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RG/MT/16/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE**

**SECOND SEMESTER**

**MID TERM EXAMINATION**

**MARCH - 2023**

**PAPER - I: LAW AND JUSTICE IN GLOBALIZED  
WORLD**

**TIME DURATION: ONE AND HALF HOURS**

**MAXIMUM MARKS: FORTY (40)**

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

## SECTION - A

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

- a. Across Africa, lobbyists, philanthropists and businesspeople are working to open up the continent to Genetically Modified Organisms (GMOs). They argue that GMOs can provide a miracle solution to two of Africa's biggest problems: famine and malaria. Are these people telling the truth?
- b. Why do Afro-Germans (blacks) not have the same rights as white people in Germany?

Contd.....P.2

**SECTION - B**

- 2.a) It is said that no matter how hard we try, we can never define human dignity in its entirety. Whenever legislators try to codify human rights to enforce human dignity, something always remains incomplete. Furthermore, the understanding of human dignity varies from community to community and society to society. Can the entire political community come together and forge a global consensus on human dignity? What does Jürgen Habermas have to say on this? (8 Marks)
- b) Humans consider themselves superior to all other species. Modern humanity, which includes modern humans' politics, ethics, and ways of life, exists to domesticate non-human animals or species and use them for scientific research, food production, and consumption. Do humans use Foucault's power techniques, such as the sovereign, the disciplinary, and the dichotomous, to subjugate other species? On what basis do Kay Peggs and Barry Smart show how Foucault's work is a central tool for thinking about the form of power that operates in battery farms and scientific laboratories and for ethical discussions about human-non-human power relations and the largely unchallenged bigotry of speciesism? (7 Marks)
- 3.a) Luis Cabrera advocates the idea of global citizenship. Cabrera argues that the boundaries of citizenship should be more fluid, and potentially more extensive, than at present. Moreover, there is certainly a tradition since Diogenes the Cynic proclaimed himself a citizen of the world of similar cosmopolitan views of the individual of having global citizenship. How is it possible for us to act like global citizens in a meaningful way within the current global order? What key features does Luis Cabrera identify as to how such a view of the self can be understood and promoted for reform of the current system so that it is more ethically or morally defensible? (8 Marks)
- b) Suppose 'X' decides one Sunday that he would prefer to stay at home rather than go out and do anything active. If he manages to do exactly what he wants, call it 'scenario A'. Alternatively, some strong-armed thugs arrive to interrupt X's life and drag him out and dump him in a large gutter. This terrible, indeed repulsive, situation may be called 'scenario B'. In a third instance, 'scenario C', the thugs restrain 'X' by commanding that he must not go out of his house, with the threat of severe punishment if he violates this restriction. In this example, explain what is the 'opportunity aspect' of freedom and the 'process aspect' of freedom? Why Amartya Sen said in this case that the "opportunity aspect of freedom" can be seen in different ways in light of the distinction between 'culmination outcome' and 'comprehensive outcome'?" (7 Marks)

SECTION - C

- 4.a) On what basis does Professor B.S. Chimni argue that a growing network of international institutions—economic, social, and political—comprise an imperial global state, the current task of which in the international system is to realise the interests of an emerging international capitalist class and exploit third-world countries? What are the objections to this argument that Professor B.S. Chimni has considered and rejected? (8 Marks)
- b) People who migrate from developing countries to Europe and the western world for work and to live a better life still do not get social acceptance. Many incidents of discrimination against them continue to be reported. Politicians in developed countries tell their people that their jobs and money have been taken by the migrants. People's perceptions against migration are increasing. What kind of arguments is Ian Goldin making to change public perception? (7 Marks)
- 5.a) When a suicide attack killed American soldiers while the withdrawal of troops from Afghanistan was underway, the United States responded with a drone strike, but erroneous intelligence resulted in the drone strike killing innocent civilians. The United States government has not held anyone accountable for the drone attack. Furthermore, it has also been alleged that Russia is killing innocent civilians in Ukraine using drones made in Iran. The extensive use of automated weapons systems, including drones, around the world has taken the worst off and raised legal and ethical issues. While analysing both the consequentialist approach and the deontological approach, what issues does Peter Asaro raise in describing the capabilities of automatic weapons, and what is he suggesting about them? (8 Marks)
- b) Global administrative space is rapidly changing and evolving as a result of an increase in the diversity of networks that exercise governance, leadership, agenda setting, and international responsibilities. Various organisations and networks include regulation-by-non-regulation, formal self-regulation, private-public regulation, governance networks led by state officials, and an official inter-government network with direct governance powers. On what arguments does Benedict Kingsbury recognise the global administrative space, the institutional mechanism for the application of global administrative law, and the doctrinal features of global administrative law? (7 Marks)

Roll no. \_\_\_\_\_

RG/MT/18/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE  
SECOND SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER- III: SCIENTIFIC AND FORENSIC  
TECHNIQUES IN INVESTIGATION  
OF CRIMES  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

## SECTION - A

1. Write short notes on the following:

- a. Meezal commits a murder and leaves the place in hurry. He drops his watch and drinks the half-filled glass of whisky while rushing out of the door. Meezal while crossing the garden suddenly turns back, retract his path, enter the scene of crime, grabs a pendrive lying near a computer system and rush out again. The police reach after an hour and collects the physical evidence only. The police completely ignored the possibility of collection of scientific evidence at the scene of crime. Discuss the possible forensic evidence, that investigating team could have collected and what objectives could have been achieved by way of such collection and analysis?

Contd.....P.2

- b. A riot took place in the city of Mushidabad and the victims of the riot panicked and stated some facts about the perpetrators of the riot. The information supplied by victims to the police officers at the scene was most determinative in predicting if a crime would be detected. After getting the statements from the witnesses and victims, police immediately suspected few miscreants and arrested them. Lathis and petrol bombs were recovered from them along with some fake passports. Three factors were critical to arrests: the location of two or more witnesses, the minimization of time from crime incidence to arrest, and the presence of tangible evidence. Keeping in mind the above facts elaborate the power of the police officials to investigate?

### SECTION - B

2. Muzam was working in a company in the capital territory of Uzbezia. He had always been awarded the "employee of the month" because of his determination and dedication towards the task assigned to him. Ashok was also working in the same company and was rigorously trying to compete with Muzam, to achieve his targets and thus to attain the tag of "employee of the month". On the occasion of Diwali, the Directors of the Company organized a Shayari Night and invited all the employees and their families to attend the function in a family hotel. Ashok told his family that he is very upset because again he couldn't complete his target and could not compete with Muzam. He also told his family that Muzam is trying all the tactics to get him removed from the company. Despite his bad mood, Ashok went to the Hotel for the event, where Ashok fell from the rooftop and succumbed to injuries. Everyone witnessed the incident. Some called it an accident and others suspected that Muzam pushed him as people were witnessing that they were arguing about some issue. The family suspected Muzam and refused to accept that it happened by accident. The police arrested Muzam, kept him in jail for five days before producing him before a magistrate. They destroyed his phone and didn't inform his family members or anyone about his arrest, place of arrest etc. Looking at the situation above, mention the constitutional rights of the accused and the responsibility of the police. Was Muzam deprived of his basic rights and treated like a convict?

3. A man named Roger made some prank calls alarming the police about a gang of traffickers. Roger called the police after every ten minutes and every time from a different number and with a different voice. The police officials were confused as to how Roger could manipulate his voice after every ten minutes. After investigation, police suspected Roger and arrested him for making prank calls. To the surprise of the police, Roger's voice was completely different and his voice pattern was not even 10 percent similar to any of the samples collected by the police. The voice sample, the prosecution witnesses and opinion of the expert had large number of inconsistencies. Keeping in mind the above situation, explain the relevancy and admissibility of expert opinion in a court of law.

### SECTION - C

4. Find out the flaws in the investigation and collection of evidence in the given situation. Refer to the proper principles of forensic science, policy and procedure that is required to be followed:
  - a) Scene A is a crime scene where a sexual assault took place. The police have not restrained the movement of either the people or the vehicles in that area. A police officer investigating the crime scene is smoking and is not wearing gloves while observing the objects lying nearby. The victim is sitting in the ambulance. She has been given the first aid and sent back home to take some rest. The police asked the victim to come with her family after two days for registering the complaint.
  - b) Scene B is a crime scene where a robbery took place in a Jewelry shop. The investigating team did not check the CCTV footage. They asked the customers to narrate the incident and recorded their versions on a tape recorder. The team forcefully checked every customer's belongings and did not observe or make notes of the situation. Rather than calling a professional crime scene photographer the constable and the car driver were asked to click specific pictures of the scene of crime and were asked to forward the same on the howsaatsapp (a social media app).

5. Madhur, 12 years old girl, was assaulted and raped by three boys, while she was coming back from her school. Three suspects namely, Lankes, Mohan and Moore were arrested by the police. The police recovered two pen drives and three cell phones in which it found the recording of the assault and rape. The three men could not be recognized as they had covered their faces. The girl after rape was thrown in the middle of the road, soon the PCR arrived and she was taken to the hospital. The doctors denied giving her first aid and called it a police case. After hue and cry made by the public present in the hospital, the doctors had to provide her first aid and later completed the formalities with the police when they arrived. Discuss the provisions related to medical examination of the victim and discuss the procedure generally recommended by the forensic laboratories. Also, discuss the relevant Section of POCSO Act which facilitates the medical examination of a minor victim.

Roll no. \_\_\_\_\_

RG/MT/18/03/23

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**LL.M. ONE YEAR COURSE  
SECOND SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER- III: AFFIRMATIVE ACTION AND  
DISCRIMINATIVE JUSTICE  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

## SECTION - A

1. Write short notes on the following:

- a. i) Discuss the role of Brown v Board of School Education (1954) in the facilitation of Affirmative action in USA.
- ii) Chalk out the International dimensions of 'mainstreaming and no gap policy'.
- b. Chose one option and substantiate your choice with explanation.  
Statement: Colour and disability based segregation is the manifestation of state inaction.  
Reason: The State laws and enforcement agencies are not equipped sufficiently to deal with the fateful incidents.

Contd.....P.2



Options:

- a. Both statement and reason are correct and reason is correctly attributed to the statement.
- b. Both statement and reason are false.
- c. Statement is true but reason attributed is wrong.
- d. Reason is true but statement is false.
- e. Statement is correct but reason attributed is not the correct explanation of the cause.

### SECTION - B

2. Nozick parses "the fact of our separate existences; as the fact that no moral balancing act can take place among us; there is no moral outweighing of one of our lives by others so as to lead to a great overall social good. There is no justified sacrifice of some of us for others." Do you concur with patterned element of justice as commented by Robert Nozick in Anarchy, State and Utopia; Explain.
- 3.a Elucidate International Monitoring System of International conventions prohibiting discrimination?  
b Highlight the concept of 'reverse discrimination' as contemplated in the paradigms of substantive equality.

### SECTION - C

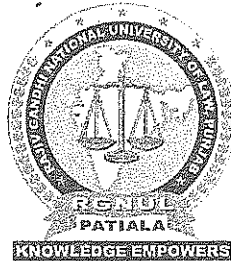
4. "The US Government created the notion of affirmative action by making it mandatory that projects sponsored with federal funds "take affirmative action" to ensure that hiring and employment procedures are free of racial bias; in order to establish the concept of affirmative action." In the light of this statement; emancipate the role of US executive and Judiciary to create equilibrium in contemporary society.

- 5.a. Compare and contrast the evaluation of affirmative action and operational issues that need to be addressed in order to bring about greater equality. Also contextualise that how the Positive action measures in South Africa and United Kingdom have influenced the similar developments in other parts of the world.
- b. "Although, originally conceived as politically difficult, the development of positive action has increasingly adduced a solid evidence base to demonstrate that it continues to be an effective avenue towards progress within pluralist cross-cultures and its benefits outweigh the dilemmas that it can occasionally bring about." Substantiate your answer with international developments on restorative justice.
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Roll no. \_\_\_\_\_

RG/MT/21/03/23

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**LL.M. ONE YEAR COURSE  
SECOND SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - V : ADVANCED CRIMINAL  
PROCEDURE  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

**Note: Section - A is Compulsory and each part carries 5 marks. Attempt One Question each from Section - B and Section - C each questions carries 15 marks**

## SECTION - A

1. Write short notes on the following:
  - a. Discuss the principles on which the criminal justice system works. Are these principles at variance with the principles of the juvenile justice system? Comment.
  - b. One of the immutable principles of criminal justice is that the accused should be present at his trial so that he can defend his case properly. However, the Courts in the recent past in the case of Hussain v. UOI, (2017) 5 SCC 702 and other cases have talked about the trial in absentia. Explain and explore the contours of holding the trial in absentia of the accused.

Contd.....P.2

SECTION - B

2. Discuss the salient features of adversarial and inquisitorial forms of justice. The Supreme Court of India has started stressing the need that the judges should not be mute spectators and should play some active role in the trial. Comment. Support your argument with statutory provisions and case laws.
3. Comment on Herbert Packer's Models of Criminal Justice. Critically evaluate how far these models have been able to safeguard victims' rights.

SECTION - C

4. 'A' was arrested by a police party from his house and kept in a secluded building for three days, without informing any person about the arrest or the place of detention. For all these days, 'A' was neither told about the reasons or grounds of his arrest nor was he permitted to contact any person. After five days of confinement, he was released and informed that he was free and may go anywhere. In the light of above discuss the following:
  - i) Are there any irregularities in the arrest process? Discuss. (5marks)
  - ii) What remedies are available to 'A' against this arrest? (10marks)
- 5.a) A and B are two firms having business with each other. A supplies tyres to B which is a cycle manufacturing company. There were some issues regarding a payment due to which A stopped supplying tyres and cancelled the contract. B filed a case for specific performance of the contract. In the meantime, A has filed a case of cheating under section 420 of IPC. Later on, the matter gets resolved in civil court and A applies for settlement of the case in criminal court also. Can the Court allow A and B to settle their case mutually? Discuss. (7.5 marks)
- b) The Code of Criminal Procedure, 1973 marked some changes in the old Code of 1898 in order to ensure a fair trial. Discuss the changes brought in the 1973 Code from the old Code of 1898. How far these changes have been able to achieve the purpose of a fair trial?

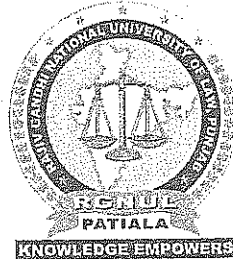
(7.5 marks)

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Roll no. \_\_\_\_\_

RG/MT/21/03/23

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**LL.M. ONE YEAR COURSE  
SECOND SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER - V : JUDICIAL PROCESS AND JUDICIAL  
REVIEW  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

## SECTION - A

1. Write short notes on the following:
  - a. In a criminal trial the judge may become a participant in the trial by evincing intelligent and active interest by putting questions to witnesses in order to ascertain the truth. Discuss.
  - b. Distinguish between the thick and thin conceptions of rule of law as outlined by Randall Peerenboom.

*Contd.....P.2*

## SECTION - B

2. Discuss in detail if you agree that Sumit Khanna's *All Rise for Your Honor* is an irreverently attempt to evaluate India's legal system from the standpoint of all stakeholders- the litigants, who endlessly wait for justice; the lawyers, who themselves contribute to delay and the judges, who ultimately dispense justice and thus beautifully exposes how our legal system is far removed from the constitutional promise of justice.
3. The life of a nation is dynamic, living and organic; its political, social and economic conditions change continuously. It is, therefore, quite possible that a constitution drafted in one era, and in a particular context, may be found inadequate in another era and another context. It thus becomes necessary for the judiciary to make such interpretation of the provisions of the constitution so that they may be adapted from time to time in accordance with contemporary needs of the society to avoid both stagnation and revolution. Discuss.

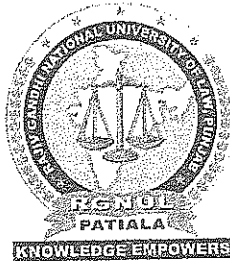
## SECTION - C

4. Critically analyse the importance of precedent under Indian law. Do you think a judgment of larger bench of Supreme Court is binding on another smaller bench of Supreme Court despite the fact that the number of judges constituting majority in former is lower than the number of unanimous judges of the latter bench? Discuss with the help of decided cases.
  5. Discuss in detail how separation of powers is essentially a separation of functions and the classical theory of separation of powers is nothing more than a 'doctrine of functional specialization'.
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Roll no. \_\_\_\_\_

RG/MT/22/03/23

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**LL.M. ONE YEAR COURSE  
SECOND SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER- VI: VICTIMOLOGY AND VICTIM  
JUSTICE  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

**Note: Section - A is Compulsory and each part carries 5 marks. Attempt  
One Question each from Section - B and Section - C  
each questions carries 15 marks**

### SECTION - A

1. Write short notes on the following:
  - a. Stephen Schfer used both Social Characteristics and behaviours and placed the victims in groups on how responsible they were for their own victimization. Briefly discuss the typologies put forth by Stephen Schafer.
  - b. "The history of crime and punishment in the whole civilized world reveals a steadily increasing concern with the treatment of criminal and a virtual blackout of attentions to the situations of the victim". What are the rights of the victims in context of the Indian Criminal Justice System.

Contd.....P.2

SECTION - B

2. "The first studies of crime victims did not portray victims as innocents who were wronged at the hands of the offenders". Discuss this statement in the light of various theories of Victimology.
3. "Asymmetry" means anything unbalanced, exploitative, parasitical, oppressive, destructive, alienating or having inherent suffering. Discuss the above in the light of nature and scope of victimology. Has the scope of victimology enlarged over the last few decades?

SECTION - C

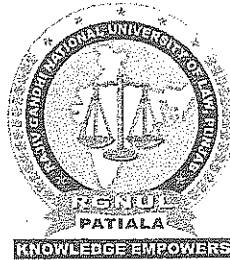
4. "Justice is due to the accused, but it is due to accuser as well". Discuss the statement in the context of the rights of the victims in the Indian Criminal Justice System. How does a victim of crime suffer secondary victimization at the hands of the police and what steps have been taken in the recent past to prevent this secondary victimization.
  5. The presumption of innocence principle leans in favour of the accused. How has the Indian Judicial System responded to the plights of the victim, particularly the victims of sexual violence. Substantiate your answer with relevant case laws.
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Roll no. \_\_\_\_\_

RG/MT/22/03/23

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**LL.M. ONE YEAR COURSE  
SECOND SEMESTER  
MID TERM EXAMINATION  
MARCH - 2023  
PAPER- IV: CONSTITUTIONAL  
AMENDMENTS IN INDIA  
TIME DURATION: ONE AND HALF HOURS  
MAXIMUM MARKS: FORTY (40)**

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

**SECTION - A**

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

- a. Need of amendment to the Constitution with relevant examples.
- b. Discuss the Right to Property and the Constitutional Policy before and after the Constitution (Forty- Fourth Amendment )Act, 1978.

Contd.....P.2

SECTION - B

2. Discuss the extent to which the Fundamental Rights can be amended and how the Basic Structure Doctrine Acts as a limitation to the amending power. Discuss Judicial Majoritarianism vis-a-vis the Basic Structure Doctrine.
3. Discuss the formal procedure of amendment, the changes brought forth in different years by the amendments in Article-368 and analyse the amending procedure while comparing it with USA's procedure of amending the Constitution.

SECTION - C

4. Discuss the reasons for the requirement of bringing the Constitution (First Amendment) Act 1951. What were the different Articles which were modified, varied, altered, repealed or added. Critically analyse the Supreme Court Judgements subsequent to the Amendments.
  5. What are the major changes brought forth by the 73rd and 74th Constitution amendment Acts. Discuss the impact of the same bringing in some current examples of the implementation of the same or the lack of implementation.
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