period is in force and denied execution of the same. Can the recovery order be enforced? Support your answer with suitable case laws.

- d. Differentiate between a Financial Creditor and Operational Creditor in light of the judgment of Supreme Court in *Swiss Ribbons Private Ltd. & Anr. v. Union of India*, Writ Petition 99/2018.

### SECTION - B

2. "In view of the difficulties being faced by the bankers and creditors as a whole in recovering the value of assets and loans, the introduction of Insolvency and Bankruptcy Code was recommended. It was also established that the existing framework for insolvency and bankruptcy was inadequate, ineffective and resulted in undue delays". In light of the statement discuss the recommendations of the Bankruptcy Law Reforms Committee.
3. One of the leading Bank granted credit facility to Invent Ltd. and on default in making repayment by the Company, the Bank filed an application for initiation of Corporate Insolvency Resolution Process. Before the National Company Law Tribunal, the Company argued that as its liabilities stood suspended pursuant to a relief order passed by Government of Madhya Pradesh under Madhya Pradesh Relief Undertaking (Special Provisions Act), 1958 and no amount was due and payable by it to Bank and hence, the application for CIRP under the Insolvency and Bankruptcy Code, 2016 could not be admitted. Under the Madhya Pradesh Act, 1958 the State Government may take over the management of an undertaking and impose moratorium in the same manner as is contained in the Insolvency and Bankruptcy Code, 2016. Examine in the light of decided cases, whether the CIRP application filed by the Bank under the Insolvency and Bankruptcy Code, 2016 will prevail?

### SECTION - C

4. Oberoi Realty Pvt. Ltd., is a company incorporated under the Companies Act, 2013 and engaged in the business of real estate development is constructing approximately 2000 flats at Greater Noida, Uttar Pradesh.

Due to delay in construction and delivery of possession of flats, the home buyers filed an application for initiation of corporate insolvency resolution process against it. The NCLT admitted the application and issued notice to Oberoi Realty Pvt Ltd. Mr. Khanna one of the home allottees who had paid the token amount and installments pleaded that he is no more interested to take the possession of the flat and wants to take a refund of the amount invested by him. During the same time, the State Bank of India (SBI) also initiated a recovery suit against Oberoi Realty Pvt. Ltd. under the SARFAESI Act, 2002 and claimed their dues as a secured creditor. The home buyers aggrieved by this action of SBI approached the Uttar Pradesh Real Estate Regulatory Authority for relief. As a response, the Corporate Debtor challenged the constitutional validity of the Insolvency and Bankruptcy Code (Second Amendment) Act, 2018 and Insolvency and Bankruptcy Code (Amendment) Act, 2020. In light of the facts, answer the following questions:

- (i) Discuss whether home buyers can initiate an insolvency resolution against oberio Realty Pvt. Ltd. **(7 marks)**
- (ii) Examine whether U.PRERA has the jurisdiction to hear complaints of home buyers against a secured creditor? **(3 marks)**

Discuss the relevant provisions and support your answer with suitable case laws.

- 5.i) "The Adjudicating Authority if satisfied that a default has occurred, the application is complete and there is no disciplinary proceeding pending against the proposed resolution professional, it may, by order admit the application for corporate insolvency resolution process" Examine the statement in light of the recent judgment of the Supreme Court. **(5 marks)**
- ii) Black Board Pvt. Ltd had a corporate insolvency resolution process going on against it which completed on 10.8.2022. On 12.12.2022, Black Board Pvt. Ltd. initiates an application for corporate insolvency against Spears Pvt. Ltd. (one of its debtors). Is it entitled to file such an application under the Code? Support your answer with relevant provisions and case laws. **(5 marks)**

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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB****B.A.L.L.B. (HONS.) FYIC****EIGHTH SEMESTER****MID TERM EXAMINATION****MARCH - 2023****PAPER- IV: CRIMINOLOGY AND  
PENOLOGY****TIME DURATION: ONE AND HALF HOURS****MAXIMUM MARKS: FORTY (40)**

**Note: Section - A is Compulsory and each part carries 5 marks.**

**Attempt One Question each from Section - B and Section - C**  
**Each question carries 10 marks.**

**SECTION - A**

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

- a. "Criminality may result from either an over active conscience or too weak conscience". Critically analyze this suggestion made by Sigmund Freud.
- b. 'Once a criminal always a criminal'. Do you agree with this opinion of psychiatarists Yechelson and Samenow?
- c. What do you understand by Utilitarianism? Explain the consequential formula of 'Felicific calculus'.
- d. Draw the inter-relationship between Criminology, Penology and Victimology. Explain how the policies made using these branches are implemented by Criminal Justice System.

*Contd.....P.2*

### SECTION - B

2. Positivist school tried to find criminality in the physical characteristics of criminals. Lombroso adopted an objective and empirical approach to the study of criminals through his anthropological experiments. Trace the development of penal thought from demonological Theory to need for codification. Also, point out the distinctions between contribution of classical school and positive schools.
3. According to utilitarian principles, Is capital punishment preferable to a life sentence. Can you think of a way to use utilitarian principles to reduce the use and duration of imprisonment?

### SECTION - C

4. Write notes on the following:
    - a) If criminal behaviour is attributed to the mesomorphic structure of the criminal, what use might the crime-prevention strategists make of such information?
    - b) Explain the Constitutional Interactionist view of criminal behaviour given by Wilson and Herrnstein? Do you think the theory is convincing.
  5. As a type of social-psychological approach, Learning theory focus on mechanisms by which criminal behaviour is learned. In furtherance to this concept Sutherland has stated that " When persons become criminal they do so because of contacts with criminal patterns and also because of isolation from anti-criminal patterns". Discuss the postulates of Differential Association to support above stated argument.
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RG/MT/21/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
MARCH - 2023  
EIGHTH SEMESTER  
MID TERM EXAMINATION  
PAPER - V: COMPETITION LAW AND  
PRACTICE (OPTIONAL)  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

## **SECTION - A**

- 1. Write short notes on the followings:**
  - a. Deliberate upon the concept of tie-in arrangement with the help of a case law. How is 'tying' different from 'bundling'?
  - b. Entity A is dominant in the market for ink and has just started manufacturing pens. In order to assist its new venture, A starts selling its ink on the condition that the buyer also purchases the pen manufactured. Give your opinion if it's anti-competitive and state the relevant provisions.
  - c. Discuss the major need for enacting the Antitrust Laws in the United State and in brief distinguish between the Harvard school of thought and Chicago School of thought. Also, in India, the Competition Act 2002 is said to be better equipped as compared to the MRTP Act, 1969. Discuss the new aspects of Competition Act 2002, which were missing in the MRTP Act, 1969.
  - d. Discuss regarding the concept of Lesser Penalty used by CCI in certain cartel cases. Give your opinion on how has the commission used this tool for their benefit in the past decade?

Contd.....P.2

### SECTION - B

2. An information was filed under section 19 (1) (a) of the Act by the X Industry Council of India (Informant) against 4 major airlines, A, B, C and D (OPs). It was alleged that the OPs introduced a Fuel Surcharge (FSC) for Transporting cargo. It was fixed at Rs.10 per Kg from 5<sup>th</sup> March 2017. The reason given by the OPs for such ostensibly introduced FSC was to mitigate the volatility of fuel prices. The Informant has also averred that even when fuel prices declined substantially, the Airlines had, in concert, uniformly increased FSC. It was alleged that freight charges have been uniformly increased by the opposite parties in collusion, in the garb of increasing FSC. The OP A came up with a new pricing scheme that there will be an increase of 10% on FSC after every 20 kgs of Cargo. Soon, B followed the scheme introduced by A and within a month apart from D, all the other three companies applied the same scheme. Discuss in the light of the above facts that What is price parallelism? Is price parallelism anti-competitive? Explain with case laws. As per the above set of facts, discuss the applicable provisions of Anti-Competitive activities with the help of case laws.
3. Four car manufacturers were alleged to have entered in a cartel by allocating market area for the sale of cars in the state of Punjab. The informant also alleged that the car manufacturers were in an agreement with engine oil providers as well and didnt allow to put any other brand of engine oil apart from the one with whom the manufacturers had an agreement. The CCI found the car manufacturers guilty under various provisions of section 3 and the same was upheld by NCLAT. The decision of NCLAT was challenged in the Hon'ble Supreme Court. The Hon'ble court refused to decide the case on the grounds that the relevant market was not delineated in this case and asked CCI to initiate a fresh investigation. On the basis of the same, decide whether the hon'ble SC was right in doing so? Give reasons with help of case laws. Also, discuss what all provisions of section 3 are in question with relevant case laws.

### SECTION - C

4. CCI had initiated an inquiry on receipt of an information from an individual, Mr. Drako, a friend of Mr. B.V. Basheer Ahamed, who is Managing Director (MD) of M/s Liberty Distributors and is also the President of Kerala film Distributors Federation ('KFEF'). It was alleged that the members of Film Distributor Association of Kerela (FDAK) were behaving like a cartel and exploiting their collective bargaining position

Contd.,...P.3

to coerce film exhibitors, including Mr. Ahamed to enter into extremely unreasonable revenue sharing agreements. It was alleged that FDAK was indirectly involved in directing, imposing and implementing the fixed uniform revenue sharing pattern in the market for Malayalam film exhibition among its members and multiplex film exhibitors in Kerala. Further, there were identified 38 individuals who were attending meetings of the association wherein issues pertaining to revenue sharing pattern in respect of multiplexes were discussed. FDAK by its impugned conduct fixed the prices for distribution/ exhibition of films in the state of Kerala and forced Mr. Ahamed to accept such terms and conditions. It was also brought to the notice that FDAK, is the single largest association of distributors in the state of Kerala, controlled and regulated the market of film distribution/exhibition. With respect to the given facts discuss in detail with the help of relevant provisions and case laws that if there can be a case made out against the FDAK as per the provisions of the Act. FDAK has also claimed that Mr. Drako is not an effected party in this case hence this matter shall not be taken up by the commission. Decide with case laws.

5. Use of stem cells for curing diseases is a new science. A primary source of stem cells is umbilical cord of the new born child. As a result, various stem cell banks have cropped up. One Mrs. Jain entered into an agreement with M/s Life Cell India Pvt. Ltd. ("Life Cell") to avail its services for banking of stem cells. She was registered with Dr. L.H. Hiranandani Hospital ("OP hospital") for maternity related services and for delivery of her child. Mrs. Jain requested OP hospital to allow Life Cell to collect the stem cells. OP hospital told her that it had an exclusive agreement with Cryobank and only Cryobank would be permitted to collect the umbilical cord blood of the child of expecting mothers admitted in OP hospital for preserving stem cells of the child. At the time of admission, Mrs. Jain was not informed by OP about this agreement. Because of this refusal by OP hospital to permit Life Cell to collect stem cells, Mrs. Jain had to shift from OP hospital to Seven Hills Multi Super Speciality Hospital. On the basis of above facts, informant approached the Competition Commission of India ("CCI") alleging violation of various provisions of the Competition Act, 2002 ('the Act') by OP hospital. The informant also alleged that OP hospital was in a position to affect competition in the relevant market due to its dominance in the area. Discuss in detail the affected laws referring to case laws.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

**B.A.LL.B. (HONS.) FYIC  
EIGHTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - I: CRIMINAL LAW  
(PROCEDURAL LAW - II)  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

**SECTION - A**

- 1. Write short notes on the followings:**
  - a. What are the duties of Legal Aid Counsel at Pre-trial and during the trial?
  - b. Explain the Concept of Fair Trial prescribed under the Indian Criminal Justice System.
  - c. 'A' filed a private complaint against 'B'. But 'A' failed to appear before the magistrate during the trial and the Magistrate acquitted the accused 'B' on the ground of absence of the complainant and no steps were taken by the complainant to set aside the acquittal. Can 'A' have a right to file a fresh complaint on the same facts? Comment.
  - d. At what stage an accused is examined in criminal trial? What questions must be put to him?

Contd.....P.2

### SECTION - B

2. 'A' hit 'B' with a deadly weapon. 'B' was hospitalized. 'A' was convicted under section 326 of IPC. After the conviction 'B', died. Decide whether 'A' can now again be tried for the murder of 'B'? Explain with examples and case laws.
3. After conclusion of evidence, but before the judgement, the prosecutor filed application under section 311 Crpc for summoning a scientific expert, a fire-arm expert, and a head constable. Accused also moved application for recalling the eye-witnesses that have already been examined for further cross-examination by the new counsel appointed after the death of the previous counsel. Decide both applications with the help of case laws.

### SECTION - C

- 4.i) Anil, has filed a cheating case against his batch mate, Sunita at Patiala. He alleges that Sunita disclosed false documents to the office at the time of getting the job. Sunita stays in Chandigarh and has to travel to Patiala on the date of the hearing. She wants that the case be transferred to Chandigarh. Advise her, on the following issues:
  - a) Where to file the transfer application?
  - b) What factors would be taken into account by the court while deciding this application?
  - c) Whether the proceedings at Patiala Court be stayed?
- ii) Nabeem and Bella Ratlam are accused of hatching a conspiracy to kill the Chief Minister of the State. They are caught by the investigating agency and the trial is pending before the Court of Judicial Magistrate, 1st Class, Pune. On the day of their production before the Court, an unsuccessful attempt was made to free them when they were being shifted from the jail premises to the Court for a hearing. However, the accused allege that they are being dragged into a false case and an

escape attempt was a force to kill them. They have filed an application before the Supreme Court for the transfer of the case from Pune to Delhi. Decide the transfer application citing the grounds for accepting/rejecting it.

- 5.a) Anu is accused of having committed the murder of his wife and minor daughter. There is evidence to show that he disposed of the bodies in a manner to conceal his crime. He is convicted by the Court of Session because he pleaded guilty of the crime. The Court of Sessions taking in view the manner in which he had committed the crime sentenced him to death. He does not file an appeal to the High Court. Can his death sentence be executed or the Court of Sessions has to wait for confirmation? Also, discuss the procedure to be followed in such cases.
- b) A, a truck driver meets with an accident on National Highway. In the accident, two persons lost their lives and A is in the custody of police and is accused of causing death by negligence. The truck is owned by Amit. Can Amit file an application to the court for the release of his truck? If yes, at what stage? Also, discuss what orders can be passed by the Court.
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RG/MT/18/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



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

**Note: Section - A is Compulsory and each part carries 5 marks.**

**Attempt One Question each from Section - B and Section - C  
each question carries 10 marks.**

## **SECTION - A**

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

- a. Civil Post
- b. Deputation
- c. Mr. Ashok was working as an Arts & Craft teacher at Government School, Panipat. The said post of Arts & Craft teacher was subsequently abolished and he was the last teacher in the said cadre who was in service. Mr. Ashok died on 01.12.2010 while in service. His son Vikram, in Jan 2023, approaches the government for compassionate appointment. Please advise Mr. Vikram? Give reasons in support of your advise.
- d. Mr. Manish was appointed on 01.04.2019 as an Inspector on Probation of 2 years. His services were not satisfactory and he received several show cause notices for unauthorised leave and poor work conduct.

Contd.....P.2

Accordingly, w.e.f 01.04.2020, the government without any charge sheet or enquiry, dispensed with his services.

Please advise Mr. Manish of his chances to succeed, in case he decides to challenge the said action of the government.

### SECTION - B

2. Ms. Shalini is working as a guest faculty lecturer in Department of Botany and is being paid by the Government College on per lecture basis. Ms. Shalini is working as a Guest Faculty Lecturer for the past two years. Similarly, Ms. Poonam is also working as a lecturer in Department of Botany in the same college for the past two years and had joined as a regular faculty. Both Ms. Shalini and Ms. Poonam are performing same duties and are allotted same number of lectures. Whereas, Ms. Poonam is drawing a salary of Rs. 80,000/- however, Ms. Shalini is getting Rs. 1500/- per lecture and her monthly salary varies between Rs. 35000/- to Rs. 40000/-. Also, during vacations, no salary is being paid to Ms. Shalini. Ms. Shalini alleges discrimination in the matters of public employment and claims parity with Ms. Poonam and hence in order to secure her rights she has approached you for legal advice. Will Ms. Shalini succeed? Give detailed reasons in support of your answer.
3. Mr. Mohan who is working as an Assistant in the Department of Post and Telegraph, Government of India, was issued a charge sheet for causing loss while being posted in the post office and was issued minor penalty of two years loss of seniority. As per the applicable rules, he had a remedy of filing an appeal within two months of the order before the Competent Authority. However, instead of filing an appeal, he straightaway challenges the order before the Administrative Tribunal and prays for stay of the order. When the case is filed before the Administrative Tribunal, there is no presiding officer holding court on

account of retirement of the earlier presiding officer. Hence, Mr. Mohan approaches the Hon'ble High court in a writ petition. What are the chances of success of Mr. Mohan in the Administrative Tribunal as well as in the Hon'ble High Court? Give detailed reasons in support of your answer.

### SECTION - C

4. Define Doctrine of Pleasure? What are the implications of the Doctrine of Pleasure under Article 310 (1) of the Constitution of India? Also give a critical comment on constitutional safeguards available to a Government Servant under Article 311 of the Constitution of India.
  
  5. Ms. Namita was appointed as an adhoc lecturer in a Walk in Interview at Government College, Chandigarh in 2002. In 2004, a complaint was filed that her appointment was not proper as there was no advertisement issued in this regard.  
In 2012, regular appointments were made and as she was found suitable, her services were regularised w.e.f 01.01.2012 but the authorities did not grant any benefit of the 10 years service as adhoc lecturer. Ms Namita wants to claim seniority and other service benefits. Advise her and give detailed reasons in support of your advise.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

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

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

**SECTION - A**

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

- a. A is an employee at a reputed IT firm in Pune. One of his lady colleagues has filed a sexual harassment complaint against him. The Internal Complaints Committee (ICC) of the firm has taken the cognizance of the matter and has sent a notice to A. A intends to bring his lawyer to the proceedings. Discuss whether A can hire a lawyer for his defence during the ICC proceedings.
- b. Critically evaluate the presumption of culpable mental state under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
- c. Savita (name changed) has filed a sexual harassment case against her boss Kavita contending that her boss has promised promotions in lieu of sexual favours to her. Kavita contends that as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, no enquiry is maintainable unless the respondent is a man. Discuss whether the complaint of Savita is maintainable under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 i.e. POSH Act.

Contd.....P.2

- d. Discuss briefly the object and purpose of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

### SECTION - B

2. The factual matrix of the case is that on 12.12.2022, the informant (mother of the prosecutrix) lodged a report at police station Sadar Thana, Jaipur, stating therein that the accused took her daughter (prosecutrix) aged about 12 years, on the pretext of giving her guava, in his house and pressed her breast and attempted to remove her salwar. At that point of time, the informant reached the spot and rescued her daughter. Immediately, she lodged First Information Report. On the basis of the said FIR, crime came to be registered against the accused for the offence punishable under Sections 354, 363 and 342 of the IPC and under Section 8 of the POCSO Act. It is on record that there was no skin to skin contact of the accused with the victim/prosecutrix. You are the Special Judge designate under the POCSO Act.
- i) Discuss the liability of the accused in the present matter.  
ii) Also discuss the liability if the accused is a school teacher and has committed the act within the premises of the school.
3. "A" a minor girl of 16 years has solemnised marriage with the consent of his family members with a boy of 22 years. The marriage was also consummated. After a year of the marriage the girl found herself pregnant and went to the hospital for consultation and regular check-up. Finding the girl to be minor the hospital authorities informed the same to the police. The police registered a case against the boy "H" under Section 376 of the Indian Penal Code as well as section 5 of the POCSO Act, 2012. H raises a defence under Exception 2 to Section 375. Discuss the liability of H in light of judgment of the Supreme court in *Independent Thought v Union of India* (2018 SC)

### SECTION - C

4. "Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the work place." Discuss in detail the guidelines laid down by the Apex Court in *Vishaka v. State of Rajasthan* (1997 SC)
  
  5. The Criminal Procedure (Identification) Act, 2022, empowers police officers or prison officers to collect certain identifiable information from convicts or those who have been arrested for an offence. This information could include fingerprints, photographs, iris and retina scan, biological samples and their analysis, and behavioural attributes. The Act empowers the National Crime Records Bureau (NCRB) to collect (from state governments, union territory (UT) administrations, or other law enforcement agencies), store, process, share, disseminate and destroy records of measurements, as may be prescribed by rules. Discuss as to whether it violates any of the provisions of the Constitution of India, 1950 or is in breach of the general principles of criminal law.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

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

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

**SECTION - A**

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

- a. You are an Insurance Agent, Mr. Aman approached you to purchase a fire insurance policy for his godown where he has kept his vintage cars. These cars are about 80 years old and are in good condition and run on petrol. The godown is situated near a petrol pump near the City Centre on a busy road in Patiala. The godwon is a wooden construction built in 1936 and necessary repairs were done from time to time. Suggest him what information he must disclose while filling up the Proposal form.
- b. Suresh borrows Rs. 18 lakhs from his friend Raman. Suresh is a heart patient and has undergone heart surgery last year. Raman is reluctant to give loan to Suresh as he fears his money won't be returned back if Suresh dies due to his heart ailment. Suggest a suitable Insurance policy to Raman considering the principle of Insurable Interest.

Contd.....P.2

- c. Raja travelled to Japan on a business trip on 10<sup>th</sup> March 2023. He had entered into a contract with Yokoshima Motor Corp on 12<sup>th</sup> March 2023. While going to the airport in Tokyo he got stuck in traffic near the airport. To avoid traffic, he took public train to reach airport on time. He reached airport on time but in chaos his luggage was lost. He claimed from the Travel Insurance company for loss of baggage during transit. Is he eligible to get the claim under the Policy or not, discuss.
- d. Mr. Jay Wardhan took three different Marine insurance policies from three Insurance Companies amounting to five, six and eight lakhs for the perishable goods he is sending from Mumbai to Colombo. On the high seas, due to heavy rainfall there is flooding on the deck and goods got destroyed. He claims the loss amounting to three lakhs from all the Insurance companies for the loss he suffered due to damage to goods. Discuss the amount of claim to be paid to him and the applicable principle of Insurance Law.

### SECTION - B

2. Dharam Pal Puri, when he was alive insured his life with the Life Insurance Corporation and took out four policies. Dharam Pal Puri died on 5th August 2017. The widow claims the amount of the four policies from the Corporation on the ground that she is the nominee. The Insurance Company refused the claim on the ground of fraud claiming that Dharam Pal Puri was suffering from heart disease, that he knew about his ailment, that he had consulted doctors about his disease but fraudulently suppressed these facts. In the proposal forms and the personal statements, he made declarations knowing them to be false because he never disclosed to the Corporation that he was suffering from heart disease. In the Proposal form he filled the following information-

S No.	Question	Answer
a)	What has been your usual state of health?	Good
b)	Have you consulted a medical practitioner within the last five Years? If so, give details	No

Contd.....P.3

- c) Have you ever suffered from any of the following ailments- Fainting attacks, pain in chest, breathlessness, palpitation or any disease of the heart? No
- d) Any other illness within the last five years requiring treatment for more than a week No
- e) Have you ever had any electric cardiogram, X-ray or fluoroscopic examination made or your blood examined. No  
If so, give details.
- f) Have you ever been in any hospital for check-up, observation, treatment or an operation. No

In all the four policies he gave similar answers. On the basis of these statements the Corporation issued the policies. On the death of Dharam Pal Puri the widow made a claim and gave to the Corporation the certificate of death of her husband. From the certificate the Corporation came to know that the deceased was admitted in Sir Ganga Ram Hospital on 4th August, 2017 and died there on 5th August 2017. The Corporation also learnt that the deceased was suffering from Mitral Stenosis with auricular fibrillation of the heart and that he died of this disease in the hospital. The Corporation made certain investigations and as a result came to the conclusion that Dharam Pal Puri was suffering from this heart disease since 1989 in any case, if not earlier. The Corporation contacted the three doctors who treated Dharam Pal Puri on 4<sup>th</sup> August 2017 and took from them certificates stating that the deceased was suffering from this heart disease. The Insurance company rejected the claim and widow Smt. Krishna filed the suit against the Insurance company. Discuss the duty to disclose the material facts in an insurance contract in the light of the present facts.

3. Discuss the validity of claim in the following cases with reasons:
  - a. Ajay had a theft insurance policy for his jewellery shop. On the night of 3<sup>rd</sup> March 2023, Ajay's drug addict employee along with his another friend turned off the security cameras and put the shop on fire and then committed theft in the shop. Ajay claimed for the theft and loss due to fire from the insurance company.

Contd.....P.4

- b. Prem is travelling from Patiala to Delhi in train on 15<sup>th</sup> March 2023 to give his exam in Delhi. While travelling his bag was stolen and he lost his valuables amounting to Rs. 22000/- . He filed for the claim from the Insurance company under travel insurance policy.
- c. Ramesh is the owner of a restaurant in busy area of the city. Outside his shop two people had a fight and one of them came inside the restaurant and in rage he sets the curtains in restaurant on fire by opening gas stove. Ramesh claims from the Insurance company for the loss due to fire.

### SECTION - C

- 4. Discuss the validity of claim in Fire Insurance policies in the following cases. Support your answer with reasons.
    - a. Raju along with his family members lives on the second floor of his paint factory in Patiala. On 10<sup>th</sup> January 2023, due to mixing of chemicals, a blast happened and fire broke out in the factory, due to which window panes and glasses were shattered. Raju claimed from the fire insurance for the loss suffered.
    - b. While putting out the fire in the building, Sanjay put the water on the furniture, electronic equipment, books, beds, curtains etc. to extinguish the fire thus making more damage to the things. He claimed for the loss from fire Insurance company for the loss he suffered.
  - 5. Smt. Ramila took a whole life insurance policy in 1980 when she was 30 years old. In 2022 she is unable to pay the premium for the policy due to less income in old age. She had named her husband as nominee when she took the policy, but he died in 2015. She did not name any person as her nominee. In January 2023 she agrees to assign the policy to her nephew Roger who promises to give her a good amount for the policy. Before she could complete the assignment she died and her son, Shami claims the life insurance amount for being the legal heir. Her nephew also claimed the insurance amount on account of the promise which Smt. Ramila made. Discuss the right of claim of both Roger and Shami in the light of assignment and nomination in the present circumstances.
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RG/MT/20/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
EIGHTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - IV: CITIZENSHIP AND  
EMIGRATION LAW  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

**SECTION - A**

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

- a. How do you distinguish between a subject and a citizen? Do you think this distinction has consequences for the individual recipient of rights?
- b. Do you agree that compulsory voting is a viable exercise under Indian legal system to build a more responsive citizenry?
- c. The requirement of domicile under Article 5 of the Constitution of India includes not just *factum* but also *animus manendi*. Comment.
- d. Discuss in brief the significance of non obstante clause in Articles 6 and 7 of the Indian Constitution.

Contd.....P.2

### SECTION - B

2. Discuss in detail the multicultural theory of citizenship with special reference to recognition of the regime of personal laws in India. How far do you think Indian society and polity is a good example to study multiculturalism?
3. Do you agree with TH Marshall's theory of citizenship that ideal citizenship experience entails access to civil, political and social rights in a state?

### SECTION - C

4. Write a detailed note on how the founding fathers debated the provisions of draft Constitution with respect to citizenship. On the basis of your reading of debates of Constituent Assembly identify how the founding fathers attempted to strike a balance between *jus soli* and *jus sanguinius*?
  5. Write a detailed note on historical evolution of the ideas of citizenship in India with the help of illustrations from our past. Do you agree with the popular perception that India is a land of migrants who have entered the country from times immemorial and made this land their own?
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RG/MT/21/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
EIGHTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER-V: JUDICIAL PROCESS AND  
JUDICIAL REVIEW (OPTIONAL)  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

## SECTION - A

1. Write short notes on the followings:

- a. How is reading down of a statute different from declaring the statute as unconstitutional? Cite examples.
- b. How far do you think that *Independent Thought v Union of India* is a landmark precedent to save the girl child from early marriage?
- c. Discuss in brief the difference between rule of law and rule by law.
- d. Do you agree with Montesquieu's idea that monopoly of powers by any one of the organs created and functioning under a Constitution leads to tyranny?

Contd.....P.2

### SECTION - B

2. Discuss in detail the role of Constitutional courts in India in ensuring that statutory criminal law is not held captive to the popular misconceptions about LGBT identity.
3. Sessions Judge, Bahadurgarh, is trying one Bhuvan Singh for the murder of his neighbor Lakha Singh. The Judge held out threats to the witnesses that if they changed their statements they would be tried for perjury. The Judge appeared to have become irate that the witness were not sticking to the statements by them under sections 161 and 164 of CrPC and were probably giving false evidence before him. How far do you think the judge has exceeded his role under Indian legal system?

### SECTION - C

4. Our legal system places great value on deciding cases according to consistent principled rules, so that similar facts will yield similar and predictable outcomes, and observance of precedent is the mechanism by which that goal is attained. Discuss with the help of decided cases.
  5. Anamdeep is a public spirited individual, who files a PIL before Punjab and Haryana High Court seeking directions to the State of Punjab to close all liquor vends on national and state highways running through the State in order to curb road accidents and further that no such shop shall be allowed in 500 m from highways. Do you think the High Court can issue such directions to the State? Also state if such a direction would amount to overstepping the constitutional *laxman rekha* by the Court?
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB****B.A.LL.B. (HONS.) FYIC****EIGHTH SEMESTER****MID TERM EXAMINATION****MARCH - 2023****PAPER - VI: REAL ESTATE LAW (OPTIONAL)****TIME DURATION: ONE AND HALF HOURS****MAXIMUM MARKS: FORTY (40)**

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

**SECTION - A**

1. **Write short notes on the followings:**
  - a. Your friend moves to Sonapat and approaches you to discuss the investment opportunities in the area. He wants to invest around 50 lakhs. Suggest him various real estate opportunities available in the market.
  - b. Sohana Greens Project is proposed to be set up on the land between RGNUL and Bhakra canal on Bhadson road. This would be residential project comprising of four towers and 25 floors each. The developer approaches you for an advice to seek guidance for the environmental concerns and land use of the project. Comment.
  - c. Armaan Developers are planning to develop 55 acres of land near Chandigarh. There is no direct access to the road, they enter in talks with the owner of the neighbouring land to provide them right of way. Armaan Developers start construction on the land after receiving the RERA registration number. Meanwhile the neighbouring land is sold to another Real Estate Developer. Armaan Developer's right of way is closed and there is no direct access to their Project. They approached you with the problem. Guide them about their right to use the servient heritage to the land.
  - d. Bali lease out his property to Ganga Ram for three years. There is transfer of possession. After six months, before the property could be

Contd.....P.2

registered Bali dies and his heirs claim back the possession of the property. Ganga Ram contends he has started his business and he has made a lot of investment on the property; he does not want to return the possession till three years as verbally agreed with Bali. Discuss the right of Ganga Ram to retain possession of the property in the light of non registration of the property.

### SECTION - B

2. Mr. Bajaj is a novice in the field of Real Estate transactions, he has plans to develop a Real Estate Project in his town in Rajpura. He has funds available with him but does not have the land to invest upon. He approaches you to seek advice to have the possession of the land for investment. He needs around 10 acres of land on the National Highway to build a residential project. Suggest him various options available to have the possession of land to invest.
3. Abha Developers entered into a contract for one year with Neemrana Hotel, Patiala to develop the buildings around the hotel into commercial project. Permission was given to develop and start construction on the land. Developer sublet the property to another contractor to carry out construction and to do the landscaping. Neemrana Hotels contended that the builder has only permission to develop the land in a specific way and he is not having rights to further sublet the property. Discuss in the light of lease and license, the rights of the builder to further sublet the property and getting the work done.

### SECTION - C

4. 50 acres of agricultural land on Bhadson road, Patiala is available for sale. You are a Real Estate Developer, you see this as good investment opportunity to invest. This land is a joint property of four brothers. One of the brothers has died, he has one daughter. One of the brothers is in jail due to land dispute of the said property. Two other brothers had mortgaged this land to the bank to raise loan and send their children to Canada. Real Estate Agent advises you to be vigilant and inquire about the antecedents of the land before you purchase this land. Discuss the need for inquiry of title and be diligent before the purchase.
  5. Raman is a Real Estate Developer venturing into a new business opportunity. He wants to develop 30 acres of land near Navi Mumbai. He plans to develop residential and commercial projects in this area. Total investment on the land would be around 70 crore rupees, he approaches you to discuss the financing options available in the market to start a new project. Discuss.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB****B.A.LL.B. (HONS.) FYIC****EIGHTH SEMESTER****MID TERM EXAMINATION****MARCH - 2023****PAPER - VI: INTERNATIONAL CRIMINAL  
LAW (OPTIONAL)****TIME DURATION: ONE AND HALF HOURS****MAXIMUM MARKS: FORTY (40)**

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

**SECTION - A**

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

- a. State A has committed a war crime in State B. State B is not a Party to the Rome Statute and State A is also not a party to the Rome Statute. In State 'A' the war crime is allowed in case there is a need to protect the country. War crime is allowed crime in the domestic laws of State A. Can state A be held liable for the crime under the International Criminal Court?
- b. Nuremberg trial has punished the perpetrator; do you consider that this trial is as per the principle of legality under the Rome Statute? Explain the principle in detail.
- c. A is a President of state Zeheria. A committed a Crime Against Humanity in his own country, which was a crime per the laws of State of Zeheria. The office of the prosecutor of ICC started an investigation in the state of Zeheria to make the President liable for the crime. State of Zeheria has filed an application in the International Criminal Court, not to do investigations as it is against the principle of sovereignty of state Zeheria.

- d. A is a commander-in-chief of the Army. He ordered his subordinates to attack "strausia" an ethnic group and to kill only male members of the group. Which crime A has committed. Explain the liability of A under the Rome Statute?

### SECTION - B

2. The Republic of Kansen became a member of Rome Statute, on 1 June 2005. A crime was committed in 1992-95 in Kansen that constitute crime against humanity as per the Rome Statute. Can ICC try those crimes and individuals after ICC treaty has been signed and ratified by the State Kansen.
3. "Many theorists have endorsed the notion that state sovereignty does not constitute barrier to international criminal proceedings, which may be justifiable if the situation within a state becomes sufficiently dismal". Explain "Sovereignty of State" under International Criminal Law in the light of this statement. Whether the sovereignty of Ukraine is breached in the Russian Invasion?

### SECTION - C

4. The Prime Minister of State N took an action against the rebellions and killed all of them. The ICC took the matter and considered it a case of Genocide, however, and the court of State N made a special tribunal and acquitted the Prime Minister on the ground of insufficient evidence. Can this matter be taken under the Rome Statute for Genocide later on? Explain your answer in the light of the Principle of Legality under the Rome Statute.
5. A, was an Army Chief and he ordered his troops to commit crime against the Baajra community. There were 20,000 total Baajra community populations. A, orders his troops to kill one thousand persons of the community Baajra, by inflicting conditions of life calculated to bring about the destruction of part of a population. The conduct constitutes, or takes place as part of, a mass killing of members of a civilian population. Which crime the perpetrator has committed? Explain the relevant case law under the international criminal jurisprudence. Explain your answer with the relevant provision of the Rome Statute.
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RG/MT/22/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
EIGHTH SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER-VI: HUMANITARIAN AND  
REFUGEE LAW (OPTIONAL)  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

**SECTION - A**

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

- a. An armed conflict breaks out between the state of Zirconia and the state of Serenia. The conflict leads to savagery and butchery of grievous proportion against the Zirconian population at the hands of Serenian army. This leads to Zirconia dragging Serenia before the Permanent Court of International Justice. However, Zirconian claims against Serenia fail under the Hague Conventions of 1899 against Serenia. Discuss the reason behind failure of Zirconian claims against Serenia before the Permanent Court of International Justice.
- b. In an armed conflict between Country X and Country Y, Country Y emerges victorious. Being a law abiding civilised nation which diligently follows the usages established by the principles of customary international law as well as international humanitarian law, it prepares the list of Prisoners of War (POW) to be sent back to country X. However, the prisoners refuse to go back. Discuss whether the demand of the POW's is justified under the International Humanitarian Law.

- c. The law relating to human rights and the International humanitarian law have 'elementary considerations of humanity' at their core. Irrespective of humanity being at the core, the terms are not used interchangeably. Critically analyse the interface and the difference between Human Rights law and the International Humanitarian Law.
- d. On February 22, 2023 a fighter pilot of the state of Helena shoots down an incoming missile from the state of Troy. However, due to technical issues in his aircraft, the pilot had to eject himself. His parachute landed in the state of Troy. The state of Troy immediately took the pilot captive. Discuss and critically analyse the legality of the action of state of Troy under the principles of International Humanitarian Law.

### SECTION - B

2. A conflict broke out between the state of Indiana and the state of Eritrea. Indiana attacks Eritrea on the premise that the 65% of the population of Eritrea comprises of ethnic Indianians who had faced separation from their families during the partition of the Union of Indiana. In an unofficial referendum conducted by the the state of Indiana, 55 % out of the 65% want to reunite with Indiana and return to the erstwhile Union of Indiana as well as escape from the atrocities meted out by the ruling Eritrean government against the ethnic Indianians in the state of Eritrea. Taking the referendum as the basis, Indiana attacks Eritrea. Critically analyse the jus in bello of the instant dispute, with the aid of the principles of International Humanitarian Law applicable to the dispute in question.
3. The state of Afghanistan undergoes a coup at the hands of local militia, comprising of different feudal lords armed militarily, who came together to overthrow the ruling dispensation. The coup is successful and the ruling Government is overthrown. This leads to a complete overhaul of the legal system in the state of Afghanistan and the citizens of Afghanistan are subject to a regime of totalitarianism, with a complete disregard of human

rights as well as humanitarian law at the hands of these feudal lords in various parts of Afghanistan. The lack of a stable government and destabilization in Afghanistan lead to neighbouring countries such as Ricardia and Ikea to intervene. In the light of the instant case, explain the following:

- (a) The difference between an international armed conflict and a non-international armed conflict. (5 Marks)
- (b) Critically analyse whether the feudal lords taken into custody by the Ricardian and Ikean authorities enjoy the protection of Prisoners of War (POW). (5 Marks)

### SECTION - C

- 4. During the civil war in the state of Yugoslav, suffering of unnecessary proportions took place due to use of means of warfare such as blinding laser weapons and anti personnel land mines which lead to permanent and severe disability in the Yugoslavian population. Elucidate on the concept of Slrus and decide on the legality of the use of means of warfare in the civil war of Yugoslav.
  - 5. *There is an uncanny silence in the law relating to women in armed conflict. Despite the increasing emphasis on women empowerment and women's rights, the situation remains the same. Critically analyse the silence in the law relating to women in armed conflict.*
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