



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th

Subject – Citizenship and Emigration Law

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. Do you think that Constituent Assembly debates show a sense of insecurity amongst founding fathers regarding who becomes eligible to Indian citizenship in the wake of tragedy of partition?
2. The requirement of domicile under Article 5 of the Constitution of India includes not just *factum* but also *animus manendi*. Illustrate.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Critics of multiculturalism often argue that it leads to social fragmentation and segregation and that this is precisely what it seeks to counter. British PM David Cameron is on record that 'under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and apart from the mainstream'. Discuss in detail your views on failure of multiculturalism in building a just and equitable society.
4. Ms. Aisha is an Indian national. She was an English language journalist posted as Bureau Chief of English Daily Press at New Delhi for 5 years. In 2018 she left India for Dubai on a tourist visa and from Dubai she travelled to ISIS controlled territory of Syria illegally. She married an ISIS combatant who died in 2020 in the course of combat. Ms. Aisha has a 2-year-old child and she is currently in the custody of Iraq along-with her minor child. She has applied to Government of India for permission to travel back to the country in 2020 but her application has been kept pending. Do you



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think she can petition High Court seeking her right to re-enter India? Also do you think Government can deprive her of her Indian citizenship?

5. On May 20, 2022 prominent newspapers published from Delhi highlighted that about 650 Rohingyas have been detained by Delhi Police from Rajaji Puram locality in New Delhi as illegal migrants. Many of them have fake identity and Aadhar cards and Central Government proposes to deport them back to Myanmar. You are a lawyer based in Delhi and you have been contacted by an NGO to prevent this deportation. What will be your advise to the client in the given case?
6. Ms. Johansan, a non-resident Indian settled in Paris for the last 10 years. Her passport and other documents were seized by the Ministry of External Affairs from Sector-23, Bangalore City, Karnataka in a search conducted on 05.12.2021 when she was on a visit to India. The said search and seizure was pursuant to a First Information Report dated 04.12.2021 registered on the basis of a search operation carried out by the authorities in the year July 2021. She moved an application before High Court praying for releasing her documents so that she can travel to New York for a period of ten days. In her petition, she has contended that the action taken by the authorities is violative of her fundamental rights as well as the provisions of the Passport Act, 1967. Decide the matter with the help of relevant statutory provisions and case laws.



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Subject – Competition Law and Practice

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. ANM Company Pvt. Ltd., a research policy group working in the area of researching and predicting about success of movies became very popular and successful in a short span of time. During a period of five years, it acquired three companies working in the same line of business in the entertainment industry which resulted in it having a total of 85% market share in the industry. Decide the validity of the combination?
2. The government of Rajasthan through Rajasthan Electronics and Instruments Limited, Jaipur (REIL) invited tenders for supply of Poly Crystalline SPV Modules of min. 330 W / Mono PERC SPV Module min. 370 W (Solar Power Plant) on 12th February, 2022 and the last date to apply for the same was 11th March, 2022. The date for opening of tenders was 14th March, 2022. The REIL Committee constituted to open the tenders found that out of the seven bidders, three had quoted similar highest rates, three had not quoted any rate and one bidder had quoted the lowest rate. Is this situation anti-competitive in nature? Decide and discuss.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. “Enactment of the Competition Act, 2002 is aimed at preventing practices having adverse effect on competition, to protect the interest of consumers and to ensure fair trade carried out by other participants in the market in India and to provide a forum for grievances and conflicts regarding the state of competition and economic cooperation among companies operating in India”. In the light of the statement elaborate the salient features of the Competition Act, 2002 with relevant case laws.
4. TEE (an Indian company) and TONY (a foreign company), two reputed rivals engaged in entertainment industry decide to merge together so as to expand their footprint in the digital ecosystem and explore other opportunities. After the deal,



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TONY will hold 50.86% stake while promoters of TEE will hold 3.99%, the remaining 45.15% will be with TEE's other shareholders. As a result, the merged entity will hold assets of value of more than Rs. 1000 Crores, turnover of more than Rs. 3000 Crores in India and a change in the Board of Directors of the merged entity by shifting the control in the hands of TONY. Is the combination anti-competitive? How would the CCI decide?

5. NETA being a leading social networking site alleged that TOT, an online search and advertising group in order to promote its own search sites has been manipulating the visibility of search results to the advantage of its vertical partners. It also alleged that the algorithm used by TOT in its software application automatically switches to its own vertical search sites by comparing the quality of search results. As a response to it, TOT contended that its users trust them and their search results are unbiased and objective as no payment is taken to make their search sites visible. Can TOT's conduct be considered as resulting in creation of a monopolistic position? Decide. Substantiate your answer with relevant case laws.
6. "Due to the rapid growth and rising importance of online trade in a large number of product categories, anti-competitive practices in electronic commerce have increased multifariously". Identify and evaluate the competition concerns in the light of the horizontal and vertical agreements prevalent in the e-commerce sector. Support your answer with suitable case laws.



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Subject – Criminal Law (Procedural Law)

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

Attempt all question of this Part. Each question carries 5 marks.

1. Accused 1 and 2 came in a tractor carrying deadly weapons and assaulted the victim and killed his father and brother, when they were sitting near a village pond along with other villagers. Both the accused were convicted of offences under Sections 147, 148, 302/149 and 324/149 of the IPC and sentenced to life imprisonment on 17 December 2010. The sentence was confirmed by the High Court on 10 May 2013. They filed an appeal before the Supreme Court which was dismissed. On 25 September 2021, the accused completed 16 years of imprisonment without remission and submitted an application to the Supreme Court for issuance of a writ directing the state government to order his release. Decide in the light of legal provisions and judicial pronouncements.
2. Determine the eligibility of the following to avail Probation of Good Conduct under section 360: (1 mark each)
 1. A thirty-year old man is convicted of theft and punished with imprisonment of three years.
 2. A woman is convicted of murder and sentenced to imprisonment for life.
 3. A forty-two year old man who was previously convicted of grievous hurt is again convicted for robbery.
 4. A nineteen-year old man is convicted for stalking a twenty-two year old woman.
 5. A sixty-year old woman who runs a brothel is convicted for the offence of kidnapping.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. You are representing a victim of domestic violence in the State of Delhi. The Court has convicted the offender and has recommended that the Delhi State Legal Services



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Authority should compensate the victim under section 357. Prepare a note guiding the victim as to steps involved in receiving such compensation.

4. Decide the following bail applications:
- (a) Ram and Wajum were farmers. On 28-3-2022, a dispute broke out between the two regarding the use of water for the field. Both alleged each other of theft and threatened of dire consequences. On 30-4-2022 when Ram went to his fields late at night he saw that there were stray animals in his fields. They had created havoc. Ram got infuriated and got suspicious of Wajum. He along with his two friends went to the house of Wajum and inflicted grievous wounds on his chest and stomach with an axe. Later on, Wajum succumbed to his injuries. A case was filed under section 302 read with section 34 of IPC against Ram and his two aides and they were arrested by the police on 5-5-2022. They have filed a bail application before the Court of Session. Help the Court in deciding it. (7.5 marks)
- (b) Ashok Kumar, a minister in the State of Jharkhand alleges that he is being falsely implicated in a case of corruption by the opposition party. There are allegations against him that he was seen in the company of the CEO of a multinational company in Singapore. Later on, that company secured a tender from the Government. However, Kumar says that the CEO of the company met him by chance when he was away on a vacation to Singapore. Kumar has moved the High Court for getting anticipatory bail. Help the Court in deciding the application. Also cite relevant case laws. (7.5 marks)
- 5.a) Keeping in mind India's position with regard to corruption, Guru Ram has started an anti-corruption campaign. On 22-6-2019, there was a nationwide call and people assembled at Golden Town, Chandigarh to make a demand to the Government to take effective steps to deal with corruption. Around 1000 people gathered there. Guru Ram



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- started a hunger strike. Attempts were made at different levels of Government to resolve the issue amicably. But Guru wanted a "pragmatic and practical" solution to tackle the issue of corruption. By 26-6-2019, more people started assembling there and the number grew to around 3000. The people staying in nearby areas had to face a lot of issues because of this mass agitation. You as a District Magistrate of the area are approached by the local residents to take some action. How would you as a District Magistrate deal with the situation? (7.5 marks)
- (b) "A" has filed an FIR in the police station against "B" in order to pressurise him to enter into a compromise in a business deal. "A" has stated that "B" has committed criminal trespass in his property on the night of 21st June 2019 whereas "B" contends that he was out of India in the month of June. "B" has knocked the doors of the High Court under section 482 for quashing the FIR. Can the Court quash the FIR? Discuss with the help of relevant case laws. (7.5 marks)
6. a) "Since the Nirbhaya rape in Dec. 2012, media has been repeatedly demonizing children found involved in commission of serious offences, leading to a public outcry against the protective approach of the Juvenile Justice Act 2000. Children have become the target of media attack and subjected to severe scrutiny if they commit an offence. Even though the child involved in Nirbhaya was found not to be the most brutal, he continues to be referred to like that just because one police officer said so without any reason."

In light of the abovementioned statement, advance arguments against the procedure relating to children in conflict with the law who are between 16-18 years of age and are alleged to have committed a heinous offence. (10 marks)



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- (b) Can the claim of juvenility be made for the first time in an appeal before an appellate Court? Justify your answer with the help of relevant case laws. Also discuss the necessary requirements to successfully establish a claim of juvenility. (5 marks)



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Subject – Criminology and Penology

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. *In the cases of murder, Life Imprisonment is a rule and Death Sentence is an Exception. Do you agree with the above statement? Give reasons for your answer with the help of relevant case law.*
2. *The Classical School of Criminology proceeded on the abstract presumption of free will and relied solely on the act without devoting any attention to the state of mind of the criminal. However, certain categories of offenders had to be treated leniently in the matters of punishment irrespective of the similarity of their criminal act.*

In the light of the above discussion, explain with the help of relevant examples, the Classical and Neo-Classical School of Criminology.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. *Traditionally crimes can be classified in indictable (Treason, Felonies and misdemeanors) and non-indictable crimes/petty crimes.*

In the light of the above statement, discuss in detail with the help of relevant examples, case laws and NCRB records, the concept of the Classification of Crimes in India.

4. *Do you agree with the statement by American Criminologist William Healy that It is not one or two factors which turn a man delinquent but it is a combination of many more factors – say eight or ten – which cumulatively influence him to follow Criminal Conduct.*



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In the light of the above statement, discuss in detail with the help of relevant illustrations and case laws, the relevance of Multiple Factor Approach to Crime Causation in India.

5. *Machhi Singh v. State of Punjab*, (1983) 3 SCC 470 crystallized the applicability of the rarest of rare principle into five distinct categories which *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 had expressly refrained from doing. As the Supreme Court noted in *Swami Shradhhananda @ Murali Manohar Mishra v. State of Karnataka*, (Judgment delivered on 22nd July 2008), *Machhi Singh* categories considerably enlarged the scope for imposing death penalty beyond what was envisaged in *Bachan Singh* case.

In the light of the above cited authorities, give your reasons and comments in detail as to how the judgement in *Machi Singh v. State of Punjab*, (1983) 3 SCC 470 is apparently different from already settled decision/precedent of Five Judge Bench in the case of *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 as highlighted by the 262nd Law Commission Report (2015).

6. *The imprisonment of offenders in all the cases won't serve the objective of sentencing.*
In the light of the above statement, discuss in detail the various Reformatory techniques/methods or non-incarceration methods/non-custodial methods that are available at the Pre-Trial Stage, Trial Stage and After-Sentencing Stage that are useful as a reformatory measure for reforming and correcting the deviant behavior of offenders.



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Open Book Online End-Term Examination- May 2022

B.A.LL.B (Hons) - VIII Semester (Optional)
Subject – Emerging Trends in Law: Media Law, RTI and RTS

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

- 1) Mr. Anukaran, a senior lawyer, was trying to settle the witnesses of a criminal trial to give evidence in favour of the accused to save his client in a criminal case. The conversation was recorded in a sting operation by an electronic media journalist and he telecast sting operation on a private channel. The video was also shared on social media. Mr. Anukaran filed a complaint in the court to take action against the journalist and the Channel for contempt of court, he also filed a writ petition to restrict media trial of a *sub-judice* matter. Decide.

- 2) Vikram Singh, a Border Security Force (BSF) constable, became Facebook friend with a neighboring enemy country intelligence agent Ms. Mallika who posed as a “defense reporter”. As per instructions issued by the ministry of defense the smart phones were banned inside cantonment area. Vikram Singh not only carried the smartphone in the restricted area but also took some pictures and shared with Ms. Mallika on social media account. Subsequently he was arrested under various provisions of applicable law for allegedly sharing sensitive information related to defense area’s maps and photographs. Decide in the light of Official Secrecy Act.

Part – B

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- 3) Zphix is an "Over The Top" streaming service that delivers content over the internet on fixed charge subscription basis and Mr. Ashok Kumar



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Time – 1 ½ Hours

Maximum Marks – 40

is the director of the company. Zphix released a short movie on its portal portraying true story of rape victim survivor. Certain parts of the movie were considered as adult content by the Censor Board and the company was allowed to screen the short movie with certain cuts to maintain decency and morality when it was screened in theaters/multiplex. A complaint against Zphix was filed for violation of the programme code and regulations issued by the concerned ministries and a criminal case was registered against Mr. Ashok Kumar the director of the company. Decide the liability of Zphix and Mr. Ashok:

- a) Whether Zphix is under any liability as intermediary under the Information Technology Act or regulations?
- b) Whether Mr. Ashok can be held liable under various provisions of criminal laws?
- c) Whether both can be held liable for violation of programme code or any other legislation?

Explain the concept of censorship and the test for determining obscenity in Indian scenario.

- 4) XYZ Newspaper published an advertisement of Creta Constructions, the real estate developer, with title of “Received 100+ awards”. Other competitor in real estate business filed a complaint to Advertisement Standard Council of India (ASCI) claiming the advertisement as false and misleading by exaggeration likely to spread disappointment in the minds of consumers.

In the light of above, answer the following questions:

- (a) Whether the XYZ has violated any provision of ASCI Code? Comment.



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- (b) Critically evaluate the relevant provisions of Guidelines for usage of awards/ranking in advertisements and other chapters of the ASCI Code.
- (c) Critically evaluate the procedure of dealing with such complaints by ASCI? (4+6+5 Marks)
- 5) *“Everyone has the right to freedom of opinion and expression; and this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”*
- In the light of above statement make a comparative analysis the nature of Right to Information in international constitutional perspective with the help of judicial pronouncements.
- 6) *"The main objective of Right to Service Act is to ensure time bound hassle free services, to improves the credibility of the government offices. The Act ensures the fast working and brings more transparency and credibility in official working of government departments".*
- In the light of above statement, critically evaluate the status of Right of Service in India as a tool for good governance.



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Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. M/s Buddy has two branches of his stationary shop in Patiala city. He also has a storehouse at his home in Model Town to store the excess items. He seeks your advice to take a Fire Insurance Policy for securing the goods at his shop and storehouse. The quantity of the goods is always fluctuating during the entire month. Advise him about the best Fire Insurance Policy available.
2. Narayan is owner of 2 acres of land in Kerala. He has 15 palm trees aged about 12 years on his land. He wants to insure the palms against heavy rainfall and excessive humidity. He approaches you to take suggestion for the Insurance of his palm trees. Advise referring to legal provision.

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3.a) Mr. Sudhir purchases a lottery ticket worth rupees 5 lakhs. He seeks your advice to take an insurance policy to secure the risk if does not win the lottery prize. Discuss.
- b) Mr. Sham Sundar makes a proposal for a Theft Insurance Policy to New Age Insurance Company for his Warehouse worth Rs. 90 lakhs. This company is new to the Insurance business and cannot venture into big budget Insurance contracts. Director of New Age Insurance Company approach you for taking your advice on issuing such big Insurance policies and sustain in the business. Refer to relevant provisions and Judicial pronouncement and advise Mr. Sundar.
4. Supdip Kumar along with his six family members was travelling to Europe in the month of May 2022. While travelling by car from Paris, France to Bern, Switzerland, the car met with an accident. Two family members died and one was seriously



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injured. After being taken to hospital Sudip realized his passport and money is lost during the accident. You are an Insurance Agent; Sudip approaches you to seek an information for filing of the claims under Travel Insurance Policy. Discuss.

5. Sameer met with an accident while over speeding the car in the heart of the city at night. He ran over a person sleeping on the pavement. He sustained minor injuries himself, and car was also damaged partially. He refused to take the person injured on the pavement to hospital inspite of repeated requests from the bystanders due to fear of legal complications. His wife filed for the claim with Motor Vehicles Insurance Company and Personal Accident Insurance Company. Both the Companies repudiated the claim on the ground that he was driving at a high speed, he was under the influence of alcohol, and he had jumped the red light and he had run his car over a person on pavement. Sameer's wife approached you for an advice to seek the claim. Advise in the light of the present situation.
6. Ramesh Chander took a Motor Vehicles Insurance Policy for his new Mercedes cars. While going to Delhi he met with an accident and car was damaged from the rear. He applied to the Insurance company for a claim of about Rs. 3.5 lakhs; the Insurance Company approved the claim of Rs. 2.2 lakhs only. Immediately he inquired from the Insurance company for explanation for reduction of the claim. The Insurance Company did not reply even after two months. He wants to approach Insurance Ombudsman. Guide him as to the procedure for the same.



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Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. “A workman while performing his duty died due to an accident. It was proved that at the time of accident, that employee was under the influence of intoxication.” The question arose regarding the liability of the employer. Discuss the liability of the employer in the light of statutory provisions.
2. “Decent Work is not just a goal of 2030 Agenda of Sustainable Development, it is a driver of sustainable development”. In context of this statement analyze the situation of developing countries to carry decent work and sustainable development simultaneously and also discuss the contribution of ILO to achieve this target.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. “Raju and his two friends had student visa program in the USA and they got job in a factory. They were victims of unfair and low wages. They were continuously employed against their will and were threatened of destitution and detention and other forms of hardships in the future.” Discuss any international documents, declaration and recommendation which can protect their rights and support them.
4. “The Covid-19 pandemic created global social and economic crises, which had impact on economy, employment and livelihood of migrant laborers.” In this context what is the relevance of Convention Number 102 for the safety and social security of the laborers?
5. “Child Labour remains a persistent problem across the globe and it is frequently associated with children being out of school.” Elaborate this statement with reference



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to ILO's Convention no. 138 and convention no. 182 and other international documents.

6. "Malti, migrants from Nepal to India, was working as a part-time domestic worker in three houses in a society for the past 16 years. Two years ago, her husband been died due to corona virus. She is only breadwinner and is overburdened with four children's responsibility. She works thirty days without getting any leave in a month and no leisure and earned ₹ 6000/ per month. She has no medical facility, no leave facility, no other benefits." Is there any legal framework at national and international level for securing livelihood for the poor especially women in the informal sector?



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Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. The Iraqi High Tribunal was established to try Iraqi nationals or Iraqi residents accused of genocide, crime against humanity, war crimes or other serious crimes committed between 1968-2003. Was it established as per the International Law Principles? What was the primary intention for establishment of this tribunal?
2. Individual is not a subject of International Law. What is the relevance of Article 25 when Individual is not a subject?

Part – B

Attempt any two questions. Each question carries 15 marks.

3. “Many theorists have endorsed the notion that state sovereignty does not constitute an impenetrable barrier to international criminal proceedings, which may be justifiable if the situation within a state becomes sufficiently dismal”. Analyse “Sovereignty of State” under International Criminal Law in the light of this statement. Whether the sovereignty of Ukraine is breached in the Russia Ukraine Invasion?
4. “Genocide is the intentional destruction of people usually defined as an ethnic, national, racial, or religious group in whole or in part” as per the definition given by Raphael Lemkin in 1944. Whether “Genocide” incidents had happened in India after Independence? How many perpetrators have been punished for Genocide in India? Explain the law where a person in India can be held liable for committing Genocide.
5. The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were established by the United Nations in 1993 and 1994 to apprehend and try individuals suspected of committing war crimes including genocide. Explain your views on the success of ICTY and ICTR to create the deterrent effect of the tribunals.
6. If an individual of State ‘A’ commits a Crime under Article 5 of the Rome Statute in State ‘B’. Assuming that State ‘B’ is a Party to the Rome Statute and State ‘A’ is not a Party to the Rome Statute, can the Individual of State A be prosecuted in the International Criminal Court? Explain the Jurisdiction of ICC.



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Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. Discuss in brief the differences between the dispute settlement mechanism under GATT and WTO. Also highlight how did WTO manage to overcome the shortages of GATT.
2. Does IMF pay interest on the SDR holding of any country, if yes, please specify the situation on account of tranche credit? Does SDR holding of a country affect the determination of its voting power in the Executive Council of the IMF?

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Read the following clauses of certain existing treaties and answer the following questions-

Austria-Nigeria bilateral investment treaty (“BIT”) of 2013 provides that:

Except in rare circumstances, such as when a measure or series of measures are so severe in the light of their purpose that they cannot be reasonably viewed as having been adopted and applied in good faith, non-discriminatory measures of a Contracting Party that are designed and applied to protect legitimate public welfare objectives, such as health, safety and the environment, do not constitute indirect expropriation.

Also COMESA Common Investment Area provides that:

Consistent with the right of states to regulate and the customary international law principles on police powers, bona fide regulatory measures taken by a Member State that are designed and applied to protect or enhance legitimate public welfare objectives, such as public health, safety and the environment, shall not constitute an indirect expropriation under this Article.

- i) Are these clauses valid in the light of general principles that have emerged with respect to Bilateral Investment Treaty agreements?
- ii) Are these “clarified” indirect expropriation clauses effective in preserving the rights of individuals and the sovereignty of the States?



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4. The current global trade and financial mechanism has rendered World Bank redundant in light of the voting powers of its members. Do you think that it will help reform the World Bank regime if the voting rights were conferred on a more egalitarian basis? Discuss in detail.

5. The creation of GATT as an international organization in the 1940s may best be understood against the background of the history of international trade policy. Over the last few years, the world has experienced a backlash against trade policy. It could translate into a strong appeal to trade protectionism, lowering multilateral cooperation and delaying further trade liberalization at both domestic and international level. At the least there is a constant tussle between state intervention and freedom of private enterprises to trade. Against this backdrop, please discuss the historical context in which the WTO came into existence. Also indicate the role of the following in bringing the current trade agreements as we know them:
 - i) Impact of the World Wars
 - ii) Havana Charter, Atlantic treaty and the ITO
 - iii) GATT.

6. Please answer the following questions keeping in mind the context of National Treatment and Most Favoured Nation principles-
 - A Atlantic Country imposes certain measures and thereunder reduces taxes on certain categories of products. The measures are as follows:
 - i) Lower tax on shawls manufactured out of the wool of a specific kind of sheep
 - ii) Lower tax on locally produced alcohol
 - iii) Lower tax on beer with lesser alcohol contentThese measures are contested in the WTO. Decide which of the abovementioned measures are violative of the National Treatment principle. Highlight the conditions for violation of National Treatment. Cite case law.

 - B India and Pakistan both benefit from the European Community's General System of Preferences. Pakistan, however, received additional preferences because it qualified under the so-called Drug Arrangements, a scheme aimed at compensating those WTO members adopting active policies against drug production and trafficking. India approaches the WTO. In light of the given situation decide whether there is discriminatory treatment



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th

Subject – International Economic and Trade Law

Time – 1 ½ Hours

Maximum Marks – 40

violative of the MFN principle? Does this fall under any of the exceptions of the MFN principle? Please elaborate while highlighting if the enabling clause is triggered here?



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th

**Subject – Law and Practice Relating to Patent Design
and Geographical Indicators**

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. The registration of design is based upon the concept of it being novel. Is it compulsory for each design to be unique, novel and original or is it that the Indian laws allow the difference of design from an already registered design as being enough for the registration? Justify your answer with the help of examples.
2. Will the Indian system of production of wines be in contravention of international laws if we start manufacturing and distributing the local wines of Goa as geographically indicated goods and prohibit the sale of international geographically indicated spirits with global repute. In your opinion, which law, if applicable will come to the rescue of Indian government if the local wines of Goa are being marketed?

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3.a) The protection of Patents In India allows the plant varieties to be protected within its ambit especially the plants with medicinal value. Are these provisions protected under TRIPS? Discuss.
- b) What is the scope of bacteria living on these plants, which also has lot of use within the pharmaceutical industries to be protected under the genesis of international conventions?
4. A chip operated solar panel gets a patent in The USA. The company, Micro which gets the patent has a sister concern, ZEP operating in India. The company ZEP works with the Government of India and manufactures various products based upon the patented chip. ZEP in one of the projects develops a movable solar panel that can harness triple the amount of energy and convert that energy into radiations which can create green house laser effects. Micro and ZEP start using this technology to grow crops at a faster pace. They apply for a patent which is opposed by the Government.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th

**Subject – Law and Practice Relating to Patent Design
and Geographical Indicators**

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They file a suit against the government. Is the suit admissible in the court of law?
Comment.

5. The protection of Designs is a new concept in India which is still evolving as per the International Conventions especially the laws protecting designs in European Union. What unique features should be adopted by the Indian regime for making it more compatible with the contemporary times?
6. The association of Producers of Oranges of Nagpur got the indication of Geographically protected goods for their oranges. They started packaging the oranges and initiated the trade across the globe in 2017. The International firm started manufacturing a similar variety on their farms in Sweden. The outlook and taste of these were similar to the ones protected in India. Will the company be eligible for a GI for their oranges in Sweden? Discuss the probability in detail.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End-Term Examination- May 2022

B.A.LL.B (Hons) - VIII Semester (Optional)
Subject – Real Estate and Energy Law

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. Ganga Yamuna Greenz, a RERA registered project in Ambala was slated to be completed in April 2022 as promised in the advertisement. Due to Covid-19 and subsequent lockdown in the country the Developer could not deliver the Project on time. The allottees made a complaint with RERA authorities against the Developer and sought refund of money and compensation for non-delivery of possession on time. The Real Estate Developer sought an extension of time for six months by invoking the *force majeure* clause. Discuss in the light of the given facts.
2. Springbrook Real Estate Developers are developing a Township in New Chandigarh. You booked two apartments after visiting the sample flat and reading the advertisement in the newspaper. Advertisement mentions that the Carpet area of the apartments would be 350 sq feet excluding the Balconies plus 1 garage per apartment would be allotted. There is a mention about seven-star amenities and luxury facilities in each apartment. After eight months of construction, Phase I is 80 percent complete. During your visit, you find that flooring is too ordinary and a very sub-standard furnishings are done. Grossly dissatisfied with the services you file a complaint with Real Estate Development Authority, Punjab. Discuss the liability of the Developer in the present instance.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End-Term Examination- May 2022

B.A.LL.B (Hons) - VIII Semester (Optional)
Subject – Real Estate and Energy Law

Time – 1 ½ Hours

Maximum Marks – 40

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Ahuja Developers are planning to develop 55 acres of land in Sonipat. They enter in talks with Real Estate Agent to take the land on lease. The 48 acres of the land is in the name of three brothers who have filed a suit in a court for partition of the property. The remaining area is a common land of the village where solar energy plant is proposed to be set up. Ahuja Developers approach you for legal advice to lease the land. Guide them about the importance of title verification and due diligence to be carried out in the light of given facts.
4. Mr. Sukhdev Singh is a graduate and he is a close friend of the Managing Partner in a Real Estate Project. A new Project is under construction in Sidhuwal. Sukhdev is helping his friend in designing, advertisement, sale, and promotion of the project as he is a local person. On the completion of the Project, Sukhdev started charging 2 percent as his share for every apartment being sold off in the Project. You purchased an apartment in the Project and after five months of the possession you come to know there are some structural defects in the apartment. You make a complaint to Sukhdev about defects considering him to be a Real Estate Agent. He simply refuses to help you out. On inquiry you find out that Sukhdev was not authorized to promote the Project. You make a complaint to the Real Estate Authority about transactions undertaken by Sukhdev Singh considering himself to be a Real Estate Agent. Discuss.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End-Term Examination- May 2022

B.A.LL.B (Hons) - VIII Semester (Optional)
Subject – Real Estate and Energy Law

Time – 1 ½ Hours

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5. A Nuclear Power Plant has been sanctioned near the coastal area in Pondicherry. People living in the vicinity of the area approached the Court for ban on the commissioning of Nuclear Power Plant citing health and environmental concerns, loss of wildlife due to clearing of the forest and violation of their basic fundamental right, right to life. Is it permissible to violate the right to life to set up a developmental project? Comment.
6. State Electricity Commission conducts its operations and management of the transmission and distribution of electricity with the help of Electricity Supply Code. You are constructing a new house in Model Town, Patiala; there is a need of new connection in your house. You approach the Electricity Department for new connection but the new connections are not provided even after four months of the request. Discuss the importance of having Electricity Supply Code to improve the standards of performance and in providing services to the consumers.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th
Subject – Service Law

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. Mr Ayush was appointed as a Pharmacist by the Government of Punjab on 01.02.2017 on a probation period of 2 years, with a condition that during the probation period he can be removed without notice. His probation period ended on 01.02.2019, however thereafter he continued in service and there were no written orders extending his probation. On 01.09.2021, he received a letter from the government that his services are being dispensed with. Mr Ayush contends that after the expiry of two years, he automatically got confirmed and became permanent hence his services could not be dispensed with. Advise Mr Ayush of his rights and law in this regard.
2. The principle of “Equal Pay for Equal work” as recognized under Article 16 of the Constitution of India is applicable only to a similar class of employees. Is this statement correct? Critically analyse with the help of an illustrative example.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Mr Rajat, a Junior Engineer with the Government of India, was sent on deputation to Department of Electricity, government of Karnataka on 01.02.2017. As per the service rules of Government of Karnataka, a Junior Engineer, after 3 years of service as Junior Engineer would be promoted as Assistant Executive Engineer. In March 2020, promotion orders were issued by the Government of Karnataka vide which Junior Engineers working since 2017 were promoted as Assistant Executive Engineers. Mr Rajat, was however not promoted. Claiming discrimination, Mr Rajat intends to avail his legal remedies. Can he succeed? Give detailed reasons in support of your answer.
4. Ms. Kamini, Income Tax Inspector, was caught on 02.04.2022 by the state vigilance department while taking bribe of Rs 6 lakhs. The entire incident was caught on the CCTV Cameras installed in her office and the footage went viral on social media. When the Chief Minister saw the footage on the same day, he ordered for immediate registration of FIR and her dismissal from service. On 03.04.2022, FIR was registered against her and on 04.04.2022, by invoking Article 311 of the Constitution of India, the Chief Minister issued orders of her dismissal from services under his signatures. Ms Kamini intends to challenge her dismissal. Advise her of the grounds available to her.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th
Subject – Service Law

Time – 1 ½ Hours

Maximum Marks – 40

5. Write Short notes on the following:
- i. Principles regarding determination of seniority amongst direct recruits.
 - ii. Principles regarding determination of seniority *inter se* promotees and direct recruits
6. Ms Malini, a judicial officer at Punjab, was suspended on the basis of the orders passed by the hon'ble Chief Justice of Punjab and Haryana on the complaint of the lawyers that she was demanding bribe for passing favourable orders. In this regard, recorded conversations were also submitted against her. Departmental enquiry for imposition of major penalty was proposed and, in this regard, Chargesheet was also served upon her. During the departmental enquiry, it was found that the recorded conversations were doctored and tampered and hence the enquiry officer exonerated her and found her to be innocent. Enquiry report was submitted to the competent authority (The Chief Justice) on 05.04.2022. The Hon'ble Chief justice, was not satisfied with the findings of the enquiry and hence on 06.04.2022, he gave his dissent note and on 07.04.2022, major penalty of dismissal was imposed and on 07.04.2022 a communication was issued to Ms Malini to submit her response and she was given an opportunity of hearing on 09.04.2022 and she was dismissed from service on 10.04.2022. Please advise Ms Malini of the grounds available to her for challenging the order of her dismissal.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th
Subject – Sports Law

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. United States Patent Office defines 'Method of Putting' Invented by Dale D. Miller as:

“A method of putting features the golfer's dominant hand so that the golfer can improve control over putting speed and direction. The golfer's non-dominant hand stabilizes the dominant hand and the orientation of the putter blade but does not otherwise substantially interfere with the putting stroke. In particular, a right-handed golfer grips the putter grip with their right hand in a conventional manner so that the thumb on the right hand is placed straight down the top surface of the putter grip. The golfer addresses the ball as if to stroke the putter using only the right hand. Then, the golfer takes the left hand and uses it to stabilize the right hand and the putter. To do this, the golfer places their left hand over the interior wrist portion of the right hand behind the thumb of the right hand with the middle finger of the left hand resting on the styloid process of the right hand. The golfer presses the ring finger and the little finger of their left hand against the back of the right hand. The golfer also presses the palm of the left hand against the putter grip and squeezes the right hand with the left hand. The golfer then takes a full putting stroke with the above-described grip”.

In the light of the above-mentioned description, justify, whether this Method of Putting is eligible for Patent protection in India or not?

2. Jason, a football player, was in possession of the ball when he was tackled by Donald. The tackle was made at ankle height and with an outstretched leg. As a result of the tackle, Jason suffered a broken ankle. A foul was deemed to have been committed and Donald received a yellow card. The referee considered that Donald had committed a dangerous tackle, but without intent. Donald was subsequently charged with the criminal offence of grievous hurt. This case is pending in the court of justice. Assuming yourself as the judge, decide whether Donald can be convicted for his conduct during a game? Justify the answer with the help of decided case laws and jurisprudence.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Arnis is the official national sport and martial art of the Philippines. It is also known as "Kali" or "Eskrima". These two terms are used for the traditional martial art of the Philippines that focuses on weapon-based fighting with knives, sticks, bladed



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th
Subject – Sports Law

Time – 1 ½ Hours

Maximum Marks – 40

weapons and some improvised weapons. Arnis is a combat sport to defend oneself from attacks using hand to hand combat, grappling and weapon disarming in weapon-based fights. World Eskrima Kali Arnis Federation (“WEKAF”), established in 1989, is the world governing body for the sport of Arnis. The Arnis Federation, an affiliated concern of WEKAF, is a registered society in West Bengal and wants to make an application for recognition from the Government of India to be recognized as the national sporting federation of the game of Arnis. Arnis Federation comes to you to draft the application for the recognition. Advice Arnis Federation regarding the criteria which are needed to be fulfilled before going for registration.

4. Kirti is an Indian Wrestler. In 2020, she filed a writ petition in Delhi High Court against the Wrestling Federation of India (WFI) for the arbitrary selection procedure adopted by the National Sporting Federation. Delhi High Court held that it would not interfere with the NSF’s decision, as it is an autonomous institution unless it has arbitrarily exercised its jurisdiction. After this decision, WFI suspended Kirti for 5 years from any form of competitive wrestling. Kirti challenged this decision of WFI in the Court of Arbitration for Sport, Lausanne, Switzerland.

In light of the above facts, answer the following:

- i) Decide the jurisdiction of the above case in the Court of Arbitration for Sport.
 - ii) Whether the decision of the Court of Arbitration for Sport is enforceable in India?
5. The Oxford dictionary defines the term ‘betting’ as “the action of gambling money on the outcome of a race, game, or another unpredictable event”. In other words, betting is a more sophisticated ‘word-substitute’ coined for the activity of gambling, since gambling *per se* carries with it a social stigma, known to bring along other social and moral vices. In 2015, a committee appointed by the Hon’ble Supreme Court under the chairmanship of Justice R.M. Lodha recommended legalising betting in India. The past few years witnessed a slew of laws on online betting and gaming being passed across the Indian states. Some states have imposed outright bans, while others have made restrictive amendments to existing laws governing online gambling. It is fascinating that the state of Karnataka declared a blanket prohibition on all online games involving monetary stakes after a clarification was made by the Madras high court on this issue. While quashing an overarching ban imposed by Tamil Nadu’s gaming amendment in the matter of *Junglee Games vs State of Tamil Nadu (2021)*, the high court clarified that games of skill can be played online for stakes, as they cannot be categorized as betting or gambling.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th
Subject – Sports Law

Time – 1 ½ Hours

Maximum Marks – 40

In light of the above passage, answer the following:

- i) What measures the Central Government can adopt to ban or legalise online betting in India?
 - ii) How is online fantasy sport different from online betting? Discuss with the help of case laws and jurisprudence.
- 6.** Draft a Bill on Sports development in India by addressing major challenges in the development of sports in India.



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th

Subject – Transnational Organized Crimes

Time – 1 ½ Hours

Maximum Marks – 40

Part - A

Attempt all questions of this Part. Each question carries 5 marks.

1. Govindpal Singh was posted as a Revenue Officer in Begam. Govindpal was famous amongst the people of Begam for his lavish lifestyle and arrogant behaviour. People of Begam were fed up with unreasonable demands of Govindpal, which he made to persons who came to his office for getting their work done. Govindpal would not take up file till the 'consultation money was paid to his steno. People of Begam, upset with his behavior, informed the TumTak channel and prepared for a sting operation. The sting operation was conducted and a video was made viral where Govindpal can be both seen and heard demanding money for some matter. After the video went viral, many news channels approached Govindpal to offer explanation about the incident. Govindpal on being asked, justified himself by saying that the person who came during the sting operation was his peon who served in his house for ten years and the money being offered by him was the loan that he was paying off. On interviewing the people near Govindpal's house it was found that, the person who carried out the sting operation with the media was indeed a peon at Govindpal's house but nothing came to light in regard to the loan taken by the peon. Whether Govindpal in the above situation be made liable under Prevention of Corruption Act? Support your answer with judicial pronouncements.
2. In a Working Group Consultation organized by Nations of the Asian Region (GNAR) On May 2, 2022 all the provisions of the United Nations Convention Against Transnational Organized Crimes were discussed. During the Consultation many issues and challenge to implementation mechanism were recorded. The theme of the Consultation revolved around the 'Technology Facilitating Crime'. The Core agenda focused on Technological developments facilitating the Transnational Crime. As a member Nation representative, suggest the possible solutions for regulating cyberspace and also propose provisions that may be added to the already existing United Nations Convention against Transnational Organized Crime in regard to technological advancements.

Part – B

Attempt any two questions. Each question carries 15 marks.

3. Wankhade Bank, founded on June 18, 1879 as Wankhade National Bank, became one of the biggest financial service companies in India. Wankhade offered its customers banking, brokerage, asset and wealth management, corporate and investment banking products and services and a nationwide retail brokerage, mortgage loan and auto



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th

Subject – Transnational Organized Crimes

Time – 1 ½ Hours

Maximum Marks – 40

financing services. In 2009, Wankhade Corporation was acquired by Morgan Muno Company to create India's most comprehensive distribution system for financial services. But after sometime, it was revealed by the Enforcement Directorate that Wankhade was responsible for the biggest money laundering event. In 2010, it was found that the bank allowed drug cartels for further money laundering through its branches. On investigation it was revealed that billions of Rupees via wire transfers and bulk cash shipments were transferred to Wankhade accounts through other countries' exchanges. You are interning in a leading corporate law firm and your partner has asked you to submit a memo for making Wankhade responsible for Money laundering. Prepare the memo with arguments, legal provisions (domestic and International) to support your arguments. Validate your arguments with supporting case laws.

4. Jayami was playing near her house in the fields making a scarecrow, when two men came and convinced her to go with them. They offered her with a job as a house hold worker in the nearby village. Jayami was living in extreme poverty and thought of this as a good opportunity to support her family. Jayami consented to go with them and started walking with them in the direction of neighbouring village. When Jayami reached the address as given by those men, she realized that it was a big garage in a deserted area and there was no residential building around. At this moment, these two men tied her hands and injected her with a sedative. When Jayami regained her consciousness, she was surprised to see 20 more women with tied hands being transported in a ship. Jayami panicked and in few hours realized that she was trafficked as a sex worker. She had no choice to submit herself to the atrocities for the fear of her life. On 16 May 2022, a raid was conducted and all the trafficked women were deported back to the countries of the origin. The Government has asked for volunteers to assist in rehabilitation and reintegration of these victims of crime. The government has asked for proposals and model plan from these selected NGO representatives. You are representing NGO Darya. Make a proposal after referring to international conventions and domestic provisions that would act as guidelines to rehabilitate and reintegrate the victims of trafficking. Also, mention the challenges and validate your arguments with the support of case laws.
5. In the city of Mumbai, it was recorded that the number of registered cases against possession of small quantity of narcotics have suddenly increased. As per the report submitted by Vidhi, they have emphasized on the issue as to how the police is registering cases against people found in possession of small quantities. The decriminalization of offence of possession of small quantity is also under discussion. There has always been a conflict with regard to harsh penal policy followed in case of NDPS Act. Be it mandatory Death penalty or a Minimum sentencing criterion, the



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)

Open Book Online End Term Examination – May, 2022
B.A. LL.B. (Hons.) FYIC
Semester – 8th

Subject – Transnational Organized Crimes

Time – 1 ½ Hours

Maximum Marks – 40

penalties provided under the NDPS Act are not considered to be satisfactory and proportional. Whether the penal policy followed in this legislation need any review? What should be the possible aggravating and mitigating factors which may be considered in the sentencing process? Support arguments with case laws.

6. The law enforcement agencies are finding it difficult to smash criminal syndicates in the existing legal framework due to the money power and political linkages of the organized criminal gangs. The problem becomes compounded when the leaders of the gang themselves come in power. Suggest some measures for combatting organized crime, keeping in view the Indian ground realities. Also, do you suggest a consolidated code for Transnational organized crime?
