



Rajiv Gandhi National University of Law, Punjab
(Accredited with 'A' Grade by NAAC)
Open Book Online Examination
End Term, 27th January – 2021

LL.M-ONE YEAR COURSE (FIRST SEMESTER)
Subject – Administrative Law
(Constitutional Law Group)

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) Discuss the Sociological and Historical understanding of the Indian Administrative law formations.
- 2) Which is a more effective way of control of statutory Public Corporations, Parliamentary control or Governmental Control and Why? Cite a Supreme Court Judgement which explains the philosophy underlying Judicial control of statutory Public Corporations.

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) When can it be said:
 - i) That the authority is deemed not to have exercised its discretion at all.
 - ii) That the authority has not exercised it's discretion properly.Explain with relevant case laws.
- 4) a) How has Dicey's 'Rule of Law been incorporated in the World Justice Project Rule of Law Index 2020. (5 marks)
b) Which countries are placed in the top five positions in the Global rankings in adherence to the Rule of Law in the WJP Rule of Law Index 2020? What is India's ranking on this Index. Compare and



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Analyse the reasons for India's placement in the World Global Rankings. (5 marks)

- 5) In which circumstances can delegated legislation be held to be invalid on the ground of substantive ultra-vires? Discuss with relevant case laws.
- 6) The word 'Exception' in the context of Natural Justice is a misnomer because in certain situations, the principles of Natural Justice are inapplicable not by way of an exception but because nothing unfair can be inferred by not applying there principles. In the context, identity areas in which the application of the rules of Natural Justice may be excluded. Can the exclusionary rules be challenged on the ground of unreasonableness in a Court of Law?



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LL.M-ONE YEAR COURSE
Subject – Comparative Public Law

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) (a) Briefly explain how pushing academicians into non-academic works violates their right to academic inquiry, academic freedom, and leisure time. Give two examples. **(3 Marks)**
(b) Do homeless persons have “right to have rights”? Comment
(2 Marks)
- 2) (a) Do you think public nudity is a political speech? Give two examples to support your argument. **(3 Marks)**
(b) Social media platforms permanently suspended Donald Trump’s account after the United States’ Capitol Riot. Is it a violation of Donald Trump’s freedom of speech and expression? Comment **(2 Marks)**

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) (a) How rampant Consumerism affects the ideals of transformative constitutionalism? Give three examples to support your answer.
(4 Marks)



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(b) Explain briefly the judicial diversity argument and the role of Lord Chancellor in the processes of Judicial Appointments in the United Kingdom. **(4 Marks)**

(c) Everyone's sexuality is under constant surveillance at all public and private spaces, including internet. This unwanted gaze is constantly categorizing and policing our sexuality to ensure its compliance to larger social morality. Explain how unwanted gaze violates an individual's right to loiter at public places. Give three examples. **(4 Marks)**

(d) How a Central government of a country can abuse the policies relating to the fiscal transfers for imposing its own unconstitutional and orthodox ideology on the States receiving aid? Give two examples.

(3 Marks)

4) (a) Global colonisation of water is affecting the quality and access of water resources, and the commodification of water is being done by passing the international treaties and domestic laws. Explain up to what extent aboriginals, indigenous and local inhabitants have any right to say in such water-law making or water-decision making processes. Give three examples. **(4 Marks)**

(b) A study in Biological Science proved the fact that lack of healthy and nutritional diet increases violent behaviour among people. Actuarial justice system using techniques of risk assessment recommended the Preventive State to put a particular community,



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which have poor quality of health standards, under the continuous monitoring so that they should be prevented from committing any crime. Since the determination of a Pre-Crime is the “new criminal justice system”, the preventive State executed the recommendation and put the members of the community into surveillance centres. Do you think it is constitutional? Comment **(4 Marks)**

(c) Should Constitution remain silent on the secession issue? Give two examples to support your answer. **(4 Marks)**

(d) How the requirement for people “to appear to be of a particular sex to use a particular facility” or “to have particular sexuality to use public toilets” violates an individual’s *right to pee or urinate*? Give three examples to support your answer. **(3 Marks)**

5) (a) President of the United States ordered the U.S. Census Bureau to exclude undocumented immigrants from the decennial census for purposes of reapportionment. The count is used to determine how many seats each state gets in the House of Representatives and the Electoral College. Can this order be subjected to strict judicial scrutiny test? Discuss. **(4 Marks)**.

(b) A government of a democratic country passed a national plan to provide basic necessities to those individuals who have identity papers. But the national plan was completely silent about the undocumented individuals. How the national plan violates the principle of proportionality? Give three examples to support your answer. **(4 Marks)**



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- (c) How *Kafkaesque* bureaucracy hampers the public distribution schemes? Give three examples to support your answer. **(4 Marks)**
- (d) Is it possible to make a balance between State's police power to conduct *under the skin surveillance* and an individual's due process rights in the pandemic age? Give two examples. **(3 Marks)**
- 6) (a) Privatization of the public services can obstruct the protection of the public law values. Explain how French public law protects these public values and limits the scope of privatization. Give at least three examples about the privatization of public services to support your answer. **(4 Marks)**
- (b) What will be the position of the power of judicial review of primary and secondary legislations after Brexit in the United Kingdom?
(4 Marks)
- (c) What should be the public policy of the local bodies on the fundamental right to cycling in India? Discuss. **(4 Marks)**
- (d) How the idea of exclusion in sports causing racism and hate speech violates the speech rights to sport of an individual? Give three examples to substantiate your argument. **(3 Marks)**



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Open Book Online Examination
End Term, 28th January – 2021

LL.M-ONE YEAR COURSE (FIRST SEMESTER)
Subject – Emerging Areas of Criminality
(Optional)

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) A prostitute is an accused or a victim of prostitution. Discuss with the help of a case law.
- 2) Discuss the need/ validity of the recent probe by the National Investigation Agency in the funding of the Farmers Protests at New Delhi borders.

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) Recent data shows that the number of new psychotropic substances that are synthetic opioids available in the market are rising. The legal status of NPS may differ from country to country. The global synthetic drug market is more complex. Furthermore, plant based NPS have been legalized in some countries while restricted in others. Discuss the above in the light of the quantity of drug seized to attract the penal provisions of the NDPS Act.
- 4) The integrity of the banking and financial services market place depends heavily on the perception that it functions within a framework of high legal, professional and ethical standards. Organized crime can infiltrate financial institutions, acquire control of large sectors of the economy through investment, or



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(Optional)

Time – 1 ½ Hour

Maximum Marks – 40

offer bribe to public officials and government. Discuss the available legislative mechanisms at the international and national level to deal with the above.

- 5)** Violations of children's rights remain tragically common across the World. Data on sexual abuse of children is very difficult to capture. Unfortunately India has the highest prevalence of Child Sexual Abuse and is growing day by day. Discuss the above in the light of legal framework in India and reasons for increase in Child Sexual Abuse.
- 6)** Allowing the state to designate someone as a "Terrorist" without trial is dangerous. Discuss the statement in view of the legal framework in India. Also discuss why there is a lack of consensus on arriving at a universally applicable definition of terrorism.



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End Term, 25th January – 2021

LL.M-ONE YEAR COURSE
Subject – General Principles of Criminal Law

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) Dheeraj, aged 21 years was standing outside his college gate with his friends. While he was standing a speeding car driven by two young girls came towards them and sped away. Dheeraj was instigated by his friends to take revenge and teach the girls a lesson. Next day he contacted both the girls and tried to touch one of them inappropriately. Girls abused Dheeraj and tried to slap him. In the fit of rage he tore the girl's clothes and tried to rape her by dragging her to the classroom. However he was stopped by his friends. The girl made a police complaint and he was arrested. While sentencing Dheeraj, the judge gave one year punishment to Dheeraj taking into account various aggravating and mitigating factors. Discuss in the light of the present case various factors for deciding the quantum of the sentence by the judge.
- 2) Raman Kumar an IT diploma holder along with his family members comprising of his wife and three young children, moved from their native village to Delhi in search of a job. For few days he stayed with his friend but then he shifted to a rented accommodation. He could not find a good job and was forced to work as a street vendor. Unable to pay the rent for three consecutive months the landlord told him to vacate the house.



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Time – 1 ½ Hour

Maximum Marks – 40

Raman along with his family members starting living in a tent outside the city limits. To make two ends meet, all the family members started working as daily wagers. Children in order to make more money started pickpocketing. Raman was also involved in snatching chains and purses occasionally. Discuss how the change in circumstances, poverty, and joblessness are the factors responsible for the changing nature of crime.

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3)** It is very difficult to fix criminal responsibility for crimes committed by the corporations. And the crimes they commit may extend beyond financial crimes and cause bodily injury, disease or even death. Discuss the jurisprudence which has evolved in India as regards corporate criminal responsibility.
- 4)** Reena had a bitter quarrel with her husband Kumar, so much so that she threatened to commit suicide and ran upstairs to jump from the roof of the house. Kumar did nothing to stop her, but her maid servant followed her and held her back from jumping down. Would Reena be guilty of attempting to commit suicide? Discuss bringing out the difference between preparation for and attempt for the commission of a crime.



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- 5) In the course of fight between Ram and Shyam; Ram fired a gunshot at Shyam which was successfully evaded by the later. Thereafter Shyam snatched the gun from Ram and fired at him resulting in Ram's death. During the trial Shyam pleads right of Private Defence in his defence. Discuss whether this defence will be available to the accused Shyam or not, with the help of decided cases.
- 6) Sheenam, a second year student from an engineering college was in a relationship with her classmate Rohit. On the pretext of marriage, they were involved in sexual intercourse on regular intervals. One day Rohit along with his friend Raju gang raped her. She was then thrown in the fields and she suffered multiple injuries. Her mother claimed compensation for her daughter from the District Legal Services Authority. Discuss the criteria for victim compensation in the light of statutory provisions and decided case Law.



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LL.M-ONE YEAR COURSE (FIRST SEMESTER)
Subject – Industrial and Intellectual Property Rights
(Business Law Group)

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) *“The rule concerning the ‘Independence’ of patents for invention is contained in Article 4bis of Paris Convention.”* Discuss the concept ‘Independence of patents’ in the light of the given statement also with ‘right to priority’. (5 Marks)

- 2) Mukti Nirog was a company manufacturing pharmaceuticals drugs since 1982 was wellknown in the name of ‘SWARAJSYRUP’ with regards to many medicines used for stomach infection. Jadibutti Corp. joined the pharmaceutical business and applied for trademark ‘MUKTISYRUP’ on 19 Sep 2019 for production of tablet and syrup which is used as painkiller and objected by Mukti Nirog. Discuss the remedies are available with Jadibutti Corp. and Mukti Nirog. (5 Marks)

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) During the Covid-19 pandemic the pharmaceutical companies are in the race of bring their Covid treatment drug in the market. In the recent survey by the private agency Joom brought the comparative chart for their success rates for Covid treatment vaccine with two doses. Bharatbull Pharmaceutical agreed to bring the vaccine with



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(Business Law Group)

Time – 1 ½ Hour

Maximum Marks – 40

condition to claim patent over the upcoming **BharatCoviDom** vaccine which was having 98% success rate, would the first indigenous vaccine by Oct 2020 to which Govt denied. Launch of vaccine got delayed due to little sickness and giddiness complaint to the patients during dry run **BharatCoviDom** and launched in January 2021. Whereas the JeevanReliance Pharma which was to come few months later, launched its '**CoviDex**' single dose vaccine which claimed to be 95% success rate in Dec 2020 with conditions that Government of India will acquire '**CoviDex**' patent and shall use for Indian frontline worker, para medical staff, forces, paramilitary forces etc. in priority. JeevanReliance being indigenous Pharma Company agreed in the interest of the nations and demanded the royalty for using the on the other citizens. BlastLegal filed the PIL in the Supreme Court of India stating the action by Govt. in using **CoviDex** is against the WHO guidelines and against the interest of **BharatCoviDom** which was ready to be used for the humanity across the world. Discuss the action of Govt. under section 102 of the Act with the help of decided case laws.

- 4)** ABC Broadcasting was company concerned with producing many hit television programmes, and they lately ventured into a reality programme which was aired on the television titled "The Closed Room". It was all about a group of 15- 20 participants who were locked in a house for more than 100 days and the participants would compete for grand prize money. The participants were to be subjected to 24x7 camera supervision. The participants were given regular tasks not just to avoid the programme becoming boring but also



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Time – 1 ½ Hour

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through these challenges and tasks they would earn certain immunities and privileges. As the weeks pass by the participants are voted out through the public voting till the time one winner is left. There was another company named Leo Broadcasting which developed a competing show titled “Locked in the House” where participants are locked in a house and compete with each other for a cash prize in the end. The contestants are living in the same setting as “The Closed Room” and everything they are doing is getting recorded and broadcasted to the viewers. The only difference is that every week the area in which the participants are living is reduced. ABC Broadcasting files a case for infringement against Leo Broadcasting proposing that their programme format contains sufficient concrete and expressive elements to merit copyright protection. Discuss and decide whether Leo Broadcasting can be held liable for copyright infringement and can ABC Broadcasting be given copyright protection for the concept in the programme.

- 5) (a) “The Trademark registry may permit the registration by more than one proprietor of the trademarks which are identical or similar in respect of the same or similar goods or services.” Discuss in the light of the given statement and consequence thereof with the help of decided case laws.
- (b) Discuss on the Well-known Trademark with the help of decided case laws and the factors for determining the mark is Well Known.



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Time – 1 ½ Hour

Maximum Marks – 40

- 6) (a) Grain Pool Ltd, the petitioner's, were the holders of certificate protecting their three varieties of carrot seeds. By this they had got an exclusive license to sow, bred and evolve the carrot variety. Premier and Co., the respondents, planted around 500 acres with the protected variety and sold the entire crop to Sweet and Co for the use as seeds to be planted in 10,000 acres of land on the ground that they have the right to save the seed crop to be grown. Gain Pool Ltd brought a suit against Premier and Co. seeking damages and permanent injunction against sale of seed harvested from crops grown from protected variety. Discuss and decide.
- (b) "A geographical indication is a public property belonging to the producers of the concerned goods hence assignment, transmission, licensing, pledge or mortgage are not permissible". In the light of the given statement illustrate your answer with the help of decided case laws with regard to protection and management of the Geographical Indications.



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LL.M-ONE YEAR COURSE (FIRST SEMESTER)
Subject – International Criminal Law
(Criminal Law Group)

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) Explain Non-Retroactivity Rationae Personae
- 2) Jurisdiction Rationae Temporis

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) International Criminal Law deals with international crimes. Explain the concept of International Criminal Law and the concept of sovereignty under International Law
- 4) What are the similarities and differences of International Criminal Tribunal of Yugoslavia and International Criminal Tribunal of Rwanda
- 5) Explain the concept of Jurisdiction of International Criminal Law. How admissibility can affect the jurisdiction of ICC. Explain with relevant cases.
- 6) Can Mental Disease affect the criminal Responsibility under the ICC? Explain the Grounds for Excluding the Criminal Responsibility under the ICC Statute.



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End Term, 28th January – 2021

LL.M-ONE YEAR COURSE (FIRST SEMESTER)
Subject – Law of Banking
(Optional)

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) The Reserve Bank of India has the authority to regulate banking business in India. It can issue notifications and guidelines that help the banks in managing their business. However, the power of Reserve Bank of India is not absolute. The higher judiciary in India can exercise power of judicial review over the powers exercised by the central bank. Mention any two recent examples to explain this point.
- 2) The Basel norms for banks highlight the importance of capital structure of a bank. The norms clearly mention that an appropriate capital structure can save the bank from untimely failure. Quite recently, the Central Government injected fresh dose of capital in Punjab and Sind Bank. Analyse this capital addition to Punjab and Sind Bank in light of Basel norms.

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) “The fast growing digital credit industry has since its inception been facing the hurdle of KYC norms. The fintech players made several appeals to the regulator for exploring alternatives for physical KYC. Now, RBI seems to consider the idea of using technology for the



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Subject – Law of Banking
(Optional)

Time – 1 ½ Hour

Maximum Marks – 40

purpose of KYC and authentication of the user.” In light of this statement, answer the following questions:

- a. Evaluate the amendments made to Prevention of Money-laundering (Maintenance of Records) Rules, 2005 in August 2019 and recognition of digital KYC by RBI.
 - b. Evaluate the importance of recognising digital KYC in times of pandemic.
 - c. Discuss the necessity of KYC with regard to money laundering.
- 4)** As per the latest data released by the concerned agencies, a major chunk of non-performing assets have been realised through the Insolvency and Bankruptcy Code. Do you think that the Insolvency and Bankruptcy Code has the potential to further stimulate this momentum? Critically evaluate your finding in light of recent developments.
- 5)** The bouncing of cheques has been strictly dealt by the Law relating to Negotiable Instruments. Do you think that the criminal punishment for dishonouring of cheques should continue? Critically evaluate your opinion in light of recent developments.
- 6)** “Risk management is the need of hour. An effective strategy for risk management shall not only help the bank in efficient functioning, but it shall also protect it from untimely failures.” Evaluate the statement in light of the following points:



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- a. Need and constituents of risk management policy for any business organization;
- b. Different operations of banks that require risk management;
- c. Importance of reviewing risk management policies by the banks.



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LL.M-ONE YEAR COURSE
Subject – Law of Corporate Governance

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) The guidelines issued by OECD paved the way for majority of the countries to adopt the resolution for corporate governance to be adopted. Discuss how OECD led to a revolution in the field of ethical governance being adopted worldwide including the scenario in India.
- 2) The duty of the Director is to keep the health of the company in check and properly regulated. What repercussions may be faced by the corporation of the mechanism of internal control faces a breakdown.

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) The management and director of a top listed company failed to submit the dividends to the shareholders for three consecutive financial years. The shareholders decided to file a complaint against the Director to the board in the Annual General Meeting of the company. The Director cancelled the meeting and announced the constitution of a new board. What recourse is available to the shareholders against the director?



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Subject – Law of Corporate Governance

Time – 1 ½ Hour

Maximum Marks – 40

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- 4) The adherence of triple bottom line approach through various policies of the company. The international organizations too stress upon the strict compliance of the approach. If a company fails to adhere to these guidelines, what can be the consequences. Discuss with the help of relevant case studies.
- 5) A company XZY private limited had offices in Mumbai, Dubai and Singapore. The head office of Mumbai was the central place from where all the decisions were made by the Board of Directors. The new management in 2020 during the Covid situation changed the composition of the various committees of the company and removed the Independent directors. Even the Audit committee was absolved from checking the financial information of the foreign offices. The shareholders objected to the decision. Is the Director/Chairperson obligated to address these issues raised by the shareholders. Discuss.
- 6) In 2019, the firm BB corp initiated their business and started operating in India. They started marketing their products in the whole country and soon became member of the top 1000 companies in India because of the huge turnover. A complaint was filed by the shareholders against the corporate for non compliance of SEBI regulations of appointment of Independent Directors and disclosure of the financial documents. Can a case of inquiry be



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Maximum Marks – 40

initiated against the corporate by SEBI? Comment with the help of related provisions.

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Open Book Online Examination – 2021

Subject –Research Methodology and Legal Research

Semester – LL.M. (One Year Course)

Maximum Marks – 40

Time: 1½ Hours

Both questions of PART – A (5 Marks) are compulsory and from PART – B attempt any two questions (15 Marks each).

PART – A

- Q. 1 “It is in the nature of weaker persons to become subordinate to stronger ones. Contractual workers are weaker than regular workers. Therefore contractual workers are subordinate to regular workers.” Identify the reasoning in the example for the relevant research method and explain its relevance in legal research.
- Q.2 “*Making a careful plan for Data Processing is an integral part of the research design*”. Analyse the stages, objectives and the utility of Data Processing.

PART –B

- Q.3 The emerging issues with regard to providing reservation to the women in service on the ground of status in the society has ignited a new debate, for which there is a need to make a specific amendments in the legislation to address such issues with appropriate mechanism. With this object the concerned ministry is willing to sponsor a research to know & understand the problems, its impact, issues etc. to frame a policy or appropriate amendments in the constitution/legislation.
On the basis of above information suggest the essentials required to conduct a research, based on empirical research methodology. Also explain the characteristics of empirical research methodology.
- Q.4 “*A research design is a research planning of the proposed research project to conduct the empirical test of the hypotheses or to test the veracity of it. As to which research plan or design will be suitable for the collection and analysis of data in an economic, efficient and selective manner depends upon the nature of the problem under the research*”.
Explain the statement with the help of essential characteristics of a scientific legal research design and also make a research design for the

problem titled *“Impact Analysis of Right to Information Act in India: With Special Reference to institute of Higher Education in the State of Punjab”*.

Q.5 Briefly explain -

- a) The Indian government wishes to evaluate the number of immigrants and refugees living in the state of Assam, Arunachal Pradesh and West Bengal. They want to conduct a survey to prepare a database for multiple objectives. Suggest the sampling method appropriate to serve this purpose. Also explain various probability and non-probability sampling methods with the help of relevant examples.

10 Marks

- b) The Ministry of consumer affairs has invited the research proposals from the academic institutions of India to conduct an empirical study on the topic “Misleading advertisements and its impact on Indian Consumers”. Prepare a draft questioner to collect the information from the respondents in relation to this research project.

5 Marks

- Q.6 “The Delhi High Court in a leading case observed that fair dealing doctrine guarantees not only a public pool of ideas and information, but also a vibrant public domain in expression, from which an individual can draw as well as replenish. Fair use provisions then must be interpreted so as to strike a balance between the exclusive rights granted to the copyright holder, and the often competing interest of enriching the public domain”.

In the light of above observation explain the doctrine of fair use related to literary work applicable to research activities in the Indian context with the help of relevant judicial pronouncements.



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Open Book Online Examination, 29th January 2021

LL.M. – Semester I, Subject: Centre-State Relations

Time – 1 ½ Hours

Maximum Marks – 40

Part A

Both questions are compulsory. Each question carries 5 marks.

- 1) State of Farmistan is one of the 28 states of Indistan. Indistan has been declared by the constitution to be Sovereign Socialist Secular Democratic Republic. Constitution of Indistan has embraced federal features of government and has divided the subjects of legislation between Union and States under Seventh Schedule of the Constitution read with Part XI. Under the Constitution Agriculture is a State subject. There is a detailed concurrent list in the seventh schedule wherein entry 33 empowers appropriate government to legislate on Trade and Commerce in, Production and supply of foodstuffs etc. Union Government has been procuring foodgrains through state controlled corporation i.e. Food Corporation at a Minimum Support Price (MSP) which is fixed by the Union Government. In 2020, Union Government promulgated three enactments with the declared objective of reforming farm sector. These enactments provide for trading of agricultural produce outside Mandis declared under Agriculture Produce Marketing Acts and also their trading across the borders. Acts also provided for various other measures like contract farming etc. State of Farmistan has claimed that Union does not have legislative competence to enact such laws. At the same time, State of Farmistan and farmers have demanded that Union is bound to provide MSP and shall purchase the agricultural produce at MSP. Petitions have been filed in Supreme court by the State and farmers unions. Discuss and decide the petitions assuming that Constitution of Indistan is analogous to Constitution of India and all laws in force in India are analogous to laws in force in Indistan.



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LL.M. – Semester I, Subject: Centre-State Relations

Time – 1 ½ Hours

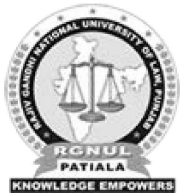
Maximum Marks – 40

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- 2) There was water dispute between two states (State of Sataab and State of Harit Pradesh). On the intervention of the Union government of Indistan, two states entered into an agreement for sharing of water and construction of canal at a joint cost. Agreement was entered into between two states at a ceremony organized by the Union wherein both the Chief Ministers signed the agreement. Both the states acquired lands for construction of canal and started construction. After some time, after elections, political parties who were opposing each other at the Union level came in power in the two states and there were wide differences between the two regarding sharing of waters and construction of canal. There were agitations organized by different political parties in the state of Sataab and owing to wide political pressure from all parties including the party which was in power when agreement was signed, legislature of Sataab passed a resolution authorizing termination of agreement between two states. Accordingly, CM of Sataab announced in press conference that the construction of canal has been cancelled and the lands acquired for the purpose shall be returned and that the agreement has been terminated. Aggrieved by this, State of Harit Pradesh wants to challenge the decision of the State of Sataab in Supreme Court. Analyse the jurisdiction of Supreme Court and decide the matter assuming that the constitution of Indistan is analogous to Constitution of India.

Part B

Attempt any two questions. Each question carries 15 marks

- 3) Indistan is a Sovereign Socialist Secular Democratic Republic. Constitution of Indistan has provided a federal form of governance. Constitution of Indistan has made detailed division of powers between



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Union and states. Part XI of the Constitution divides subjects of legislation between both the layers and also provides for a detailed and long concurrent list. Provisions regarding administrative relations have also been enacted in the Constitution. In 2020 Union of Indistan enacted three farm laws including The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 which provides for contract farming, under which farmers will produce crops as per contracts with corporate investors for a mutually agreed remuneration and; The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 which seeks to liberate farmers by giving them the freedom to sell anywhere. Farmers believe that these laws would subjugate them to capitalists and would be detrimental to them. They launched strong agitation against such laws and have marched towards the capital of the country. Union government feared that the agitation may turn violent creating serious prejudice to security and integrity of the country. They issued a direction to two northern states i.e. State of Panchal and State of Hartal wherfrom majority of the farmers were thronging the capital, to stop the farmers from marching towards the capital. Union cited that there are intelligence inputs that such a large gathering may siege the capital of the country and large scale violence might erupt threatening sovereignty, security and integrity of the country. State of Panchal refused to abide by such directions claiming that farmers have a constitutional right to express dissent and a right to demonstration. In this backdrop answer the following

- a. Whether the Union is competent to issue the above directions, if yes under which provisions/laws?



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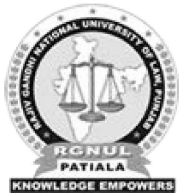
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- b. What actions can be taken by the Union against the State refusing to implement such directions?
- c. If Union sends its para-military forces in the State to prevent siege of capital and for maintenance of law and order, who will bear the expenses of such deployment?
- 4) Constitution of Hindistan provides for appointment of Finance Commission once in every five years for recommending to the union regarding devolution of taxes from the union to the states and for determination of share of states inter se and also for recommending grants in aid to states among other things. Constitution does not lay down the formula for grants in aid or for sharing of taxes. Finance Commission is appointed by the Union government unilaterally without consultation with states. Being a constitutional body, Finance Commission decides its own procedure and make recommendations regarding vertical and horizontal devolutions, grants in aid to states, grants to local governments and other matters. In 2020, there was outbreak of corona virus which was declared as a disaster under Disaster Management Act by the union of Hindistan. Owing to Corona virus induced lockdown and consequent shrinking of economic activities and taxes, economy of the country was crippled. States constituting the union of Hindistan claim that the Union owe a duty to provide grants in aid to States to bail them out of this corona pandemic induced economic stress. Finance Commission has already submitted its report for five years from 2020 to 2025. Report was submitted in January 2020. In this backdrop answer the following, assuming that constitution and laws of Hindistan are analogous to Constitution and laws of India



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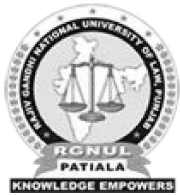
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- a. Can states legally compel the Union to constitute finance commission before the expiry of five years in case of national disasters?
- b. Can the states claim grants in aid as a matter of right?
- c. What remedies states have, if the Union refuses to provide grant in aid claiming that the resources of the union have also shrunk considerably owing to corona pandemic
- 5) Dam for generation of hydro electric power was constructed in the Harit Pradesh in 1960. Dam benefited Union of India, State of Sattal and State of Narvana. 3/4th of the reservoir of the Dam is located in Harit Pradesh. Such submergence and reservoir of water over large areas of land in the State of Harit Pradesh resulted in loss of cultivated and uncultivated land to a total extent of 103425 acres, trees and forests, towns, Government buildings, community buildings, wells, springs and paths, gardens, parks, road, bridges, telegraph lines, ferries which have resulted in unemployment, loss of agricultural and trading activity, loss of revenue, etc. State Reorganisation Act, 1970 which reorganized state of Sattal, transferred some territories to Harit Pradesh. Under the scheme for apportionment of assets and liabilities under the State Reorganisation Act, the assets and liabilities were to be transferred to the successor States in proportion to the population ratio distributed between the successor States/Union Territories. 7.19% of the total population of the composite State of Sattal was transferred along with the territories to Harit Pradesh. A Committee constituted by Union recommended that mother state (Harit Pradesh) i.e. where Dam is located, should get 12% share in electricity free of cost. Union of India also agreed in principle that the "mother State" which houses a hydro-electric power project by



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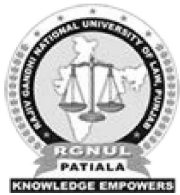
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Time – 1 ½ Hours

Maximum Marks – 40

bearing the reservoir of water required for generation of hydro-electric power shall be entitled to at least 12% of total power generated from such project free of cost. States Reorganization Act provided for sharing of assets and liabilities in proportion to population shared by the successor states as may be agreed upon after consultation with the Central Government or, if no such agreement is entered into within two years of the appointed day, as the Central Government may by order determine having regard to the purposes of the project. Harit Pradesh made several representation before the Central Government but the Central Government for one reason or the other did not take steps to determine finally the rights of the Plaintiff in respect of the Project. In the absence of any such final determination by the Central Government, the power generated is being shared by an ad hoc arrangement. After deducting the power consumed for auxiliary purposes and the transmission losses, the Harit Pradesh is given 7.19% Power free of cost. Harit Pradesh has filed a petition under Article 131 against Union of India, State of Sattal and State of Narvana claiming 12% share in power generated from the project and also for recovery of compensation for the deficit of power supply (12% - 7.19%) from 1970 to 2020. Decide the maintainability of suit and whether the suit is barred by delay and laches.

- 6) XYZ Ltd is a Company incorporated under the Companies Act. It trades in imported and Indian coal. The Finance Act, 2010 had levied Clean Energy Cess which was in the nature of a duty of excise on the production of coal and was being collected at the time of removal of raw coal, raw lignite and raw peat from the mine to the factory. The Constitution (One Hundred and First Amendment) Act, 2016 introduced



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Goods and Service Tax in India. Section 18 of the Amendment Act provided for Union's liability for compensation to the States for the loss of revenue on account of GST. After introduction of GST, several cesses including Clean Energy Cess were repealed. Company submitted a representation to the GST Council seeking set off of Clean Energy Cess against GST Compensation Cess. Company claims that the imposition of cess is beyond the legislative competence of the Parliament on the ground that there is no entry in List I or List III which authorises the Parliament to levy such cess nor there is any power to levy such cess in the Amendment Act or Article 246A. Discuss and decide.



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LL.M-ONE YEAR COURSE
Subject – Fundamental Rights and Directive Principles

Time – 1 ½ Hour

Maximum Marks – 40

Part - A

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

- 1) Limits of Fundamental Rights and State Control
- 2) Right to Property and Human Agency Right to Property and Human Agency

Part – B

Attempt any two questions. Each question carries 15 marks.

- 3) In the year of 2019, Prime Minister of Democratic Republic of Norden announced the completion of the draft on human genome project and said, *“I believe one of the great truth to emerge from this triumphant expedition inside the human genome is that in genetic terms, all human beings, regardless of race, are more than 99.9 % the same.”* After few years from that project, a company came up with a medicine used to dilate blood vessels, important in treatment during heart failure. The medicine is advertised as “race-medicine”, prescribed specifically for “black” people. Its wrapper shows photo of a “black” patient. The company claims the scientific reason behind such specifications. The same also got governmental approval and is now ready for its launch. A Human Rights Equality group files a *letter of objection* (PIL) in a Supreme



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Time – 1 ½ Hour

Maximum Marks – 40

Court of Norden. They challenged it on the ground that said medicine is unconstitutional and will promote evil of racialism. You are the Judge to the case, as student of Fundamental Rights (Directive Policies) Philosophy how are you going to deliver justice? Write your answer following the circulated readings and class discussions.

- 4) The basic universal constitutional philosophy says there shall not be any discrimination on the basis of body, gender, sex, color, caste and religion. In this context it is the basic right of every individual to approach any one to marry with mutual consent. It is recently observed that during COVID Pandemic the business of matrimonial and dating websites has increased. Considering the business boom, a company named 'Heavenly Match' has introduced its new website, specifically for persons with disabilities. The idea is based on the thought that it would bring "compatibility" to disabled people. Further, from the Constitution's textual point also it is valid. But such ideas results in construction of arbitrary binaries and divide humanity into body-politics. Thus, it is against the constitutional spirit or its morality. While articulating from the postmodernist constitutional perspective write a critical note on the proposition. Substantiate your answer with logical reasons.
- 5) In a liberal welfare democracy of Westana, one of the directive principles is about state's responsibility towards utmost



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Time – 1 ½ Hour

Maximum Marks – 40

happiness of its people. There is a long pending demand from the people to reserve a location for 'stateless-state'. The idea is about reserving a particular location, where fixed number of people (on the basis of permit) can stay without any state regulation including no law, no police. It is a place where people can do whatever they want. In fact, if one wants to experience cannibalism, can do the same with free and voluntary consent. The location will be open only for three months in a year and interested people can file their application after duly depositing the good amount of money. Further, people are supposed to fill a *consent* form stating- they themselves will be responsible for anything that may happen to them. Further, during their stay at the location they will not communicate with the outside world, and will not carry any mode of communication including cellphone etc. They are also prohibited from carrying anything for audio/video recording or photography purpose. Further, they are also prohibited to disclose any *bad* experience from their stay. The idea is what ever happen there, must stays there.

From state's point of view the proposal is utilitarian in nature, as firstly it is generating good revenue. Further, there is an apprehension that all "bad" (who don't like to follow law) people will wish to go there and this way state will not be overburdened (with law and enforcement measures) for at least three months.



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As a government representative how do you analyze the proposal?
Elaborate your answer while thinking about individual autonomy, freedom.

- 6)** Miss Dazy is seventy nine year old person, living alone in a rented apartment in city of Aflatun. Recently the city has been plagued by a rare and dangerous disease, which had spread like wildfire in all segments of the population. The disease had a particularly fatal impact on older people. In order to control the spread of the disease government has imposed restriction on right to freedom of movement of senior citizens. Such restrictions caused serious concern for women like Dazy, who is living alone. Because there are no arrangement for getting medicines and daily necessities. As a result Dazy suffered starvation and ultimately (because of weakness) suffered a paralytic attack. Now, she wants to file a case against the government, as she contends that state has failed in its responsibilities and didn't consider the old people. According to her, by forcing her to starve state has violated her right to life. She has approached you as her lawyer. How do you assist her? Develop your answer in light of Henry Shue's model of basic rights.