

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2023
PAPER - I: INDIAN ECONOMY (MAJOR-V)
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. India happens to be one of the largest growers and producers of most agricultural crops yet it ranks very low in terms of yield. Discuss why?
- b. How have the British policies affected the structure of Indian economy, as is evident in the post independent era?
- c. An undesirable result of the New Agricultural Strategy is that the new technology has reduced labour absorption in agriculture. Is this the only visible after-effect of the strategy? Discuss your point with reference to the other important after-effects of the scientific approach to cultivation.
- d. It is a popular notion that following privatization, markets arise quickly to fill up the gap whereas another group of thinkers say that many government

activities arise because markets have failed to provide essential services. Which school of thought do you agree to and why?

SECTION - B

2. It is believed that food security in India is only notional despite the government having procured a foodgrain buffer and revamping the Public Distribution system in the country; food deprivation and financial indebtedness of small and marginal farmers, continue to exist. How much is this perception correct, keeping in mind that the government had revamped and even restructured the PDS system as Targeted PDS? Substantiate your points using statistical support.
3. The access and distribution of agricultural credit is skewed in favour of better endowed districts/regions and within the same region tilted towards better off agricultural households. Do you think it would help remedy the situation if concerted efforts are made to minimise their role in agricultural credit?

SECTION - C

4. "Indian planning for industrialization suffered from excessive attention to targets down to product level, along with a generally inefficient framework of economic policies designed to regulate the growth of industrialization." Comment.
 5. It is generally believed that the Public Sector Enterprises are not much useful in the context of Indian development programmes. Has the performance of the PSUs in the recent years supported or refuted this notion? Validate your arguments using statistical support.
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**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER - 2023
PAPER - I: INDIA'S FOREIGN POLICY (MAJOR)
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. What role does ICCR play in India's cultural diplomacy?
 - b. Discuss the colonial roots of India's foreign policy towards its neighbourhood.
 - c. What was 'intermittent-realism' in India's foreign policy?
 - d. How does geography determine India's foreign policy?

SECTION - B

2. Assess the challenges of balancing ideology, national interest, and national power in a rapidly changing global landscape. How can a country adapt its foreign policy to remain consistent with its core values while pursuing its national interests in a dynamic international environment?
3. Examine the legal and constitutional frameworks that govern the involvement of sub-national governments in foreign policy in India. Discuss with examples, the challenges they pose for effective cooperation and coordination between different levels of government in shaping India's foreign relations?

SECTION - C

4. How has India's foreign policy towards Pakistan evolved over the years? What are the key drivers of this evolution? Give your suggestions to bring the peace dialogue between India and Pakistan on track.
5. Analyse India's approach towards managing border disputes, such as the Doklam standoff and the territorial dispute in Aksai Chin, in its foreign policy towards China. How has India's foreign policy towards China adapted in response to the changing dynamics of shifts in power, economic ties, and regional influence?

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**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
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SEPTEMBER - 2023
PAPER - I: SOCIOLOGY OF DEVELOPMENT
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. How Human Development Index (HDI) is an indicator of Sustainable Development?
 - b. Conceptualise Social Development with focused reference to communities and regions.
 - c. What are the factors that influenced the 'Development Theory'?
 - d. Conceptualise the term 'Peripheri' as discussed in the theories of Development.

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SECTION - B

2. What do you understand by the phrase 'Changing Paradigm of Development'? Discuss how the developmental paradigm has experienced shifts and changes?
3. Discuss Indicators of Sustainability with detailed illustrations.

SECTION - C

4. Critically appraise the 'Development Theory' with focused reference to the intents it tends to present.
5. Discuss the notions propounded by Ecological Perspective of Development? What do you think about contemporary application of Ecological Perspectives of Development?

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**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER 2023
PAPER - II : CIVIL PROCEDURE AND
LIMITATION
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 10 marks.

Section - A

1. Write short note on:

- a. A Hindu wife files a suit seeking permanent injunction against her husband in order to restrain him from entering into second marriage. The defendant husband objects that it is not a suit of civil nature and it is barred by S. 5 of HMA, 1955. Decide
- b. X, is a partnership firm. It files a suit for recovery against B for recovery of Rs 50,000. The suit is dismissed as it is not maintainable since the firm is not registered under Indian Partnership Act. The firm then gets itself registered as required under the law and a subsequent suit is filed. The other party objects that Res Judicata is applicable. Decide
- c. An Officer of the court is ordered to serve summons on the defendant. But the officer despite using all sincere efforts is unable to serve the summons as the neither the defendant nor his agent is there and there is no likely hood of his returning within reasonable time. So the officer affixes the copy of summons at a conspicuous place of the residence of the defendant. Explain what should the officer endorse on the Summons and what should court do make sure that the summons were served properly.

Contd.....P.2

- d. In a suit the plaintiff X obtained a decree against the defendant Z for Rs 10 Lakhs. So X filed an execution proceeding against Z. He prayed that the property of Z be sold and the decree be satisfied. It was found that the value of the property of Z was only Rs 5 lakhs. So X agreed to take the amount of Rs 5 lakhs. Sometimes later Z got another property worth Rs 20 lakhs because the owner of the property had left a will in his favour. Now X filed another execution proceeding claiming the balance amount of Rs 5 Lakhs. The judgement debtor objected that the matter had been finally decided in the first execution and hence the second execution is barred .Decide

Section - B

- 2. Plaintiff P who is a Christian by religion challenged her excommunication by filing a suit in the civil court. The Defendant resisted the application by arguing that it is a mere question of religion and as such it is not a suit of a civil nature. Decide with the help of case laws.

- 3. X' and 'Y' decide to enter into a contract for the sale of machine. 'X' is the seller and 'Y' is the purchaser. Y defaulted in paying the amount of the sale to X. X first filed a suit for recovery of the entire amount in Bangalore. Subsequent to this, X filed another suit at Bombay High Court demanding Rs. 20,000 as outstanding balance. In X's subsequent suit Y took the defence that X's suit should be stayed since both the suits are on similar issue.

Section - C

- 4. Explain the general principles of Pleadings with illustrations.

- 5. A, B and C are the co owners of a house. They jointly mortgaged the house to X. X files a suit against A, B and C to recover the mortgage money. Summons is served on C but not to A and B. None of them appear and an Ex parte decree is passed against all of them. A and B apply to set aside the exparte decree. Neither the mortgage deed nor the plaint nor the decree describes the shares and liabilities of the defendants. Decide with reasons whether the court will set aside the decree only against A and B or against all of them.

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**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER 2023
PAPER - III: CRIMINAL LAW
(SUBSTANTIVE - I)
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 10 marks.

Section - A

1. Write short note on:

- a. *"We have found that the principles according to which crime is punished are very vague, that the methods of carrying out retribution are fitful, governed by chance and personal passion rather than by any system of fixed institutions."*

In light of the abovementioned observations by Bronislaw Malinowski, identify the nature of crime and enforcement of justice in primitive societies.

- b. Role of the principle of proportionality in punishment and sentencing in penal laws.
- c. *"Amar was disgruntled with the certain policies of the government when he decided to hijack an Air India flight bound for London to mark his protest. In furtherance of the same, when the plane was flying over Turkey, Amar pulled out a knife and shouted to everyone that he was hijacking the plane. Norris, a flight attendant in the plane attempted to stop him. In the scuffle, Amar stabbed Norris and slit her throat with the knife. Norris died as a result."*

Discuss whether Amar can be prosecuted for the causing Norris's death in Indian Courts.

- D. *"Namik works as a chef in a restaurant. He was tasked with the preparation of a highly poisonous variety of puffer fish. The preparation of puffer fish requires the chef to refer to a book for instructions in order to remove the poisonous organs and glands. Namik referred to the book carefully while preparing the fish. The book, however, carried a mistake which caused Namik to leave certain poisonous glands in the fish. The fish was then served to customers who fell violently ill due to food poisoning."*

Discuss the defence which Namik can legitimately invoke, if he was to be criminally prosecuted for causing the food poisoning.

Section - B

2. *"The physical and mental distance separating the East and West was to be annihilated by the discoveries of science, by commercial intercourse, and by transplanting the genius of English laws and English education. It was the attitude of English liberalism in its clear, untroubled dawn, and its most representative figure in both England and India was Macaulay."*

Examine the impact of utilitarianism and colonialism upon the project of codification of criminal laws in the Indian sub-continent.

3. *"Anand and Sameer were friends. Both were addicted to alcohol. On the fateful day, Anand and Sameer went to a Wine and Beer shop in order to indulge, however, none of them had money to purchase alcohol. They requested and insisted that the shop owner Virat, who was known to them, give them the liquor stating that they will pay the shop owner at a later date. Virat, knowing the nature of their addiction and as well as their poor financial condition, refused. Aggrieved by the refusal, both Anand and Sameer first started smashing the shutter of Virat's shop and when Virat tried to stop them, both Anand and Sameer started beating*

Virat with sticks that they found lying nearby. Virat died as a result of his injuries."

- a. In light of the relevant case laws, discuss whether Anand and Sameer had the common intention to cause Virat's death.
- b. Examine the distinction between common intention and common object.

Section - C

4. *"Ainika is a six year old girl who had a 4 year old brother named Ayaan. While both Ainika and Ayaan were vacationing in Kasauli, Ainika pushed Ayaan as a result of which Ayaan fell fifty feet down a cliff and died on the spot."*

In view of the relevant legal provisions in the Indian Penal Code:

- a. Discuss the criminal liability of Ainika under the abovementioned factual matrix.
 - b. Discuss the criminal liability of Ainika if she was aged 11 years and jealous of the attention her parents were paying to Ayaan.
5. *"Fanta Singh was an undiagnosed schizophrenic who often suffer from bouts of hallucinations and delusions. Fanta Singh was walking down the road one day in January 2023 when he was accosted by Dew Sharma and his friend Coke Singhal who teased Fanta Singh and called him names. Fanta Singh was offended by Dew Sharma and Coke Singhal's words and threatened them with dire consequences one day. Dew Sharma and Coke Singhal laughed it off as a joke. In February 2023, Fanta Singh was laboring under a delusion that he was in the middle of a riotous situation and that there were people out there who were looking to kill him. While he was running down the road under this illusion, he bumped into Dew Sharma and Coke Singhal who started making fun of Fanta Singh again. Fanta picked up a stone lying nearby and smashed Dew Sharma's head with the same while shouting "You will not be able to kill me." Coke Singhal ran away from the spot and reported the incident to the police. The police filed an FIR and charged Fanta Singh with the offence of Murder."*

In view of the abovementioned factual matrix discuss the applicability of the M'Naghten Rules to the abovementioned case. Highlight the lacunae in the relevant provision of the Indian Penal Code through which the M'Naghten Rules finds an expression in the Indian Penal Code.

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**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - IV PUBLIC INTERNATIONAL LAW
TIME DURATION: ONE AND HALF HOUR
MAXIMUM MARKS: FOURY (40)**

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

Section - A

1. **Write short note on:**
 - a. *Opinio Juris Sive Necessitatis* explain with case laws.
 - b. How far international treaties bind on Indian Courts? Discuss the Indian practice of implementation of international treaties in municipal legal system.
 - c. Mapping the basic tenants of the principle of Self Determination.
 - d. Critically appreciate the precept of *forum prorogatum*.

Section - B

2. According to Austin laws "properly so-called" are the commands of a sovereign, and "International Law is no law, it is only positive morality". In Fitzmaurice view, "a necessary characteristic of any system of law, "properly so-called" is its enforceability, and "international law possesses that characteristic, even if only in a rough and rudimentary form."
- In the light of the above statements, explain the true nature of international law while considering the development that has taken place after the Second World War.
3. "There exists a territorial dispute related to a very small Island between state A and State B. As of now, there is no treaty between the aforesaid disputing states regarding the subject matter of the dispute. However, state A contended that there is a customary practice between the disputing states on the subject matter. The matter was submitted to the ICJ to resolve the dispute. State B contends that bilateral customary practice cannot be regarded as a source of international law." Decide with the help of case laws and discuss the status of custom as a source of international law.

Section - C

4. The state of Banotia is an island nation surrounded by Chronic sea from all sides. It was once colonized by the state of Napier for almost two centuries and while being colonized the occupiers signed the Declaration by United Nation on 1st January 1942 and ratified the Charter of the United Nations, 1945 (Charter, 1945) in accordance with Article 110 after signing the Charter. Pursuant to which, Banotia became an original member of the U.N.. Ten years after gaining independence, it chose to leave the membership of the United Nations (U.N.), by giving notice to its Secretary General, as it found structural deficiency innate within the U.N. to deal with colonial oppression and consequent reparation. Thirty years later after leaving the U.N., Banotia started realizing that it was gradually progressing towards isolation in its international affairs and its diplomatic efforts were not yielding any returns. As a result, it revisited its decision to leave the membership of the U.N. and now intends to join back. Being appointed as a Legal Secretary in the Ministry of Foreign Affairs, Government of Banotia you are asked to analyse the provisions of the Charter, 1945 with reference to withdrawal from the U.N. and subsequent membership of the U.N. Discuss with the help of judicial precedent(s).

5. Dalkland and Lakeland are independent nations sharing borders with each other and are members of the U.N. Despite having many cultural symmetries and established trade relations amongst them, the governments of the respective nations are not on cordial terms with each other due to the territorial disputes. This dispute pertains to the varying territorial claims over the province of Ajaha (situated on the border of these two nations), but currently under the jurisdiction of Lakeland. Both nations have fought four wars and have alleged each other for violating the principle of use of force as entrenched within Article 2(4) of the Charter, 1945. On one occasion, the military of Lakeland gathered intelligence from their assets that Dalkland army is arranging the supplies of their weapons and armour. They shall be routing them towards the border close to the province of Ajaha. They were also apprised of the role of Highland, an independent state holding the membership of the U.N., in aiding and assisting Dalkland with certain weapons and promising them the support of the local militia in their struggle against Lakeland. It is pertinent to note that as per Article 3 of the Strategic and Military Alliance Agreement signed between Dalkland and Highland, an attack on the territory of any member nation shall be considered to be an attack on the other and thereby, it gives legitimacy to the joint military operations. Once the heavy deployment of army personnel at the border by Dalkland became perceptible, Lakeland launched an attack against the enemy nation and it carried out certain military operations against the local militia. Pursuant to which, it killed 73 soldiers of Dalkland and it wiped out the entire local militia belonging to the Highland before ceasefire was brokered between these nations. Agitated by these actions, both Dalkland and Highland pursued a legal claim for compensation and reparations against Lakeland for violating international law, before the International Court of Justice (ICJ). Consequently, the core argument of both the parties is with regard to the applicability of Article 51 of the Charter, 1945 and being appointed as a researcher to one of the judges of the ICJ, you are directed to legally analyse this factual matrix from the standpoint of Article 51 with the help of the judicial precedent(s).
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**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER -2023
PAPER - V : PROPERTY LAW
(INCLUDING REGISTRATION)
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 & C and each question carries **10 marks**.

Section - A

1. **Write short note on:**
 - a. In a sale, 'A' has purchased a 10 Marla house from 'B' by taking loan from 'C'. At the time of registration, whether 'C' can become the attesting witness or not?
 - b. What is the permissible period to accumulate the income of property under Section 17 of Transfer of Property Act, 1882 and discuss its validity with relevant illustrations?
 - c. Application of the Doctrine of Marshalling under TPA,1882.
 - d. Differentiate the Contract of sale and Contract for sale

Contd.....P.2

Section - B

- 2.a) Define Transfer of Property. Whether partition, compromise, surrender and gift amounts to transfer under the Transfer of Property Act, 1882?
- b) Under what circumstances the conditions restraining the mode of enjoyment are considered valid? Discuss with the relevant illustrations.
3. Analyze the following in term of definition 'Immovable Property' under the Transfer of Property Act, 1882.
 - a) Large Vessels fixed in the distillery for brewing liquors.
 - b) Right to take extract/Bark from Arjun tree for making medicine.
 - c) The test laid down to decide the nature of property. Justify with relevant judgments?

Section - C

4. a) X let his property on a rent to Y for Rs.50,000/. Subsequently X sold it to Z. When rent becomes due Y pays to X. Next day Z demands the rent from Y. When and why Z can recover rent from Y under Transfer of Property Act?
 - b) Explain the maxim '*ute pendente lite nihil innovator*' relates to transfer of property pending litigation.
5. "Section 53A of Transfer of Property Act merely provides a right of defense, it can be used only as a shield not as a sword." Explain with the help of illustrations and case laws.

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**B.A.LL.B. (HONS.) FYIC
FIFTH SEMESTER
MID TERM EXAMINATION
SEPTEMBER 2023
PAPER - VI: CORPORATE 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 **10 marks**.

Section - A

1. **Write short note on:**

- a. A company named Bailey Bridge and Co Ltd was incorporated in 2020. The main object of the company as mentioned in the MOA was to carry on hotel business. The BOD of the company entered into a contract with Mr. Lee for purchasing furniture, hiring servants and for maintaining omnibus for its guests. The contract with Mr. Lee was challenged. Discuss and decide with the help of relevant case laws whether the contract is ultra vires or not.
- b. X and Y are two directors of a company. A transfer of shares in the company had been approved by both X and Y to Mr. Ajay. X was not validly appointed and Y was disqualified by reason of being the transferee itself. These material facts were known to Mr. Ajay. Can he seek a remedy under doctrine of indoor management.

Contd.....P.2

- c. Fortune traders Ltd. has 215 members in the company as noted below:
- a. Directors and their relatives -35
 - b. Employees – 100
 - c. Ex-Employees. – 20
 - d. 15 married couples – 30
 - e. Others – 30

The company wishes to convert itself in a Pvt. Company. Based on the criteria of minimum number of members required, can the company do so?

- d. Though, Six out of Seven Signatures to the Memorandum of Association were forged, the company was registered and the certificate of incorporation issued. Can the registration of the company be challenged subsequently on the grounds of forged signatures?

Section - B

2. A group of companies were owned by the parent company Camala Industries Ltd. The area of operation was relating to production of asbestos and hence the workers were working in mines.

ABC Ltd. was the subsidiary company of Camala Ltd. In this company a A group of employees were exposed to asbestos and developed illnesses because of that. They sued Camala Ltd for damages. Camala Ltd argued that it could not be held liable for the actions of its subsidiary companies because they were separate legal entities. With the help of relevant cases laws discuss whether the lifting up of the corporate veil can take place and whether Camala Ltd can be held liable for the damages caused by the subsidiary companies.

3. A company, E. D. Parry Pvt. Ltd, was incorporated in the year 2015. The company was into construction business and had 20 members as a part of board of directors. A lease deed was executed by one of the members of board of directors Mr. Rampal. The lease deed did not have the seal of the company nor did it have the signatures of the other board of directors. A suit was filed by the other members of board of directors against Mr. Rampal. Elucidate with the help of relevant case

laws discuss the features of a company and whether the suit against Mr. Rampal is maintainable or not.

Section - C

4. PQR Bakers Limited wants to raise funds for its upcoming project. Accordingly, it has issued private placement offer letters for issuing equity shares to 55 persons, of which four are qualified institutional buyers and remaining are individuals. Before the completion of allotment of equity shares under this offer letter, company issued another private placement offer letter to another 155 persons in their individual names for issue of its debentures. Being a public company is it possible for PQR Bakers Limited to issue securities under a private placement offer? By doing so, whether the company is in compliance with provisions relating to private placement or should these offers be treated as public offers? What if the offer for debentures is given after allotment of equity shares but within the same financial year?

 5. Modern Furniture limited was willing to purchase teakwood estate in Punjab State. Its prospectus contained some important extracts from an expert report giving the number of teakwood trees and other relevant information in the estate in Chhattisgarh State. The report was found inaccurate. Mr. 'X' purchased the shares of Modern Furniture Limited on the basis of the above statement in the prospectus. Does Mr. 'X' has any remedy against the Company? When will an expert not be liable? State the provisions of the Companies Act, 2013 in this respect.
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