

**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB
MOHINDRA KOTHI, THE MALL, PATIALA - 147 001**



**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: PRINCIPLES OF LEGISLATION
AND INTERPRETATION OF STATUTE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) Differentiate between interpretation and construction.
 - (ii) Explain 'intention of the legislature'
 - (iii) What is the consequence of repeal of a Statute?
 - (iv) Can a Statute be given retrospective operation?
 - (v) Write a short note on 'Headings and Marginal Notes as an aid to construction.'

- (vi) Statutes in *Pari materia*
- (vii) Explain the Rule of Conclusive Evidence.
- (viii) Underline the importance of “Non Obstante Clause”
- (ix) Explain the principle of Eclipse
- (x) Write short note on “Doctrine of Colorable Legislation”

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) “The words of a Statute are first understood in their natural, ordinary or popular sense unless there is something contrary in the context or object.” Explain.
- (ii) When the rule of Harmonious construction can be applied? Discuss in the light of relevant case law.

Unit (II)

- (i) What is the rule of strict construction of penal statutes? Explain with suitable judicial pronouncements.
- (ii) Explain with the help of decided case law, the vicarious responsibility in statutory offences.

Unit (III)

- (i) Discuss the role of provisos and illustrations as an internal aids to construction.
- (ii) “The assistance of foreign decisions is subject to the qualification that prime importance is always to be given to the language of the Indian Statutes.” Explain.

Unit (IV)

- (i) What is “exclusion of jurisdiction of superior courts.” Explain.
- (ii) What is the test for determining whether a provision in a Statute is directory or imperative? Discuss.

Unit (V)

- (i) What is the distinction between conditional and delegated legislation?
- (ii) Discuss in detail the principle of prospective overruling with the help of decided cases.

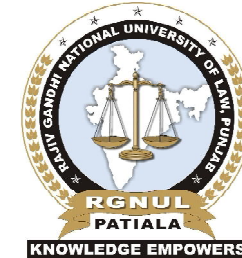
Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) What is the doctrine of *Ejusdem Generis*? Discuss the exceptions where the rule is not applicable. Also refer the relevant case law.
- (ii) Discuss the importance of preamble as an aid to construction. Is preamble necessary part of every constitution? Explain.
- (iii) Explain the role and the application of *Redendo singalis*?
- (iv) What is strict construction of statutes? Also explain with the help of case law whether strict construction can be applied in construing the Taxing Statutes and how?

- (iii) Draft a Petition for quashing an FIR.
- (iv) (i) Draft a Lease Deed
- (ii) Draft a copy Right Agreement

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B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: DRAFTING, PLEADING AND
CONVEYANCING
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What do you mean by 'Habendum'?
 - (ii) Define 'Operative Part'
 - (iii) Explain the Term Covenants
 - (iv) Explain the meaning of Recitals, Give the kinds of Recitals
 - (v) Explain the Term 'Testatum'
 - (vi) Define 'Hire Purchase Agreement'

- (vii) What do you mean by Hypothecation Deed?
- (viii) Define 'Promissory Note'. Also Draft a Promissory Note..
- (ix) Explain 'Cross Objections'
- (x) What do you mean by an affidavit?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Mr. 'X' entered in to an agreement to sell his property one house bearing number 6 situated in Sector 4, Mohali to Mr. 'Y' for a consideration of Rs. 20 Lac vide Agreement to sell dated 15/7/2009. A sum of Rs. 20 Lac is paid as earnest money by Mr. 'Y' to Mr. 'X' and the balance is agreed to be paid on or before the 13th day of November 2009 at the time of execution and registration of the sale deed. Mr. 'X' failed to perform his part of the contract and refused to execute the Sale Deed despite the expiry of the stipulated period fixed for the execution and registration of the sale deed. Draft a Plaint on behalf of Mr. 'Y' against 'X' claiming the appropriate relief available under the law.
- (ii) Draft a Petition Under Section 13 of the *Hindu Marriage Act* there by seeking a Relief for Dissolution of Marriage by a Decree of Divorce on behalf of the wife on the grounds of Cruelty and Desertion.

Unit (II)

- (i) Discuss in detail how the Summons are issued to witnesses and accused. Explain the procedure thereof and also Draft separately the forms in which such like summons are issued.

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- (ii) Draft a Bail Application for grant of Bail in a Non Bailable Offence.

Unit (III)

- (i) What do you mean by Caveat Application? Draft a Caveat application to be filed before High Court.
- (ii) The Plaintiff files a suit for Possession of a agriculture land before Civil Judge which was dismissed with Costs. The first appeal filed by him was also dismissed by First Appellate Court. Draft a Regular Second Appeal.

Unit (IV)

- (i) Draft a Partition Deed in respect of Partition of a House which can be partitioned by Metes and Bounds amongst four Co-Sharers giving them separately their respective shares.
- (ii) Draft a General Power of Attorney on behalf of Mr. 'A' in favour of Mr. 'B' there by empowering him with all the powers to manage his movable and immovable properties including the alienation of the properties by way of Mortgage, Lease, Sale and in any other manner what so ever.

Unit (V)

- (i) Explain the Detail the component Parts of a Deed?
- (ii) What do you mean by Registration of a Deed. Explain from which date a deed which needs compulsory registration shall be operative?

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) What do you mean by Counter Claim and Set Off? Distinguish.
- (ii) What is the Distinction between the appeals from orders and the appeals from Original Decrees.

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: HUMAN RIGHTS:
INTERNATIONAL AND REGIONAL
PERSPECTIVE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) Two points of differences between Universal Declaration of Human Rights and the International Covenants
 - (ii) Three specific doctrines of International Labour Organization
 - (iii) Name the headquarters of Amnesty International and total members
 - (iv) Total membership of OAU (Organization of African Union) and the present country-chairman

- (v) Relevance of Vienna Convention
- (vi) Define cultural Relativism
- (vii) Name any five members of OAS (Organization of the American States)
- (viii) Elaborate the number of original signatories of UN Universal Declaration HR's 1948
- (ix) Recent meeting of the Leagues of Arab States and whether Libya and Sudan are members of this League
- (x) Mention four important agenda's of last ASEAN meeting

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Examine the growth of Human Rights under the League of Nations.
- (ii) Critically examine the provisions of International Bill of Human Rights.

Unit (II)

- (i) United Nations and the protection of Human Rights in the present context.
- (ii) Write a detailed note on Human Rights Watch.

Unit (III)

- (i) Analyse the major areas of comparison between the Banjul Charter and the Universal Declaration of HR's.
- (ii) Evaluate the structure of African Commission, Org., Functions and its relevance in the present context.

Unit (IV)

- (i) Discuss the various provisions of the Council of Europe (COE) Human Rights.
- (ii) Make a critical evaluation of the European System in the context of Human Rights.

Unit (V)

- (i) Analyse the various aspects of the provisions of Human Rights under the League of Arab States and Human Rights.
- (ii) What are the efforts made towards the establishment of Asian Human Rights System.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Elaborate the efforts of International Community of the Red Cross (ICRC) for protection of Human Rights.
- (ii) Write a detailed note on the American Declaration on the Rights and Duties of Man, 1948.
- (iii) Analyse critically the evaluation and features of the European Social Charter.
- (iv) Examine the role of ASEAN and SAARC to promote Human Rights awareness.

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: HUMAN RIGHTS: NATIONAL
PERSPECTIVE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What are the major points of difference between Articles 32 and 226?
 - (ii) Name three in Chairpersons of National Human Rights Commission
 - (iii) Name four important Countries where Ombudsman originated
 - (iv) What is Amnesty International?
 - (v) Define the concept of Physical Accessibility

- (vi) Main judicial aspects of Human Rights Commission Bill 1992
- (vii) Main features of Civil Liberties Union 1930
- (viii) Give specific blames of Sexual Harassment at work place
- (ix) What were specific charges of exploitation of Children by Great Roman Circus?
- (x) What are the specific provisions of *Special Army Act* in force in some states of North-East India?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Critically examine the role of State Human Rights Commission.
- (ii) Discuss the Composition, Nature and Jurisdiction of Human Rights Courts.

Unit (II)

- (i) Discuss the various aspects of Economic and Social Council.
- (ii) Give the features of Specialized Institutions and Ombudsman. What are the major points of difference between them?

Unit (III)

- (i) Discuss the legal, operational, financial autonomy of National Human Rights Institutions.
- (ii) To what extent (NHRIs), have been effective in their corporation with Non-Governmental Organizations.

Unit (IV)

- (i) Discuss the various aspects of the People's Union for Civil Liberties and Democratic Rights, 1975.

- (ii) Discuss the composition and powers of National Human Rights Commission of India.

Unit (V)

- (i) Under what circumstances, a man can be send to Judicial Custody.
- (ii) Highlight the different clauses under which Bonded Labourer is defined with special reference to Power loom factory case Distt. Periyar, Tamilnadu.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Critically review and evaluate the National Human Rights Institutions in the light of their democratic nature, powers to investigate, procedures and Transparency.
- (ii) Discuss briefly various provisions in the constitution of India, which provides for safeguarding of Human Rights.
- (iii) Discuss various rulings of the H.C. and S.C, which had deep impact on Human Rights Movement in India.
- (iv) Examine various significant cases related to Suicide of Farmers, death in judicial and Political custody.

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: CYBER CRIMES AND IT
OFFENCES
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What is meant by term Cyber?
 - (ii) What are various Cyber Crimes under the *IT Act*?
 - (iii) Distinguish a Trojan from a Logic Bomb
 - (iv) What do you mean by Salami Attack?
 - (v) What is meant by Source Code, what offences related to it can be committed?

- (vi) What is an ISP?
- (vii) Define Cyber Impersonation
- (viii) What is Decryption?
- (ix) Mention International efforts to combat Cyber Terrorism made so far, in brief
- (x) Which procedure is to be followed for reporting Cyber Crimes at International level?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Who is Cyber Citizen, give his/her Etiquettes and responsibilities in brief? Explain with the help of relevant statutory provision.
- (ii) What is a Cyber Crime, how *Mens Rea* in case of Cyber Crimes can be established?

Unit (II)

- (i) What is the scope of Section 67, in case of pornography?
- (ii) Anoushka Shanker's e-mail account is hacked by Junaid an old friend, he attempts to blackmail her using her photographs, what is his liability?

Unit (III)

- (i) Give case study of Bazee.com.
- (ii) Is Section 77 Constitutionally valid or there is a conflict with Article 20(2) of the Constitution of India?

Unit (IV)

- (i) Who is Cyber terrorist, what punishments are prescribed for him/her?
- (ii) What is the government's power to authorize, monitoring and collecting of Traffic data or information for Cyber security?

Unit (V)

- (i) What is computer generated Evidence and its admissibility (Section 65-A and 65-B *Indian Evidence Act*)? Arushi Talwar's mobile is traced after 15 months, can retrieval of data in it be used as evidence against the accused?
- (ii) Why investigative officers are required to undergo rigorous training in Computer Forensics these days?

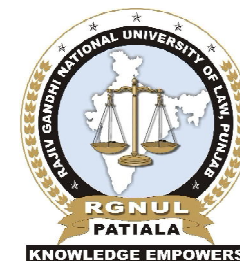
Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Yogesh living in Hong Kong has published a defamatory statement against his former employer's Pneumatics in U.S. through a blog of a network Service provider, it is read by informatics and TPS Consultancy dealing with Pneumatics in India, which court will have jurisdiction in the case and why?
- (ii) Computer is used for conventional as well as economic crimes freely, give various types of Crimes. Whether the present remedies are sufficient?
- (iii) Give the objectives of *Information Technology (Amendment) Act, 2008*, can they be achieved?
- (iv) What endeavors at global levels are required to regulate Cyber Space?

- (iv) Losses suffered by a person due to wrong sanction of the loan
- (v) Charging of excessive rate of interest
- (vi) Loss of cheque deposited for collection
- (vii) Can the consumer forum pass orders contrary of RBI directions? Explain.

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DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: BANKING LAWS
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) Define the term 'Hacking'
 - (ii) Define draft and explain its salient features in brief
 - (iii) Write short note on role of Reserve Bank of India as banker to the government
 - (iv) "A minor may draw, endorse, deliver and negotiate such instrument so as to bind all parties except himself." Explain.
 - (v) What is credit card and debit card?

- (vi) Explain in brief the criminal liability of the drawer for dishonour of a cheque
- (vii) Explain the term DEMAT of shares and its benefit
- (viii) Write a short note on function of Regional Rural Banks
- (ix) Define the crossing of a cheque and explain its significance
- (x) Explain the term Noting and Protesting

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Describe in detail the functions of Commercial Banks.
- (ii) Explain the difference between
 - (a) Co-operative Bank and Commercial Bank
 - (b) Banking and Money lending

Unit (II)

- (i) What are the presumptions as to negotiable instruments? Enumerate in detail.
- (ii) RBI is the lender of the last resort. Explain in detail.

Unit (III)

- (i) What is the distinction between “Holder” and “Holder in Due Course”?
- (ii) What is a “Payment in Due-Course”? Give three examples of payments not made in due course.

Unit (IV)

- (i) What is the effect of material alteration in a negotiable instrument? Give three examples of material alterations.

- (ii) “A banker is required to observe strict secrecy in regard to his customer’s account”. Explain. There are however exceptions to this rule, enumerate all such exceptions.

Unit (V)

- (i) Write short notes on
 - (a) Tele Banking
 - (b) Net Banking
 - (c) Electronic Fund Transfer
- (ii)(a) Discuss the consumer forum powers of setting aside ex-parte order in banking matters.
- (b) Explain the nature of orders passed by the Consumer Courts.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) State and explain the protection offered by the *Negotiable Instrument Act*, 1881 to the paying bank and collecting bank.
- (ii) Make a detailed comparison between Bill of Exchange, Promissory Note and Cheque.
- (iii) Explain the role of banking institutions in the socio-economic development of the country.
- (iv)(a) Explain the objectives of the *Consumer Protection Act* as applicable to banking facilities.
- (b) Which of the following banking issues can be considered by consumer forums.
 - (i) Improper closing of a account
 - (ii) Acts of omission and commission done by the bank
 - (iii) Responsibility of the bank to rehabilitate the sick units

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: FUNDAMENTALS OF
INTELLECTUAL PROPERTY LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What is the difference between corporeal and incorporeal property?
 - (ii) Briefly discuss the utilitarian theory of Intellectual Property
 - (iii) What is the mission of WIPO?
 - (iv) What are the advantages to India for being a member of WIPO?
 - (v) What is the term of protection of patents under the TRIPs Agreement?

- (vi) What are the aims and objectives of TRIPs Agreement?
- (vii) Briefly discuss the remedies available for enforcement of Intellectual Property Rights under TRIPs
- (viii) Discuss the protection of computer software as Intellectual Property
- (ix) Explain the advantages of licensing the Intellectual Property
- (x) Briefly discuss the concept of 'right'

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Define Intellectual Property. Discuss the need to protect the Intellectual Property.
- (ii) What are the types of Intellectual Property? Explain the difference between Designs and Patents.

Unit (II)

- (i) What is the function and role of WIPO Arbitration and Mediation Centre?
- (ii) Explain in detail the General Agreement of Trade in Services.

Unit (III)

- (i) Discuss the principle of Most Favoured Nation (MFN) Treatment.
- (ii) Explain trademark protection as provided under TRIPs.

Unit (IV)

- (i) Explain the difference between Dispute Prevention and Dispute Settlement.

- (ii) Write a note on India's obligations under TRIPs.

Unit (V)

- (i) Define Trade Secrets. Discuss the importance of Trade Secrets.
- (ii) Explain the securitization of Intellectual Property.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) Discuss in detail 'cloning and the issues regarding its protection'. Also explain the issues regarding the protection of plant genetics.
- (ii) What are the functions of World Trade Organization (WTO)? Discuss the mechanism of Dispute Settlement of WTO with case-laws.
- (iii) Discuss the Intellectual Property Insurance in detail.
- (iv) What are the issues regarding protection of Intellectual Property in pharma sector?

- (iii) “The currency notes contained phenolphthalein power and the finger of the accused on being dipped into the solution of sodium carbonate turned pink.” Is it proper to convict the person under the aforesaid situation? Discuss it with reference to the relevant provisions of the *Prevention of Corruption Act, 1954*.
- (iv) What are the objectives and salient features of *Transplantation of Human Organs Act, 1994*? Enumerate some of the reasons as to why there exists market for the sale and purchase of human organs notwithstanding the existence of *Transplantation of Human Organs Act, 1994*?

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B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: SOCIO-ECONOMIC OFFENCES
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks**.
- (i) What is the scope of Socio-Economic Offences?
 - (ii) Define ‘White Collar Crime’
 - (iii) Define the term ‘Atrocity’
 - (iv) What is the penalty for giving dowry?
 - (v) Discuss in brief the offences by Officer of Customs under Section 136 of the *Customs Act, 1962*
 - (vi) Define ‘Money Laundering’

- (vii) What is meant by Confiscation of Improperly Imported Goods?
- (viii) Discuss in brief Summary Trial under the *Prevention of Corruption Act*, 1988
- (ix) Whether the Magistrate has power to reduce the punishment of the accused under the *Drugs and Cosmetics Act*, 1940
- (x) Explain Presumption of Culpable Mental State

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Write a note on Emergence of Socio-Economic Offence.
- (ii) How Therapid Industrialization has led us to discover new modes of White Collar Crime?

Unit (II)

- (i) At the time of marriage, some customary gifts including clothes, ornaments and money had been given by the parents to the bride 'A'. Unfortunately after one year of marriage, she was turned out by her husband without returning those customary gifts despite repeated demands made by 'A'. Now whether her husband can be made liable for the criminal breach of trust? Give reasons to support your answer.
- (ii) There is already S. 498 incorporated in Indian Penal Code to deal with the cruelty to married woman by her husband and her husband's relatives, then what is the objective of *Domestic Violence Act*, 2005? Critically examine it.

Unit (III)

- (i) Which authority is empowered to conduct the trial of offences under the *Customs Act*, 1962?

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- (ii) What type of initiatives have been taken by the International Community to obviate the threat of money-laundering?

Unit (IV)

- (i) Discuss the liabilities of manufacturer under the *Prevention of Food Adulteration Act*, 1954.
- (ii) A seller is found having in possession of some drugs. There is no proof or evidence on the part of prosecution that those drugs had been kept by the seller for the purpose of distribution or sale. Whether the seller can be made liable for prosecution under the *Drugs and Cosmetics Act*, 1940.

Unit (V)

- (i) The object of enacting the provision of Section 3 of the *Essential Commodities Act*, 1955 is to ensure that the Essential Commodities are made available to the citizens at reasonable rate and that the same may be equitably distributed. Comment.
- (ii) Discuss the legal provisions relating to preservation of Human Organs after the removal from the body of any person.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) "Socio-Economic Offences should be left to be dealt with by special and self-contained enactments which supplement the basic Criminal Law." In the light of above statement discuss the merits and scope of codification of Socio-Economic Offences.
- (ii) "The evil of dowry system has been a matter of serious concern to everyone in view by the ever increasing and disturbing proportion." Evaluate the role played by the apex court for the prohibition of dowry with the help of case laws and also suggest how effectively we can control it.

Contd.....P.4

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: FOUNDATIONS OF HUMAN
RIGHTS: HISTORICAL, PHILOSOPHICAL
AND THEORETICAL PERSPECTIVE
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**

Explain the following terms:

- (i) The Bill of Rights (1689)
- (ii) *Dharma*
- (iii) Utilitarianism
- (iv) *Sulh-i-Kul*
- (v) *Vasudeva Kutumbakam*

- (vi) *Satyagraha*
- (vii) *Swadeshi*
- (viii) Positivism
- (ix) Neo-Buddhists
- (x) Third Generation Human Rights

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) What do you know about the role of democratic movements in the history of Human Rights?
- (ii) Write a short note on the Atlantic Charter.

Unit (II)

- (i) “The history of Human Rights would be incomplete without tracing their sources in the history of plural religions spreading universal values and sustaining social systems.” Explain.
- (ii) What do you know about the Relativist Approach to Human Rights?

Unit (III)

- (i) How far do you agree that utilitarian philosophy leaves liberty and rights vulnerable to contingencies and risks?
- (ii) Discuss the basic tenets of Cultural Relativism?

Unit (IV)

- (i) Critically evaluate the growth and consolidation of Human Rights Movement in Ancient India?

- (ii) Discuss the role of Islam in the protection and promotion of Human Rights Values.

Unit (V)

- (i) What do you know about B.R. Ambedkar’s contribution in protecting Human Rights of the Dalits?
- (ii) Discuss the rights emphasized in the Nehru Committee Report and their significance in understanding human rights.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) (a) What are the provisions relating to Human Rights in the United Nations Charter?
- (b) Mention the provisions relating to life, liberty and equality in the Universal Declaration of Human Rights?
- (ii) Critically evaluate the influence of Marxism on human rights concepts.
- (iii) “The role of justice is crucial to understanding human rights” explain this statement in the light of Rawlsian theory.
- (iv) Throw some light on the philosophy of Human Rights under the Constitution of India.

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**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: GENERAL PRINCIPLES OF
CRIMINAL LAW
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**

Write notes on the following:

- (i) Subjective theory of Criminal Liability
- (ii) Distinction between Morality and Crime
- (iii) Defence of Necessity as provided in Section 81 of IPC
- (iv) Criminal Liability of medical professional for rash or negligent act where death results from *actus reus* of medical professional
- (v) Position of impossible attempt in Criminal Law

- (vi) Distinction between “Common Intention” and “Common Object”
- (vii) Solitary confinement
- (viii) Object of sentence hearing
- (ix) Duties of Probation officer
- (x) Justification for preferential Treatment to Juveniles in conflict-with-law

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) What do you understand by *Actus Reus*? Discuss its basic features.
- (ii) Define Crime and discuss its nature. How it is difficult to define Crime?

Unit (II)

- (i) What do you understand by “Strict Liability”? Referring to statutory examples and case law, explain the offences of strict liability.
- (ii) Discuss the defence of compulsion and suggest some amendments in the section to improve the defence of compulsion.

Unit (III)

- (i) What do you understand “Inchoate offences”? Why penal intervention is there in such offences?
- (ii) Define the offence of criminal conspiracy and discuss how it is different from abetment by conspiracy?

Unit (IV)

- (i) Tracing the position of death punishment from independence till today, discuss its position in present context.
- (ii) Discuss the position of Pardon in Criminal Jurisprudence. Is this power subject to judicial review?

Unit (V)

- (i) What are the treatment options that can be applied when a Juvenile is found in conflict with law?
- (ii) Who is a victim of an offence? Discuss its place in Criminal Justice System in India.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) “A person is answerable for direct or immediate consequences of his *actus reus*.” Discuss the statement explaining what consequences can be treated as direct. What is the position of a person’s liability when there is intervention between cause and effect in cases of culpable homicide cases.
- (ii) What are the circumstances when there is no right of private defence? Is there a duty to retreat? Can a person claim right of private defence in case of free fight?”?
- (iii) What do you understand by vicarious liability? What is the justification for that? Discuss the concept of vicarious liability in reference to Section 34 of IPC.
- (iv) Discuss various theories of punishment. Which theory is most appropriate to deal with punishment in cases of violent crimes and organized criminality?

**RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB
MOHINDRA KOTHI, THE MALL, PATIALA - 147 001**



**B.A., LL.B. (HONS.) FYIC
DECEMBER - 2009
SEVENTH SEMESTER
SUBJECT: LAW RELATING TO COPYRIGHT
TIME DURATION: THREE HOURS
MAXIMUM MARKS: EIGHTY (80)**

Note: The Question Paper consists of **Three Sections - A, B and C.**

Section (A)

- (1) Attempt **All Questions** from this Section. Each question carries **2.5 marks.**
- (i) What is the objective of Copyright Law?
 - (ii) What is the constitution of Copyright Board?
 - (iii) What is the term performer's copyright over his performance?
 - (iv) Who can apply for the registration of the Copyright?
 - (v) Give the decision given in Gramophone Company of India Ltd. v. Super Cassette Industries Ltd. 1996 PTC (16) 252 Del.
 - (vi) Is a guide to a textbook an infringement of the Literary Work?

- (vii) Sec. 52-A provides for certain particular to be displayed on the sound recording and video cassettes and on any container thereof. What is the penalty for contravention of sec. 52-A?
- (viii) Give the decision given in *Mirabhai Films Pvt. Ltd. v. Siti Cable Network* (2003) 26 PTC473 (Del.)
- (ix) What is the significance of Berne Convention?
- (x) What is the objective of Rome Convention, 1961?

Section (B)

- (2) Attempt **One Question** from each **Unit** of this Section. Each Question carries **6 Marks**.

Unit (I)

- (i) Can a person other than the author be the first owner of the Copyright? Explain with the help of relevant statutory provision.
- (ii) Give the “facts” and “decision” given in *Amar Nath Sehgal v. Union of India* (2005 (30) PTC 253 (Del))

Unit (II)

- (i) Explain Statutory provision with respect to compulsory licence in unpublished work.
- (ii) What is the mode of valid assignment of Copyright?

Unit (III)

- (i) Give the “facts” and “decision” given in *Neha Bhasin v. Anand Raj Anand* (2006) 32, PTC 779 (Del.)
- (ii) What do you mean by “infringing copy” as defined under the *Copyright Act, 1957*?

Unit (IV)

- (i) Explain the power of police of seize “infringing” copies.

- (ii) Explain the statutory provision of appeal against the orders of Registrar of Copyright.

Unit (V)

- (i) Enumerate the “works” protected under the Berne Convention.
- (ii) What are the rights of Broadcasting organization under the Rome Convention, 1961.

Section (C)

- (3) Attempt any **Two Questions** from this section. Each question carries **12.5 marks**.

- (i) What do you mean by “Work” under the Copyright Act, 1957? Is computer programme in a cell phone a “work” under the Copyright Act, 1957?
- (ii) Explain the “acts” which do not constitute infringement of Copyright.
- (iii) Enumerate and explain different civil remedies against infringement as provided under the Copyright Act, 1957.
- (iv) Explain provisions with respect to the rights of Broadcasting organization and of performers under the Copyright Act, 1957.