



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
*End-Term Examination*

Paper Code: LB-301

**B.A./B.B.A.LL.B. 3<sup>rd</sup> Semester**  
**Time: 3 hours**

Subject: Constitutional Law-I

**December, 2019**  
**Maximum Marks: 50**

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- a) The Indian Federation is indestructible Federation of destructible units/states. Discuss.
- b) State of Himachal Pradesh wants to change its unicameral Legislature to bicameral Legislature. Describe the procedure citing the Constitutional provisions.
- c) The Government tabled a Bill in the Parliament related to authorizing Government to take blood samples of all citizens. This Bill is 'tabled as Money Bill.' Whether it may be said a Money Bill.
- d) Explain the doctrine of 'Harmonious Construction' with the help of decided cases.
- e) President of India is satisfied that due to communal violence in State of Nagaland there is danger to the National Security to whole country. He proclaims emergency by invoking Article 352. Is it valid after 44<sup>th</sup> Constitutional Amendment?
- f) Original jurisdiction of the Supreme Court. Explain.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

**Q.2.** Mr. A and B are the members of the House of the People and the Council of States respectively. In a sting operation conducted by a private channel, it is shown and aired that they would ask certain questions on receiving a payment of one crore per question from the persons who want them to ask the same during their term in the proceedings of the Houses. The Speaker of the House of the People and the Chairman of the Council of States took the cognizance of the facts and constituted a committee separately for their house. The Inquiry committee submitted the report and Chairs of the respective Houses exercising power conferred under Article 105 expelled them from the Houses. This expulsion has been challenged on the following grounds:

- a). *whether the powers and privileges of the Legislatures in India, in particular with reference to Article 105, include the power of expulsion of their members?*
- b). *In the event of such power of expulsion being found, does the Supreme Court have the jurisdiction to interfere in the exercise of the power of judicial review?*

Decide the issues with the help of interpretation given to the Articles 105 and 194 of the Constitution by the Supreme Court in leading cases?

**OR**

(a) A member who is disqualified in the upper house of the Parliament by the decision of the Chair of that House. Whether the decision of the Chairman of the House is judicially reviewable?

(b) Mr. Ramchandra Malwani, was nominated by the PMC Party in the election of Council of Minister from the State of West Bengal. He was declared elected. During the Vote on Motion for confidence brought by the opposition in the Parliament, PMC Party issued whip to Mr. Malwani to vote in favour of the motion but he did it against the motion and hence helped the ruling party. The party later wants to declare his seat vacant in the House due to violation of anti-defection law. Decide the case explaining the provision of anti-defection given in the X<sup>th</sup> Schedule of the Constitution.

**Q.3.** The Government of India got the concrete reports that in the coming future to meet the demands of infrastructural development iron ores and other metals may short fall and hamper the government projects as well as private affairs. The Government decided to make a law to compulsorily acquire all the metal mines located in all the states. The Parliament passed the law and after the assent of the President the same was notified. The Metal ores Bearing Areas (Acquisition and Development) Act, 2019, was challenged by the State of Rajasthan on following grounds:

(a) *Whether Parliament had legislative competence to enact a law for compulsory acquisition by the Union of land and other properties vested in or owned by the State?*

(b) *Whether the State of Rajasthan was a sovereign authority? Whether assuming that the State of Rajasthan was a sovereign authority, Parliament was entitled to enact a law for compulsory acquisition of its lands and properties?*

**OR**

Who and How a person can be appointed a judge of High Court and Supreme Court?

Hon'ble Mr. Justice 'X' is the Chief Justice of Allahabad High Court. The Collegium after deliberations recommended his transfer to the Tripura High Court and the same is notified by the Ministry of Law and Justice. Hon'ble Chief Justice 'X', challenges his transfer as 'arbitrary' because he was not consulted before his name was considered to get him transferred from the present High Court to a comparatively smaller High Court. In another instance in the same meeting of the collegium Hon'ble Mr. Justice 'Y's name from Gujrat Hight Court was recommended to be the Chief Justice of Patna High Court. Mr. Justice 'Y's name has not been approved or disproved by the government despite a considerable period of almost 10 months. The Bar Association of Gujarat High Court on behalf of Mr. Justice Y, challenges the non-response from the government as the interference with the judiciary and consequently damaging Independence of the Judiciary and pray a writ in the nature of Mandamus to direct the Government of India to notify Justice 'Y's appointment as Chief Justice of Patna High Court. In light of Constitutional Provisions and landmark opinions of the Supreme Court in cases of '*In re Special Reference No. 1 f1998, AIR 1999 SC 1 and SC Adv. on Record Association v. Union of India, (2015)*'. Decide both the above-mentioned issues?

**Q.4.** Does the Parliament have the powers to legislate 'for' any territory, other than the territory of India or any part of it? How the doctrine of 'territorial nexus' evolved by the judicial interpretation helps to settle this issue?

The Parliament enacted a law to exercise all the powers by the Government of India on an island 'kamipattu', which is in between so claimed and called Ramsetu between India and Srilanka, There has not been ever any issue over the sovereignty of Sri Lanka on this Island. Mr. Y, filed a petition challenging the competency of the Parliament because it is neither 'for' or nor 'territory' of India. But the Government invokes Article 246(2) of the Constitution and argue the supremacy of the Parliament on Legislatve affairs. Decide in light of Constitutional Provisions and decided cases.

**OR**

(a) What are the different situations under Article 254 where repugnancy can arise? How the Supreme Court of India has interpreted this Article? Discuss with the help of decided cases.

(b) The State of Himachal Pradesh enacted a law in 2001 to give special relief to minority or down-trodden people of any caste. The same was reserved by the Governor of the State to get it assented by the President, who assented and it operated as notified by the State. In the year 2018 the Parliament passed a law in with similar aim and objective to uplift the down-trodden and minority classes in the Country. In light of constitutional provisions and the decided cases explain whether the law operated in the State of Himachal Pradesh would cease automatically, once the Act passed by the Parliament comes into vogue or both may continue?

- Q.5.** (a) Under what circumstance Article 356 can be invoked? Explain what are the implication of such invocation?
- (b) The total strength of the house, in a State is 70, and party in power had majority of 38 members. 13 M.L.A.s of the ruling party have withdrawn their support, hence, ruling party is not in majority anymore. Meanwhile the Chief Minister met the Governor and requested to be given the opportunity to prove his majority on the floor of the House. Governor denied on the ground of apprehended horse-trading. The Governor sent the report to the President of India that in his opinion the existing Government cannot be carried on in accordance with the Provisions of the Constitution because ruling party has lost its majority. The President on the advice of the Council of Minister by Proclamation invokes Article 356 in the State. Discuss the Constitutional validity of this proclamation in light of the decided cases.

**OR**

- (a) Explain the scope of 'freedom of trade, commerce and intercourse' given under Article 301-305 of the Constitution?
- (b) The State of Kerala got to know that coconut oil producer in the state are suffering a huge loss due to influx import in the state of coconut oil from the larger coconut oil producers outside the State because the said oil produced in Kerala is expensive due to 12 percent tax and non-advancement of oil producing methods. The same oil produced by the larger industries cost cheaper so despite subject same tax in the state of Kerala the imported coconut oil is substantially cheaper by 30 rupees per litre in comparison to within produced coconut oil. To save and give them boost the State Government reduced the tax on coconut oil to home producer to notional one percent from existing 12 but for the exporter it remained the same. The discriminatory taxing policy was challenged by the exporters as violative of 'freedom of trade, commerce and intercourse' given under Article 301-305 of the Constitution and relied on *Shree Mahavir Oil Mills v. State of Kerala* (1996) 11 SCC 39. The State of Kerala argued that as held by a bench of 9 judges in *Jindal Stainless Ltd. v. State of Haryana* 2016, the act of the state is Constitutionally permitted.
- Decide by highlighting the pre and post Jindal's position.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA  
End-Term Examination

Paper Code: LB-302

Subject: Law of Crimes-I (Indian Penal Code)

B.A./B.B.A.LL.B. 3<sup>rd</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

*Instructions:*

Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- M faces some difficulty while swimming in a river. Several persons, some of whom were good swimmers stood on the river side watching M drowning. M dies. Explain the elements of crime and decide the liability of the persons standing on the river side.
- Distinction between affray and rioting.
- A with the intention of murdering X instigates B, a child under 7 years of age to do an act which causes X's death. Decide the liability of A and B.
- A 16 years old girl on her own accord went to A's house and persuaded him to execute a marriage agreement and returned to her father's house and told him about the agreement. The father locked her in a room. After 3 days the girl forcibly opened the door and went to A. Is A guilty of kidnapping.
- Distinction between theft and extortion.
- A borrowed a bicycle from his friend B, promising to return the same within a period of 2 or 3 days. He failed to fulfil the promise, disposed of the bicycle and appropriated the proceeds to his own use. Is A guilty of any offence?

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

- Q.2.** "It is one of the essential principles of Criminal Jurisprudence that a crime is not committed if the mind of a person doing the act in question is innocent." Do you agree with the statement? Explain. Discuss the exception to this Rule with suitable examples.

A had in his possession two bottles of medicines out of which one was a poisonous lotion and the other a medicine for internal use.

While in a drunken state, A mistakenly gave his child, a dose of the poisonous lotion because of which the child died. Has A committed any offence? Discuss the law.

**OR**

Explain *actus me invito factus non est mens actus* with the help of illustrations.

At about 8:30 P.M. on the fatal day P and his elder brother R were taking meals when G, S and D came to their house and called P. Since he was taking meal, his wife K came to the door to see as to who was calling. G threw torch light on her and pushed her out. D and S started pushing her. She resisted and cried for help. On her cries her husband P and his elder brother R came out and there was a scuffle where they caused injuries on the body of D, S and G and G died.

Decide the liability of P and R.

- Q.3.** Discuss the principle of joint liability with the help of case laws.

A,B,C,D,E enter the house of M at night in order to beat him with lathis. On being stopped by M's servant, A struck him a blow on the head, B stole a gold necklace from M's almirah, A alone gave some lathi blows to M. Decide the liability of A,B,C,D&E.

OR

Distinguish between Preparation and Attempt.

A&B conspire to poison X. A in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to X. B in pursuance of the conspiracy administered the poison to X in A's absence and thereby caused X's death. Decide the liability of A and B.

- Q.4. "There is a thin line difference between the offence of murder and culpable homicide not amounting to murder because the difference is merely a question of degree of probability of death ensuing."

In the light of the above statement, discuss the difference between murder and culpable homicide.

B had teased A's sister. After knowing this fact, A took sword and went to B's residence. B, his mother and sister were present in the house when A reached there abusing them. He said that he would forcibly take away B's sister. B's mother took her daughter inside a room and bolted the door. She then bent forward with folded hands and requested A to pardon them. A immediately gave a blow on her neck with the sword and she fell down and died.

Discuss the liability of A.

OR

What constitutes a grave and sudden provocation? What is the prevailing test to determine the state of grave and sudden provocation?

C, intending to kill his wife D, injects poison in a banana and gives it to her to eat. D keeps the poisoned banana on a table to relish it later. Immediately after that X, a neighbour comes to their house, D offers the banana to X. X consumes it and dies. The incident occurs in C's presence and he does not interfere.

What are the respective penal liabilities of C and D? Will your answer be different if C offers the banana to X in D's absence?

- Q.5. "In all robbery there is theft or extortion." Explain by citing relevant case laws.

A finds B's brief case and writes a letter to him that he will give it to him on payment of Rs. 500. B pays Rs. 500.

Is A guilty of any offence? What if B had not paid any money to A? Discuss.

OR

Define criminal trespass and distinguish between house trespass and house breaking.

A intending to cause a theft to be committed, instigates M to take property belonging to X out of Y's possession. A induces M to believe that the property belongs to A. M takes the property out of Y's possession in good faith believing it to be A's property.

Discuss the liabilities of A and M.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

**Paper Code: LB-303**

**Subject: Law of Contract-II**

**B.A./B.B.A. LL.B. 3<sup>rd</sup> Semester**

**December, 2019**

**Time: 3 hours**

**Maximum Marks: 50**

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)**

**(6x3 =18 marks)**

**Q.1 Short Answer Type.**

- a) X entered into an agreement with Y to take from him loan worth Rs. 10 lakh to buy a beautiful car from Z and promised that in case of any default Y could take away the car. Explain whether such kind of contract is valid or not.
- b) X directs his solicitor Y to sell his goods by auction and to employ an auctioneer for this purpose. Y names Z. Explain the legal/contractual relationship between the parties.
- c) Distinguish between Sale and Agreement to sell.
- d) X and Y enter into an agreement to sell a horse worth Rs. 20 lakh. At the time of Contract the horse was dead. Discuss the nature of the contract.
- e) Essentials of Partnership.
- f) X, Y and Z enter into a contract of partnership at will. Once Z does an act which was not acceptable to X and Y. They reprimanded Z for the same. Z stopped coming to office. X entered into contract with M to supply 1000 bags of wheat and the price was to be paid in one month's time. M failed in paying the price of the goods. Can Z file a suit against M? Discuss the law.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)**

**(4x8 = 32 Marks)**

- Q.2.** a) Discuss the principle laid down in *Gajanan Moreshwar vs Moreshwar Madan*, AIR1942 Bombay.

b) A mother agreed with a film company that her minor daughter would work for the company and failing which both mother and daughter would compensate the company for the loss suffered by it. The daughter falls ill due to which she was not able to act in the film. Can company recover loss? Discuss the nature of the contract.

**OR**

a) Elucidate the essential elements of Contract of Guarantee and also discuss the modes of discharge of surety from liability.

b) A pledged his gold ornaments with B for Rs. 1 lakh. B further pledged it with C for Rs. 1.5 lakhs. Can A recover his goods from C? Discuss the Law.

- Q.3.** a) Discuss the modes of creation and termination of agency.

b) A (minor) is appointed by B as his agent. A commits a default in course of business and B brings an action against A. Is A liable?

**OR**

a) Discuss the rights of agent with the help of case laws.

b) An auction sale of cut- timber took place on 1<sup>st</sup> January 2018. X was the highest bidder. The Divisional forest officer accepted X's bid. The price of the goods was to be paid in four equal instalments. X paid the first instalment at the time of the auction and remaining instalments were to be paid at different dates subsequently. Z became the surety for payment of remaining instalments. The auction sale was ratified by the Chief Conservator of Forests and sale deed was signed by him on 15<sup>th</sup> March 2018. But 15 days before the signing of sale deed by Chief

Conservator of Forests , a fire broke out which destroyed the timber purchased by X. The surety (Z) filed a suit for declaration that he is not liable to pay the remaining instalments and revoked the guarantee. Decide.

- Q.4.** a) Who is unpaid seller? Discuss the remedies available to him.  
b) A was an unpaid seller and buyer refused to make payment of Rs. 20,000/- which was due. A gave a notice to resell the goods. Subsequently A sold the goods for Rs. 30,000/-. The buyer has filed a suit against A to recover the profit earned by A in re-selling the goods. Decide.

**OR**

- a) Elaborate on conditions and warranties under Sale of Goods Act, 1930.  
b) A picks up a ginger bottle from the shop and inspects it for buying it. The bottle bursts in his hand causing injury to him. Can the shop-keeper be held liable for the goods being not fit for sale?

- Q.5.** a) Discuss the relation of partners to one another under the Partnership Act.  
b) The Partnership deed provides that the partner could by majority decision expel a partner from partnership. One partner X wanted to introduce his son as a co- manager in the partnership firm to which another partner Y disagreed. The aggrieved partner complained about it to the third partner Z and persuaded him to expel Y from the partnership by majority. X and Z served a notice of expulsion from partnership to Y which was challenged by him in the court of law. Decide.

**OR**

- a) Discuss whether a minor can become a partner in the partnership firm.  
b) A pretends in front of B and X to be a partner in the partnership firm of X,Y, Z. M overhears the conversation and believing A to be a partner supplies him goods worth Rs. 5 lakh. A fails in paying for the goods . M has filed a suit against the X, Y, Z partnership firm. Decide the liability.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
*End-Term Examination*

Paper Code: LB-304

Subject: Economics-III (Economics of International Trade)

B.A./B.B.A.LL.B. 3<sup>rd</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- a) The division of labour and specialisation of products by individual firms accelerate the rate of production, lowers costs and maximize profits. Elaborate
- b) What do you mean by single factorial terms of trade?
- c) Export subsidy is an important non-tariff device to influence the international trade and specially to expand home country's export. Explain.
- d) The increasing BoP deficit tends to cause the depreciation of domestic currency relative to other currencies. Explain how does BoP surplus causes appreciation of domestic currency?
- e) Discuss the most favoured nation clause.
- f) A nationwide financial crisis occurred in U.S. during the year 2007-08. Name that and what were the major reasons behind this crisis.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

- Q.2.** Do you agree with the view that countries cannot live alone any more effectively than individuals can? Do you think that the benefits outweigh burdens of "dependence" resulting from participating in international trade?

**OR**

Suppose Iran and Pakistan do trade in Oil and Rice, discuss international trade equilibrium under constant and increasing marginal cost conditions in the production of two goods.

- Q.3.** Suppose Australia and U.K. come together to form integration and abolish all trade barriers among themselves but keep a common external policy. What is this form of integration known? Does the formation of such integration necessarily raise welfare of a country? Answer your question by using partial framework of analysis.

**OR**

The theories of international trade have taken pains to feel us that free trade is best policy and it is always preferred. What then are the justifications to adopt policies of restricted trade policy?

- Q.4.** What do you mean by balance of payments? Explain the structure of balance payments. Also explain the factors causing disequilibrium inn balance of payments.

**OR**



Suppose India and U.S.A. are involved in trade. These countries equate their purchasing power on the basis of absolute price of different goods, but that does not incorporate the base years prices. Which other methods do they deploy then to equate the prices of different goods? Explain both the versions of above-mentioned theory in detail.

- Q.5.** “No doubt IMF has marked achievements to its credit but its working has several deficiencies or shortcomings because of which it has been subjected to criticism.” Discuss.

**OR**

The Indian economy is presently passing through a critical stage of transition from a highly controlled economy to the market-oriented economy. Some of the economic development in regard of globalisation with special reference to Indian economy are positive while other are negative. Discuss in detail.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
*End-Term Examination*

Paper Code: BL-301

Subject: Political Science-III (International Relations)

B.A. LL.B. 3<sup>rd</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)****(6x3 =18 marks)****Q.1 Short Answer Type.**

- a) What are the determinants of the making of foreign policy of a modern state? Mention the factors.
- b) Why do you think International Politics as a discipline has acquired an autonomy?
- c) How does the study of international law helps in understanding international politics?
- d) How would you define /assess the power of a nation- state? What are the parameters?
- e) Why do you think ethnicity has become a major source of global conflict despite the ongoing democratization transitions?
- f) Explain how the emergent global economy has made an impact on the inter-state relations?

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(4x8 = 32 Marks)**

- Q.2.** Why do you think the realist method is considered as the best method to understand the international politics in the post-cold war world? Illustrate your answer with examples while referring to other approaches.

**OR**

Explain the main challenges in evolving a consensus over environmental issues between the countries of North and South? Refer to the ideological divide that defines ongoing debate in the global environmental politics.

- Q.3.** How is the relentless pursuit of its nuclear programme by both North Korea and Iran challenges the US hegemony in South East and West Asia? How the Trump administration is dealing with the situation?

**OR**

Do you think that the world public opinion in the present 'era of information' has greater influence in the conduct of the nation states? Refer to the Rohingya crisis in Myanmar.

- Q.4.** Do you think the notion of balance of power is any longer relevant in making sense of the way international politics unfolds now considering the fact that the world as of now is neither unipolar nor bi-polar?

**OR**

How the processes of globalization have made an impact on the way international politics works and are studied in the new millennium? Explain.

- Q.5.** Explain the meaning of 'national power'. What are the instruments and methods devised by nation states to promote their power? Refer the test case of China under Xi Jinping.

**OR**

Write an essay about the evolution of International politics\international politics as an academic discipline since the peace treaty of Westphalia of 1648. Refer to the important global events/developments that left its deep impact over the way discipline evolved.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examination**

Paper Code: BL-302

Subject: Sociology-III (Sociology of Law)

B.A.LL.B. 3<sup>rd</sup> Semester

December, 2019

Time: 3 hours

Maximum Marks: 50

Instructions:

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)**

**(6x3 =18 marks)**

**Q.1 Short Answer Type.**

- a) The "connection thesis" is simply this: Women are actually or potentially materially connected to other human life. Men aren't. Comment.
- b) Describe essential features of the Frankfurt School. Name any three scholars who may be said to be associated with the Frankfurt School of critical theory? Which thinker(s) is/are most commonly associated with the phrase "Culture Industry"?
- c) Do you agree with the view that secularism is an ideal quite alien to the Indian context. Give reasons.
- d) Mention at-least one sociologically significant characteristic of legal education in contemporary India that in your opinion is in dire need of correction and reform. Give reasons in support of your answer.
- e) What is the problem that is likely to arise if we take 'official statistics' relating to the number of marriages solemnised under various provisions in Indian courts as 'authentic'?
- f) What does the French scholar Daniela Berti mean by the term Judicialisation?

**SECTION-B (Long-Answer/Descriptive/Analytical Type)**

**(4x8 = 32 Marks)**

- Q.2.** *"Many modern apologists for British colonial rule in India no longer contest the basic facts of imperial exploitation and plunder, rapacity and loot, which are too deeply documented to be challengeable. Instead they offer a counter-argument: granted, the British took what they could for 200 years, but didn't they also leave behind a great deal of lasting benefit? In particular, political unity and democracy, the rule of law, railways, English education, even tea and cricket?"*

**OR**

What according to you would be an apt definition for postmodernism? In what ways does such a definition offer a deviation from the conventional understandings of the relationship between the modern nation state and individual citizen? Use illustrations drawn from the course to substantiate your answer.

- Q.3.** According to a report published in a national daily, a khap panchayat in Haryana's Jind district blamed consumption of chowmein behind the growing incidents of rape in the state saying it leads to hormonal imbalance. *"To my understanding, consumption of fast food contributes to such incidents. Chowmein leads to hormonal imbalance evoking an urge to indulge in such acts," said a resident of Jind's Chhatar village...* Write a sociological critique of this report?

**OR**

The first legislation related to mental health in India, the Lunacy Act was introduced by the British in 1858. Authors A Kiranmayi, U Vindhya, V Vijayalakshmi give us some insight into why it took so long for the British to introduce mental health related legislations. They believed that mental health in India in the past was also viewed from an orientalist perspective.

*“It was commonly believed that the prevalence of mental illness in India was much less than in the western countries, citing the ‘oriental philosophy of life’, the limited urbanisation and industrialisation, the strong family ties as factors responsible for this ‘low prevalence’ of mental illness. Much of the work in the area of mental health continues to be directed at treatment of illness rather than towards preventive or promotive efforts.”*

Another scholar Prateeksha Sharma notes that there exists a disparity between developed and developing countries in the way that mental health is perceived and treated. From a comparative study of peer support systems in aiding mental healthcare in the United States and in India, Sharma surmises that developing countries seem to be lagging behind in terms of formulating adequate legislation, and in creating a more inclusive community which is more accepting of people with mental health problems. Building such a community ensures that the rights of those with mental health problems are better protected.

Based on your reading of these observations, write an essay discussing the importance of studying the discursive aspects of law, social life and individual experience.

- Q.4.** What does the French scholar Michel Foucault mean by docile bodies? How is his analysis of the evolution of the modern penal style different from the conventionally held understanding of the idea of reform in the Criminal Justice System?

**OR**

Write an essay discussing the sociological dimensions of any two of the following issues:

- a. Right to Privacy as a fundamental right
- b. Marital Rape
- c. Censorship and Freedom of Speech and Expression

- Q.5.** *[I]f mutual interest draws men closer, it is never more than for a few moments. It can only create between them an external bond. In the fact of exchange the various agents involved remain apart from one another and once the operation is over, each one finds himself again ‘reassuming his self’ in its entirety. The different consciousnesses are only superficially in contact: they neither interpenetrate nor do they cleave closely to one another. Indeed, if we look to the heart of the matter, we shall see that every harmony of interests conceals a latent conflict, or one that is simply deferred. For where interest alone reigns, as nothing arises to check the egoisms confronting one another, each self finds itself in relation to the other on a war footing, and any truce in this perpetual antagonism cannot be of long duration. Self-interest is, in fact, the least constant thing in the world. Today it is useful for me to unite with you; tomorrow, the same reason will make me your enemy. Thus such a cause can give rise only to transitory links and associations of a fleeting kind.*

*...For in a contract not everything is contractual. The only undertakings worthy of the name are those that are desired by individuals, whose sole origin is this free act of the will. Conversely, the only obligation that has not been agreed by both sides is not in any way contractual. Wherever a contract exists, it is submitted to a regulatory force that is imposed by society and not by individuals; it is a force that becomes ever more weighty and complex.*

While discussing the difference between repressive and restitutive laws, write a commentary on the cited paragraphs.

**OR**

Write an essay presenting an overview of the kinds of dissatisfaction that contemporary theorists have had with classical functionalism and Marxism. Discuss the main ideas of Pierre Bourdieu



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
*End-Term Examination*

**Paper Code: BBL-301**

**Subject: Audit Practices**

**B.B.A. LL.B. 3rd Semester**

**December, 2019**

**Time: 3 hours**

**Maximum Marks: 50**

*Instructions:*

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)**

**(6x3 =18 marks)**

**Q.1 Short Answer Type.**

- a) M/s Pankaj and Associates, Chartered Accountants, have been appointed as an auditor of ABC Ltd. CA Pankaj did not apply any audit procedure regarding opening balances. He argued that since financial statements were audited by the predecessor auditor therefore he is not requiring to verify them. Is CA Pankaj correct in his approach? Comment.
- b) As a statutory auditor how would you react if Director (Finance) of KK Ltd. informed you that they have sound Internal control system implemented by a renowned professional firm and he is satisfied with its effectiveness and functioning and there for, you should concentrate on verifying only the routine books and financial statements.
- c) What are the various assertions an auditor is concerned with while obtaining audit evidence from substantive procedure?
- d) While planning the audit of S Ltd. you want to apply sampling techniques. What are the risk factors you should keep in mind?
- e) Briefly mention three reasons why IT should be considered relevant to an audit of financial statements?
- f) The general transactions of a hospital include patient treatment, collection of receipts, donations, capital expenditures. what special points of consideration one must keep in mind while auditing such transactions of a hospital?

**SECTION-B (Long-Answer/Descriptive/Analytical Type)**

**(4x8 = 32 Marks)**

- Q.2.** “The Code of Ethics for Professional Accountants, prepared by the International Federation of Accountants (IFAC) identified five types of threats.” Explain.

**OR**

“Accounting is a necessity while auditing is a luxury for a business.” Explain.

- Q.3.** 20% of the items in a population may make up 90% of the value of an account balance. As an auditor how you would examine a sample of these items and What are the risk factors you should keep in mind?

**OR**

If you have been appointed as an Auditor of a company, how do you assess the effectiveness of your internal audit function?

- Q.4.** What are the different testing methods used when auditing in an automated environment. Which is the most effective and efficient method of testing?

**OR**

As a Statutory Auditor, how would you deal with a misstatement resulting from fraud or suspected fraud during the audit and conclude that it is not possible to continue the performance of audit.

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- Q.5.** What is the procedure followed by an auditor to verify whether share capital has been properly presented in the financial statements or not?

**OR**

An NGO operating in Delhi had collected large scale donations for Tsunami victims. The donations so collected were sent to different NGOs operating in Tamil Nadu for relief operations. This NGO operating in Delhi has appointed you to audit its accounts for the year in which it collected and remitted donations for Tsunami victims. Draft audit programme for audit of receipts of donations and remittance of the collected amount to different NGOs. Mention main points, peculiar to the situation, which you will like to incorporate in your audit programme for audit of said receipts and remittances of donations.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
*End-Term Examination*

**Paper Code: BBL-302**

**Subject: Human Resource Management**

**B.B.A. LL.B. 3<sup>rd</sup> Semester**

**December, 2019**

**Time: 3 hours**

**Maximum Marks: 50**

*Instructions:*

*Attempt All Questions. Section-A is compulsory consisting of six short question carrying three marks each. Attempt Four Questions from Section-B with independent option in Question Nos. 2, 3, 4 and 5. Each question in Section-B carries 8 marks.*

**SECTION-A (Short-Answer Type)**

**(6x3 =18 marks)**

**Q.1 Short Answer Type.**

- a) A medium sized manufacturing company is thinking of upgrading its technology through computer driven equipment. What HR issues need to be considered for this decision?
- b) 360-Degree performance appraisal. Discuss its Pros and Cons.
- c) You have been appointed as the Human Resource Manager of New Delhi Industries Limited, a fast growing industrial house in India. It proposes to select management trainees for its different departments. What sources should it explore and how trainees should be selected?
- d) A Nationalized Bank has lost a lot of employees in the last few years to multinational banks that adopt a modern style preferred by employees. As part of organizational revamp, the Bank has decided to study all existing jobs and redesign the work content, if necessary. Describe any three techniques that the Bank can use to retain their employees.
- e) Suppose you are a human resource manager at a multinational enterprises which is about to send its executives overseas to staff a new subsidiary for the very first time. What special training would you undertake for these employees?
- f) What is Human Resource Information System (HRIS)? How does it help the Human Resource Manager?

**SECTION-B (Long-Answer/Descriptive/Analytical Type) (4x8 = 32 Marks)**

- Q.2.** As a manager, consider the challenges of managing those who work at home or virtually out of the organization. What are your challenges? Consider, for example, how to monitor performance, motivate workers, and help them manage workplace problems.

**OR**

Assume you are the manager in a small restaurant and you are responsible for hiring, supervising, and recommending employees for promotion. Compile a list of potentially discriminatory management practices you should avoid.

- Q.3.** Katie Perkin's career objectives while attending Rockford State College was to obtain a degree in small business management and to start her own business after graduation. Her ultimate desire was to combine her love of sports and a strong interest in marketing to start a mail-order golf equipment business aimed specifically at beginning golfers.

After extensive development of a strategic business plan and a loan in the amount of \$75,000 from Small Business Administration, Performance Sports was begun. Based on marketing plan that stressed fast delivery, error-free customer service, and large discount pricing, Performance Sports grew rapidly. At present the company employs sixteen people: eight customer service representatives earning between \$11.25 and \$13.50 per hour; four shipping and receiving associates paid between \$8.50 and \$9.50 per hour; two clerical employees each earning \$8.25 per hour; an assistant manager earning \$15.25 per hour; and a general manager with a wage of \$16.75 per hour. Both the manager and assistant manager are former customer service representatives.

Perkins intend to create a new managerial position, purchasing agent, to handle the complex duties of purchasing golf equipment from the company's numerous equipment manufacturers,

Also, the mail-order catalog will be expanded to handle a complete line of tennis equipment. Since the position of purchasing agent is new, Perkins is not sure how much to pay this person. She wants to employ an individual with five to eight years of experience in sports equipment purchasing. While attending an equipment manufacturers' convention in Las Vegas, Nevada, Perkins learns that a competitor, East Valley Sports, pays its customer service representatives on a pay for performance basis. Intrigued by this compensation philosophy, Perkins asks her assistant manager, Geore Balkin, to research the pros and cons of this payment strategy. This request has become a priority because only last week two customer service representatives expressed dissatisfaction with their hourly wage. Both complained that they felt underpaid relative to the large amount of sales revenue each generates for the company.

Question:

1. What factors should Perkins and Balkin consider when setting the wage for the purchasing agent position? What resources are available for them to consult when establishing this wage?
2. Suggest advantages and disadvantages of a pay for performance policy for Performance Sports. Also suggest a new payment plan for the customer service representatives.

**OR**

Imagine that you are the VP of human resources for a Fortune 100 company. You've spent your entire career attempting to enhance the workplace for employees to support their productive work in the organization. While you understand the bottom line decisions often dominate many of the matters you have to address, you've worked hard to ensure that employees were treated with respect and dignity in all interactions that affected them. You aligned the hiring process to serve the strategic needs of the organization as well as implemented an effective performance management system. However concerns that performance management process is becoming less effective because managers are inflating employee ratings has led to 15 percent of all large organizations to adjust the performance management process to what is called as "rank and yank".

Under such a system, managers are evaluated as 1,2,3,4, with 1 being the highest rating and 4 the lowest. In most cases, managers are required to give 4 rating to 10 percent of employees each year. Those individuals receiving 4 rating for 2 consecutive years are often let go from the organization. The reason behind the system is that throughout the 2 years process, evaluators are to meet frequently with 4 rating employees, counsel them, and provide necessary development opportunities. However employees view this system as punitive, one in which the organization is attempting to rid itself of higher paid older workers. In at least one case, Ford Motor Company employees has filed a law suit to stop this practice-and prevailed. Ford removed the punitive nature of its evaluation system- and focused it more on counseling and performance improvement of the lowest rated employees rather than eliminating from the organization. What long term effect does a performance management system that focuses on rank and yank have on the organization? Only time will tell.

Question:

1. What type of evaluation process would you say is being used in this case? Describe the elements to support your answer. What effect if any do you believe rank and yank system has on managers? Do you see these effects positive or negative?
2. Which method would you prefer for appraising employee.?

- Q.4.** Rithica closes her cell phone and takes a deep breath. Was it really a good idea to accept the job as restaurant manager? Just now Beth—a new cook hired last month— called to tell Rithica that she is quitting and will not work the hours scheduled during the upcoming week. This is the third time in two months that someone has quit with little or no advance notice. It will be difficult to schedule other employees to cover for Beth during the upcoming week, let alone quickly find someone to hire as a new cook. Rithica's thoughts quickly shift to the other disagreeable task she faces today. The very thought of meeting with Grant is enough to make Rithica want to quit herself. Yesterday Grant was late for work the second time this week. Once he arrived, he spent much of his shift wasting time. Working with first graders will surely be easier than supervising Grant. Should she just fire him?



- a. How should Rithica handle such a situation? What decisions should she take?
- b. What is the impact of business level strategies on retention and separation of employees?

**OR**

What is collective bargaining? Why is it considered as the best way of determining employer-employee relations? In the light of challenges brought about by new technology, methods and processes, do you think the employer-employee relationship has changed completely? If yes, did the Labour Unions and Employers Association learn to dance with the times?

- Q.5.** The whole area of international compensation presents some tricky problems as there is logic to maintain companywide pay scales and policies so that, for instance, you pay divisional marketing directors throughout the world with in the same range. Keeping the above statement in mind, comment on the various challenges relating to compensating expatriates.

**OR**

You being the HR personal have been assigned a task of repatriating an employee (high performer) that was on foreign assignment on an international subsidiary for few years. How will you carry out this process smoothly so that you are able to retain him?