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RG/ET/05/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - I LEGAL METHODS AND
RESEARCH METHODOLOGY
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Currently, our government is struggling to draft climate and energy action plans to reduce carbon emissions by 2030. Scientists suggest that significant emission cuts are needed in industrial, transport and agricultural sectors. How significant is legal research to strengthen and convert these suggestions into laws and policies to reduce carbon emissions?
- b. Ms. Prema, a social activist observed that many girls and women in India are unable to exercise their right to education because of gender inequality and discriminatory practices. She found that poverty, early marriage and gender-based violence are some of the reasons behind the high percentage of illiteracy among women. She wants to conduct a socio-legal research in this regard. What would be the most appropriate type of data that she needs to collect and use in conducting research on women's right to education in India?

Contd.....P.2

- c. Vikram wants to do a socio-legal research on child labour in NCT of Delhi. For that he started collecting data from children working in various establishments, factories and workshops. Mohit, aged 11 years, employed in a *dhaba* agreed to participate. After answering few questions, Mohit wanted to withdraw. Are there any ethical obligations on the part of Vikram?
- d. A National Law School conducted an empirical research on evaluation of Fast Track Courts In India. It has appointed Mr. Abhinav for preparing a Report. Guide him on Steps to be followed and stages involved in writing a Research Report.

Section -B

2. More than 70 countries criminalise consensual same-sex relationships. Discrimination and violence against LGBTIQ+ people can take many forms, from name-calling, bullying, harassment and gender-based violence to denial of employment or proper health care. In every legal system, the LGBTIQ+ community wants recognition of their legal rights and should be protected from stereotypes. In the context of utility and objectivity of socio-legal research, explain how can studying the socio-legal dimensions of sexuality and gender identity lead to improvements in existing laws?
3. UNESCO recommends that when it comes to the use of Artificial Intelligence (AI) in different walks of life, the 'Principle of Proportionality and Do Not Harm' must be followed. To implement this principle, it suggests that there should be risk assessment and ethical impact assessment of AI programs. Abhishek wants to study how AI can be used to increase the efficiency and productivity of law firms. In this context,
- Explain different Research Models
 - Suggest the most appropriate model for Abhishek's research.

Section - C

4. The two main forms of human trafficking that occur worldwide are sex-trafficking and labour trafficking. Empirical research can provide information about how individuals are trafficked and what types of exploitation victims face. Make a Research Design for this research focussing on the research methodology to be adopted and the methods, tools and techniques to be followed to collect data.

5. Woodrow Wilson said, 'I not only use all the brain that I have, but all that I can borrow.' In the light of this statement, explain:
- a) What is the purpose and importance of Literature Review?
 - b) How does it differ from Literature Survey?
 - c) What are the steps involved in writing a Review? (5 marks each)

Section - D

6. The 22nd Law Commission of India in its 282 Report submitted in 2023 recommended the registration of e-FIR in a phased manner. In its view, this initiative would tackle the long persisting issue of delay in registration of FIR and allowing citizens to report crimes in real time. Also, the said move would align with the National e-governance Plan of Govt. of India. It also recommended that a Central National Portal be created to facilitate the registration of e-FIR. After the Report, few States including State of Punjab started registration of e-FIR. Mr. Arun, a Senior Lawyer, wants to study the merits and demerits associated with the scheme in Punjab like IT Infrastructure, digital literacy of the Police Personnel as well as the citizens and procedural aspects like verification of complainant, information to accused, amendments required in other laws etc. He also wants to know the number of e-FIRs registered in Punjab after Law Commission's Report. With these objectives in mind, he collected data from judicial officers, police officials, other entities involved in policing reforms namely, National Crime Records Bureau and Bureau of Police Research and Development, academicians, advocates and general public.
- a) Explain the appropriate methods of Analysis of Data collected by Mr. Arun. (10 marks)
 - b) For the purpose of his research, he framed a Questionnaire. One of the questions was: "Do you think the e-FIR scheme is effective and workable?"
 - i) Strongly Agree
 - ii) Agree
 - iii) Neutral
 - iv) Disagree
 - v) Strongly Disagree

What type of Data Mr. Arun seeks to collect through this question? Which scale of measurement should he follow? Also mention method of Central Tendency applicable. **(5marks)**

7. Suman is a Ph.D Scholar at University Institute of Legal Studies. The title of her research is 'Rethinking the age of Consent under POCSO Act: A Critical Analysis'. Taking into consideration the rising number of cases relating to minor girls above the age of 16 years falling in love, eloping and having sexual intercourse, Suman hypothesises that Age of consent under POCSO needs to be reduced from 18 to 16 years. To test the hypothesis, she wants to do non-doctrinal Study and collect data from various Stakeholders.
- Explain the merits and Demerits of Sampling.
 - Suggest a Sampling Design for her research and major steps involved in selection of Sample.
 - What would be the most appropriate Sampling Technique in this case. **(5 marks each)**

Section - E

8. Ms. Savita was appointed as Lecturer in Department of Commerce in Punjab University in September 2016. Subsequently, she was confirmed in the said post on completion of her probation period. While she was working as Assistant Professor, she submitted her Ph.D thesis. In September 2021, she was served with a charge memo with regard to plagiarism in the papers published by her. In the enquiry, she was given an opportunity to give explanation. She admitted that she had used the thesis of one Karan which was already submitted and in advertently some portions of Karan's work were reflected in her thesis in exact wording and style. She contended that it was done for academic purpose. It was also discovered that she had been distributing copies of a book which was actually a copyrighted work of Ms. Kavita who confirmed the same. Ms. Savita again submitted that she did so for academic purpose and for bonafide use of students and not for pecuniary gain. All the charges against her were proved and the University imposed punishment by way of reduction in pay to the initial stage of the pay scale for a period of 5 years.
- Whether the University is justified in imposing the punishment even when Ms. Savita plagiarised Mr. Karan's work unintentionally? Refer to relevant case law.
 - Ms. Kavita wants to take action against Ms. Savita for the infringement of her copyright. What are the remedies available with Ms. Kavita?

- c. Can Ms. Savita claim the defence of fair dealing? Explain the tests to differentiate between bonafide use and malafide blatant copy of a work. **(5 marks each)**
- 9.a) 'Every actor in the field of research must contribute to making sure that the novel AI technologies are developed and used in an ethical manner.' In the light of this Statement, explain the concept of Social responsibility with special emphasis on the role of research funding agencies. **(7.5 marks)**
- b) The Hon'ble Supreme Court of India in *Parvasi Bhalai Sangathan v. Union of India* (AIR 2014 SC 1591), made a reference to Law Commission of India to examine the issues involved therein including defining the expression 'hate speech' and make recommendations to Parliament to strengthen the Election Commission to curb the menace of hate speeches. What factors should the Law Commission focus on in conducting a study on hate speech. Who, in your opinion, should it approach for academic input and research? Can the Law Commission take up a research project on its own without any reference from Supreme Court of India or Government. **(7.5 marks)**

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RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - II COMPARATIVE PUBLIC LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Suppose that a petition has been filed in a United Kingdom court challenging a local council's decision to outsource many of its functions and services to private contractors and claiming that there has been a lack of proper consultation by the council in breach of its obligations under Section 3(2) of the Local Government Act 1999. How will the court decide this case?
- b. In South Africa, during the presidency of Jacob Zuma, the government targeted and captured the functioning of the courts, prosecutors, and election commissions. What is the constitutional validity of such an executive action?
- c. How can the independence and accountability of administrative tribunals be ensured?
- d. In the United States, a prison inmate was tied to a hitching post in the sun for seven hours with little water. What is the constitutional validity of such action taken by the prison authorities?

Contd.....P.2

Section - B

2. (a) According to TRS Allan, "the contrast drawn between free man and slave is characteristic of the 'republican' or neo-Roman conception of liberty, defining liberty as independence or freedom from domination. Liberty is denied, on this view, not only by actual interference, unregulated by pre-existing legal rules, but by the mere threat of such interference." Critically examine this statement. **(10 Marks)**
- (b) What is the constitutionality of vague laws that allow police to demand that "loiterers" and "wanderers" provide "credible and reliable" identification? **(5 Marks)**
3. (a) Suppose the Parliament amends existing penal laws, increases the punishment for a crime, and applies it retrospectively. What is the constitutionality of such amendments? Answer it in light of Lon Fuller's eight desiderata. **(10 Marks)**
- (b) Suppose a law is passed by Parliament, declaring a person or group of people guilty of a crime and punishing them without any trial. It also excluded the power of judicial review. What is the constitutional validity of such a law? **(5 Marks)**

Section - C

- 4.a) A public interest litigation (PIL) is filed in the Supreme Court on behalf of homeless persons on the grounds that the existing housing policies of the local authorities are discriminatory in nature and are punishing them. Additionally, the bylaws allow police to arrest homeless individuals and confiscate their property lying on the sidewalk. How will the court decide this case? **(10 Marks)**
- b) Can the right to be forgotten or the right to erasure be enforced against a private social media platform? **(5 Marks)**
- 5.(a) Carl Schmitt argued that constitutions could never identify the circumstances for declaring an emergency. For Schmitt, sovereignty resided precisely in the power to declare an exception to ordinary legality, and even written constitutions could not displace the ultimate sovereign power. Critically examine this statement and explain the constitutional safeguards against the abuse of emergency powers. **(10 Marks)**
- (b) What is the constitutional validity of Boris Johnson's advice to the Queen that Parliament should be prorogued for five weeks at the height of the Brexit crisis? Give reasons. **(5 Marks)**

Section - D

- 6.a) In the United States, suppose State 'M' has a Code of Judicial Ethics that constricts candidates seeking to be elected as judges from discussing issues that could come before them if elected and announcing their views—referred to as an “announce clause.” What is the constitutional validity of such a Code of Judicial Ethics? **(4 Marks)**
- b) In the United Kingdom, the Constitutional Reform Act 2005 has changed the central role of the Lord Chancellor in the areas of judicial appointments, complaints, discipline, and dismissal. Can the Lord Chancellor be removed altogether from the process of selecting the judges? **(4 Marks)**
- c) The constitutional scholars have said that in enumerating the theoretical elements of judicial independence, distinction must be made between two aspects of the concept of the independence of the judiciary; the independence of the individual judges and the collective independence of the judiciary as a body. Explain it along with Shimon Shetreet's six constitutional principles of judicial independence. **(7 Marks)**
7. a) Will denial of the protection of the First Eight Amendments of the United States Constitution against state action be a denial of due process of law? Explain it along the lines of the theory of selective incorporation of the Bill of Rights. **(5 Marks)**
- b) A New York labour statute was passed in order to prohibit bakery workers from working more than sixty hours per week. What is the constitutional validity of such a statute? Explain it in the context of the economic substantive due process. **(5 Marks)**
- c) Suppose an Oklahoma statute required a “habitual criminal,” defined as an individual convicted of three or more felonies of “moral turpitude,” to be sterilized. How does it violate the substantive due process clause of the 14th Amendment to the United States Constitution? **(5 Marks)**

Section - E

- 8.(a) In the United Kingdom, a scheme regulating the payment of disability grants provides that the disability grant will stop if the person receiving the disability grant becomes homeless. An applicant who was receiving a disability grant because of his mental health problems found that the grant was terminated because he had become homeless. What is the constitutional validity of such a government scheme? **(5 Marks)**
- (b) In Canada, the parents of several children with autism brought an action against the British Columbia government for failing to fund Applied Behavioural Analysis (ABA/IBI), a form of therapy for children with autism. How should Canada's Supreme Court rule in this case? **(5 Marks)**
- (c) In South Africa, the appointment of a female chief by indigenous communities and customary institutions was challenged by the male descendant, who had not been appointed, on the grounds that it was not consistent with customary law, i.e., the principle of male primogeniture. How should the South African Constitutional Court decide this case? **(5 Marks)**
- 9.(a) A Public Service Commission after conducting a competitive Examination refused to provide access to appeared candidates to their evaluated answer scripts and refused to disclose the identities of the examiners. These candidates challenged the decision in the Constitutional Court. Decide with the help of relevant judicial pronouncements. **(5 Marks)**
- (b) Suppose that during a time of emergency, the government passed an order banning advocating the ideology of the opposition political party and criticising government policies. A number of journalists who criticised government policies were detained indefinitely. What is the constitutional validity of the government order? **(5 Marks)**
- (c) Governments around the world have turned to artificial intelligence (AI) on a large scale to process welfare claims more quickly and reduce fraud. But suppose welfare recipients are falsely accused by artificial intelligence. The errors were the result of an automated debt collection scheme, known as RoboDebt, which incorrectly calculated how much money welfare recipients owed and so issued a series of debt notices. Furthermore, such welfare recipients were not heard by the concerned government department and were not given any explanation. Their photos were also published online, which damaged their personalities and reputations. How can this case be solved? While answering, also mention the three dangers of artificial intelligence pointed out by Jacob Livingston Slosser. **(5 Marks)**
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FIRST SEMESTER
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DECEMBER - 2023
PAPER - II COMPARATIVE PUBLIC LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. How can the independence and accountability of administrative tribunals be ensured?
- b. In the United States, a prison inmate was tied to a hitching post in the sun for seven hours with little water. What is the constitutional validity of such action taken by the prison authorities?

Section - B

- 2.a) In the United States, suppose State 'M' has a Code of Judicial Ethics that constricts candidates seeking to be elected as judges from discussing issues that could come before them if elected and announcing their views—referred to as an “announce clause.” What is the constitutional validity of such a Code of Judicial Ethics? **(4 Marks)**
- b) In the United Kingdom, the Constitutional Reform Act 2005 has changed the central role of the Lord Chancellor in the areas of judicial appointments, complaints, discipline, and dismissal. Can the Lord Chancellor be removed altogether from the process of selecting the judges? **(4 Marks)**
- c) The constitutional scholars have said that in enumerating the theoretical elements of judicial independence, distinction must be made between two aspects of the concept of the independence of the judiciary; the independence of the individual judges and the collective independence of the judiciary as a body. Explain it along with Shimon Shetreet's six constitutional principles of judicial independence. **(7 Marks)**
- 3.a) Will denial of the protection of the First Eight Amendments of the United States Constitution against state action be a denial of due process of law? Explain it along the lines of the theory of selective incorporation of the Bill of Rights. **(5 Marks)**
- b) A New York labour statute was passed in order to prohibit bakery workers from working more than sixty hours per week. What is the constitutional validity of such a statute? Explain it in the context of the economic substantive due process. **(5 Marks)**
- c) Suppose an Oklahoma statute required a “habitual criminal,” defined as an individual convicted of three or more felonies of “moral turpitude,” to be sterilized. How does it violate the substantive due process clause of the 14th Amendment to the United States Constitution? **(5 Marks)**

Section - C

- 4.(a) In the United Kingdom, a scheme regulating the payment of disability grants provides that the disability grant will stop if the person receiving the disability grant becomes homeless. An applicant who was receiving a disability grant because of his mental health problems found that the grant was terminated because he had become homeless. What is the constitutional validity of such a government scheme? **(5 Marks)**

b) In Canada, the parents of several children with autism brought an action against the British Columbia government for failing to fund Applied Behavioural Analysis (ABA/IBI), a form of therapy for children with autism. How should Canada's Supreme Court rule in this case?

(5 Marks)

c) In South Africa, the appointment of a female chief by indigenous communities and customary institutions was challenged by the male descendant, who had not been appointed, on the grounds that it was not consistent with customary law, i.e., the principle of male primogeniture. How should the South African Constitutional Court decide this case?

(5 Marks)

5.a) A Public Service Commission after conducting a competitive Examination refused to provide access to appeared candidates to their evaluated answer scripts and refused to disclose the identities of the examiners. These candidates challenged the decision in the Constitutional Court. Decide with the help of relevant judicial pronouncements.

(5 Marks)

b) Suppose that during a time of emergency, the government passed an order banning advocating the ideology of the opposition political party and criticising government policies. A number of journalists who criticised government policies were detained indefinitely. What is the constitutional validity of the government order?

(5 Marks)

c) Governments around the world have turned to artificial intelligence (AI) on a large scale to process welfare claims more quickly and reduce fraud. But suppose welfare recipients are falsely accused by artificial intelligence. The errors were the result of an automated debt collection scheme, known as RoboDebt, which incorrectly calculated how much money welfare recipients owed and so issued a series of debt notices. Furthermore, such welfare recipients were not heard by the concerned government department and were not given any explanation. Their photos were also published online, which damaged their personalities and reputations. How can this case be solved? While answering, also mention the three dangers of artificial intelligence pointed out by Jacob Livingston Slosser.

(5 Marks)

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**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - III: ADVANCED SUBSTANTIVE LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. What is the rationale behind excluding mensrea in the realms of the strict liability offences?
- b. A enter by night a house which he is legally entitled to enter. Z in good faith, taking A for house – breaker, attacks A. Here Z, by attacking A Commits any offence or not?
- c. What advantages does retributive justice has over restorative justice? Discuss in the global context.
- b. “Sexual identity is experienced as the seamless web of personhood.” Do you agree? Discuss in the light of Indian Social and legal framework.

Section- B

2. Elaborate upon the principles of the Substantive Criminal Law. Also discuss, the Constitutional and human rights aspects of the above mentioned principles with special reference to the contemporary times.
3. "The Criminal Law operates through a divided mensrea and actus reus, the latter denoting physical movement alone." Does the Criminal Law err in doing so or not? Substantiate your answer with relevant legal provisions and judicial responses to it.

Section - C

4. Discuss in detail the Contemporary approach to Juvenile Delinquency in India?
5. A communal riot had broken out in the town of Rambagh in Uttar Pradesh between Sindhi refugees and local Muslims. Muslim shops were looted and some Muslim lives were lost. The mob then approached the shop of the accused and his brother, which were adjacent, and looted the brother's shop. The mob then beat upon the closed door of the accused with lathis.
The dwelling quarters of the accused is family were situated behind his brother's shop. There was police check post at around 1KM of the accused's house. Before the mob could break into the shop, the accused fired two shots from his gun, which resulted in the death of one man in the riotous crowd. Discuss whether accused is liable or not?

Section-D

6. "It is very often felt that Section 299 and Section 300, are the weakest point of the Indian Penal Code, 1860 as they are in close resemblance to each other, and it is very difficult to distinguish between the two as causing of death is present in both the offences. Analyse this statement in the light of legal and judicial perspectives dealing with the offence of causing 'Death' under the IPC, 1860.
7. "Judicial discretion involves situational considerations, its misuse can adversely impact the court's authority and good reputation, create a

feeling of result-oriented decision making and when abused, leads to gross injustice". How far does this statement hold good in the context of the Indian Criminal Justice Administration System. Discuss with the help of legal mechanism (in the light of recent amendments) and judicial perspectives governing it.

Section - E

8. "Every relationship that doesn't lead to marriage isn't rape." Analyse this statement in the light of the legal framework and current judicial trend in India.
 9. Discuss in detail the changing dimensions of law relating to abortion in India and the global trends in this regard. Does the concerns around abortion in India differ from those in the West?
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Roll no. _____

RG/ET/12/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - III: INDIAN FEDERALISM AND
CENTRE STATE RELATIONS
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. All India Services play an important role in administration at the Central and State Level. However, it is argued that the Union exercises considerable control on the IAS officers posted in the State and is in a position to adversely affect the administrative autonomy of the States. Comment.
- b. Explain the principles formulated by the Finance Commission for determining grants under Article 275 of the Constitution of India.

Contd.....P.2

Section - B

2. Petitioner Company is a trader of imported and Indian coal. The petitioner imports coal from Indonesia, South Africa and also purchases coal from Indian mines. The Finance Act, 2010 with effect from 1-7-2010 levied clean energy cess which was in the nature of a duty of excise on the production of coal and was being collected at the time of removal of raw coal, raw lignite and raw peat from the mine to the factory. The Constitution (One Hundred First Amendment) Act, 2016 provided for subsuming of various indirect taxes and Central and States surcharges and cesses so far as they relate to supply of goods and services both on inter-State and intra-State. Section 18 of the Amendment Act enabled Parliament to levy a cess for five years to compensate the States for the loss of revenue on account of GST. On 4-5-2017, the Taxation Laws (Amendment) Act, 2017 was enacted, whereunder, several cesses including clean energy cess were repealed. The petitioner submitted a representation to the GST Council seeking set off of clean energy cess paid by the petitioner against GST compensation cess liability i.e. the petitioner claimed input tax credit of the Clean Cess against the GST compensation cess, however, it was denied. Aggrieved by this, the petitioner has filed a petition in the Supreme Court challenging the constitutionality of the Compensation Cess Act on various grounds including that the Compensation Cess Act is beyond the legislative competence of the Union; the compensation Cess Act is a colourable piece of legislation; the Compensation Cess Act violates the objectives of the Constitution (One Hundred and First Amendment) Act, and; the set off of clean energy cess paid by the petitioner must be allowed against the Compensation Cess liability. Discuss and decide the matter delineating the principles for determination of the constitutionality of the laws enacted by Parliament of India.
3. Finances are sine-qua-non for the working of a government. In Indian federal polity there is a higher degree of vertical imbalance wherein the financial resources are concentrated in the hands of the Union whereas the States have multiple expenditure responsibilities without adequate fiscal autonomy. The fiscal autonomy is further dented by the Constitution (One Hundred and First) Amendment Act. In this backdrop critically analyse the friction points in the Centre-State fiscal relations especially in the aftermath of Eightieth, Eighty-Eighth and One Hundred and First Amendment Acts.

Section - C

4. There was spread of infectious disease across the globe and also in India. Union Government of Indistan declared the disease to be a disaster and invoked the provisions of Disaster Management Act. Union issued various directions and guidelines to the states and declared lockdown in the entire country. State of Purvanchal declared that there was wide unemployment owing to lockdown related restrictions and owing to considerable loss of employment and economic slow-down, it is not in a position to obey the lockdown restrictions imposed by the Union. State government ordered lifting of all lockdown restrictions to ease out the economic distress. Consequently, Union issued a direction to the State to comply with lockdown restrictions and guidelines. State, however, refused to comply with such an order. Union government has declared that the government of the State cannot be carried on in accordance with the constitution and warned that it will issue a proclamation under Article 356. State has challenged this in the Supreme Court by filing original suit under Article 131. Decide assuming that the constitution and laws of Indistan are analogous to Constitution of India and Indian laws
5. In the elections to the State Legislature of X and Parliament of India, different political parties were voted to power. There was continuous bickering between Union Government and the State Government over various political and administrative issues. In this backdrop, Governor of the State of X wrote various letters to the Chief Minister of State X calling for information on various points including but not limited to, the manner of appointment of the Vice-Chancellor of State Universities; manner of appointment of Chairpersons of various state-owned Boards and Corporations. The Chief Minister, however, did not respond to such letters officially, however, a message was displayed on social media from the official social media account of the Chief Minister that the elected governments are not accountable to the Governor but to the people of the State and that the elected governments are not duty bound to provide the all and sundry information to the Union agent i.e. the Governor. In the meantime, the Governor did not take any action on the Bills passed by the State Legislature from time to time. The office of the Governor has pleaded that the Government of the State is not carried on in accordance with the Constitution. Various Bills were pending with the Governor for more than a year. The State has filed a petition in the Supreme Court challenging the act of the Governor and the Office of the Governor has pleaded, in their counter reply, the non-functioning of the Government in accordance with the Constitution. In this backdrop, elaborate the constitutional and legal relationship between the Governor, the State Government and the Union Government. Also decide the matter.

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**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - IV: INTERNATIONAL CRIMINAL
LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a) The matter of State A is investigated by the Prosecutor and found that the former president is responsible for the war crimes in state B. ICC considers it a fit case for trial before the ICC. However, the state now, wishes to take the case in their country under the complementary jurisdiction. The country also claims that if the situation is taken by the ICC then only life imprisonment shall be awarded however, the highest punishment in A's country is death penalty. However, the State A did not take the cognizance to punish the perpetrator for the last 35 years. Decide the situation under the provision of the Rome Statute, can this situation be taken by ICC, if the domestic court is willing to take up the matter?

Contd.... P.2

- b. The President of State A has committed the Genocide in State B. The State B is a party to the Rome Statute and approached the ICC. ICC request the State A to arrest and hand over it to the ICC for the trial. State A submits that their President is immune from any liability committed by the President.

Are the state party under an obligation to arrest its president and surrender the accused to the ICC? If the state fails to arrest the accused, is there any provision under the International Criminal Court Statute.

Section - B

2. In October 2023, the attack is on Israel by Palestine. Currently, Palestine is not a State Party to the Rome Statute. Therefore, intervention by the ICC on the alleged crimes committed in Israel-Palestine can occur only if the jurisdiction of the Court is accepted through Article 12(3) of the Rome Statute. In the absence of such step, the United Nations Security Council can decide to refer the situation to the Court. The Office of the Prosecutor will act only after either decision is taken."

Answer the following questions:

1. How and when can the UN Security Council refer a situation to the ICC Prosecutor?
2. Discuss the relevant rules under the Rome Statute of the ICC and the UN Charter.
3. Rusterman, an international manufacturer of trucks, notices with growing concern that its trucks are heavily used in Myanmar to transport military troops that are used against peaceful demonstrators to suppress protests against the military coup. Several innocent civilians are beaten up or even shot dead. In this tense situation, the company receives a new order from the military in Myanmar. Mr. Rusterman is CEO and is worried about legal consequences for his company. Can Mr. Rusterman's company be held criminally liable under the Rome Statute. Rusterman is incorporated in an ICC state party. Advise Mr. Rusterman in this regard.

Section - C

4. A is first lieutenant in the regular Afghan army. In late 2013, a blindfolded and handcuffed Taliban fighter is brought to his office. A is very upset because he lost three men in a firefight the night before. He assumes that the captive belongs to the forces that attacked his soldiers. He wants to find out where they hide and recover. However, the captive Taliban remains silent. After a series of threats A, gives a nod to B, one of the guards, who starts beating the captive with a rubber stick. Yet, he continues to refuse providing information. This treatment continues for three hours until he is heavily bruised and faints. He is brought to a detention facility. Years later, A ends up in Switzerland and applies for asylum. By accident, video footage of the beating becomes public. You are an internal at the Federal Public Prosecutor's Office. Can A, be held responsible for the criminal responsibility for war crimes under the Rome Statute?
 5. International Criminal Court works differently for the different countries. It has power to refer the situation of those countries, which are not party to the Rome Statute, and it has power to defer the case for one year. In the light of this statement, explain the criticism of the Rome Statute, 1998 in detail.
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Roll no. _____

RG/ET/18/12/23

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**LL.M. ONE YEAR COURSE
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DECEMBER - 2023
PAPER - IV: INTERNATIONAL CRIMINAL
LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a) Ne Bis in Idem
- b) Legitimacy of Iraqi Special Tribunal
- c) The matter of State A is investigated by the Prosecutor and found that the former president is responsible for the war crimes in state B. ICC considers it a fit case for trial before the ICC. However, the state now, wishes to take the case in their country under the complementary jurisdiction. The country also claims that if the situation is taken by the ICC then only life imprisonment shall be awarded however, the highest punishment in A's country is death penalty. However, the State A did not take the cognizance to punish the perpetrator for the last 35 years. Decide the situation under the provision of the Rome Statute, can this situation be taken by ICC, if the domestic court is willing to take up the matter?

Contd.....P.2

- d. The President of State A has committed the Genocide in State B. The State B is a party to the Rome Statute and approached the ICC. ICC request the State A to arrest and hand over it to the ICC for the trial. State A submits that their President is immune from any liability committed by the President.

Are the state party under an obligation to arrest its president and surrender the accused to the ICC? If the state fails to arrest the accused, is there any provision under the International Criminal Court Statute.

Section - B

2. What is the meaning of Complementary Jurisdiction? Explain the features of ICC in the light of Complementarity.
3. State A has given immunities to the King of State A. The King committed crime against humanity in state A. State A is a Party to the Rome Statute. Under the Rome State can this case be taken under the ICC? Explain the Concept of the sovereignty in the light of this situation.

Section - C

4. What was the reason for the establishment of the Nuremberg trial? Explain in detail the criticism of the Nuremberg tribunal.
5. A, the head of the state, had no intention to kill the specific ethnic group. However, he ordered a mission to kill the entire terrorist group in his state in 2006. This mission continued for three years and in a mission to kill the terrorist group, all the ethnic group people named 'subhri' were killed and not even a single ethnic person survived as the terrorists were mixed in the population of ethnic group of 'Subhri'? Can this case be considered a situation of Genocide? Explain with the features of genocide and relevant case law.

Section - D

6. In October 2023, the attack is on Israel by Palestine. Currently, Palestine is not a State Party to the Rome Statute. Therefore, intervention by the ICC on the alleged crimes committed in Israel-Palestine can occur only if the jurisdiction of the Court is accepted through Article 12(3) of the Rome Statute. In the absence of such step, the United Nations Security Council can decide to refer the situation to the Court. The Office of the Prosecutor will act only after either decision is taken.”

Answer the following questions:

1. How and when can the UN Security Council refer a situation to the ICC Prosecutor?
 2. Discuss the relevant rules under the Rome Statute of the ICC and the UN Charter.
7. Rusterman, an international manufacturer of trucks, notices with growing concern that its trucks are heavily used in Myanmar to transport military troops that are used against peaceful demonstrators to suppress protests against the military coup. Several innocent civilians are beaten up or even shot dead. In this tense situation, the company receives a new order from the military in Myanmar. Mr. Rusterman is CEO and is worried about legal consequences for his company. Can Mr. Rusterman's company be held criminally liable under the Rome Statute. Rusterman is incorporated in an ICC state party. Advise Mr. Rusterman in this regard.

Section - E

8. A is first lieutenant in the regular Afghan army. In late 2013, a blindfolded and handcuffed Taliban fighter is brought to his office. A is very upset because he lost three men in a firefight the night before. He assumes that the captive belongs to the forces that attacked his soldiers. He wants to find out where they hide and recover. However, the captive Taliban remains silent. After a series of threats A, gives a nod to B, one of the guards, who starts beating the captive with a rubber stick. Yet, he continues to refuse providing information. This treatment continues for

Contd.... P.4

three hours until he is heavily bruised and faints. He is brought to a detention facility. Years later, A ends up in Switzerland and applies for asylum. By accident, video footage of the beating becomes public. You are an internal at the Federal Public Prosecutor's Office. Can A, be held responsible for the criminal responsibility for war crimes under the Rome Statute?

9. International Criminal Court works differently for the different countries. It has power to refer the situation of those countries, which are not party to the Rome Statute, and it has power to defer the case for one year. In the light of this statement, explain the criticism of the Rome Statute, 1998 in detail.

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - IV BANKING LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a
 - i) Principles of sound lending with reference to priority sector lending in India.
 - ii) Grounds for distinguishing between a fixed charge and floating charge.
- b. Examine the validity of the following negotiable instruments:
 - (i) *I promise to pay Vivek Rs. 60,000 when he delivers the goods.*
 - (ii) *I promise to pay Ankit Rs. 40,000 first after deducting the fine according to the rules.*
 - (iii) *I am bound to pay the sum of Rs. 90,000 which I received from you.*
 - (iv) *I am liable to Pranay, in a sum of Rs. 1,00,000 to be paid in installments.*
 - (v) *I acknowledge myself to be indebted to Rekha in Rs. 3,00,000 to be paid on demand, for value received.*

Section - B

2. *"The Central Government may, by order, authorise the Reserve Bank to issue directions to any banking company or banking companies to initiate insolvency resolution process in respect of a default, under the provisions of the Insolvency and Bankruptcy Code, 2016". In light of the statement examine the constitutional validity of the RBI Prudential Guidelines on Non-Performing Assets, 2018. Identify the changes introduced in the RBI Prudential Guidelines on NPAs in 2019. Substantiate your answer with the judgment of the Supreme Court in the case of Dharani Sugars & Chemicals Ltd. v. Union of India, (2019) 5 SCC 480.*
3. *"The secured creditor may without the intervention of the Court enforce the security interest under the Securitisation and Asset Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002". Elaborate the statement by examining the procedure for enforcement of security interest. Support your answer with suitable case laws.*

Section - C

- 4.a) *"A Bill of exchange which is payable to 'Abhishek or order' is stolen from Abhishek and the thief forges the signature of Abhishek and endorses it to Yuvraj who takes it as a 'holder in due course'".*
Discuss the rights of Yuvraj on the Bill. Also, distinguish between 'Holder' and 'Holder in Due Course'. (7.5 marks)
- b) *"Raj who is in the possession of an uncrossed cheque which he received from Aditya, writes 'Not Negotiable' on the face of the instrument."*
Is there any 'material alteration' in the instrument and does this invalidate the instrument? Give reasons in support of your answer. (7.5 marks)

5. "Abhay is the owner of Secure Solutions Ltd. (SSL) a financial advisory firm which gives advice in making investments in financial markets. According to Abhay, Rajesh his childhood friend who had a home interiors business had hired his consultancy firm's services while investing in some upcoming start-up companies. Though Rs 2,00,000/- was paid in advance a sum of Rs 3,00,000/ was to be paid after Rajesh cleared some bills from his clients. After some days Rajesh issued a cheque drawn on Punjab National Bank, for a sum of Rs 4,00,000/- in favour of SSL. This when presented for encashment by Abhay was returned unpaid by the bank with the remark "Payment stopped by the drawer". Thereafter SSL issued the statutory notice demanding that money be paid within 30 days. As Rajesh did not respond to this notice and no money was paid, SSL filed a criminal complaint against him under Section 138 of the Negotiable Instruments Act, 1881. In response Rajesh contended that the Court cannot take cognizance of such cases and the cheque was issued as a loan to Abhay and not for availing his services."
- Decide the case in light of the relevant provisions of the Negotiable Instruments Act, 1881 and decided case laws.
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Roll no. _____

RG/ET/20/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - V CYBER LAW (OPTIONAL)
(SPECIAL CASE)
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

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

Section - A

1. Write short note on:

- a. Establish the connection between the cyber crimes under the Information Technology Act and similar provisions under the Indian Penal Code?
- b. Comment whether both *actus rea* and *mens rea* are required to establish criminal liability in cases of cyber crimes?
- c. Cyber Crimes are more about human vulnerabilities rather than technical issues. The cyber criminals understand the behavioral patterns and manipulate individuals. Basically, the criminals hack the minds of the people first and then the computers. Considering the statements above, briefly discuss the preventive measures that can be taken to mitigate the incidents and impact of Cyber Crimes?
- d. Briefly Discuss the different types of intellectual property rights? Do you think intellectual property rights violations are more in cyberspace than the physical space?

Contd.....P.2

Section - B

2. Discuss in detail how the constitutional rights of an individual can be safeguarded during internet shutdowns? Are there any rules and guidelines to keep checks and balances on the actions of the government. Discuss with relevant case laws.
3. Data of every individual is confidential and forms the core of person's privacy. India has recently enacted its Data Protection Law based on GDPR model. Discuss the salient features of the legislation and critically analyse the components or principles that could have been added to the legislation.

Section - C

4. From mob lynching cases to deepfakes floating over Internet. The intermediaries have also been subjected to explanations and restrictions. Discuss the present role and responsibility of the Intermediaries as per the latest guidelines. Also, discuss whether the safe harbour principle given in the information Technology Act is of any advantage to them?
5. Though the Information Technology Act was never intended to discuss cyber crimes initially but certain sections were inserted in the main Act. However, after due deliberation certain offences were again added during the Amendment in 2008. Discuss the offences that are presently covered in the Information Technology Act and also briefly discuss the offences that are not covered in the Information Technology Act.

Section - D

6. The jurisdictional issues in cyberspace have led to failures in investigations and identification of perpetrators. The anonymity and fake identities have made the crimes more complex. Referring to the basic concepts of jurisdiction and relevant case laws, discuss how the cyber criminals can be brought to justice. Mention the relevant provisions provided in Information Technology Act, 2000 and other procedural laws?

Contd.....P.2

7. The rules and standards of investigating a crime are given under the Code of Criminal Procedure when investigating in physical space. Mention the relevant provisions and processes that are engaged with, when dealing with a case related to cyberspace. Also, comment the relevance of Mutual Legal Assistance Treaties at this stage?

Section - E

8. Discuss the difference between copyright infringements in physical space and cyberspace? Also mention the different methods and categories of copyright infringements in cyberspace with special focus on software piracy?
 9. The Trademarks Act mentions about the concept of 'passing off'. Explain different kinds of trademark infringements in cyberspace and also explain the role of Uniform Dispute Resolution Policy when it comes to resolving disputes related to trademark registrations and domain names?
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RG/ET/12/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - III: CORPORATE GOVERNANCE
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. Explore the Cadbury Committee's insights and suggestions on the Director's remuneration.
- b. Examine and interpret current localized patterns in corporate social responsibility, emphasizing regional variations and practices.

Section-B

2. As an investor entrusts capital to a corporation, the expectation is for the board and management to serve as trustees, ensuring capital security and generating returns surpassing the cost of capital. Delve into the detailed discussion of N. R. Narayan Murthy's key recommendations on corporate governance.
3. Critically assess the major components of the Sarbanes–Oxley Act of 2002, focusing on its impact on improving the accuracy and reliability of corporate disclosures in accordance with securities laws.

Section - C

4. Explore the concept of sustainability as defined by the statement, “Sustainability means meeting our own needs without compromising the ability of future generations to meet their own needs.” Discuss the four fundamental pillars of sustainability in detail.
 5. Considering the claim that “A business cannot work without a consumer. The survival and growth of a business depend on consumer satisfaction, service, and support” elucidate the responsibilities businesses bear in ensuring consumer satisfaction, providing quality service, and offering robust support.
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Roll no. _____

RG/ET/12/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023**

**PAPER - III: ADVANCED SUBSTANTIVE LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. What advantages does retributive justice has over restorative justice? Discuss in the global context.
- b. "Sexual identity is experienced as the seamless web of personhood." Do you agree? Discuss in the light of Indian Social and legal framework.

Section-B

2. "It is very often felt that Section 299 and Section 300, are the weakest point of the Indian Penal Code, 1860 as they are in close resemblance to each other, and it is very difficult to distinguish between the two as causing of death is present in both the offences. Analyse this statement in the light of legal and judicial perspectives dealing with the offence of causing 'Death' under the IPC, 1860.
3. "Judicial discretion involves situational considerations, its misuse can adversely impact the court's authority and good reputation, create a feeling of result-oriented decision making and when abused, leads to gross injustice". How far does this statement hold good in the context of the Indian Criminal Justice Administration System. Discuss with the help of legal mechanism (in the light of recent amendments) and judicial perspectives governing it.

Section - C

4. "Every relationship that doesn't lead to marriage isn't rape." Analyse this statement in the light of the legal framework and current judicial trend in India.
 5. Discuss in detail the changing dimensions of law relating to abortion in India and the global trends in this regard. Does the concerns around abortion in India differ from those in the West?
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Roll no. _____

RG/ET/18/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - IV ADMINISTRATIVE LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. Write short note on:

- a. In recent years there have been Concerns about the effectiveness and autonomy of the Lokpal and Lokayukta Institutions in India. Discuss the key Issues and reforms needed to strengthen their roles in combating corruption within the Country's Governance and Public Administration.
- b. To what extent does Judicial Control Serve as an effective mechanism in regulating and ensuring accountability in the exercise of Administrative discretion and what principles guide courts in reviewing and intervening in Administrative decisions.

Contd.....P.2

Section - B

2. In the Context of Administrative law, how do the principles of '*Audi alterum partem*' and '*nemo judex in causa sua*' contribute to upholding the Rule of Law and prevent arbitrary actions? Discuss recent legal developments that exemplify the application of these principles.
3. Discuss the Concept of Statutory Public Corporations providing a Comprehensive definition and delve into various types of controls exerted over them. Explore the distinctions between Parliamentary Control, Government control and Judicial control highlighting their roles in ensuring accountability, efficiency and legality in the operations of Statutory Public Corporations.

Section - C

4. Judicial Review is an essential aspect of the Constitutional Democracy especially India. Discuss the Role and Significance of Judicial Review in overseeing administrative actions in light of this statement.

Explore the principles, standards and grounds upon which the courts evaluate administrative decisions.

5. Indian is at position 40 in the Corruption Perception Index 2023. How does this ranking reflect on the effectiveness of institutions like the Central vigilance Commission in combating Corruption? Discuss the role of the CVC in maintaining India's standing in this Index and measures required to improve the Country's position considering specific challenges it faces.
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Roll no. _____

RG/ET/20/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - V SERVICE & ELECTION LAW
(OPTIONAL)
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. **Write short note on:**
 - a. 'Compulsory retirement is not a punishment' Is this statement true? Comment.
 - b. After Completion of departmental Enquiry, Mr. Manish, the charged employee, was issued order of dismissal from Service by the enquiry officer. Is this order of dismissal passed against Mr. Manish a legally sustainable order? Comment. Give reason in support of your answer.

Contd.....P.2

Section - B

2. Mr. Ashok, joined as the Senior of Mr. Vansh on 01.02.2023. Mr. Ashok is the Competent officer to write the A.C.R. of Mr. Vansh, however he is scheduled to retire on 06.05.2023. Mr. Ashok intends to write the ACR of Mr. Vansh. Is he competent to write ACR. of Mr. Vansh. Mr. Vansh wants to avoid Mr. Ashok from writing his ACR, can he do that? Also discuss the principles to be followed for writing ACR.
3. What is the purpose of constituting a Departmental Promotion Committee? In case for post there are two channels of filling up vacancy by way of promotion, then what safeguards must be kept in mind while filing up such a post.

Section - C

4. Mr. Raman, who is a police Inspector, was convicted u/s 420, 467, 471 of IPC for a period of 3 years for embezzlement of police development funds. On account of his conviction he was dismissed from Service by the Competent Authority. He has challenged his order of dismissal on the ground that his order of dismissal is without issuing of a charge sheet and without holding departmental enquiry into the allegations of embezzlement. Advise Mr. Raman. Give reasons in support of your answer.
5. Mr. Rajat a finance clerk in Medical College, Patiala was charged for forging entries in Books of Accounts and a departmental enquiry was initiated against him. During the Course of enquiry, the enquiry officer exonerated him and in the enquiry report, the enquiry officer holds Mr. Rajat innocent. Mr. Vinay who is the competent authority, after receipt of the enquiry report, is not convinced with the findings of the enquiry officer. Mr. Vinay has approached you for legal advice regarding options available with him.

Advise Mr. Vinay regarding his powers and procedure to be followed.

Roll no. _____

RG/ET/20/12/23

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE
FIRST SEMESTER
END TERM EXAMINATION
DECEMBER - 2023
PAPER - V CYBER LAW (OPTIONAL)
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FORTY (40)**

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

Section - A

1. **Write short note on:**
 - a. Cyber Crimes are more about human vulnerabilities rather than technical issues. The cyber criminals understand the behavioral patterns and manipulate individuals. Basically, the criminals hack the minds of the people first and then the computers. Considering the statements above, briefly discuss the preventive measures that can be taken to mitigate the incidents and impact of Cyber Crimes?
 - b. Briefly Discuss the different types of intellectual property rights? Do you think intellectual property rights violations are more in cyberspace than the physical space?

Contd.....P.2

Section - B

2. The jurisdictional issues in cyberspace have led to failures in investigations and identification of perpetrators. The anonymity and fake identities have made the crimes more complex. Referring to the basic concepts of jurisdiction and relevant case laws, discuss how the cyber criminals can be brought to justice. Mention the relevant provisions provided in Information Technology Act, 2000 and other procedural laws?
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Section - C

4. Discuss the difference between copyright infringements in physical space and cyberspace? Also mention the different methods and categories of copyright infringements in cyberspace with special focus on software piracy?
 5. The Trademarks Act mentions about the concept of 'passing off'. Explain different kinds of trademark infringements in cyberspace and also explain the role of Uniform Dispute Resolution Policy when it comes to resolving disputes related to trademark registrations and domain names?
-