



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, June 2022

Paper Code: LB-801

Subject: Media Law (including Right to Information)

B.A./B.B.A. LL.B. 8th Semester2nd June, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. 'The Don' is a reality show with adult content, which was broadcasted on a private channel owned by the media house Counterword Pvt. Ltd. 'The Don' was telecasted on a private channel during prime time for an hour 7 pm to 8 pm against the code/regulations framed under the specific legislations. Decide what action can be taken, under which regulations and against whom?
- B. The Press Council of India come across through various news reports that some journalists are trying to build a narrative about a sensitive case of rape and murder. A leader of ruling party had threatened these journalists. The leader said *"ABC media journalists had created a wrong narrative regarding the XYZ rape and murder case. They must draw a line so that brotherhood in the State remains intact and we also join the journey of development. It is better to control yourself before the situation gets worse"*. Whether the Press Council of India can take *suo-moto* action in such cases. Critically evaluate the role of Press Council of India in reference to code of ethics and *suo-moto* proceedings.
- C. Unable to secure a judgment in favour of his client, a practicing advocate Rana Parvez gave an interview to local newspaper 'Ujala' published at Bikaner, where he said about imputing motives to the judge decided the matter against his client. Mr. Rana said the judgment is biased of political nexus; it is also affected by corrupt judicial practice and being trash to be thrown in dustbin. The District Bar Association of Bikaner filed a case of contempt of court against Mr. Rana for scandalizing the court and impairing confidence of public in court during his interview to the press he also passed certain derogatory personal remarks against the sitting judge who decided the case against his client.
On the basis of above facts with the help of relevant judicial pronouncement explain the criteria for determining a case of contempt of court as well as defamation.
- D. What is the process for taking a decision on granting partial access to a record under RTI Act, 2005? Who is the authority to make this decision within a public authority?

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2** “Roznama” is the leading newspaper of State of Bharat having more than 50000 copies of circulation every day. The State of Bharat issued an executive order, whereby directed to deduct 5 per cent amount of total bill of advertisement from the newspapers having circulation above 25000 copies. The deducted amount would be utilized for public welfare purposes. The newspaper ‘Roznama’ challenged the order on the ground as restriction on freedom of press guaranteed by the constitution.
- Q.3** A public utility company **BoCaRo** is an advertising agency providing services to the entertainment industries as well as to the consumers looking for various services. The **BoCaRo** published a magazine called **Blue Print Info** to provide the information about various services offered by the different sectors with their advertisements, including address and telephone numbers. The publication of **Blue Print Info** was challenged by the Telecom Department claiming monopoly to publish the telephone directory for which license from specific authorities under specific legislations are essentially desired. Decide with the help of decided cases.
In relation to above proposition, explain the concept of “Commercial Speech” with the help of decided case laws.
- Q.4** What is the criteria of designating a body/institution as a Public Authority under the RTI Act? Is the office of the Chief Justice of India (CJI) a public authority under the RTI Act? Explain with the help of decided case law.
You, being an employee of a XYZ corporation, which is a Public Sector Undertaking (PSU), want to file an RTI application to seek details about a particular meeting of another PSU that is concerned with the business development proposals of that PSU, by exercising your statutory right to information under the RTI Act, 2005. However, the law under which that Public Sector Unit has been constituted does not allow access to such information. Will such information have to be given under the RTI Act? On what grounds can the organisation refuse to disclose the concerned information? Give your answers in the light of relevant provisions of the RTI Act, 2005.
- Q.5** “Legislative privilege stemmed from special Constitutional laws and in the event of a conflict Article 19(1)(a) would have to yield to Articles 105 and 194 i.e. Parliamentary Privilege has upper hand over Article 19(1)(a).” In the light of above statement with the help of relevant case laws, critically evaluate the right of the media to report legislative proceedings in India.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, August 2022

Paper Code: LB-802

Subject: Intellectual Property Rights-II

B.A./B.B.A. LL.B. 8th Semester2nd August, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. Summarize the criterion for registration of plant varieties with exceptions mentioned under Protection of Plant Varieties and Farmer's Right Act, 2001.
- B. Discuss the course of paradigm shift from "*Doctrine of Sweat of Brow* to *Modicum of Creativity*" with special reference to Land mark case laws.
- C. Copyright is described as a bundle of rights. Explain in detail the rights of owner in literary work and cinematograph films forming the above bundle. State three-four important exceptions to infringement in section 52 of Copyright Act.
- D. An invention may satisfy the condition of novelty, inventiveness and usefulness but it may not qualify for a patent. Discuss. Who checks the novelty features of the invention?

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2 'RST CO.' invented liquid form of the drug 'AMOXY'. The drug is available in the market in tablet form as a generic drug, used as antibiotic. The liquid form 'AMOXY' could be taken with the help of dropper and was easy to use in kids. It had the same effect as that of tablet 'AMOXY'. 'RST CO.' applied for a patent for "SYRUP FORM AMOXY". 'EFY CO.' opposed the application on the grounds that it is a non-patentable invention. Decide the case on the basis of provisions of Patent Act and judicial decisions.
- Q.3 Meenakshi conceived an idea of TV Programme 'Serious-laughter series' in which some of the best comedians of India and abroad will take up social issues in a funny manner to sensitize public. She gave a concrete shape to the idea and made a concept note and shared it with a renowned producer of TV programmes, in strict confidence for the purpose of making a TV show and kept waiting for his reply. After some time, she found that a TV show titled "Best

laughter Medicine” prepared by same producer was being aired by his channel was substantially based on her detailed concept note. She filed a suit against him alleging that that he has violated her copyright in the concept note and also breached the confidence. Discuss the remedies available to her and decide, referring to recent judicial pronouncements.

- Q.4** A company XYZ, situated in West Bengal develops a process for the manufacturing of its products that allows it to produce its goods in a more cost-effective manner. Such a process provides the enterprise a competitive edge over its competitors. The said company in question may therefore value its know-how as a trade secret and would not want competitors to learn about it. In such circumstances discuss the rights and remedies conferred by trade secrets law framework.
- Q.5** Hypothetically, you are setting a new vegan shakes manufacturing company with new and innovative machineries and recipes. You plan to use your knowledge of IPR to safeguard your new company from other budding companies in the same field. Describe in details, what all rights you will register and how you will benefit out of it. Enumerate steps your company should take to protect the trade secrets involved with help of case laws.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, August 2022

Paper Code: LB-803

Subject: Environmental Law

B.A./B.B.A. LL.B. 8th Semester4th August, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. “Any change in basic environmental elements is hazardous for life and violates Article 21 of the Constitution of India”. Discuss in the light of the holding of the Himachal Pradesh High Court in the case of *Kinkri Devi v. State of H.P.*, AIR 1988 H.P.4
- B. More than fifty industrial units in Baddi area of Himachal Pradesh were manufacturing castor oil and its derivatives. During its manufacturing process, untreated hazardous wastes were discharged in river. X an NGO approached Himachal Pradesh High Court under Article 226 of Constitution alleging that the discharge of untreated hazardous waste polluted the entire surface and subsoil of river, thereby, resulting in non-availability of potable water to residents of that area and thus the **Polluter Pays Principle** be applied against the offending industries. Decide with the help of case law.
- C. M/S Jyoti Industries applied for a consent order to the Himachal Pradesh State Pollution Control Board (HPSPCB) to start tyre retreading factory under the Air Prevention and Control of (Pollution) Act, 1981. The HPSPCB, after making necessary enquiries, granted the consent order subject to a condition that the industry shall follow the cold-retreading tyre process in order to ensure no air pollution was caused. Discuss the legality of consent order passed by HPSPCB by discussing the main provisions of Air Prevention and Control of (Pollution) Act, 1981.
- D. Write short notes on the following:
 - i. Biomedical Waste Rules, 2016.
 - ii. Solid Waste Management Rules, 2016.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2** Is principle of absolute liability for damage caused as a result of handling of hazardous substances codified in our country? How does it differ from principle of strict liability? Discuss in the light of decided cases.
- Q.3** What do you mean by Precautionary Principle? What is the difference between Precautionary Principle and Assimilative Capacity Principle? Does Precautionary Principle shift the onus of proving environmental benign nature of the developmental activity from those who challenge the developmental activity to author of developmental activity? Discuss in the light of decided cases.
- Q.4** Discuss the jurisdictional scope of National Green Tribunal (NGT) in dealing with the legal rights of people pertaining to the environment and providing relief and compensation for damages to environment. What are the principles NGT is expected to apply while passing orders or awards?
- Q.5** Himachal Pradesh State Pollution control Board (HPSPCB) made a complaint to the Metropolitan Magistrate under section 33 of the Water (Prevention and Control of Pollution) Act, 1974, restraining the Nayudu Bottling Co. Pvt. Ltd. from causing pollution by discharging trade effluent. It was stated in the complaint that the company has not put up any treatment plant and a sample of the trade effluent was lifted which, on analysis, has been found as not conforming to the parameters of the correct order of the company. The company contended the sample was not divided into two parts as required by Section 21 of the Act, hence it is not admissible in law. The Board on the other hand contended that Section 21 does not come into operation for lifting of a sample for the prose of getting an order under section 33 of the Act. Decide.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, August 2022

Paper Code: LB-804

Subject: Professional Ethics and Professional Accounting System

B.A./B.B.A. LL.B. 8th Semester6th August, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. 'A' in absence of specific query concealed the fact of his earlier conviction for committing an offence involving moral turpitude and obtained his enrolment to a particular academic Course. Decide whether 'A' is guilty of misrepresentation and fraud, hence liable for removal of his name from enrolment?
- B. Elaborate the rules pertaining to right of practicing advocates to take up law teaching.
- C. 'A' publishes certain pamphlets containing disparaging remarks against the judges in working in their judicial capacity. What is the course of action available to judges? Can they invoke section 499 of IPC in this regard? Elaborate the difference between contempt and defamation?
- D. Does right to proceed on strike amounts to professional misconduct? Elaborate by juxtaposing this freedom with duties of legal profession/ practice.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2 An advocate is considered as a most competent person to assist the Court in administration of justice for common good of the people. In the light of the above statement discuss the role of an advocate in adversarial system.
- Q.3 'The legislature has conferred a wide rule making power on Bar Council of India and State Bar Councils with the realizations that matters pertaining to the profession are best left to informed bodies comprising of members of the said profession.' In the light of above statement, elaborate the powers and functions of Bar Council of India and State Bar Councils with help of relevant provisions.

- Q.4** 'A' practiced as an advocate for few years and subsequently joined judicial service. Thereafter, he got his license to practice suspended. However, he was dismissed from judicial services after being found guilty of offences punishable under Prevention of Corruption Act, 1947. After dismissal he filed an application before Chairman of State Bar Council to permit him to resume his practice. He continued to practice for sometime but on revision petition filed he was held liable to be punished under Section 35. Do you think that in the circumstances mentioned above an action for misconduct is justified? Discuss.
- Q.5** The power to punish for contempt is inherent power of judiciary. However, in modern times the law of contempt is required to be balanced with equally compelling rights of citizens to express themselves freely and fairly. In the light of above mentioned statement discuss the nature and scope of contempt law in India.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, August 2022

Paper Code: SPB1--805

Subject: Corporate Governance and Finance

B.A./B.B.A. LL.B. 8th Semester8th August, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Write Comments on the following:**

- A. Agency Theory of Corporate Governance
- B. Related Parties Transaction
- C. Role of Independent Director in Corporate Governance
- D. Class Action Suit

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2** a. Discuss the Shareholder activism and its impact on Corporate Governance. Substantiate your answer with relevant examples.
- b. Company X, a listed company on National Stock Exchange, declares nil profit in its Financial Statement for FY 2020-21. However, to attract experienced members to its board, it has decided to give a 20% appraisal to its Board Members. When the plan was placed before the Annual General Meeting, many shareholders vehemently opposed the same and decided to take legal recourse. Please provide them with the necessary legal advice.
- Q.3** Discuss the problem of corporate governance highlighted through the corporate fraud of the Bank of Credit and Commerce (1991).
- Q.4** a. Discuss the role of the Board of Directors in ensuring better corporate governance. Highlight the relevant provisions of the SEBI (Listing Obligations and Disclosures Requirements), Regulations, 2015.
- b. Company X Ltd., a listed company, has a subsidiary whose income exceeds 22% of the consolidated revenue of the listed entity in the FY 2021-22. The Board of X. Ltd. nominates one of its independent directors to participate in the subsidiary's Annual General Meeting and demands their projects be placed before them for approval. The senior management of

the subsidiary objected to this move and termed the same as a violation of their legal autonomy. Given the SEBI (Listing Obligations and Disclosures Requirements), Regulations, 2015, decide the legality of the direction taken by X Ltd.

Q.5 a. Discuss the Role of Auditors in Corporate Governance.

b. Indus Inc., promoted by Mr. Raju Ram, is a listed company. Matrix Finance has worked as an Independent auditor for the last 20 years. Matrix Finance, a partnership firm of CA Ravi and his son CA Bhushan, is the company's independent auditor. Mr. Raju Ram is a very close friend of CA Ravi. Recently, Mr. Ram, who was not keeping well, decided to hand over his company's chairmanship to his Son, Mr. Rajaram. Once Rajaram took over the Chairmanship, Mr. Raju Ram requested CA Ravi to assist his son in financial matters and join the company as a regular Board Member. CA Ravi decided to relinquish his partnership, and on his behalf, his granddaughter CA Rama joined the auditor firm. In the Annual General Meeting, and as proposed by the Chairperson, CA Bhushan was nominated as a Board member, and his erstwhile Firm Matrix Finance was continued as independent auditor.

Decide on the legality of the continuation of Matrix Finance as an independent auditor of the company.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, August 2022

Paper Code: SPA1--805

Subject: Legal Philosophy including theories of Justice

B.A./B.B.A. LL.B. 8th Semester8th August, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Write Comments on the following:**

- A. The idea of civil morality.
- B. Critique of the Binary character of Hohfeldian analysis.
- C. Roscoe Pound's critique of the methodology of the Western writers on theory of property.
- D. The theory of the Basic Structure of the Society.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2** According to Joel Feinberg, *first*, (a)"... respect for persons... may simply be respect for their rights..." and *second*, (b) "some animals who are not moral agents have rights (and we can and should show respect for their rights)". In light of this statement critically discuss the theory of moral agency elucidated by Immanuel Kant.
- Q.3** Critically examine, as per the Hohfeldian scheme, the nature of rights guaranteed under Article 32 of the Constitution. Also discuss the effect of the doctrine of laches on the rights under Article 32.
- Q.4** Explain the basic tenets of the Rawls' theory of justice. Enumerate the criticisms of the theory by Amartya Sen and that of the Gandhian perspective.
- Q.5** The idea of legal person is a fiction in law. It does not fulfil theoretical requirements of moral agency. In recent years the courts have pronounced and attributed legal personality to many new entities. Elaborate.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, August 2022

Paper Code: SPC1--805

Subject: Prison Administration

B.A./B.B.A. LL.B. 8th Semester8th August, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. 'Overcrowding' in prison is not a national problem alone. Discuss briefly in the light of international scenario whether privatization of prison could be helpful in dealing with over crowding.
- B. Write critical notes on the political prisoners.
- C. "The Modern Prison Administration is based on the idea of categorical focus on the criminal and personalized system of punishment". In this context discuss the India's prison reform.
- D. Discuss the concept of "Open Prison" and explain the benefits thereof.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2 Discuss in detail the evolution of punishment in India and how it changed with the passage of time from the concept of '*an eye for an eye- to hate the crime and not the criminal*'.
- Q.3 '*Prisoners do not become non person when in prisons*' courts in India have highlighted this fact time and again through various judgements. Discuss the role of Indian judiciary in protecting and expanding the rights of prisoners.
- Q.4 Juvenile in conflict with law needs a special treatment when dealt under law. Do you think the present system is sufficient to deal with the juveniles? Highlight the provisions for dealing with juvenile offenders and their correction.
- Q.5 "Prisons are not isolated from the society and prison health is public health. The vast majority of people committed to prison eventually return to the wider society". In the light of above statement critically evaluate and analyse the concept of 'parole' and 'furlough' with the help of appropriate case laws.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations, August 2022

Paper Code: SPD1--805

Subject: International Organizations

B.A./B.B.A. LL.B. 8th Semester8th August, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. "Legal personality has been only half-ironically called the "soul" of International Organizations". In light of above statement discuss whether the international organization holds the legal personality. If yes, explain the legal status of International Organization?
- B. "Five institutions share a commitment to reducing poverty, increasing shared prosperity, and promoting sustainable development". Elaborate the statement with reference to "World Bank Group".
- C. Critically analyzes the principles and purpose of United Nations in light of Ukraine and Russia war.
- D. "The World Trade Organization (WTO) is the only International Organization dealing with the global rules of trade between nations" Comment.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2 Define International Organization and also throw light on the relationship between different International organizations with special reference to private and non-governmental international organization.
- Q.3 Describe the mode of acquisition of membership in International Organization. Explore the legal implication of membership in International Organization in context of member's rights and obligations.
- Q.4 "A fundamental principle of public international law bestows a certain degree of immunity and some privilege to member of international civil service including the members serving in United Nation System" Discuss the privileges and immunities of members of UN with reference to "Convention on the Privileges and Immunities of the United Nations".

Q.5 “Unique tripartite structure of International Labor Organization gives an equal voice to workers, employers and governments providing a unique platform for promoting decent work for all women and men” Explain the structure and functions of International Labour Organisation in light of above statement.