



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: LB-901

Subject: Law of Interpretation of Statutes

B.A./B.B.A. LL.B. 9th Semester4th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. The mimansa principles are in two respects superior to Maxwell's principles of Interpretation. Discuss.
- B. Define the meaning of term *ex visceribus* actus with the help of relevant case laws.
- C. Write a short note on rule of purposive construction.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 "A Statute is the highest constitutional formulation of law, the means by which the supreme legislature, after the fullest deliberation, expresses its final will and it may be classified with reference to its object". Discuss in detail.
- Q.3 "Separation of power though cannot be adjudged through a water tight compartment analysis but the same does not mean that the three wings jump into each other's purview and do the jobs instead of their own. Thus, until and unless it seems extremely necessary the courts should not jump in the workings of legislature by making laws and giving them back through categorical analysis of the already existing laws". Comment with the help of case laws.
- Q.4 The principle of *Ejusdem Generis* is, in fact, a facet of *Noscitur a Sociis*. Discuss in detail in the light of case laws.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: LB-902

Subject: Alternative Dispute Resolution (ADR)

B.A./B.B.A. LL.B. 9th Semester4th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. Peace as *modus Vivendi* means an arrangement or agreement that allows conflicting parties to coexist in peace. In this context, explain the concepts of positive and negative peace.
- B. Personal values of the umpire in any dispute resolution mechanisms play an important role in resolving disputes. Elucidate this concept in action in mediation as a dispute settlement mechanism.
- C. “While appointing arbitrators, the appointment shall be of an odd number of arbitrators wherein one arbitrator shall be chosen by each party and the third be chosen by those arbitrators”. In this context explain the legal provisions of appointment of arbitrators and their removal by Court.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 “The court reformulates the terms of settlement under Section 89 of the Civil Procedure Code, 1908 whence sending a dispute to alternate means of resolution”. What is the need to reformulate those terms of settlement under Section 89, CPC, 1908? Explain various attributes of Section 89, CPC, 1908 along with case laws.
- Q.3 “The award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law”. Elucidate the binding characteristics of the decision of Lok Adalat. Also describe the procedure of working of Lok Adalat according to Legal Services Authority Act, 1987.
- Q.4 An Arbitration agreement means an agreement by the parties to submit to arbitration the disputes which may have arisen or which may arise between them in respect of a defined legal relationship, may it be contractual or not. This shows that arbitration agreement is also applicable in cases of future possibility of disputes. In this regard explain the characteristics of an arbitration agreement, its applicability and enforcement.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPA2-903

Subject: Local self-government including panchayat self-administration

B.A./B.B.A. LL.B. 9th Semester5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. What do you mean by Local- Self Government. Explain the meaning and characteristics of local self-government. Differentiate between contract of guarantee and indemnity with the help of suitable examples.
- B. Describe the basic recommendations of the Balwant Rai Mehta Committee.
- C. Discuss the genesis and evolution of local self-government institutions in India in the pre-independence period.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 “Gandhi believed that democracy could be ensured only through the ‘Gram Swaraj’ with people’s participation. He visualized gram swaraj as a village, which is a complete republic, independent of its neighbors for its own vital wants and yet interdependent for many others in which dependence is a necessity”. In the light of this discuss the Mahatama Gandhi’s concept of Gram Swaraj.
- Q.3 The Law Commission of India in its 114th report recommended the establishment of *Gram Nyayalayas* for providing speedy, substantial and inexpensive justice to the common man. Subsequently, the Parliament of India passed the *Gram Nyayalayas Act, 2008* providing for its establishment. What is the salient feature of the *Gram Nyayalayas Act, 2008*?
- Q.4 ‘Sarvodaya, the word, was coined long back. In ancient literature, this word might have been used in some context, but its use as a definitive philosophy is only century old. Discuss the meaning of sarvodaya and its main features.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPB2-903

Subject: Banking Law (including Negotiable Instrument Act)

B.A./B.B.A. LL.B. 9th Semester5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. Mr. Ram took a Life Insurance Policy in his name and made his wife, Ms. Sita, his assignee. He did not mention his seasonal fever and flu as it is ordinary, and suppression of this fact does not amount to suppression of material fact, according to him. At the time of the claim, the insurance company rejected her claim by saying that all the essentials of the Insurance Contract were not present. Help Ms. Sita succeed in her claim as her legal advisor with the relevant cases.
- B. Mr. Surya insures his house against loss by the fire with insurer "LIC" for rupees 40,000, "Aviva" for Rupees 60,000 and "Metlife" for Rupees 1,00,000. The fire broke out, and Mr. Surya suffered a loss of Rupees 50,000. LIC, Aviva and Metlife will contribute according to the sum insured by them. Determine the individual amount and explain the principle with the relevant cases.
- C. Mr. Karan, an individual who is trading in securities by declaring himself a banking company and onwards, using the word Bank (Karan Bank) on 10th October 2014, indulges in the business of selling and buying bullion. After a year, he also indulges in purchasing and selling immovable properties. Mr. Rahul sold 1000-yard land to Mr. Karan worth 10 Crores on 28th October 2015. Due to Covid 19, he faced a financial crisis and sold the same land on 3rd November 2022. Justify his actions with the help of legal provisions.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 'Chaman Lal' (Age 49 years) is a chain smoker. He took a Life insurance policy for himself. While filling out the proposal form, he honestly mentions every fact related to his health to the policy agent filling out the proposal on his behalf. He also stated his smoking habits, but the policy agent forgot to mention them in the proposal. The policy was issued on 15th September 2018. He was very regular in payment of premium, but due to Covid 19, he missed his premium payment after October 2020. On 23rd April 2021, Chaman Lal renewed the policy.

On 3rd June 2023, he died. Dr. Pawan found that his death was due to Chronic obstructive pulmonary disease (COPD). His son (Ram) claimed the policy but the claim was denied due to suppression of material facts. Decide whether Ram can get the claim from the insurance company with the help of relevant legal provisions and with the help of case law. Also, compare this situation before and after the 2014 amendments to Insurance Act 1938.

Q.3 Mr. Jamwal, CEO of Custodire Ltd., an association of banks and banking companies formed for the protection of their mutual interests and registered under Section 25 of the Companies Act, 1956, indulge in the following business:

- (i) Undertaking and executing trusts related to the member banks of Custodire.
- (ii) Carrying on and transacting every kind of guarantee and indemnity business.
- (iii) The buying, selling and dealing in bullion and specie.
- (iv) The managing agent and secretary, and treasurer of a company.

On 3rd November, Mr. Jamwal received a legal notice from the Reserve Bank of India that his company cannot carry on the above four businesses until he uses the words "bank", "banker", "banking", or "banking company". In his company's name. As a legal advisor, help Mr. Jamwal. Also, justify the above businesses legally, whether Custodire Ltd. can carry it or not.

Q.4 Mr. Sonu, Manager of Dede Bank, applied for the bank's license, and RBI sent a legal letter informing the bank that they would inspect their books of account. Mention whether or not the following conditions require to be satisfied from the books of account.

- (i) The company is or will be in a position to pay its present or future depositors in full as their claims accrue
- (ii) The company has an adequate capital structure and earning prospects.
- (iii) The company's affairs are not being, or are not likely to be, conducted in a manner detrimental to the interests of its present or future depositors.
- (iv) The public interest will be served by the grant of a licence to the company to carry on banking business in India.

Also, help Mr. Sonu as his legal advisor, understand Section 22 of the Reserve Bank of India act 1934.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPC2-903

Subject: Penology & Victimology

B.A./B.B.A. LL.B. 9th Semester

5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)

(2x2.5=05Marks)

Q.1 Short Answer Type Questions:

- A. Discuss the various forms of punishment practiced in India since ancient times.
- B. Discuss the judicial trend towards prison reforms in India.
- C. Discuss executive clemency.

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

(2x10=20Marks)

Q.2 Make a critical evaluation of various theories of punishment.

Q.3 Critically examine whether capital punishment should be retained or abolished in India.

Q.4 Discuss open prison, its advantages and disadvantages as a correctional device in Indian criminal justice system.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPD2-903

Subject: International Human Rights

B.A./B.B.A. LL.B. 9th Semester5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. Differentiate between International Humanitarian Laws and International Human Rights Laws.
- B. A is a member of Scheduled Caste in India, who is engaged in the activities of manual scavenging since long time. On a Sunday morning, A dies while cleaning a sewer directed by Municipality of the region. B, A's brother, approached the Supreme Court of India and asked to pay compensation on the ground that the human rights of A have been violated by the State. Argue in favour of B to defend his case while referring to the provisions of international human rights laws.
- C. Explain the principles of human rights that emerged under the tradition of Social Contract Theory in Europe.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 Human rights jurisprudence has remained Eurocentric and it does not present and represent the values of so called third world countries. Critically examine this statement while referring the various arguments to falsify the above statement. Is there any way to assimilate the pluralities in the Universal discourse of Human Rights?
- Q.3 "Natural rights are simple nonsense: natural and imprescriptible rights, rhetorical nonsense—nonsense upon stilts". Critically examine this statement with reference to Human Rights ethics and jurisprudence. What are the challenges in expounding the Human Rights language and its effectiveness under international law?
- Q.4 Critically examine the role of Security Council in protecting and promoting the human rights around the world since the establishment of United Nations. How far the United Nations has succeeded in the establishment of just and humane world in Covid-19 period?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPA3-904

Subject: Comparative Constitution

B.A./B.B.A. LL.B. 9th Semester

5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)

(2x2.5=05Marks)

Q.1 Short Answer Type Questions:

- A. Explain the method of concept thickening through multiple description.
- B. Differentiate between Most Similar Cases and Most Different Cases.
- C. Critically examine the practices of constitutionalism and its impacts over the third world countries.

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

(2x10=20Marks)

- Q.2 Critically examine the scope, limitation, and challenges with respect to comparative constitutional law. Whether comparative constitutional practices have helped in the progressive realization of Constitutional aspirations or these practices have fructified into 'slavery of spirit'?
- Q.3 "The aspiration to explain, rather than merely describe, social (including legal) phenomena through the validation or refutation of prepositions about the world is common to all core quantitative and qualitative, behaviouralist and historical interpretive approaches to social inquiry". Critically examine this statement and describe various comparative methods used in Comparative Constitutional Law.
- Q.4 Critically examine the Absolute Concept of Constitution expounded by Carl Schmitt. Also explain the difference between positive and ideal Constitution.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPB3-904

Subject: Bankruptcy, Insolvency & Insurance Law

B.A./B.B.A. LL.B. 9th Semester5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. A financial creditor either by itself or jointly with other financial creditors, may file an application for initiating corporate insolvency resolution process against a corporate debtor before the Adjudicating Authority. Discuss in detail the manner of filing an application for CIRP by the financial creditor.
- B. A situation concerning cross-border insolvency arises when the debtor has assets or creditors in different jurisdictions or when different insolvency proceedings have been filed in multiple jurisdictions. In the light of same discuss various aspects involved in the cross-border insolvency process.
- C. Liquidation of a corporate debtor refers to the end of its operations or existence. Discuss the procedure for initiation of liquidation under the code.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 Insolvency and Bankruptcy Code, 2016 provides a market mechanism for reorganization and insolvency resolution of corporate persons in a time-bound manner. In light of this, discuss the need for Insolvency and Bankruptcy Laws in India.
- Q.3 The personnel of the corporate debtor, its promoters, or any other person associated with the management of the corporate debtor shall extend all assistance and cooperation to the Interim Resolution Professional as may be required by him in managing the affairs of the corporate debtor. Highlight the powers and duties of an Interim resolution professional with regard to the management of operations of a corporate debtor as a going concern.
- Q.4 “Every law is incomplete without an appropriate legislative authority that shall be responsible for monitoring the effective and smooth functioning of that law. The law is crafted keeping into account that there shall be a special authority that shall be responsible for resolving the practical difficulties that arise during the execution and implementation of that law and for justice to the victims that turn up under that law”. In view of above discuss the nature and role of adjudicating authority for the corporate persons under IBC.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPC3-904

Subject: Forensic Science

B.A./B.B.A. LL.B. 9th Semester5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. "Facts never lie but men can lie. Facts cannot be wrong, it cannot lie, it cannot be wholly absent. Therefore, the importance of circumstantial facts is good for oral evidence". Discuss the principle of analysis of forensic science.
- B. Critically analyze the relevance of chain of custody in admissibility of forensic evidence.
- C. "Psychological evidence cannot be collected without the consent of the accused while conducting various forensic tests like brain-mapping, narco-analysis etc". Discuss in light of *Selvi v State of Karnataka*?

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 "Forensic Science makes an important contribution to the operation of the Criminal Justice System providing evidence which could help decide the guilt of a suspect. Forensic Science is able to do so because it has developed to operate within the reality determined by the Criminal Justice System". Critically analyze the relationship of forensic science and law with the help of related provisions and case laws.
- Q.3 "The *crime scene* has to be scientifically dealt with without any error. In criminal cases, especially based on circumstantial evidence, forensic investigating officer at the *crime scene* is to make thorough search for potential evidence that have probative value in the *crime*". Elaborate the different types of forensic evidence that can be collected from a crime scene and the ways by which these evidences may be guarded against potential contamination which can grow at the *crime scene* during collection, packing, or forwarding evidence and also against any attempt to tamper with the evidence.
- Q.4 "An expert deposes and not decides. His duty is to furnish the judge with the necessary scientific criteria for testing the accuracy of his conclusion so as to enable the judge to form his own independent judgment by the application of various criteria to the facts proved in evidence". Is it reasonable and just to base a conviction solely on the opinion of forensic

expert without substantial corroboration? Also discuss the evidentiary value of forensic expert's opinion with the help of statutory provisions and decided cases.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPD3-904

Subject: International Environmental Law

B.A./B.B.A. LL.B. 9th Semester5th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. Explain maxim “*Sic utere tuo ut alienum non laedas*”
- B. “A breach of an obligation gives rise to an obligation to make reparation in adequate form”. Explain.
- C. “Erbrich Products had been producing liquid bleach at its Indiana plant since 1932. The manufacturing process required the use of chlorine gas, a recognized poison. In 1984, for the first time, chlorine gas escaped from the plant. Several nearby residents were exposed to the gas and suffered personal injuries”. Decide.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 “The parties should in the circumstances act with prudence and caution to ensure that effective conservation measures are taken to prevent serious harm”. Comment.
- Q.3 “In the year 2000, the largest-ever gathering of world leaders agreed to a set of time-bound and measurable goals for combating poverty, hunger, disease, illiteracy, environmental degradation and discrimination against women, to be achieved by 2015”. What was the role of United Nations Commission on Sustainable Development in achieving the goals?
- Q.4 Is it the responsibility of the State to protect other states against harmful acts by individuals from within its jurisdiction at all times? Explain with reference to Trail Smelter Arbitration.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPA4-905

Subject: Health Law

B.A./B.B.A. LL.B. 9th Semester7th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. Write a short note on International Instruments on Health.
- B. “State shall look into the matter of raising the level of nutrition and the standard of living of its people and it is the duty of the State to keep a check on the improvement of public health. The State shall also endeavor to prohibit the consumption of intoxicating drinks and drugs which are injurious for health, except for medicinal purposes”. In the light of this discuss the social development programmes that are inspired by this DPSP that target the health of marginalized sections of the society i.e. women, children, weaker sections etc.
- C. “Various committees of experts have been appointed by the government from time to time to render advice about different health problems. The reports of these committees have formed an important basis of health planning in India”. Analyse the significance of committees appointed till date.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 “Given no explicit recognition of the right to health or healthcare under the Constitution, the Supreme Court of India in *Bandhua Mukti Morcha v Union of India* interpreted the right to health under Article 21 which guarantees the right to life”. Discuss the state responsibility to maintain health services in absence of statutory recognition.
- Q.3 ‘X’ is born as Eunuch in a poor family and is disowned by them. ‘ABC’, association of Queers in Kazasthan adopts ‘X’ and after education now wants to found a family. Elucidate the incidental rights available to ‘X’ in the light of *Navtej Singh Johar* that affect personal choice, and an expression of their autonomy and self-determination.
- Q.4 “The right to health does not mean the right to be healthy, nor does it mean that poor governments must put in place expensive health services for which they have no resources. But it does require governments and public authorities to put in place policies and action plans

which will lead to available and accessible health care for all in the shortest possible time. To ensure that this happens is the challenge facing both the human rights community and public health professionals”.

Discuss the criterion to evaluate health and International Human Rights Instruments that Set Out Governmental Commitments to achieve ‘health for all’.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPB4-905

Subject: Investment and Securities Law

B.A./B.B.A. LL.B. 9th Semester7th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. A person 'X' bought 100 shares of TATA Steel in 2019. After complying with all the procedural formalities, he opted to hold the securities with the depository. In the year 2021, he decided to sell these 100 shares. While doing the same, he discovered that the record of 10 shares out of 100 has not materialized. So, whether 'X' has the right to be indemnified discuss with the help of the provisions given under the Depositories Act, 1996.
- B. John Adam, a U.S citizen, was working in M.S.A Pvt. Ltd., a Company dealing in the energy sector. He was sent to India for a specific assignment in 2019, but due to the COVID pandemic, John was stuck in India, and the company assigned him various other duties. When John came to India, he had U.S dollars with him. During his stay in India, he developed personal relations with Ramesh and his family; because of his love and affection, he gave 2000\$ to Ramesh, and he kept the same with him. So, under the light of the Foreign Exchange Management Act, 1999 and Foreign Exchange Management (Possession and Retention of Foreign Currency) Regulation, 2015, discuss the liability of John and Ramesh.
- C. "Company A is a foreign company dealing in securities. For the expansion of its business company opened a branch B in India. The said branch flourished its business in India, and for the further development of its business, the same branch B opened its sub-branch C in Srilanka. The unit in Srilanka was controlled and operated by branch B, established in India". Discuss the applicability of the Foreign Exchange Management Act, 1999, on Company A and its branches B and C.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 Discuss Bilateral Investment Treaty and its features. Also discuss Bilateral Investment Treaty Model -2015 of India and its deviation from previous model adopted by India.
- Q.3 What is FPI? Discuss the difference between Securities and Exchange Board of India (Foreign Portfolio Investors) Regulations, 2014 and Securities and Exchange Board of India (Foreign Portfolio Investors) Regulations, 2019 along with recent amended and addition of new

regulation in Securities and Exchange Board of India (Foreign Portfolio Investors) Regulations, 2019.

Q.4 Discuss the following in light of FDI Policy of 2020:

- (i)** A multinational company 'XYZ' intend to invest in Times of India. Discuss the FDI cap allowed for the said sector along with the entry route and procedural mechanism for FDI.
- (ii)** Prohibited Sectors.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPC4-905

Subject: Offences against child & woman

B.A./B.B.A. LL.B. 9th Semester7th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. A boy named Angad sent some messages and emails threatening a girl named Radha to marry him otherwise he will share her pictures online. Radha wants to report this but she doesn't know what to do about it. Suggest Radha if any remedy is available to her and what kind of offence is committed here?
- B. 'Childhood- A Social Construct' discuss the phrase briefly.
- C. Give reason why children below the age of 7 absolved from criminal responsibility and are there any provision where criminal responsibility is fixed?

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 "Women have always found a prominent place in history, society, culture and development of our land. Our ancient scriptures and texts are full of vivid feministic descriptions and references to females of their times". In the light of the above statement discuss the position and status of women in different times.
- Q.3 "The reported rise in crimes against women reflects the constant fight for dignity and equal rights amongst women. In spite of so many legislative safeguards crimes against women are on rise". What do you think are the reasons or lacunas in our system and also give your suggestions?
- Q.4 "The problem of human trafficking is multidimensional It has national and transnational characters, depending upon 'demand and supply'". Comment.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

Mid-Term Examinations, November 2022

Paper Code: SPD4-905

Subject: Law of the sea

B.A./B.B.A. LL.B. 9th Semester7th November, 2022

Time: 1 hour 30 minutes

Maximum Marks: 25

Instructions:

Attempt any two questions from Section-A. Each question in Section-A carries two and half marks. Attempt any two questions from Section-B. Each question in Section-B carries ten marks.

SECTION-A (Short-Answer Type)**(2x2.5=05Marks)****Q.1 Short Answer Type Questions:**

- A. A foreign warship enters the territorial sea of a coastal state without prior permission. Explain the rights that such state has against the warship and under which circumstances shall the foreign warship enter the territorial waters of a coastal state.
- B. Explain the role of Strait of Hormuz in international trade. What will be the impact of blockage in this strait on India. Give examples.
- C. The Convention on the High Seas is an international treaty which codifies the rules of international law relating to the high seas, otherwise known as international waters. The convention was one of four treaties created at the United Nations Convention on the Law of the Sea (UNCLOS I). This convention prevents piracy in the high seas. Briefly discuss the concept of piracy under Article 15 of this convention.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x10=20Marks)**

- Q.2 “The “common heritage of mankind” is an ethical concept and a general concept of international law. It establishes that some localities belong to all humanity and that their resources are available for everyone’s use and benefit, taking into account future generations and the needs of developing countries”. Elucidate and explain the concept in the light of law of seas. Also discuss the role of Maltese ambassador Arvid Pardo in promulgation of this concept.
- Q.3 “A baseline, as defined by the United Nations Convention on the Law of the Sea, is the line along the coast from which the seaward limits of a state's territorial sea and certain other maritime zones of jurisdiction are measured, such as a state's exclusive economic zone”. Explain various kinds of baseline. What is the role of baseline in international law of sea? How does a baseline determine the internal waters of a State?

- Q.4** “According to Article 18(2) of the UNCLOS III, Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress. Such passage can be innocent passage and passage traversed for ulterior intentions”. Explain the concept of innocent passage in Law of Sea. When and Who possesses the right of innocent passage?