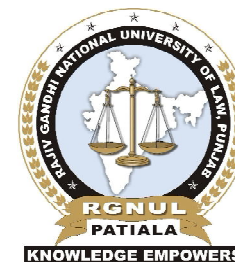


**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB
MOHINDRA KOTHI, THE MALL, PATIALA - 147 001**



**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: INDIAN CONSTITUTIONAL LAW:
THE NEW CHALLENGES
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The **Question Paper** consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this **Section** . Each question carries **2 marks**
- (i) Mandal Commission
 - (ii) Dual Citizenship
 - (iii) Secularism
 - (iv) Prospective Overruling
 - (v) Creamy Layer in relation to Reservations

- (vi) Mercy Killings
- (vii) String Operation by Media
- (viii) What is Inter-State Water Dispute
- (ix) Meaning of Justifiability Clause
- (x) Fundamental Duties

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section.
Each Question carries **4 marks**

Unit (I)

- (i) What do you understand by Federalism in India?
- (ii) Do you think there is decline of the Concept and Power of National Parties and its effect?

Unit (II)

- (i) What are equality provisions under the Constitution of India?
- (ii) What is the necessity for 'Reservations' in different areas of Social, Political and Economic life in India?

Unit (III)

- (i) What is the purpose and ideals of Part IV- Directive Principles of State Policy in the Constitution?
- (ii) What is the purpose of saving certain laws by various Provisions of the Constitution of India?

Unit (IV)

- (i) Critically examine the 'Corruption in Public Life' and 'Remedies' available under the Constitution and the Law in India.

- (ii) Examine the Constitutional Provisions relating to appointment of and the transfer of Judges in High Courts and Supreme Court of India.

Unit (V)

- (i) How far there is Criminalization and Politicalization of Crime in India? Is the Constitution and the Law provides any remedy?
- (ii) Describe Presidential Reference under Article 143 of the Constitution.

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.

- (i) Discuss the Right of Education, Privatisation and Commercialization of Education in Institution for Higher Education.
- (ii) Discuss the Role of Election Commission for insuring 'free and fair' Elections in India.
- (iii) Explain scope of Public Interest Litigation in India? Is there any abuse of Public Interest Litigations? What are guidelines/ remedies to prevent misuse?
- (iv) How a Judge of the Supreme Court can be removed from the office? Discuss the Procedure under the Constitution of India.

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**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: JUDICIAL PROCESS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The **Question Paper** consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this **Section** . Each question carries **2 marks**
- (i) Judgment
 - (ii) Kinds of Justice-Civil and Criminal
 - (iii) Prospective Overruling
 - (iv) Delegated Legislation
 - (v) *Ratio Decidendi*
 - (vi) Doctrine of '*Res Judicata*'

- (vii) Question of Law
- (viii) Question of Fact
- (ix) Mixed Question of Law and Fact
- (x) Public Good

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section.
Each Question carries **4 marks**

Unit (I)

- (i) What do you understand by 'Justice according to Law'?
- (ii) Explain the meaning of 'Administration of Justice'? What is the role of Superior Courts in India in this regard?

Unit (II)

- (i) Explain the 'Doctrine of Precedent.' Discuss its merits and value in Judicial Process.
- (ii) What is 'Legislation'? Discuss various kinds of Legislations.

Unit (III)

- (i) Explain the meaning of 'Rule of Law' as foundation of modern system of Justice.
- (ii) What is the meaning of Subordinate Legislation? State its various kinds.

Unit (IV)

- (i) State the Procedure for administrative Justice by the Courts.
- (ii) What is the role of (a) Summon/Warrant, (b) Pleading (c) Proof, in the trial by Courts?

Contd.....P.3

Unit (V)

- (i) What is 'Judicial Activism' in the Judicial Process?
- (ii) Why Public Interest Litigation? Is there any guidelines given by Supreme Court of India?

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.

- (i) Write a Critical Note on: Indra Sawhney v. Union of India (AIR 1993 SC 477).
- (ii) Examine the case of Maneka Gandhi v. Union of India (AIR 1978 SC 597). Also state the principle of law laid down in this case?
- (iii) What is the meaning, scope and extent of Judicial Review of Administrative Actions by the Supreme Court of India under various Articles of the Constitution of India?
- (iv) Write a short Legal essay on Sociological School with particular reference to theory of Justice.

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**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: LAW OF CORPORATE
GOVERNANCE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this **Section** . Each question carries **2 marks**
- (i) Employee Stock Option Plan (ESOP)
 - (ii) Independent Director
 - (iii) Earnings Management
 - (iv) Setting up of Joint-Ventures in India
 - (v) Protection of Worker's Interest in Corporate Insolvency Proceedings

- (vi) Multijurisdictional Merger Review
- (vii) Lack of Extra-Territorial Jurisdiction of Indian Courts in Cross-Border Insolvency
- (viii) Relevant provisions of *SARFAESI Act*, 2002 relating to enforcement of Security by Banks and Financial Institutions.
- (ix) Need for Repeal of *SICA (Sick Industrial Companies (Special Provisions) Act)*, 1985
- (x) Risk Management Function of the Board of Directors

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section. Each Question carries **4 marks**

Unit (I)

- (i) Discuss in detail the communication function of the Board of Directors.
- (ii) State the relevant provisions of the *Companies Act*, 1956 regarding Investigation of Corporate Affairs.

Unit (II)

- (i) Discuss Targeted Selection and Composition of Board Members.
- (ii) “Chairperson and CEO should be different individuals.” Comment.

Unit (III)

- (i) State the basic tenets of Sections 433(e) and 434 of the *Companies Act*, 1956 regarding winding up of Companies.
- (ii) Discuss the salient features of *Balkrishna Eradi* Committee Report on Corporate Insolvency Laws in India.

Unit (IV)

- (i) Discuss the role of Liquidator in Winding up of Companies.
- (ii) State the Civil and Criminal Liabilities of Directors as per *Companies Act*, 1956.

Unit (V)

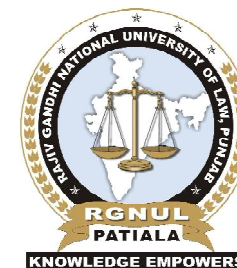
- (i) Discuss the relevant provisions of *Competition Act*, 2002 relating to Corporate Mergers and Acquisitions.
- (ii) Discuss the Legal and Procedural Aspects of Mergers as per *Companies Act*, 1956.

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.

- (i) Discuss the concept of Corporate Social Responsibility (CSR) in detail.
- (ii) Discuss the relevant provisions of Sections 46 to 50 of the *Provincial Insolvency Act*, 1920.
- (iii) State the salient features of the *Narayana Murthy* Committee on Corporate Governance and their incorporation in Clause-49 of Listing Agreement of Stock Exchanges.
- (iv) Discuss the Situational Dimension of Corporate Governance.

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**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: CORPORATE FINANCE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The **Question Paper** consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this **Section** . Each question carries **2 marks**

Write a Short Note on the following:

- (i) Objectives of 'Finance Function'
- (ii) Shares with Differential Rights
- (iii) Right Shares
- (iv) Red Herring Prospectus
- (v) Consequences of Ultra Vires Borrowing

- (vi) Venture Capital
- (vii) Protection to Small Depositors
- (viii) Importance of Credit Rating
- (ix) Debenture Trust Deed
- (x) Disqualifications of an Auditor

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section.
Each Question carries **4 marks**

Unit (I)

- (i) What principles will you advocate in the matter of deciding on a proper pattern of Capital Structure for a Company? Explain the Impact of Financial Leverage.
- (ii) What are the main sources of finance available to companies for meeting 'Short-Term' as well as 'Long Term' financial requirements? Discuss.

Unit (II)

- (i) What is a Prospectus? Discuss briefly the legal provisions relating to issue and registration of a Prospectus.
- (ii) 'Debentures are an important source of Long Term Finance for companies.' Comment and discuss the meaning and features of a debenture.

Unit (III)

- (i) What is a Floating Charge? How does it differ from a Fixed Charge? Can a Floating Charge become a Fixed Charge?
- (ii) What is Euro-issue? Explain in detail.

Unit (IV)

- (i) What is the structure of Public Financial Institutions in India? How do the activities of such institutions benefit the Corporate Sector?
- (ii) 'Investor Protection in India is the need of the hour.' Comment and write a note on Investor Education and Protection Fund.

Unit (V)

- (i) What are the Legal Constraints on payment of dividend? Discuss in the light of statutory framework prevailing in India.
- (ii) Discuss briefly the Rights, Duties and Liabilities of an Auditor.

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.
- (i) What are the general principles and statutory restrictions on the allotment of shares in a public limited company? State the consequences of irregular allotment of shares.
 - (ii) Explain the manner in which *the Companies Act, 1956* regulates and controls the invitation for and acceptance of deposits by the companies from their members and public at large.
 - (iii) How far SEBI has been successful in Protecting the Interests of Investors?
 - (iv) State the provisions in *the Companies Act* relating to preparation, authentication, adoption and filing of annual accounts.

- (iv) “Land acquisition and Right to Livelihood is still a grave Human Right Challenge in India.” Comment.

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**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: INDIAN CONSTITUTIONAL
PROSPECTIVE OF HUMAN RIGHTS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this **Section** . Each question carries **2 marks**
- (i) Why Human Rights are adopted by the Indian Constitution?
 - (ii) Relevance of the International Covenant on Civil and Political Rights, 1966.
 - (iii) Whether the Indian Constitution is obliged to follow the International Covenant or not?
 - (iv) What was the law point in *A.K.Gopalon v. State of Madras* (AIR 1960 SC 27) case?

- (v) Judicial Activism
- (vi) Mention Different Facts of Personal Liberty
- (vii) Meaning of Narco Analysis
- (viii) Whether right to terminate pregnancy is Constitutional Right under the Indian Constitution?
- (ix) What are different ways of administering Capital Punishment?
- (x) Mention five challenges before Human Rights Activists.

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section.
Each Question carries **4 marks**

Unit (I)

- (i) Discuss the origin of human rights. When human rights were included in Indian Constitution?
- (ii) How far *Maneka Gandhi v. Union of India* (AIR 1978 SC 597) case contributed far development of Human Rights Jurisprudence in India?

Unit (II)

- (i) Discuss the provisions of the Indian Constitution far Protection and Advancement of Rights of indigenous people. Do you think these are more formality? Justify.
- (ii) Who is the father of 'Rule of Law' doctrine? Do you think that the Indian Constitution is based on this principle? Give arguments in support of your answer.

Unit (III)

- (i) "Right to Privacy is not an absolute right." Discuss with the help of practical aspects relating to Right to Privacy.

Contd.....P.3

- (ii) Discuss the role of Judiciary in protection of human rights with the help of recent case laws.

Unit (IV)

- (i) Mention various dimensions of Right to Life and Personal Liberty. The Hon'ble Supreme Court has widened its scope so as to cover each and every aspect of Human Right. Is it fruitful or merely decoration of the Indian Constitution? Comment.
- (ii) How far Human Rights are enjoyed by the Undertrials and Prisoners in India? Critically evaluate human rights of Prisoners in the Indian Constitution.

Unit (V)

- (i) In which countries 'Euthanasia' has been recognized? Whether it should be recognized in India or not? Justify.
- (ii) Justify Constitutional Validity of Capital Punishment with the help of Landmark case laws.

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.

- (i) Highlight the Origin and Development of Human Rights Jurisprudence in India with the help of landmark cases.
- (ii) Critically examine Role of Judiciary in the protection of Human Rights with case laws.
- (iii) What are Preventive Detention Laws? Discuss the nature and scope of Preventive Detention Laws in the Indian Constitution in the context of all statutory enactments.

Contd.....P.4

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**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: HUMAN RIGHTS EDUCATION
AND AWARENESS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this **Section**. Each question carries **2 marks**
- (i) Define Human Rights
 - (ii) What are the means to Human Rights Education?
 - (iii) Relationship between Human Rights Protection and Human Rights Education
 - (iv) What are the obstacles to Human Right Education and Awareness
 - (v) Define some of the Principles of Human Rights Education

- (vi) Relationship of Democracy and Human Rights Education
- (vii) Role of National Human Rights Commission, India in Human Rights Education and Awareness
- (viii) United Nations and Human Rights Education
- (ix) Role of NGO's and Human Right Education
- (x) Relation between Human Rights Advocacy and Human Rights Education

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section. Each question carries **4 marks**

Unit (I)

- (i) What is the meaning of the Concept of Human Rights Education? Discuss.
- (ii) What is the relevance of Human Rights Education?

Unit (II)

- (i) Discuss the Models of Human Rights Education and their inter relationship.
- (ii) Steps taken by United Nations to promote Human Rights Educations.

Unit (III)

- (i) Relevance of Human Rights Education in the third world countries.
- (ii) Steps taken by Council of Europe to promote Human Rights Education.

Unit (IV)

- (i) Democracy is a pre-requisite for Human Rights Education and Awareness. Elaborate.
- (ii) What is the role of Educational Institutions in Human Rights Education.

Unit (V)

- (i) Human Rights Education in India.
- (ii) Role of University Grants Commission in Human Right Education in India.

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.

- (i) Human Rights Education its problems and prospects a note.
- (ii) International Perspective of Human Rights Education.
- (iii) Regional Initiatives towards Human Rights Education.
- (iv) Human Rights Education and the role of National Human Rights Institutions.

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**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: PRINCIPLES OF INTERNATIONAL
CRIMINAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this **Section** . Each question carries **2 marks**

Write a Short Notes on the following:

- (i) Notion of International Crime
- (ii) Recklessness in International Criminal Law
- (iii) Principle of legality in International Criminal Law
- (iv) Individual Criminal Liability in International Criminal Law
- (v) What is Genocide?

Contd.....P.2

- (vi) Subjective elements of War Crime
- (vii) What are Crime against humanity?
- (viii) Define Terrorism
- (ix) Numerberg Tribunal
- (x) International Criminal Court

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section.
Each question carries **5 marks**

Unit (I)

- (i) Explain Fundamentals of International Criminal Law
- (ii) What are Objective and Subjective Elements of International Crimes?

Unit (II)

- (i) Write a note on General Principles of International Criminal Law.
- (ii) Explain Principle of Legality of Penalties under International Criminal Law.

Unit (III)

- (i) Discuss Development in Law against Genocide.
- (ii) Explain nature of War Crime in the context of Rome Statute.

Unit (IV)

- (i) Write a note on International Terrorism.
- (ii) Discuss the role of Numerberg and Tokyo Tribunals in the Development of International Criminal Law.

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.
- (i) Write a detailed note on Historical Evolution of International Criminal Law.
 - (ii) Discuss War Crimes in the context of International and Non-International Armed Conflicts.
 - (iii) What are different forms of Crime against Humanity? Explain their Objective and Subjective Elements.
 - (iv) Write a detailed note on International Criminal Court.

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**LL.M. SECOND SEMESTER
MAY - 2009
END TERM EXAMINATION
SUBJECT: EMERGING AREAS OF
CRIMINALITY
TIME DURATION: THREE HOURS
MAXIMUM MARKS: SIXTY (60)**

Note: The Question Paper consists of Three Sections - A, B and C.

Section (A)

- (1) Attempt **All Questions** from this **Section** . Each question carries **2 marks**.

Write a Short Notes on the following:

- (i) Child Abuse
- (ii) Female Foeticide
- (iii) Money Laundering
- (iv) Organised Crime
- (v) Drugs Trafficking

- (vi) Treatment of drug addict
- (vii) Terrorist Organisation
- (viii) Terrorist Act
- (ix) Hacking
- (x) Who are Cyber Criminals?

Section (B)

- (2) Attempt any **One Question** from **each Unit** of this Section.
Each question carries **4 marks**

Unit (I)

- (i) What do you understand by Custodial Rape?
- (ii) Write a note on illegal Organ transplantation.

Unit (II)

- (i) What are White Collar Crimes? Why different principles of liability are required to deal with White Collar Crime?
- (ii) Write a note on Criminal liability of a public servant accepting graft.

Unit (III)

- (i) Explain penal provisions to deal with drug addicts under the *NDPS Act*, 1985.
- (ii) Discuss measures for preventing and combating abuse of illicit trafficking in Narcotic Drugs.

Unit (IV)

- (i) Are you in favour of making preparation punishable when it relates a *Terrorist Act*? State reasons for your answer.

- (ii) Write a note on need for confiscation of property/proceeds of terrorism.

Unit (V)

- (i) What are Cyber Crimes? How Cyber Crimes are different from Traditional Crimes?
- (ii) Discuss the liability of an intermediary service provider under the information the *Technology Act*, 2000.

Section (C)

- (3) Attempt any **Two Questions** from this **Section**. Each question carries **10 marks**.

- (i) Write a detailed note on Criminal Liability for Domestic Violence.
- (ii) Discuss nature and scope of any two transnational organised Crimes Studies by you.
- (iii) Explain national and International Dimensions of trafficking in Drugs.
- (iv) “The *Information Technology Act*, 2000 does not deal with Cyber Crimes in an exhaustive manner.” Comment and refer the other areas of Criminality not covered under this Act.