

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER-V: BASIC OF CYBER LAWS
(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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. The information Technology Act is again in debate because of its inadequacy in dealing with matters pertaining to surveillance, privacy, etc. The Information Technology Law in India is neither a criminal statute nor a cybersecurity law. Elaborate the need for reforming Information Technology Laws in India. Highlight the gaps in the Information Technology Act.
- b. Discuss the offences which are termed as 'Cyber Offences' but have not been expressly mentioned in the Information Technology Act. Also discuss whether the offences related to Intellectual Property Rights should be added to existing framework of Information Technology Law or amendment may be done in the prevailing IPR legal framework?

- c. Discuss the underlying principles of UNCITRAL Model which became the basis of legislative enactment of Information Technology Law? Whether the enactment has fulfilled the objectives laid down in the UNCITRAL Model Law.
- d. A company named Data Analytics Corporation and Data Accountability Cooperation used dac.in as domain name not aware of the existence of each other. The dispute arose during the time of registration. What is this conflict termed as? Discuss a case law which elaborates this situation and whether Trademark Law has any provision to deal with it.

SECTION - B

2. Mahesh Jhugwanta posted an online video on Pacebook and Dramgram, inciting people against a particular community and leading to communal disturbance. The government ordered both Pacebook and Dramgram to take down content and sent them the notice to explain why such content was posted on their platforms. Pacebook and Dramgra claimed immunity under Safe Harbour Clause provided under Information Technology Act. Prepare a memo highlighting compliance obligations required on part of Pacebook and Dramgram as Intermediary. Discuss the latest 2021 rules in this regard and elaborate the present law for intermediary.
3. The Data Protection Bill that has been recently withdrawn were based on European GDPR. The drafts of the Bill prepared for Data Protection were amended timely and final recommendations came from Joint Parliamentary Committee. Critically analyse the evolutionary growth of Data Protection Bill and reasons for its untimely collapse. Also discuss the prevailing law or rules under which storing, processing or disseminating data is still provided legal protection?

SECTION - C

4. Mboldens is a famous pizza outlet with a reverse M sign as its trademark. Maldobald is another burger outlet in the same jurisdiction that has 'M' as its trademark. Mboldens is earning more than Maldobald and is more famous because of food quality and more options in menu. Maldobald smartly registered its domain name as mbfoods.com and started online delivery of pizzas. People in that jurisdiction believed that the pizzas were delivered by Mboldens, which led to loss to Mboldens and also lowered its reputation as pizza delivered was not of good quality. Prepare a brief of what kind of trademark infringement is this and how will trademark law be made applicable to deal with such infringement in cyberspace.

5. A car company named SUZOKO has a domain name registered at both national and international level. Recently, another car manufacturer company registered its domain name with the almost same title SUZOKOO leading to infringement. The national Trademark Law was limited in applicability and didn't have the extra territorial jurisdiction. The Company SUSZOKO approached the WIPO to apply Uniform Domain Name Dispute Resolution Policy (UNDRP). Discuss whether courts can consider the decision given in regard to UNDRP if their national courts fail to respond to the complaint.

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**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER-V: ADVANCED IPR - I
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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. The aim of Paris Convention for the protection of Industrial Property is to ensure the uniform standard of and has laid down substantive provisions. "Sindh country invited potential inventors to display their security related inventions in an exhibition with condition of right to priority". Comment on the substantive provisions for registration of Trademark and Patents in the light of substantive provisions.
- b. BICI is in the service sector of financing and banking got registration of Red Colour Trade Mark during 2005 in Korea and became popular across world. Later on BICI established business office in India in 2010 and moved an application for registration of 'Scent' Trade Mark which is difficult for graphical representation. However, the 'Scent' Trademark is distinguished from the services and goods of other proprietor. Comment possibilities and Discuss the statutory provision for its registration.

Contd.....P.2

- c. State of Punjab and Haryana have got Geographical Indication on 'Basmati Rice'. State of Kerala and Madhya Pradesh filed an appeal before the IP Appellate Tribunal for inclusion of State of Kerala and Madhya Pradesh for GI of 'Basmati Rice'. Comment on the claim of appellant and discuss the essentials of getting GI.
- d. Farmers' union of Haryana and Punjab are competing in preparation of milk made products from a Buffalo 'Murrah' breed which is capable to survive only in this region. This breed of Buffalo has capacity of producing 30-40 litre of milk per day. As a student of law discuss the statutory requirements and your critical comments for promotion of GI in the light of manufactured goods.

SECTION - B

2. A collective mark is the registration granted for Chandauli Kala Chawal (a mark containing 2 circles with 'Chandauli Kala Chawal Krishak Samiti' written in the outer circle and 'Chandauli Kala Chawal CKC' mentioned in the inner circle) to The Chandauli Kala Chawal Krishak Samiti, A society registered for the purpose of promoting black rice in the Chandauli region of Uttar Pradesh. Mr. 'Y' is a member of CKC and start selling Boka Rice (zero fuel) comparative in double price of the black rice. Discuss the statutory requirement of collective marks and legal consequences of selling Boka Rice by Mr. 'Y'.
3. Mr. Benz is registered with trademark 'YelloMalta' in the state of Punjab in 2010 and could not renew due to Covid-19. His Legal adviser filed an application in August 2022 for registration of Trademark in European Countries and neighboring countries of Pakistan and Bangladesh. Discuss the statutory provision for International protection of Trademark.

SECTION - C

4. Patiala is well known place for 'Fulkari' in the State of Punjab. Government of Punjab is striving to get more GI Tag and protection of other IPs in the State. You being a legal consultant to the State, advise the State for protection of 'Fulkari' in varities of IPs with statutory provisions. Comment.

 5. The plaintiff is a leading water purifier company which uses UV rays to purify the water. The defendant company also in the business of water purifiers issued the following advertisement: "Water contains contaminants that are invisible to the naked eye and to your UV water purifier.". Baba Water Hindustan filed a suit for seeking injunction against the plaintiff's advertisement and damages for disparagement. You as legal consultant to the plaintiff discuss the statutory requirements for comparative advertisements.
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**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER-VI: INDIRECT TAXES
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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. "Before Independence the pattern of Indian fiscal policy was based mainly on the fiscal policy of Great Britain. India had no independent taxation policy of her own and during the planning period Government relied heavily on indirect taxes for raising more and more revenues." In the light of above statements discuss the indirect tax reforms post-independence period in India.
- b. Mr. Sanjay of New Delhi made a request for a Motor cab to "Super ride" for travelling from New Delhi to Gurgaon (Haryana). After Mr. Sanjay pays the cab charges using his debit card, he gets details of the driver Mr. Jorawar Singh and the cab's registration number. "Super ride" is a mobile application owned and managed by D.T. Ltd. located in India. The application "Super ride" facilitates a potential customer to connect with the persons providing cab service under the brand name of "Super ride". D.T. Ltd. claims that cab service is

provided by Mr. Jorawar Singh and hence, he is liable to pay GST. With reference to the provisions of IGST Act, 2017, determine who is liable to pay GST in this case?

- c. Mohan Enterprises has two registered business verticals in Delhi. Its aggregate turnover for the preceding year for both the business verticals was Rs. 90 lakh. It wishes to pay tax under composition levy for one of the vertical in the current year while under normal levy for other vertical. You are required to advice Mohan Enterprises whether he can do so?
- d. Determine the time of supply under CGST Act, 2017 in the following cases assuming that GST is payable under reverse charge:

Sr.	Date of payment by recipient for supply of services	Date of issue of invoice by supplier of services
1	10 August 2018	29 June 2018
2	10 August 2018	01 June 2018
3	Part payment made on June 30 and balance amount paid on September 1	29 June 2018
4	Payment is entered in the books of account on June 28 and debited in recipient's bank account on July 3	01 June 2018
5	Payment is entered in the books of account on June 30 and debited in recipient's bank account on June 26	29 June 2018

Contd.....P.3

SECTION B

2. Mr. X, a supplier of goods, pays GST under regular scheme. Mr. X is not eligible for any threshold exemption. He has made the following outward taxable supplies in a tax period:

Details of Outward Supply	
Inter State Supply of Goods	300000
Intra State Supply of Goods	800000
Details of Inward Supply	
Inter State Purchase of Goods	50000
Intra State Purchase of Goods	300000

Mr. X has following ITCs with him at the beginning of the tax period:

Particulars	Amount
CGST	30000
SGST	30000
IGST	70000

Notes:

- Rate of CGST, SGST and IGST to be 9%, 9% and 18% respectively.
- Both inward and outward supplies are exclusive of taxes, wherever applicable.
- All the conditions necessary for availing the ITC have been fulfilled.

Compute the net GST payable by Mr. X during the tax period.

3. Determine the place of supply of services for the following case:-

- a) An interior designer based at Mumbai, renders his services in July 2017, to an MNC based at USA, for construction of a shopping mall at Dubai. Determine the Place of Supply in the above situation and discuss if the service is taxable in India.

Contd.....P4

- 4-
- b) Mr. C, an architect (New Delhi), provides professional services to Mr. Z of New York in relation to his immovable property located in Pune.
 - c) Mr. C, an architect (New Delhi), enters into a contract with Mr. Z of New York to provide professional services in respect of immovable properties of Mr. Z located in Pune and New York.
 - d) Damini Industries has recruited Super Event Pvt. Ltd., an event management company of Gujarat, for organizing the grand party for the launch of its new product at Bangalore. Damini Industries is registered in Mumbai. Determine the place of supply of the services provided by Super Events Pvt. Ltd to Damini Industries.
 - e) Mr. Suresh (unregistered person based in Noida) signs up with Excellent Linguistics (New Delhi) for training on English speaking at their New Delhi Centre.

Section C

4. Determine the value of supply and the GST liability, to be collected and paid by the owner, with the following particulars:

Particulars	Amount
Rent of the commercial building	1800000
Maintenance charges collected by local society from the owner and reimbursed by the tenant	250000
Owner intends to charge GST on refundable advance, as GST is applicable on advance	600000
Municipal taxes paid by the owner	300000

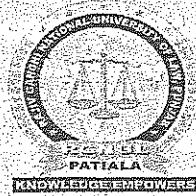
Notes:

- Rent and maintenance charges are exclusive of GST.
- GST rates applicable on renting of business premises is as follows:

CGST 9%

SGST 9%

- Provide suitable explanations where required.
6. Samriddhi Advertisers conceptualised and designed the advertising campaign for a new product launched by New Moon Pvt Ltd. for a consideration of Rs. 5,00,000. Samriddhi Advertisers owed Rs. 20,000 to one of its vendors in relation to the advertising service provided by it to New Moon Pvt Ltd. Such liability of Samriddhi Advertisers was discharged by New Moon Pvt Ltd. New Moon Pvt Ltd. delayed the payment of consideration and thus, paid Rs. 15,000 as interest. Assume the rate of GST to be 18%. Determine the value of taxable supply made by Samriddhi Advertisers.
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**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER-VI: LAW AND MEDICINE
(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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. "Health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity." Examine the statement in the light of international Human Rights Instruments?
- b. "According to Supreme Court a person who does not have knowledge of a particular system of medicine but practices in that system is a quack and mere pretender to medical knowledge or skill."
Critically analyze the statement in the light of problem of quackery in India.

c. 'A person whose wife dies before the age of 40 years will have to observe compulsory penitence by not shaving one's beard for one year and also the fellow is not supposed to get remarried during that time period'. This is one of the customs in Leh applicable on Munsara community.

Mr Roshua Munsara lost his wife (36 years) to Covid in March 2021. In January 2022, he went to Delhi and got married to Ms. Alisha; his co-worker. When he returned home a month later; he was vehemently opposed by his community and was literally disowned by his family also. He was disturbed and in a state of trauma. On 23rd March, 2022; Mr Roshua Munsara was taken to a local hospital for the treatment of depression; as his community believed him to have a 'mental illness'. Roshua's wife has approached you for the advice as to his legal and undeclared medical status. Suggest accordingly.

d. Mr. Ramlahkan, a member of the state Mental Health Care Authority did not attend the annual meeting of the Authority. In that meeting, a resolution to the effect of importing new diagnosis machine from Germany was passed. After one week, he challenged the resolution passed by the authority on basis of him being absent from the meeting and later on he was not consulted on the issue. Discuss the legality of the resolution.

SECTION - B

2. Mr. Rajat has worked for 6 months in a private hospital with the qualified and registered medical practitioners. He returns to his village and without having any knowledge of surgery claims to offer treatment of intestinal stone merely on the basis of his experience obtained while working at the hospital and by reading books of surgery. Mr. Rajat operated Mr. Thakur for intestinal stone by cutting the abdominal with an ordinary knife, in consequence of which Mr. Thakur died. Mr. Rajat took the plea that he performed the surgery in good faith with bonafide intention to cure him.

- i) Discuss the liability of Mr. Rajat
- ii) Explain the provisions dealing with offences related to public/private health under criminal laws.

3. In a welfare State, it is the obligation of the state to ensure the creation and the sustaining conditions congenial to good health”
In the light of above statement explain the position of right to health and right to live a dignified healthy life under the Indian Constitution?

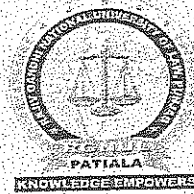
SECTION - C

4. Rohiya Meena was on mild tranquilizers for last 3 months. Keeping in mind his current situation, he decided to make an advance directive to ascertain the direction of his treatment for Psychotic disorders, including schizophrenia.
He mentioned least invasive treatment for himself in Advance Directive. After few months; his condition was little unstable so he was taken to mental health care hospital in the vicinity of his place. The doctor suggested the inpatient treatment for 2 months. Rohiya Meena did not want to continue the treatment by getting admitted. However, after much persuasion from family he agreed to stay in the hospital. He wanted to consult a psychiatrist from Chennai and he wanted to have a video call arranged for him. However, the nursing staff did not listen to him and administered 1.5 mg dose of etizolam. This happened for 2-3 days.
When awake, Rohiya Meena was so frustrated that he shouted on the nurses and threw water bottles on them. Nurses recommended invasive treatment for Mr. Meena to doctor. Discuss the duties of doctor in accordance with the National Mental Health Care Act of 2017 and avenues available to Rohiya Meena.
5. Mr. Sujao Bengali has been practicing ayurveda for last 20 years. He is very popular among the people of West Bengal. In May 2021; he claimed to develop a cure for Acquired Immune Deficiency Syndrome. He published an advertisement in vernacular newspaper. Few Days Later, the same was published in a national newspaper as well. People from various parts of the country started visiting him. He was making good money on account of so-called cure that he developed. One of his patients, whose condition deteriorated after regularly taking his medicine only; sued him and made State Medical Commission and editors of the vernacular and National Newspaper, a party to his petition. Discuss according to applicable laws on the issue.

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**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER-VI: INTRODUCTION OF FORENSIC
SCIENCE (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 & C and each
question carries 10 marks

SECTION - A

1. Write short notes on the followings:
 - a. Who has the authority to examine the sample collected by the investigating agency?
 - b. Which cases can be examined by the Physical Division of the Forensic Science Laboratory?
 - c. Explain the relation between Forensic Science and Law.
 - d. Explain the need of Forensic Science for delivery of justice under Indian Criminal Justice system.

Contd.....P.2

SECTION - B

2. Explain history of Forensic Science and its development in India.
3. Discuss the setup of Centre and State Forensic Science Laboratories. What are the roles of Experts in their respective Divisions?

SECTION - C

4. When an investigator arrives at a crime scene, the need to protect that crime scene becomes a requirement as soon as it has been determined that the criminal event has become an inactive event and the investigator has switched to a strategic investigative response. Therefore, what are the basic requirements to be followed by the Investigating officer whenever he/she arrives at the place of incident/ Crime Scene?
 5. Explain the important Principles of Forensic Science.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER-III: GENERAL PRINCIPLES OF
CRIMINAL 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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:
 - a. "The citizen must be able to ascertain beforehand how he stands with regard to the criminal law." In light of the above statement discuss the principle of legality under Criminal Law.
 - b. Declaring an act to be an offence is the prerogative of the state, however there are acts which are evil in themselves and there are acts which are offences because they are prohibited by the statute. In light of this, distinguish between *Mala in se* and *Mala prohibita* with illustrations

- c. There are wrongs for which the remedy lies both in civil law and criminal laws. Comment. Also discuss as to how Crime is different from civil wrongs?
- d. Rahul is a kind hearted benevolent boy studying law at a Government University in Patiala. Rahul barely has means to pay his college fee. On 5th September 2022 while he was standing near a reputed sweet shop of Patiala he saw few kids asking for food. Rahul could not control his emotions. He sneaked in the shop and stole some sweets for the kids. Discuss whether Rahul should be held criminally liable? Also, distinguish between motive and intention.

SECTION - B

2. "The penal law of ancient communities is not the law of Crimes; it is the law of Wrongs". Critically evaluate.
3. Critically analyse the purpose and functions of Criminal Law. Also discuss the justification for Criminal Law as given by Andrew Ashworth in his book Principles of Criminal Law

SECTION - C

4. Explain the concept of causation under Criminal Law. Discuss the circumstances of causation with special reference to third party intervention.
 5. '*Actus non facit reum nisi mens sit rea*' Critically evaluate the applicability of this maxim under the Indian Penal Code, 1860 in light of the judgment of the Supreme Court of India in *M H George v State of Maharashtra* 1965 AIR 722.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER - III : BANKING 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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. Define Garnishee Order. On 20th October, 2020, the AZB Bank branch receives a garnishee order attaching all sums that the bank owes to its customer Ms. Kriti. At the time of the receipt of the order, Ms. Kriti has got a saving joint account in the name of Mr. Kharbanda and Ms. Kriti with a balance of Rs 2,50,000/-. How would the bank deal with this situation? Support your answer with reasons.
- b. Aditya entered into a contract with the Tilak Nagar branch of BNP Bank for availing the locker services on 20.6.2021. On 28.12.2021, Aditya received a notice from the bank branch that the lockers are scheduled to be shifted from the Tilak Nagar Branch to the Punjabi Bagh Branch temporarily and he is advised to take custody of its contents by 28.1.2022. On 15.1.2022, the building of the Tilak Nagar Branch collapsed due to non-maintenance by the bank officials. Examine whether the bank is liable? If yes, then what would be the liability of the bank?

- c. What are specialised banks? Enumerate the role and functions of specialised banks and institutions.
- d. Ajay has two loan accounts with the SLFC Bank. Over one loan account (first account), he has deposited certain property documents as security for the loan while the second account is secured by shares of a publicly listed company. He also has a joint account with his minor son Udit with the bank, operated only by him till the son's maturity, into which money is regularly deposited by him. In addition, he has a savings account with the bank. The second loan account security becomes valueless because of the insolvency of the company, whose shares were used to secure it. The bank wishes to set-off the amount in the first loan account, the joint account and the savings account with the second loan account as it fears the bankruptcy of Ajay. Does the bank have the right to do so? Justify with reasons.

SECTION - B

- 2.a) The Bank of Saurashtra accepted cheque of Mr Ravinder for collection on 25th October, 2021 and paid the amount due on the instrument on 27th October, 2021. This is the first transaction between the Bank and Mr. Ravinder. Identify the date since when Mr. Ravinder would become a customer to the Bank in the light of the theories on the subject while citing the relevant case law.
- b) "The money deposited by the customer with banker is in the legal terms lent by customer to banker who makes use of it as per his discretion. The creditor has right to demand back his money from banker and banker is under an obligation to repay the debt as and when he is required to do so". Discuss the statement by identifying the nature of the banker-customer relationship. Support your answer with suitable case laws.
3. Can a banker exercise the right of General Lien in the following cases. Justify your answer with relevant provisions and case laws.
- (i) A cheque deposited for collection

- (ii) Fixed deposit receipt jointly held by A and B for the amount due from A to the bank
- (iii) A bar of Gold deposited for safe custody
- (iv) Documents deposited for special purpose
- (v) Title deeds deposited as collateral security

SECTION - C

4. "An Act to regulate the issue of bank notes and keeping of reserves with a view to securing monetary stability in India and generally, to operate the currency and credit system of the country to its advantage". In light of the statement discuss the functions of the Reserve Bank of India under the Reserve Bank of India Act, 1934.
 5. What is meant by Banking Activity under the Banking Regulation Act, 1949? Enumerate the functions of Commercial Banks in India.
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER - II : ENVIRONMENTAL 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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:
 - a. 'Polluters' Pay Principle' exposes the polluter to two fold liability. Explain the concept with the help of recent case laws.
 - b. Mr. Raman wants to hold day and night religious function using loud speakers for three days at his residence. Mr. Karan and other members of the society object to the holding of the function, specifically the use of loudspeakers for it. What are Raman's legal rights and obligations.
 - c. Prior Informed Consent
 - d. Environmentalism vis a vis Conservatism

Contd.....P.2

SECTION - B

3. A private company Luminous Motel Pvt. Ltd. has build a Club at the bank of River Neel by encroaching land including substantial forest land. The Motel polluted the River Neel by encroaching land including substantial forest land. The Motel polluted the River Neel and used earth movers and bull dozers to turn the course of the river. Is there any possibility for legal action against this ? If yes, what action can be taken?
4. A multinational company set up a pesticide manufacturing unit in a semi urban area. It stored huge volume of poisonous gases required for pesticide production. But one fine day there was an explosion in the factory releasing the gases killing thousands and injuring many more. Is company liable for compensation?

SECTION - C

3. Critically analyse the systemic lacunaes existing in India that hindered the fulfillment of Millennium Development Goals (MDG) ?
 4. Elucidate the two flexibility mechanisms under the United Nations Framework Convention on Climate Change at the Rio Conference which forms the basis of Kyoto Protocol ?
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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022**

**PAPER - I : CRIMINAL LAW
(PROCEDURAL - I)**

**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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:
 - a. Sessions Judge can transfer work for disposal to Additional Sessions Judge even when he is physically present in Court but otherwise busy. Comment.
 - b. Sheena was going home after office on 29-4-2021. At around 8 P.M. She was stopped by two people. When she resisted, they forcefully picked her up and committed rape on her. Rape is a cognizable offence for which information can be given to the police for registration of FIR. However, she could not approach the police as she wanted to save her family reputation. However, after 5 days she was again intercepted by the same accused. This time, she decided to knock on the doors of the criminal justice system. Advise her the mechanisms to approach the criminal justice system. Can she file a complaint? Discuss.

Contd.....P.2

- c. In India, the judge plays the role of an umpire whereas in countries like France judges play a participative role. Comment. Also, highlight if there exists any difference between the criminal justice system of these countries.
- d. Public Prosecutors are the gatekeepers of the criminal justice process and owe an obligation to be fair, just and impartial. In the light of this statement examine the role played by Public Prosecutor in ensuring fair trial .

SECTION - B

2. The residents of Malerkotla city are demanding from the State of Punjab that the city be declared as a separate District. The Advocate Bar Association of Malerkotla divisions also submitted their memorandum at various times to the Deputy Commissioner of Sangrur District. The demand of residents and advocates has been accepted by the Govt of Punjab. After one month Punjab Govt declared Malerkotla division as a new District after altering the jurisdiction of Sangrur District. Is this exercise of the Govt of Punjab legal? If Yes, under which provisions of Code of Criminal Procedure, 1973?
3. Earlier in June 1984, an army operation named, 'Operation Bluestar' took place under the leadership of Mrs Indira Gandhi who was the then Prime Minister of the country. In this operation, armed forces entered the Golden Temple complex which is located in Amritsar and cleared off all the terrorists who were hiding there and were fabricating conspiracies against India. The terrorists who were hidden there belonged to the extreme radicalised Sikhs known as Khalistan who wanted a separate nation for Sikhs. The operation wiped off all the militants and this caused damage to several lives and properties. This also caused damage to Akal Takht in the Golden Temple Complex which offended the religious sentiments of Sikhs. The aggrieved Sikhs openly showed their resentment towards Indira Gandhi and protested against her. Many Sikhs openly held rallies against her as well. On the morning of 31st October, Indira Gandhi stepped out from her house at 9:10 A.M. She was killed by her staff. During the trial, the High Court shifted the trial of the criminal case to a place other than the normal seat or branch of the Court of Session. In the instant case, the High Court notified the place as Tihar Jail for the hearing. Is this order of the High Court valid/ legal, if yes, under which provisions of Code of Criminal Procedure 1973?

SECTION - C

4.a) Sheela got married to Samay in 2018. In 2019 she went to her paternal home and did not return because she started staying with Mamia (her paramour). Later on in the year, Samay's parents saw a good match for him and married him with Ashita. After staying with her husband for two years, Ashita was thrown out of the house as she could not pull well with him. She went to the Court and claimed maintenance under section 125 CrPC. Samay contended that the marriage is not valid as his first wife Sheela still survives. Help the Court to decide Ashita's application.

b) Mohd. Ahmed Khan worked as a clerk and got gratuity worth 50 lakhs on his retirement. He used the money to buy a house for his younger son and daughter-in-law as they were not doing financially well whereas his elder son and daughter were leading a comfortable life. However, after 4 years Ahmed suffered from paralysis and his lower body stopped functioning. A lot of assistance was required by him in daily chores and his son and daughter-in-law were finding it hard to keep him. They asked him to stay with elder son. However, the elder son refused as his parents had spent the entire amount of gratuity on the younger son. Mohd. Khan wants to claim maintenance from his children. Guide him.

5.a) Criminal prescriptions are the "handmaid of the criminal justice system and not the mistress". Comment.

b) Although the victim was once a central figure in any criminal proceeding, now the victim has become just another witness in the criminal justice process. The time is overdue for formal acknowledgment that the victim does have a special interest. In the light of above, evaluate whether the Indian law has addressed this situation?

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER - IV: HUMAN RIGHTS LAW AND
PRACTICE
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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

a. Law of reason and human rights

b. X, a Multinational Corporation is a copper smelting firm. Being a corporate giant, it speedily gets approval to set up its plant in the village of Guyana, which has huge acres of fertile land, which is also the prime basis of sustenance of the people of Guyana. W, a public activist who is also leader of the farmer's trade union files a Public Interest Litigation citing the loss of livelihood of the people as the basis of his writ petition. Decide the case, citing and explaining the generation of human rights that shall be applicable in the instant case in the light of the plight of the villagers of Guyana, a farming community.

c. Constitutional Autochthony

- d. Article 21 is the fountain head, which has watered the Indian jurisprudence with entitlements that have formed the basis of a dignified existence of people.
Comment.

SECTION - B

2. Mae, a girl of 18 years, was born and brought up in a religious cult in Amon Town county. She was considered as the chosen one by the leader of the cult Malachi Dodd, who is also Mae's father and prepared for a special ceremony on a full moon night. On the day of the ceremony Mae escapes. She is found lying on the road disorientated by a trucker who takes her to a nearby city hospital. The hospital authorities find a pentagon symbol carved out by a knife on Mae's back and apprise the police Department of the Richmond District under whose jurisdiction Amon town falls as well as the Child Social Services (CSS). Mae is put under the guardianship of Dr. Mathis temporarily for 90 days by the CSS. The Dodd family through their lawyer William Danis file a case of violation of their right to religious freedom against the State of Richmond. However, the Judge rules against Dodd and Mae continues to be under the custody of Dr. Mathis. Identify the jurisprudential basis of William Danis's argument and elucidate its flaws in considering it as the sole basis of the foundation of Human Rights Law.
3. Critically analyse the impact of decolonisation on Human Rights jurisprudence in India with the help of decided cases.

SECTION - C

4. A, files a petition seeking damages from his estranged wife for undergoing abortion without his consent and also claimed it as illegal. Decide the case with the help of existing jurisprudence of the apex court on the issue and discuss the reproductive rights of women with disabilities from a human rights perspective with the help of domestic legislations that have still not been successful at achieving parity with normal women.
5. The Municipal Corporation of Flamboyant Town, issues a notice which calls for the eviction of all beggars from the sides of busy roads and streets. This leads to an eviction drive by the police, wherein all the beggars are barred from begging and offering menial services in areas demarcated by the Municipality of Flamboyant street. A violation of the order, is also penalised by the police. Z, a public activist files a case on behalf of the beggars of Flamboyant Town contending that the failure of the state has forced the citizenry to resort to begging and penalising begging is a gross human right violation. Decide the case with the help of existing apex court jurisprudence on the same.
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**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER - IV : SPECIAL LAWS-I
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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. Terrorism Prevention Branch at United Nations Office on Drugs and Crime is proactively working towards prevention of terrorism and also helping in building up a legal framework. Various regional workshops and conferences are being held with representatives of member states. Whether the Terrorism Prevention Branch has any specific functions or legal advisory role to play in regard to implementation of Anti-Terror Conventions and Protocols.
- b. The International Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplements the United Nations Convention against Transnational Organized Crime. The protocol is considered to be gender neutral but still special attention or focus is on Women and Children. Whether the removing of the words 'Especially Women and Children' will make the protocol less impactful. Also, discuss the uniqueness of the protocol in the light of Article 5, which discusses Criminalization.

Contd.....P.2

- c. What is the liability of the person under the Unlawful Activities Prevention Act, 1967 and its amended version, who has acquired membership of a terrorist organization?
- d. There has always been a question mark on legislative competence of Terrorists and Disruptive Activities (Prevention) Act, 1987 and the prevention of Terrorism Act, 2002. Elaborate the cases decided in the abovestated context and also whether a similar question has been raised in regard to Unlawful Activities Prevention Act, 1967.

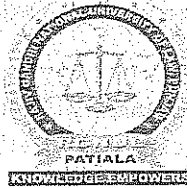
SECTION - B

2. Five boys and ten girls were reportedly kidnapped from a village near Patiala in the last few months. Complaints were made by the family members and members of the community in regard to increase in cases related to missing children. After investigation, it was revealed that certain persons from nearby village were seen with these children on several occasions. On further investigation it was found that at different times, these children were picked up from school, playgrounds and even from their homes and transported to another city in Uttar Pradesh, where they were recruited for hard labour and were also exploited sexually. Much before the investigating team realized the plight of these children. They were transported to different parts of the world. It was found that boys were used as bonded laborer's in mines and girls were forcefully pushed into prostitution business. The government constituted a task force with representation from different organizations. Prepare a report which can facilitate and brief the team about legal standing, legal provisions that can facilitate legal coordination at transnational level.
3. Madhur and Sanyal were from very poor family living in the remote areas of Jharkhand. Both Madhur and Sanyal wanted to earn more money because of which they approached a travel agent to get a work permit for a country in Middle East. The travel agent procured forged documents and illegal papers that helped both Madhur and Sanyal to travel abroad and even procure a job. On arrival in the country, a man took away their legal documents and sold them as bonded laborer where they are working without wages and living in filthy environment. Draft a report on their situation referring to the concerned protocol and its provisions. Also mention if the Protocol on migrants provides for any assistance to victims or suggests any rehabilitative framework.

SECTION - C

4. On August 15, 2019 five bombs blasted in five different locations in Mumbai, instilling fear in the mind of people of Mumbai. The blast resulted in loss of precious lives of hundreds of people residing near Bombay Stock Exchange, VT Station, Juhu Parking etc. Zafoor Beullah Shahi was a resident of Borivalli, who was arrested by Mumbai Police on August 25, 2019. The investigation agencies suspected him as a 'terrorist' and secured a police custody. A petition was filed in the court for release of Zafoor Beullah contesting the arbitrary arrest and unidentified parameters for tagging a person as 'terrorist' in the light of new amendment to UAPA. Prepare a memo to assist your advocate, in the light of relevant provisions of UAPA to secure release of Zafoor Beullah. Support your answer with case laws. Also discuss, how the definition of 'terrorist act' given under Section 15 of the UAPA is not in consonance with the definition provided by The United Nations Special Rapporteur on Protection of Human Rights and Fundamental Freedoms.

 5. Five men were arrested by the investigating agency and were charged under Sections 120B, 121 and 121 A of the Indian Penal Code and various other Sections of the Unlawful Activities Prevention Act, 1967 (amended). The court emphasized on its duty to determine, that there are reasonable grounds for believing that the accusation against the accused is prima facie true or otherwise. In the light of Section 43 D(5), the court also emphasized that 'there is a high burden on the accused to demonstrate that the prosecution has not been able to show that there exists a reasonable grounds to show that accusations against him (accused) is prima facie true.'. The Five arrested men applied for bail and the bail was rejected by the court depending on the statutory restrictions like Section 43 D(5) of UAPA. On the basis of the above observations of the court and Section 43 D(5), discuss whether a lenient approach should be taken in matters of Bail in UAPA. Support your arguments with case laws.
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**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER - IV : MERGERS AND ACQUISITIONS
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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

- a. Mergers, demergers, takeovers or combinations or acquisitions take place as a vehicle for achieving faster corporate growth. Discuss.
- b. The board of directors of XYZ Ltd, a listed company, for carrying out the valuations of the immovable properties standing in the name of the company as required under the provisions of the Companies Act 2013, proposes to appoint Mr. Panicker, an individual as the valuer, which was approved by the Regional Director. Referring to the provisions of Companies Act 2013 read with the Companies (Registered Valuer and Valuations Rules 2017), the audit company is of the opinion that the board of directors does not have the right to appoint the valuer. Decide citing case laws.

c. ABC Bank was a subsidiary of ABC Ltd. In the year 2015, ABC Ltd merged into ABC Bank. Is this legally allowed? What is this concept called? Explain in detail about the same referring to provisions and case laws.

d. XYZ Limited is intending to acquire ABC limited by merger and the following information is available in respect of both the companies:

Particulars	XYZ	ABC
No. of Equity Shares	5,00,000	3,00,000
Profit after Tax	25,00,000	9,00,000
Market Price per share	21	14

1. Calculate the present EPS of both companies:
2. Calculate Exchange ratio based on the EPS:

SECTION - B

2. The following information is given:

Particulars	A Ltd. (Acq)	B Ltd. (Target)
Number of Shares	6,00,000	4,00,000
Market Price of Share	Rs. 60	Rs. 40
Earnings Per Share	Rs 8	Rs. 4.50

Find out:

- a) Market cap of A and B
- b) Profit after Tax (PAT) of A and B
- c) P/E of A and B
- d) The maximum exchange ratio A Co. should offer without the dilution of EPS.

3. Company B (share price Rs. 100) was being acquired by company A (Share price Rs 250) and the valuation of company B was done. In the general meeting, 96% of the shareholders were in favour of the acquisition but 4%

shareholders were against the same. Company A offered these minority shareholder to sell their shares on the basis of the valuation done but the 4% shareholders weren't satisfied with the valuation done and approached the court. Company A contended as the majority shareholders were in favour, the contention of these 4% shareholders cannot be entertained. Decide with the help of relevant provisions and case laws.

SECTION - C

4. X Ltd. has decided in the Annual General Meeting to buy back its shares through the process of special resolution. Discuss the relevant provision/s highlighting the necessary compliance, under which the company can do so. The number of outstanding shares of the company is 2.5 Lakhs of value Rs. 10 each. The Company also has a free reserve of 5 lakhs. What is the maximum amount of shares, which the company can buy back? Also, if the Market price of the share is Rs. 15, find out the number of shares that can be bought back by the company.

5. Company B, an associate company of Company A was appointed as a valuer to engage in the valuation for the merger of Company C and D in which A had 8% shareholding. The valuation was challenged by various stakeholders of the merger alleging that B being a valuer is against the provisions of Law. Decide by discussing the relevant provisions and case laws.

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**B.A.LL.B. (HONS.) FYIC
NINTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER- IV: FORENSIC AND SCIENTIFIC
INVESTIGATION OF CRIME
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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:
 - a. "There is no hold of the Forensic Scientist on the identity of the crime exhibit submitted for analysis." Discuss
 - b. Physical evidence can link the suspect with the victim or with the crime scene. Discuss
 - c. "Physical evidence can prove that a crime has been committed or establish key elements of crime". Discuss
 - d. Can judges act as super expert?.

SECTION - B

2. Define Forensic Science. Mention its basic laws and functions.
3. Explain in detail the critical elements of expert opinion and its admissibility in the court of Law.

SECTION - C

4. Write an essay on the importance of physical evidence in the scientific investigation of crime.
 5. Discuss in detail about the importance of collection and preservation of crime scene evidence.
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**B.A.LL.B. (HONS.) FYIC
SEVENTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2022
PAPER-III: COMPARATIVE CONSTITUTIONAL
LAWS
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 & C and each question carries 10 marks

SECTION - A

1. Write short notes on the followings:

a. The vast majority of contemporary basic principles of the state, the structures and processes of government, and the fundamental rights of citizens are described in a higher law that cannot be unilaterally changed by an ordinary legislative act. This higher law is referred to as a Constitution. Briefly make a comparative analyse of the Written and Unwritten constitutions.

b. Make a short note on the Democratic composition of India, the United State of America, and the United Kingdom.

c. Ms. P joined as a Labour Enforcement Officer in the State of D of India. Being an atheist, she does not believe in any religion and people start avoiding her and insulting her. Out of humiliation, she filed a suit in the Supreme Court of India.

Briefly explain the enforcement of fundamental rights in the present case in India.

Contd.....P.2

- d. For the construction of American society, the Bill of Rights is one of the most successful acts in America and its important position has never been ignored.

Briefly analyse the importance of the Bill of Rights in the USA.

SECTION - B

2. "The constitutionalism or constitutional system of Government abhors absolutism – it is premised on the Rule of Law in which subjective satisfaction is substituted by objectivity provided by the provisions of the Constitution itself."

Explain the Principle of Constitutionalism in correlation with the Constitution.

3. Comparative Constitutional law studies the manner in which various principles of different constitutions are organized, interpreted, and used in different systems or countries. Today it gives the impression that the principal purpose of comparative constitutional law is to attain a deeper knowledge of the different country's constitutions in effect to perfect the implications of constitutional principles in different legal systems.

Elucidate the scope of Comparative Constitutional Law in the modern world.

SECTION - C

4. "I am of the view that if there is one feature of our constitution which, more than any other, is basic and fundamental to the maintenance of democracy and the rule of law, it is unquestionably, to my mind, part of the basic structure of the constitution"- Justice P.N. Bhagawati.

Explain briefly the 'Judicial Review' as a basic structure of the Indian Constitution and mention the limitations of Judicial review.

5. 'Due Process of Law' and 'Procedure established by Law' are two basic principles of the USA and Indian Constitutions.

Make a comparative analysis of both the principles with relevant provisions and decided cases.
