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RG/ET/05/12/22

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.L.L.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER-2022  
PAPER -II DEVELOPMENT ECONOMICS  
(MAJOR - III)  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

## Section - A

**1. Write short note on:**

- a. For all of their diversity, least developed countries are linked by a range of common problems. Identify and analyse the problems.
- b. Explain the concept of social dualism. Do you think that the concept of dualism adequately portrays the development picture in most of the developing nations? Give arguments in support of your answer.
- c. Schumpeterian analysis of economic development is a modified version of Marx's model of growth. Do you agree? Give arguments in support of your answer.
- d. Discuss the role of indivisibilities in the enlargement of market and breaking the vicious circles. Illustrate it by using a diagram.

*Contd.....P.2*

### Section - B

2. "The fixed minimum and maximum values are taken for each of the components of Human Development Index to compute the HDI value." Discuss the rationale behind these values. What are the additional strengths and weaknesses of the HDI as a comparative measure of human welfare? If you were designing the HDI, what might you do differently and why?
3. "The characteristics of underdevelopment arise out of the existence of market imperfections. The market rigidities obstruct factor mobility with the result that the best combination of factors is not possible and the resources are not allocated efficiently." In light of the statement, discuss the major reasons behind underdevelopment in less developing countries. Also discuss as to how can the problem of market imperfections be solved?

### Section - C

4. "If unlimited supply of labour is available at constant real wage rate, and if any part of the profits is reinvested in productive capacity, profits will grow continuously relative to the national income." In light of the statement, critically discuss the validity and usefulness of the stated labour-surplus model.
5. "The malady of underdeveloped economies can be diagnosed as a stable equilibrium level of per capita income at or close to subsistence requirements." Keeping in view the statement, discuss the set of relations explained by Nelson in his theory of development. Also discuss the ways and measures to escape from the low-level equilibrium trap in less developing countries.

### Section - D

6. "Ricardian system of development formulates certain interrelations among capital, population and output and on the basis of these relations, it traces the course of rent, wages and profits over time." In light of the statement, critically discuss his theory of development.
7. "The take-off usually witnesses a definite social, political and cultural victory of those who would modernize the economy over those who would either cling to the traditional society or seek other goals." In light of the statement, critically discuss the pre-requisites for take-off stage.

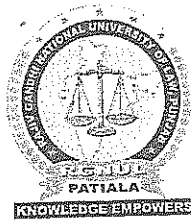
### SECTION- E

8. "Unless the government controls the inflationary pressures in the economy, planning with balanced growth strategy will fail to achieve the goal of self-sustaining growth." Do you agree? Give reasons in support of your answer. Also discuss the implications and feasibility of the balanced growth strategy in the LDCs.
  
  9. "Any small and fragmentary rise in per capita income is swallowed up by the population growth induced by it. It is only when the developmental effort of a 'critical minimum' size is made that the resulting large and viable increase in per capita income would enable the economy to free itself from the bonds of population trap." Discuss the suitable theory for the LDCs keeping in view the above mentioned statement. Is it necessary to apply the 'critical minimum effort' all at once?
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Roll no. \_\_\_\_\_

RG/ET/05/12/22

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**B.A.L.L.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER -2022  
PAPER- II: SOCIAL RESEARCH  
METHODOLOGY (MAJOR -III)  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

**Section - A**

1. Write short note on:

- a. Why is research important for the development of law?
- b. Discuss reliability and validity in the context of sociological research.
- c. "Participant observation is the most effective tool for collecting facts." Comment.
- d. Illustrate with example the significance of scaling in research.

*Contd.....P.2*

**Section - B**

2. Is it possible to do value free social research and find out the 'objective' knowledge about society and the motives that lie behind social action?
3. Some sociologists argue that quantitative research methods impose the researchers' view on the respondents and do not allow them to express themselves in the way they would like to. Keeping in mind the argument, evaluate the claim that quantitative research methods may have many advantages, but they tell us a little about what people really think and do.

**Section - C**

4. Identify the relevant population for the following researches and suggest the appropriate sampling design to investigate the issue, explaining why they are appropriate.
  - a) TV manufacturing company would like to know the types and size of TV possessed by various age groups in Punjab.
  - b) A university administrator wants to find out if students from a particular gender and batch studying in the university have a higher rate of absenteeism than the others.
5. Evaluate the advantages of using different research designs in sociological research. Outline two major problems of using experimental research design in a social setting.

**Section - D**

6. You wish to study the reasons why students join alumni associations. Your chosen research design is to have a questionnaire based interview with some members of the association. You are asked by the members to explain why your chosen research design is as valid as an unstructured discussion. What would be your answer? Also explain your research design and different ways of administering a questionnaire.

7. What are the differences in the methods of data collection for qualitative and quantitative research? List out the major approaches to information gathering.

**Section - E**

8. Develop a Likert's scale for measuring the opinion of students of RGNUL regarding the issue of EWS reservation. Give the advantages of using this scale.
  9. Briefly describe the following attitude measurement models:
    - a) The Differential Scale
    - b) The Cumulative Scale
    - c) The Summative Scale
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Roll no. \_\_\_\_\_

RG/ET/05/12/22

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**B.A.LL.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER-2022  
PAPER -II NON-WESTERN POLITICAL  
THOUGHT (MAJOR - III)  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

## Section - A

1. Write short note on:

- a. Is India a nation-state or a state with multiple nations?
- b. What was Huntington's idea of 'Clash of Civilisations'?
- c. What is 'Pragmatic Morality' in Panchatantra?
- d. Discuss Ambedkar's "Annihilation of Caste".

Contd.....P.2

**Section - B**

2. "In Quran we find a syncretism of Classical Philosophy and Divine Revelation." Critically analyse.
3. How does Locke's "Appeal to Heaven" in the context of Divine Right theory relate to Mencius's "Mandate of Heaven"?

**Section - C**

4. Discuss the evolution of the Varna system to the Caste system from the Rig Veda to the Manusmriti.
5. Compare and contrast the various ideas in the Arthashastra and the Manusmriti.

**Section - D**

6. "Jinnah's Two-Nation Theory was responsible for partition of India." Critically evaluate the statement.
7. "Gandhian ideas of Satyagraha and Non-Violence are essentially two sides of the same coin." Discuss

**Section - E**

8. "Savarkar's ideal of Hindutva is a threat to cultural diversity in India." Comment.
  9. Discuss M.N. Roy's idea of Radical Humanism as a remodelling of Marxian ideas.
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Roll no. \_\_\_\_\_

RG/ET/07/12//22

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER -2022  
PAPER- III: INDIAN ECONOMICS  
(MINOR)  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

## Section - A

### 1. Write short note on:

- "Green Revolution is both, a cornucopia as well as a Pandora's box." Discuss.
- PSUs in India have not been able to contribute their worth to the economic development of the country. Do you support or refute this notion? Justify.
- The portion of a country's income tied to black money affects the economic growth of the country. Elucidate.
- The sectoral interventions in the form of allowing the penetration of foreign capital into the country, however, should be chosen judiciously, and not at random; the default should always be to attract investment that benefits consumers and broadens the market. In the light of this statement, account for the recent policy reforms introduced by the government to regulate the flow of foreign capital in India.

Contd.....P.2

### Section - B

2. The status of India due to proper policy formulation has improved to be one of the sixth largest industrial country of the world. What kind of a policy approach in particular has brought about this change and promoted a healthy environment for the growth of the manufacturing sector in the country? The emphasis laid by the government looks up at the potential of the industrial sector to reach 1 trillion US dollars, yet the target is far from being achieved. Discuss why?
3. Indian economy has traversed through time, from being a stagnant economy to a one with modernized sectors. What changes highlight this journey and how has the face of the economy changed on account of the strategic measures adopted by the government over time? Use statistical support to substantiate your arguments.

### Section - C

4. Industrial policies in India have taken a sweep shift from a largely socialistic economy to a significantly capitalistic regime, especially since the liberalization policy of 1991. Do you agree? What specific characteristic features have been observed in the nature of the Indian industrial regulatory regime as a result of these policy reforms and how has the industrial sector been impacted because of these policies?
5. The MSME sector is highly sensitive in nature and that is why it was supported by a number of protection measures to safeguard the small industry from stiff market competition. However, the government adopted a de-reservation policy to increase the competitiveness of the sector and enable the consumers to get the best quality of products at a competitive price. Do you think the performance of the MSMEs during the reservation period has not been satisfactory and the policy adversely affected the employment and export growth of the MSME sector? Justify your answer with suitable arguments.  
Further discuss, to what extent has the MSMED Act, 2006 facilitated the growth of the small enterprises?

### Section - D

6. Though the government has enacted multiple schemes and have brought millions of people out of poverty in the last decade, nearly 22% of the population still lives in poverty according to the World Bank estimates. In light of the multidimensional deprivations the poor face, analyze the

efficacy of the poverty alleviation programs with respect to their ability to create suitable mechanisms that can lead to a holistic rural development.

7. "If inflation cannot be controlled to a limited range, unemployment and unsteadiness will occur. Although high inflation rate does harm a country's economy, low and moderate inflation sometimes comes along with economic growth, which to some extent has positive effects as well on the economy." Comment. Also, further analyze in the light of their effectiveness, the measures that have been adopted by the RBI to contain inflation within reasonable limits.

### Section - E

8. It is believed that in the realm of economic planning, the Indian policy makers have been experiencing a great deviation between the ideology of the government and its actual economic realization and shortfalls were observed in respect of setting up of realistic targets. Why has such a problem occurred in Indian planning despite the fact that systematic efforts of planning had been initiated right since the inception of planning in the country? What factors have restrained the pace of growth of the economy during the five-year planning regime in India?
  9. "Public expenditure is meant to satisfy collective social wants and thus, reflects the decisions of the legislative and executive bodies as to the field and scope of public activities and expenses." Explain in detail, what all social, economic and welfare objectives are aimed to be achieved through this tool of public policy? In case of an excessive outlay of public spending, how does the government offset the gap between its revenue and expenditure? Discuss the avenues that can be resorted to, under such circumstances.
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Roll no. \_\_\_\_\_

RG/ET/07/12//22

**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



**B.A.L.L.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER-2022  
PAPER -III NON-WESTERN POLITICAL  
THOUGHT (MINOR)  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

**Section - A**

**1. Write short note on:**

- a. What is Benedict Anderson's idea of a Nation?
- b. Discuss the idea of Sanskritisation.
- c. What was the Moral Order of Confucius?
- d. Differentiate between Hinduism and Hindutva.

**Section - B**

2. Draw a critical comparison between Confucius's virtue of 'Order and Hierarchy' and the structure of the Indian society.
3. "The idea of Jihad has evolved from being a struggle in the path of God to being a political instrument at the hands of Jihadists." Critically analyse.

**Section - C**

4. "Varna system in the Vedic age was intended to create a decongested social order but came to be misused by Brahmins". Discuss the origins of the caste system in the light of this statement.
5. Discuss the contemporary relevance of Kautilya's political ideas.

**Section - D**

6. "Tagore's idea of Internationalism was an extension of his idea of Nationalism". Discuss.
7. "While Gandhi was a champion of Hindu-Muslim unity, he did have a role to play in partition of India." Comment.

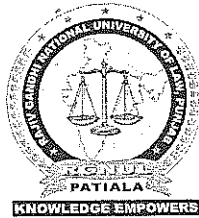
**Section - E**

8. Discuss the continued relevance of Nehruvian political thought in contemporary times.
  9. "Caste system not only leads to social discrimination and untouchability but also to other social evils." Discuss Ambedkar's 'Annihilation of Caste' in the light of this statement.
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Roll no. \_\_\_\_\_

RG/ET/09/12/22

# RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB



**B.A.LL.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER 2022  
PAPER-IV: FAMILY LAW - I  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

## **Section - A**

**1. Write short note on:**

- a. 'Marriage is a Civil Contract not a Sacrament.' In light of this statement, discuss the nature of Hindu and Muslim Marriages.
- b. Legal Status of children born out of void and voidable marriages under Hindu Law.
- c. Application of S.23(1) (a) to Section 13-1 A of the Hindu Marriage Act, 1955.
- d. A Widow sues her Father and Father in Law for Maintenance separately. Is she entitled for Maintenance?

*Contd.....P.2*

**Section - B**

2. "Clear proof of Custom will outweigh the written text of Law". In the light of this statement, ascertain the validity of Customs under the Hindu Marriage Act, 1955 particularly in the context of Section 5, 7 and 29 of this Act.
3. Hindu Law applies to Hindu by Birth and by Religion. Comment. Further state persons to whom uncodified and codified Hindu Law applies.

**Section - C**

4. Examine validity of the following Marriages under Hindu Law:
  - i) 'A' aged 18 years marries a girl 'B' aged 16 years.
  - ii) Marriage of Maternal uncle and Niece.
  - iii) 'C' a Hindu Male is married to 'D' a Hindu female as per customary rites and ceremonies. Subsequently 'C' converts to Muslim religion and marries 'E' a Muslim female.
  - iv) 'F' a Hindu male marries 'G' a Hindu female by exchange of garlands on a full moon night in the presence of friends.
  - v) 'H' a Hindu Male marries 'I' a widow. At the time of marriage she was pregnant but 'H' was ignorant of this fact.
5. Discuss the validity of the following Muslim Marriages amongst Sunni's and Shia's:
  - i) Marriage of Muslim man with a woman prohibited by reason of fosterage.
  - ii) Marriage of Muslims where no Dower (Mahr) was specified.
  - iii) Muslim man marrying his wife's sister.
  - iv) Muslim man marrying a woman undergoing Iddat.
  - v) Muslim marriage without presence of witness.

### Section - D

6. 'A' a resident of Patiala marries a Girl in service at Ludhiana. After seven years of marriage 'A' asks his wife 'B' to leave her job and join him at Patiala. On refusal by the wife, he files a suit for Restitution of Conjugal Rights. The defence set up is that the Respondent has never denied the right to access to her husband and she is prepared to honour her obligation as his wife but the husband has no right in law to force her to give up her job and join him at Patiala. Decide giving reasons and citing relevant case laws.
7. 'A' and 'B' were a married couple having two children. 'A' started neglecting 'B' and the children by not providing them even the basic needs properly. 'A' also developed a liking for another woman, a divorcee and was spending most of his time with her. Being neglected 'B' left the matrimonial home along with her children. Her parents made efforts to unite the family but 'A' did not show any repentance and justified his actions alleging that 'B' was not able to provide any conjugal comfort to him. After two years 'A' filed a suit for divorce on the ground of Desertion by 'B'. Discuss whether 'B' deserted 'A' and explain the ingredients of Desertion in the light of Judicial Precedents.

### Section - E

8. Examine the validity of the following adoptions under Hindu Law:
  - i) 'A', a Hindu unmarried woman aged 25 years adopts a son aged 5 years.
  - ii) 'B', a Hindu adopts a boy from an orphanage when his only son married a Muslim Girl under the *Special Marriage Act, 1956*.
  - iii) 'C' adopts a boy 'D' subsequently his wife delivered a son 'E'. 'C' wants to give away 'D' in adoption to his brother.
  - iv) 'F' adopts a boy 'G' but displeased with the boy's lazy nature he wants to cancel the adoption.
  - v) 'H' the mother of an illegitimate son 'I' gives him in adoption to her sister.



9. Examine the claim of Maintenance in the following cases:

- i) 'A', a second wife of a Hindu male 'B' who was ignorant of the first marriage of 'B' with 'C' claims Maintenance from 'B'.
  - ii) 'D', a muslim divorced wife of 'E' claims Maintenance from 'E' beyond period of Iddat.
  - iii) 'F' and 'G' on being neglected by both son and daughter claim Maintenance from both children.
  - iv) 'H' an able bodied unemployed Hindu Male claims Maintenance from wife 'I' after divorce as she is employed
  - v) 'J' a Hindu wife living separately from her husband 'K' as he has converted to Christianity claims Maintenance from him.
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**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**

**B.A.LL.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER -2022  
PAPER-V: CONSTITUTIONAL LAW -I  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

**Section - A**

**1. Write short note on:**

- a. Discuss in brief on what basis the Supreme Court reversed its earlier stand to hold that the preamble to the Indian Constitution is a part of the Constitution.
- b. Suppose the Parliament passed a statute prohibiting the sale of "non-intoxicating" 3.2% beer to males under the age of 21 but allowing females over the age of 18 to purchase it. The law was challenged in the Supreme Court as a violation of the right to equality. Which test will the court use to examine the constitutional validity of this law, the *intermediate scrutiny test* or the *strict judicial scrutiny test*?
- c. We live in an age of hyper-consumption, and nowhere is this more obvious than in the fashion industry. "Fast fashion" is the buzzword these days. Driven by glossy advertising campaigns, many consumers are constantly buying new clothes. Fast fashion has radically transformed the textile industry. These days, 56 million tonnes of clothing are sold every year. However, the textile industry has become

*Contd.....P.2*

one of the world's worst polluters of water resources. Take denim jeans, a worldwide favourite. Making just a single pair requires up to 10,000 litres of water—that's roughly enough to quench the thirst of an average adult for more than 13 years. How is the fast fashion industry affecting the vulnerable communities' fundamental right to water, guaranteed under Article 21 of the Indian Constitution?

- d. The fundamental duties contained in the Constitution are the guiding principles for citizens to perform their duties and be responsible towards the State. Discuss.

### Section - B

2. Discuss in detail whether the following are 'State' for the purpose of Part III of the Constitution with the help of decided precedents:
- a. State University established by an Act of the State Legislative Assembly.
  - b. High Court of an Indian State.
  - c. Board of Control for Cricket in India.
- 3.a. India enters in a treaty with Myanmar whereby 3 sq km of Myanmar's territory abutting Moreh border in Manipur is to be transferred to India in lieu India giving up 3.5 sq km of her own sovereign territory in Arunachal Pradesh to Myanmar. Discuss how such a treaty can be given effect.
- b. PERPU is an Indian state with its own legislature and High Court. It is a small state with 40 MLAs and is subject to political instability in the recent past. Parliament decides to merge the PERPU state with neighboring State of Punjab. Is Parliament competent to put an end to the existence of a state and if so, what procedure should be adopted to effect the same.
  - c. India decides to lease 0.5 sq km of her sovereign territory to Nepal along Raxaul border in East Champaran district of State of Bihar for a period of 99 years for the payment of Re. 1/- per year as consideration. Do you think the Government of India can give effect to such an agreement without a constitutional amendment?

### Section - C

- 4.a) The government department sent the newly appointed employees to their training centre for two years of training. The training centre has

five hostels, apart from classrooms and offices. All employees are 25 years old. The employees requested that the department allow every employee to have his or her spouse with him or her. The department allowed married heterosexual couples. But when the unmarried employees said they wanted to be in a live-in relationship, the department rejected their applications and divided their hostels on the basis of gender and sexual orientation. The department also got barbed wire installed around the boundary wall of each hostel so that no employee could enter the other's hostel. The department also directed that if someone entered each other's hostel without permission, that employee would be fired. When these directions were challenged in the Constitutional Court, the government department said that this restriction was necessary on the grounds of morality and decency. The employees replied that it was a violation of their fundamental rights. How will the Constitutional Court resolve this issue?

- b) A married pregnant woman, who was a victim of marital rape, went to a government hospital for an abortion within the first trimester. The government hospital could not perform her abortion properly, causing her health to deteriorate. Meanwhile, her husband filed for divorce, alleging that his wife had the abortion without his consent. The court granted divorce to the husband on this basis and did not give any maintenance to the wife. On what grounds can the wife file a petition in the Constitutional Court against the government hospital and against the civil court's order?
- c) Camming is on the rise in the porn industry because it's live. Lots of individuals create live virtual sexual relationships on cam sites. It is a source of income for some and a hobby for others. The government banned cam sites by calling them obscene under the obscene law. When this obscenity law was challenged in the constitutional court, the government said that camming is against morality and decency and that coming individuals are being exploited in this profession. On the other hand, coming individuals asserted their right to personal autonomy. How will the Constitutional Court resolve the case?
- 5.a) Studies have proven the fact that surrogate mothers are being exploited by agents and kept in inhumane conditions, and financially and socially vulnerable women can be targeted for surrogacy recruitment due to the attractive sums of money on offer. In order to restrict the commercialization of embryos and newborns and to protect the interests of vulnerable women, the government absolutely prohibits commercial surrogacy. The government's absolute ban on commercial surrogacy

was challenged as it violates fundamental rights. What are the fundamental rights that are being violated in this case, and how do we balance them with the state's interests?

- b) A union of Gig Economy workers (like Uber, Ola, Amazon, Zomato, etc.) filed a writ petition in the Constitutional Court to recognise their right to work with human dignity and protect their labour rights. But gig economy companies replied that they were not their employees. How will the Constitutional Court resolve the issue?
- c) Suppose a state legislature has passed the Right to Education Act 2022, which recognises the right to education of persons with disabilities but makes no mention of facilities in educational institutions to make them feel that their right to equal concern and equal respect is protected and that they are part of an inclusive education system. On what grounds can the constitutionality of the Right to Education Act of 2022 be challenged?

### Section - D

- 6.4) In the State of X, the government approved affluent colony A in a locality, and the government also built housing facilities for people of the scheduled caste alongside the same colony. Incidents of theft and dacoity started increasing in both Colony A and the Scheduled Caste Colony. People from Colony A reported to the police that such incidents had increased in their colony because people belonging to the Scheduled Castes kept coming and going to their posh colony. One night, while patrolling at 1 a.m., a police patrol party observed some people roaming in Colony A. Out of them, 10 people were from the Scheduled Caste Colony, and the rest were from Colony A. The police let the people of Colony A go without any investigation, but they detained 10 people from the Scheduled Caste Colony, took their fingerprints, took their DNA samples, confiscated and searched their mobile phones, and also did a body cavity search. The police saved all these records on the computer. The next morning, the police released them because they could not find any relevant evidence against them. Now 10 people have filed a writ petition in the High Court claiming that their fundamental rights have been violated. What fundamental rights will the petitioners argue have been violated in their writ petition, and what constitutional arguments will they have to make in the petition to seek the court's remedy?
- b) The Municipal Corporation is responsible for managing the public toilets. Someone installed a miniaturised camera in the public toilet and uploaded naked pictures of the toilet users on online platforms. Which fundamental

rights of the victims have been violated in this case? Can those fundamental rights be enforced against the municipal corporation?

- c) A report published in a newspaper stated that millions of poor and underprivileged children in India are being forced into child labour daily. Many foreign cosmetic companies get the mica used in their products through excavation in Jharkhand. And children are forced to work in the mica mining industry. Local people have no resources to hold foreign companies responsible for child labour. What is the positive duty of the state under the Constitution to protect children's interests in India?

7.a) To predict crime, the government purchased *PredPol*, an algorithm-based software. The government used discriminatory stereotypes to create the software's algorithms. Under the Preventive Detention Act, the law enforcement agency was given complete freedom to use this software. Through this software, preventive detentions began to take place on a regular basis. Will there be any rule of law violations by doing this? If yes, what are the constitutional safeguards to prevent this violation?

- b) A state legislature passed the Education Act 2022 in order to foster the harmonious development of the mental and physical faculties of students and cultivate a scientific and secular outlook through education. Under this enactment, the government issued instructions that no student in primary, secondary, or tertiary educational institutions would get any kind of tattoo on their body that is associated with religious symbols. When the government's instructions were challenged in the Constitutional Court, the government said that tattooing is not an essential religious practice of any religion. However, students and their parents believe that this is a violation of their freedom of religion. How will the Constitutional Court resolve the issue?

- c) Suppose Elon Musk asked for 1,000 acres of land from a state to establish space tourism. The media boasted that this would boost the national economy and create 50,000 jobs. Hearing all this, the government gave 1000 acres of land to Elon Musk's SpaceX company without any restriction, and no environmental impact assessment report was taken from it. After the project started, environmental pollution increased in the surrounding areas, and human life and the surrounding flora and fauna started to be affected. People filed a petition against SpaceX's

project in the Constitutional Court and requested that the project be closed. Meanwhile, the government gave ex-post environmental clearance by taking an environmental impact assessment report from Elon Musk. The government asked the Constitutional Court to dismiss the writ petition as the government has now given ex-post environmental clearance. Can the Constitutional Court dismiss the writ petition on this ground?

### Section - E

- 8.a) Discuss in detail the criteria for identification of religious and linguistic minorities under the Indian Constitution. How far do you agree with the law laid down by the Supreme Court in this regard in *TMA Pai Foundation case*.
- b) MAO College, Aligarh is established in the State of Uttar Pradesh by a philanthropist named Syed Hamid in 1904 and was affiliated with the University of Allahabad since its inception. Parliament conferred on it the status of a Central University by an enactment in 1954. Do you think such a Central University may continue to claim the status of a minority institution? Cite case law.
- 9.a) Arvind and Asha are a married couple with a seven-year-old child who they have named as Aakash. Asha passed away during the second wave of Covid 19 pandemic. Asha's parents took away Aakash with them soon after her death and later refused Arvind's request to hand over the custody of his minor son to him. Do you think Arvind can make use of the writ jurisdiction of the Supreme Court in such a case against another private party?
- b) The Uniform Civil Code, if enacted, is likely to be conceived around the principles of equality, liberty and fraternity committing itself to the ideal of gender justice without necessarily disturbing cultural sensibilities associated with religion. Do you agree?
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RG/ET/14/12/22

**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB**



**B.A.LL.B. (HONS.) FYIC  
THIRD SEMESTER  
END TERM EXAMINATION  
DECEMBER-2022  
PAPER -VI JURISPRUDENCE - I  
TIME DURATION: THREE HOURS  
MAXIMUM MARKS: EIGHTY (80)**

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

**Section - A**

1. Write short note on:

- a. Legal Theory.
- b. Social Utilitarianism.
- c. Fact and Rule Skepticism.
- d. Popular consciousness is not the only source of law.

**Section - B**

2. Compartmentalisation of Jurisprudence and fixing its boundaries would be end of Law. Is this statement true?

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3. Article 142 clearly makes the decisions of Hon'ble Supreme Court binding on all the Subordinate Courts; However the Supreme Court is not bound by its own decisions. Can this aspect lead to uncertainty in Law? Give reasons in support of your answer.

### Section - C

4. Critically examine the Austian concept of law and its comparison with Indian Sovereignty?
5. Law always has a National character and International Law is not a Law but is 'Positive Morality'. Is this ideology of Savigny correct? Give reasons in support of your answer.

### Section - D

6. Decriminalization of Homosexuality has raised a serious debate between Law and Morality. Comment.
7. Natural Law philosophy and its principles are of universal application and are not confined to the territorial boundaries of a state. Is this statement true? Give reasons in support of your answer.

### Section - E

8. The ongoing Legal Battle related to Gyanvapi Mosque has again raised differences amongst Hindu and Muslim ideologies and there is an apprehension of disruption of Social Harmony. You have been appointed as a mediator by the court to resolve this issue by balancing conflicting interests. Which doctrine of sociological school would according to you be helpful in resolving the issue? Give detailed reasons in support of your answer.
  9. Justice Rajat belongs to a Brahmin Hindu family and had his upbringing in an orthodox Brahmin family. While being a Judge of the Supreme Court, a petition for construction of a Hindu temple in place of a church, which was constructed by Britishers after demolishing an old Hindu temple, was filed. Justice Rajat has in the past also delivered judgement favouring Hindu Religion. Do you think that background of the Judge and his affinity to a particular religion would affect the nature of his judgement? Explain in detail with the help of philosophies of different Jurists.
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