

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LB-901

Subject: Law of Interpretation of Statutes

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

12th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of seven printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) “The guiding principle is that statutory provisions align with international law. Courts aim to interpret laws in such a way that they do not conflict with international law, even if there is an inconsistency between the two.” In light of the contemporary developments, particularly in respect wars and human rights crisis discuss the relevance of the presumption.

- b) *Nova constitutio futuris formam imponere debet, non praeteritis* means every new enactment should affect the future and not the past. Explain briefly.
- c) Suppose a state government in India passed a law restricting freedom of speech and expression in the name of public order and security. The law was challenged before the Supreme Court on the ground of violative of Article 19(1)(a), whereas state justify the restriction under Article 19(2). While applying the principle of constitutionalism interpret the case.
- d) What is the application of beneficial construction? How does its application ensure the laws are constructed to promote justice, also discuss the challenges in applying the same.
- e) What do you mean by interpretation? While reading various rules, principles related to interpretation of statutes, do you think these are predominated by positive law? Write a critical note on the same while highlighting the reasons.
- f) What is 'statute', and is its synonym to them 'Act', while explaining the same discuss about the welfare statutes? Can tax statute can be termed as welfare statute?

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

(4x08=32Marks)

Q.2 In 2001, the members of SAARC met over a regional-trade-submit. The agenda of the meeting was to improve and promote the free flow of trade between member nations. In order to achieve the same, a collective proposal for *foreign capital investments* was mooted. The central idea of the proposal is to invite multinational companies and big

corporates to establish their branches at the economic zones of SAARC nations. The lands will be provided and companies will share 15% of their profit in return. The reason behind the proposal is to eradicate the poverty of the region, and this is the opportunity to generate employment in private sectors. In order to implement the same India has constituted a legislation titled, Foreign Direct Investment and Land Acquisition (Compensation and Rehabilitation) Act, 2002. The Act empowers the government to acquire the land and transfer it to foreign companies on long-term lease. But at the same time there are people, especially farmers with small agricultural holdings, who are hesitant to give their lands for this “development” project. According to them they will be permanently deprived from their lands and their future generations will suffer from unending destitution. One local self-group of youngsters named Kisan Mitra supported their agitation. They argued that depriving farmers from their land would negatively impact the country in a long run as it might lead to scarcity of food-grains, especially when population explosion is on its peak. The group filed a petition before the Supreme Court stating that it is the primary duty of the court to safeguard the rights of poor people. Further, they contented that the impugned Act is unconstitutional. You are one of the judges of constitutional bench going to decide the matter. While keeping in mind the presumption about the validity of the legislation and the principle that role of the court is not to legislate but to interpret, what is your comment on the issue? Elaborate

your answer with help of theoretical propositions related to individualism and support your answer with the case laws, interpretive principles and reasons.

Q.3 In relation to constitutional interpretation, how does Henry Shue's theory of basic rights, specifically the rights to subsistence and security challenge traditional conceptions of rights protection in legal systems that focus primarily on civil and political rights? How can constitutional frameworks and their interpretation, such as that of India or the United States, reconcile Shue's argument for positive state obligations with the more limited role of the state traditionally associated with constitutionalism? In this context, what are the potential tensions between the fundamental rights to life and personal liberty (as enshrined in Article 21 of the Indian Constitution or the 14th Amendment in the U.S.) and the broader economic and social security needs that fall within Shue's conception of basic rights? Further, do you think Shue's conception of rights will be an important text in effective interpretation of fundamental rights jurisprudence?

Q.4 Proposition: In a fictional jurisdiction, a law is enacted that criminalizes 'any action that interferes with public health and safety.' Several months later, a person is arrested for organizing a public protest in which demonstrators sit down in a busy area to raise awareness about environmental issues. The protest disrupts traffic flow, causing delays and

minor disturbances. The individual argues that their actions did not qualify as ‘interfere with public health and safety’ in the intended sense of the law, as the protest did not cause harm to individuals or directly threaten public safety.

Question:

In light of the mischief rule of interpretation, how should the court interpret the phrase ‘any action that interferes with public health and safety’ in this case? What is the ‘mischief’ that the law aims to address, and how can the court apply this rule to ensure that the law is not unduly extended to actions like peaceful protests that may not have been the intended target of the statute? Additionally, how might the court balance the objectives of the law with fundamental constitutional rights, such as the right to freedom of expression and assembly?

Q.5 Maxims are an important source of interpretation; they help one to understand the legislation in its depth and different aspects. Is it relevant to rely on the age-old ‘fixed’ maxims? In other words don’t you think that the technical meaning of these old maxims may defeat the purpose of justice or can be used in a manipulated manner to *trick* justice? Discuss the proposition and support the same with your reasons. Further, briefly explain maxims a) *unius est exclusion alterius*; b) *Ut res magis valeat quam pereat*, provide relevant case laws related to same.

Q.6 Proposition: Imagine a case where a provision in a national environmental protection law prohibits ‘activities likely to harm the ecological balance,’ but the law does not clearly define what constitutes ‘likely to harm.’ A company has been accused of violating the law by constructing a large industrial facility near a protected forest area. The company argues that the statute is vague and its actions do not clearly fall under the prohibition of ‘likely to harm the ecological balance.’ The case is brought before the judiciary, where the judge considers using external aids to interpretation to better understand the intention behind the law.

Question:

In this situation, how could the judge use external aids to interpretation to interpret the ambiguous term ‘likely to harm the ecological balance’? How do these external sources help the court in determining the law’s purpose and scope, especially when the legislative text itself is unclear? Additionally, what are the potential risks or challenges associated with relying on external aids, particularly when such aids may reflect evolving societal values or international norms that were not explicitly considered by the national legislature? How might the court ensure that its interpretation remains consistent with constitutional principles, such as the rule of law and the protection of individual rights? Further, do you support the codification of external aids to interpretation?

Q.7 In a scenario, where legislature passes a new tax law that retroactively increases the tax rate on certain categories of income, which was previously subject to a lower rate. The law states that it applies to all income earned in the financial year that has already concluded, even though the taxpayers made financial decisions and investments under the assumption that the previous lower tax rates would apply. A group of taxpayers challenges the retroactive application of the law, arguing that it violates their legitimate expectations, disrupts settled legal relations, and is unfair. The government defends the law, stating that it is a necessary measure for economic stabilization and that the legislature has the power to enact retrospective laws. The matter reaches the court for interpretation. In your understanding what should be the approach of the judiciary in interpretation the matter? Should court opt for retrospective operation of a statute, especially considering the principles of fairness, the rule of law, and constitutional protections against arbitrary government action? Support your answer with the help of case illustrations.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: LB-902

Subject: Alternative Dispute Resolution

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

17th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** “The ethics of alternative dispute resolution encompass the elements of confidentiality and neutrality.” Comment
- b)** Write a short note on the principle of kompetenz-kompetenz.

- c) How does the incorporation of Alternative Dispute Resolution (ADR) mechanisms across various legislations, such as the Code of Civil Procedure, Commercial Courts Act, the Family Courts Act, 1984 etc. reflect the evolving legislative intent to balance efficiency, accessibility, and justice in the Indian legal system?
- d) Which types of disputes are deemed unsuitable for mediation under the Mediation Act, of 2023?
- e) Write a short note on the scope and application of UNCITRAL model law on International Commercial Mediation.
- f) Discuss the nature and role of the Mediation Council of India under the Mediation Act, 2023.

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

(4x08=32Marks)

Q.2 "In the landmark case of *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, the Supreme Court of India clarified the scope of Section 89 of the Civil Procedure Code (CPC), providing a framework for identifying cases suitable for alternative dispute resolution (ADR). Highlight key takeouts of the Judgement and its relevance.

Q.3 In light of the Supreme Court's ruling in *K.K. Modi v. K.N. Modi* (1998) 3 SCC 573, analyze the distinction between expert determination and arbitration under the Arbitration and Conciliation Act, 1996. How does the court's interpretation of the procedural and binding nature of expert determination influence the enforceability of agreements to refer disputes to non-judicial forums, particularly in family and business arrangements?

- Q.4** How does Section 34 of the Arbitration and Conciliation Act, 1996, strikes a balance between limiting judicial intervention in arbitral awards and ensuring fairness by allowing challenges based on grounds like public policy, procedural impropriety, or jurisdictional issues, and how has its interpretation evolved through judicial precedents? Elaborate with the help of case laws.
- Q.5** How do the provisions under the Arbitration and Conciliation Act, 1996, particularly Sections 44 to Section 52, ensure the balance between facilitating the enforcement of foreign arbitral awards and safeguarding against their enforcement when they contravene public policy or due process in India, as interpreted by Indian courts?
- Q.6** Is the referral of non-compoundable criminal cases to mediation legally permissible? How does the *Dayawati v. Yogesh Kumar Gosain* judgment balance the principles of justice, statutory mandates, and the benefits of alternative dispute resolution methods in such cases? Elaborate citing the relevant facts of the case.
- Q.7** In the context of *Haresh Dayaram Thakur v. State of Maharashtra* (2000) 6 SCC 179, critically examine the procedural safeguards embedded in the Arbitration and Conciliation Act, 1996, for conducting conciliation proceedings. How does the Supreme Court's decision highlight the mandatory nature of these safeguards, and what implications does this case have for ensuring compliance with statutory requirements in conciliatory processes?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPA2-903 Subject: Local Self-government including panchayat self-administrative

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

19th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** How did Julius Nyerere's concept of *Ujamaa* influence local governance structures in Tanzania, and what impact did it have on community-based decision-making, resource management, and rural development at the grassroots level?

- b) What is the significance of the Constitutional Seventy-third Amendment Act, 1992 in India regarding the empowerment of local self-government?
- c) What is the composition of the Panchayat Samiti in Himachal Pradesh, and what are its major powers and functions in local governance?
- d) What are the functions and roles of local self-governments in India, and how do they contribute to grassroots democracy and local development?
- e) Why was the Panchayats (Extension to the Scheduled Areas) Act, 1996 initiated when the Constitution (Seventy-Third Amendment) Act, was already in existence? What is the impact of this amendment on schedule Areas?
- f) Comment on whether the Bhuria Committee report addressed the aspirations of the tribal population.

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

(4x08=32Marks)

Q.2 How did key colonial policies like the Bengal Chowkidar Act of 1870, Lord Mayo's decentralization efforts, Lord Ripon's local self-government reforms, the Montagu-Chelmsford Reforms of 1919, and the Government of India Act of 1935 shape the development of local governance in India?

Q.3 What are the salient features of the Gram Nyayalaya Act, 2008, and how does it aim to improve access to justice in rural areas?

Q.4 What challenges does the Gram Sabha in Himachal Pradesh face in terms of its composition, powers, and functions, and how do these challenges affect local governance and community participation?

Q.5 What is the composition of the Zilla Parishad in Himachal Pradesh, and what powers and functions does it hold in the context of local governance, particularly in relation to planning and implementing development programs, coordinating with other local bodies?

Q.6 The cabinet resolution providing for the constitution of the Ashok Mehta Committee noted that: “the government accords the highest priority to rural development so as to increase agricultural production, create employment, eradicate poverty and bring about all-round improvement in the rural economy. The government considers that the maximum degree of decentralization, both in planning and in implementation, is necessary for the attainment of these objectives. – Government of India, Report of the Committee on Panchayati Raj Institutions,”

What were the key recommendations of the Ashok Mehta Committee regarding the structure and functioning of local self-governments in India, and how were these recommendations intended to enhance rural development?

Q.7 “Article 40 of the constitution has been among the most vigorously implemented provisions of the Indian Constitution. The directive to organize village panchayats and to empower them to function as units of self-government saw a steady fulfillment in the period 1949-59, which was followed by the introduction of the PR system in the period 1959-62. Shortly after the passing of the Constitution, a number of states which did not have statutory village panchayats enacted legislation providing for them; and states which had had panchayat legislation proceeded to strengthen it. Panchayats were

given a wide variety of developmental and regulatory (local governmental) functions.- Marc Galanter, Upendra Baxi, Panchayat Justice: An Indian Experiment in Legal Access, Pp 61.”

How does the implementation of Article 40 of the Indian Constitution, which emphasizes the organization of village panchayats as units of self-government, reflect the efforts of various committees toward democratic decentralization in India?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPB2-903

Subject: Banking Law (Including Negotiable Instrument Act)

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

19th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** Write a short note on the constitution of the local body and its functions under the Reserve Bank of India Act, 1934.
- b)** What do you mean by reinsurance? How is it distinguished from double insurance?

- c) Vinod, a holder of the cheque payable to order, endorses it in favour of Sham. After endorsement, he kept it in the drawer of the table and died. Later on, it was found by an heir of Vinod who delivered it to Sham. Whether Sham can claim money from the bank? Discuss with the help of relevant provisions of the Negotiable Instruments Act of 1881.
- d) 'A' steals B's cheque payable to the bearer from his table. Whether the 'A' becomes holder of the cheque and if 'A' delivers the same cheque to 'C' as a gift whether 'C' becomes the holder of the cheque. Answer the question with Justification.
- e) Whether the liability of the drawer is absolved by issuing stop payment instructions before the cheque is presented for payment and by issuing a notice to the payee not to present the cheque. Answer the questions with reference to landmark case law.
- f) 'A' presented a cheque in the bank named 'X'. Bank 'X' issued a memo that the account is closed. Whether 'A' can present the same cheque again. Justify your answer with proper explanation.

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

(4x08=32Marks)

Q.2 Having in view of functions of banks and services rendered by banks the relationship of banker and customer may be classified under different heads. Discuss in detail.

- Q.3** Endorsement is the only mode for negotiation of note, bill or cheque payable to order and the function of endorsement is to transfer the ownership of Instrument. In the light of the given statement discuss the essential features, kinds, effects and general principles for valid endorsement.
- Q.4** A party who is liable under the note, bill, cheque is said to be discharged from his liability broadly under two heads, when his liability comes to an end. Discuss in detail with the help of relevant provisions of the law.
- Q.5** When an open cheque is lost or stolen, the finder or thief may be able to get it encashed at the drawer bank unless the drawer has meanwhile countermanded payment. To avoid this the business community started crossing of cheques and it became so popular that soon it was recognised by statute and sanctions of law. Provisions regarding the crossing of cheque have been provided under the Negotiable Instrument Act, 1881. In the light of the above statement discusses the object, kind and effects of the crossing of cheques.
- Q.6** What are the legal and procedural aspects of dealing with the dishonour of a cheque under Negotiable Instrument Act, 1881? Discuss in detail with the help of landmark case laws.
- Q.7** Life insurance is a husband's privilege, a wife's right and a child's claim. Discuss in detail the essential features, functions and kinds of life insurance and how it is different from other forms of insurance?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPC2-903

Subject: Penology & Victimology

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

19th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) some extreme cases like Bombay blast case and Parliament attack case reminds us that extreme penalty i.e. Death sentence is still awarded to convicts. Do you think that some convicts are beyond reformation? Support your answer by justifying whether death penalty be retained or not under the Indian criminal justice delivery system.

- b) Compare Penology with Criminology and Victimology.
- c) Differentiate between *Good Time* Laws and *indeterminate sentences*.
- d) Discuss the lifestyle theory of victimology.
- e) Discuss the importance of Victim Assistance Programmes.
- f) What do you understand by De-victimisation?

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

(4x08=32Marks)

Q.2 Discuss the various forms of punishment practiced in India since ancient times. Also mention whether BNS, 2023 has brought out any changes in the forms of punishment.

Q.3 Discuss the salient features of the Probation of Offenders Act, 1958 with the help of relevant case laws.

Q.4 “With the growing social and political attention to the issue of criminal victimization and as to how the criminal justice system should respond to the victims, the importance of studying victimology as a separate discipline has been recognized.” In the light of this statement discuss the victimization process with the help of relevant illustrations and case laws.

Q.5 How does victimization have an impact on the victims of crime? Who are the persons needing special attention due to their vulnerability? Elaborate on their position and how the law has come forward to help such vulnerable groups.

Q.6 What do you understand by the term restorative justice? Discuss the various compensatory provisions under various laws including BNSS, Probation of Offenders Act, and Motor Vehicle Act with the help of relevant case laws.

Q.7 “Merely apprehending the accused and punishing him would certainly not be doing complete justice to the victim. How to completely wipe the tears of the victims is the need of the hour.” In the light of the statement, discuss how the judiciary has over the years come to the rescue of victims by interpreting and expanding the scope of law of compensatory jurisprudence in India.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPD2-903

Subject: International Human Rights

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

19th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** Analyze the role played by the Committee on Economic, Social and Cultural Rights (CESCR) in elaborating the contents of different economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights?

- b)** With the help of relevant provisions, analyze the shift made by the diversity specific conventions from the International Bill of Human Rights as a new approach towards the concept of human rights?
- c)** Critically examine the challenges faced by the United Nations General Assembly, Security Council and International Criminal Court in responding to human rights violations and upholding international peace and security? Discuss with the help of relevant provisions?
- d)** Analyze the salient features of complaints procedure under European Convention of Human Rights with the help of relevant provisions?
- e)** Under the Inter-American Court-ordered reparations, states have paid compensation to numerous victims and reformed national legislation. Discuss, with the help of relevant provisions of the American Convention on Human Rights and illustrations.
- f)** A comprehensive definition of human rights might not be possible due to the nature of the right itself and the changes in perception taking place gradually and over a period of time. Discuss this position from the perspective of human rights as defined in the Protection of Human Rights Act, 1993?

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

(4x08=32Marks)

- Q.2** Analyze the historical evolution of international human rights from the *Magna Carta* to the Universal Declaration of Human Rights, 1948 along with the changing philosophical thought in the development of human rights?
- Q.3** Regional alliances have used collective influence to ensure the Human Rights Council devotes disproportionate attention to certain countries, in order to further political agendas. Analyze how regionalism has evolved in the proceedings of the United Nations from the Human Rights Commission to the Council?
- Q.4** The implementation of International Covenant on Civil and Political Rights cannot be achieved alone by requiring the obliging state to abstain from encroachments upon the rights. Something more is required. Discuss this view with the help of the relevant provisions of the covenant.
- Q.5** The European Court of Human Rights has effectively become the Constitutional Court for greater Europe, sitting at the apex of a single, transnational, constitutional system, which links former communist states with the West, and the EU with non-members. Examine the challenges faced by the court in the implementation of the European Convention on Human Rights?
- Q.6** The extent of protection of human rights in a country is measured not by the width of the relevant Constitutional provisions, but the manner in which such provisions are interpreted and implemented. Critically analyze the judicial approach to human rights in India from the perspective of this statement?

Q.7 State sovereignty and self-regarding notions of community are used to deny or dilute substantive and procedural guarantees to migrants. Discuss the international human rights legal framework for the protection of migrants?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPA3-904

Subject: Comparative Constitution

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

21st December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) “Gandhian values are more aligned to conscience than principles in terms of freedom of speech and expression.” In the light of this statement, discuss the contemporary politics of freedom in terms of creative expression in India.

- b) Discuss the concept of secularism vis-à-vis ‘science of religion’ and ‘religion of science’ evolved in European and Folk traditions of South.
- c) Explore the emerging dimensions of minority rights and argue if the interests of “sexual minorities” may be protected as minority rights under Indian Constitution.
- d) Critically examine the role of comparative inquiry in the development of liberal constitutionalism in a globalized world.
- e) Examine if economic basis is a valid criterion to provide reservation under Indian Constitution vis-à-vis *Janhit Abhiyan v. Union of India* (2022).
- f) Argue in defence of constitutionalizing socio-economic rights in liberal Constitution. To what extent, it may be made justiciable and enforceable especially in context of Indian Constitution?

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

(4x08=32Marks)

- Q.2** Discuss the connection between ‘communicative rationality’ and citizenship under Indian Constitution. To what extent, the legal and political discourses on citizenship in India are connected to the painful experiences of partition?
- Q.3** Discuss to what extent the provisions of the Indian Constitution address the “substantive inequality” in practice, particularly in relation to socio-economic disparities among marginalized communities and specially-abled people.

- Q.4** Examine to what extent the judicial interpretations of the Indian and U.S. Constitutions address the challenges of ‘indirect discrimination’ rooted in the social practices and whether the landmark cases in both the countries have ushered the elimination of discrimination rooted in the ‘social unconscious’ of the citizens.
- Q.5** Explore in what ways have recent government actions, such as the use of internet shutdowns and blocking social media contents, illustrate the balance between protecting national security or public order and preserving the fundamental right to freedom of speech and expression as guaranteed under Article 19(1)(a) of the Indian Constitution.
- Q.6** Critically analyze the origin of secularism in Europe and India and their impacts on the governmental practices in contemporary situations with appropriate examples.
- Q.7** Provide the arguments with reference to the decided cases of the Supreme Court of India in justifications of minority rights under Indian Constitution. To what extent, the minority educational institutions may be regulated by the State?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPB3-904

Subject: Bankruptcy & Insolvency and Insurance Law

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

21st December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) What is the purpose of public announcement in the corporate insolvency resolution process.**
- b) Who is eligible to act as a resolution professional? Can an advocate act as a resolution professional? Explain with the help of relevant provisions of the Insolvency and Bankruptcy Code, 2016 and regulations to substantiate your answer.**

- c) “Consent of the party is irrelevant for conferring jurisdiction when there exists none.” Discuss citing relevant case law.
- d) What constitutes an estate of the Bankrupt? Briefly discuss the restrictions imposed on the disposition of property.
- e) Write a brief note on the adjudicating authorities for individuals and Partnership Firms.
- f) Write a short note on the establishment, composition and functions of the Board.

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

(4x08=32Marks)

Q.2 Trace the historical development of the Insolvency and Bankruptcy Code, 2016.

Q.3 The key to the timely completion of an insolvency or bankruptcy process is the quick availability of factual and undisputed information. Financial creditors such as banks need accurate and reliable financial information about debtors indebtedness. Lack of information, and one-sided information presented by conflicting forces, have been impediments for FCs in recovering their dues. Discuss in detail the nature and role of Information utility in term of core services.

Q.4 Under what circumstances a corporate debtor ends up in liquidation under Part II Chapter III of the Code? Discuss the nature of office, powers and duties of the liquidator highlighting relevant regulations.

- Q.5** What circumstances can lead to the filing of an application for the bankruptcy order of an Individual and partnership firm and what is the effect of filing such an application? Also, discuss the role of the Bankruptcy trustee in summoning and conducting the meeting of creditors.
- Q.6** Write a detailed note on the filing of an application for insolvency resolution process against the individual and partnership firm under IBC. Discuss the role of an Insolvency professional recommending the admission and rejection of an application under Section 99 of the Code.
- Q.7** Critically analyze the eligibility and role of Insolvency Professional Agencies (IPAs) in enhancing the efficiency and transparency of the insolvency and bankruptcy ecosystem. Highlighting the principles governing their registration and also discuss their eligibility and procedure for applying for registration under IBC.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPC3-904

Subject: Forensic Science

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

21st December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) X was accused for murdering his business partner by poisoning. In which branch of the forensic science lab this poison will be examined and what is its admissibility?**
- b) What is the significance of sketching, photography and videography of crime scene during investigation is in improving administration of criminal justice?**

- c) If an accused person is called upon by the court or any other authority holding an investigation to give his finger impression or signature or a specimen of his handwriting against his consent, is this a violation of his right against self-incrimination?
- d) In Noida, a businessman 'M' and his domestic help 'S' were accused of murdering five children. The dead bodies of children were recovered with few biological trace evidences. It was also found that the children were also subjected to sexual assault and rape. Can the both the accused be forced to give their DNA samples for analysis without consent?
- e) 'X' succumbed to the bullet injuries. During post-mortem examination, a bullet was recovered from the spinal cord. Discuss the role of Medical Expert and Ballistic Expert investigation in the given facts with the help of a case law.
- f) How a broken mobile phone and a laptop found at the crime scene can help in investigation. Discuss with relevant provisions of law and case law.

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

(4x08=32Marks)

Q.2 What are the techniques used for Chemical & Toxicological Analysis of Trace evidence? Discuss various divisions of forensic science labs and their role in investigation and trial with the help of relevant case laws.

Q.3 A sharp-edged weapon which was found embodied on the body of the deceased was extracted by the doctor and handed over to the police officials. The seized weapon was neither sealed nor any documentation was done but it was kept in a glass jar and sent for DNA examination in FSL after five days. Three samples of blood knife along with five specimens of fingerprints were found on the weapon. One of the specimens of fingerprint matched with the accused as well. The defence side took the plea of broken chain of custody of this evidence. What effect will it have on the case of the prosecution and what would be the manner in which the court should appreciate such evidence? Discuss with relevant case laws.

Q.4 Videography of crime scene during investigation is of immense value in improving administration of criminal justice. Do you agree that scene of occurrence provides information which is useful to provide a link between criminal, victim and scene of crime? Explain with the help of case laws that what is crime scene investigation and what is the significance of chain of custody of evidence collected from the crime scene.

Q.5 The study of fingerprints is generally admitted to constitute a science. Its two basic hypotheses are that; fingerprints of a person remain the same from birth to death; secondly, there has never yet been found any case where pattern made by one finger exactly resembled the pattern created by any other finger of the same or any other hand. Discuss the principles of forensic science applicable to the fingerprint analysis as well as other principles of forensic science and their applicability with relevant case laws.

Q.6 The DNA of the bloodstains retrieved from the clothes of the victim and the weapon used for the murder meticulously matched with the DNA of the accused. Does this prove the accused guilty beyond any reasonable doubt? Discuss the admissibility and evidentiary value of DNA report with the relevant case laws.

Q.7 'X' a 15-year boy was found to be dead in the home on 16 September 2023. The report was made by the parents of 'X' in the police station. In this case Karan, who was a caretaker in the house of 'X', was suspected of murder of 'X'. But after two days the dead body of Karan was also found on the terrace of the house of 'X'. The parents of 'X' were arrested by the police. In this case Narco-Analysis test, Polygraph test and Brain mapping test was conducted on the parents. It was pleaded before the court that the report of these tests cannot be taken as evidence in the court of law. Discuss the procedure, admissibility and evidentiary value of Narco-Analysis test, Polygraph test and Brain mapping test.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPD3-904

Subject: International Environmental Law

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

21st December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) How can international environmental law frameworks effectively address the challenges of governing global commons, to balance the interests of sovereign states and the global community in mitigating environmental degradation?**

- b)** In a residential locality “A” is involved in a business of loading, unloading and stocking of fodder. It has become health hazard to the residents of the locality, as the whole atmosphere was polluted due to dust particles of the fodder. “B” a resident of the locality approaches the court atmospheric pollution. Advise him.
- c)** How does the Energy Conservation Act, 2001 contribute to India’s climate change mitigation efforts, and what role do its key provisions, such as energy efficiency norms and the Perform, Achieve and Trade (PAT) scheme, play in reducing greenhouse gas emissions?
- d)** A multinational company set up a pesticide manufacturing unit in a semi urban area. It stored huge volume of poisonous gases required for pesticide production. But one fine day a terrorist planted a bomb in the factory exploded releasing the gases killing workers, working in the company, as well as other civilians residing in the vicinity of that company. Discuss the liability of the company (if any).
- e)** The Company ‘X’ located in state ‘A’ since 1950, was owned and operated by a Zen corporation. The resultant effect of from the sulphur dioxide from ‘X’ resulted in the damage of the state of ‘B’. This led to state ‘B’ to approach Arbitral Tribunal against state ‘A’ with an injunction against further air pollution by company ‘X’. The State ‘B’ sought damages from State ‘A’ by suing them to the Arbitral Tribunal and also prayed for an injunction for air pollution in the state ‘B’, by company ‘X’, a Zen corporation which is domiciled in State ‘A’.

The issue before the Arbitral Tribunal is regarding the responsibility of the State to protect other states against harmful acts by individuals from within its jurisdiction at all times. Advise.

- f) How effectively does the Nagoya Protocol address the issues of access and benefit-sharing (ABS) to safeguard the rights and interests of indigenous communities and developing nations?

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

(4x08=32Marks)

Q.2 Give a brief overview of the main sources in international environmental law. Explain and discuss in particular the emergence of "soft law" and principles in international environmental law and how this has influenced the development of this area of international law.

Q.3 “In a recent United Nations Climate Change Conference more commonly referred to as COP 26, several major coal using nations have pledged for the first time to phase out their use of heavily polluting fossil fuel or to speed up existing plans to do so, while others announced commitments to end investments in new coal-fired power plants.” What role has played by India in this regard and also discuss India’s policies and laws to deal with climate change.

Q.4 Discuss the role of the Clean Development Mechanism (CDM) under the Kyoto Protocol in facilitating sustainable development and emission reduction in developing countries. Further, analyse how the transition from CDM to the mechanisms established under Article 6 of the Paris Agreement addresses the shortcomings of the CDM while promoting greater ambition in climate action and ensuring environmental integrity.

Q.5 “States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”

Explain the content of above principle as it has normally been understood. Also, highlight the key principles of state responsibility from the perspective of International Environmental law.

Q.6 What does the Convention on Biological Diversity, 1992 regulate? Has the United States of America signed the Convention? How did India implement the guidelines of the Convention? Discuss briefly, giving reference to the relevant laws made in this regard.

Q.7 Examine the key provisions of the 2000 Cartagena Protocol on Biosafety and its role in regulating the transboundary movement of genetically modified organisms (GMOs). How does the Protocol balance the need for technological innovation in biotechnology with the imperative of protecting biodiversity and human health?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPA4-905

Subject: Health Law

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

24th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) What legal frameworks are needed to address the critical health challenges of the 21st century, such as emerging infectious diseases, antibiotic resistance, and the impacts of climate change on public health?

- b) What role does the World Health Organization (WHO) play in addressing global health challenges, and how effective is it in coordinating international health responses?
- c) How does criminal law intersect with health, particularly in addressing issues of health fraud and abuse, and what legal measures are in place to combat these offenses?
- d) What are the main features of the National Health Policy 2017 in India?
- e) How does the Medical Termination of Pregnancy Act, 1971 address reproductive health issues in India?
- f) Write a short note on M-Health Laws and its regulation in India.

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

(4x08=32Marks)

Q.2 Discuss the primary principles and challenges associated with public health legislation, particularly in the context of managing pandemics, promoting health justice, and addressing health disparities. How do prominent thinkers propose that legal and ethical frameworks adapt to the evolving nature of public health crises, and what role should law play in balancing individual freedoms with the protection of community health? Provide examples of specific public health policies.

Q.3 What role does global health jurisprudence play in addressing transnational health threats, ensuring equitable access to healthcare, and protecting vulnerable populations? How should international legal frameworks evolve to address these issues in light of

globalization, and what are the ethical implications of these legal interventions?

Q.4 How do United Nations agencies collaborate to tackle multifaceted health issues? Furthermore, evaluate the challenges these agencies face in implementing health programs globally. Provide examples of successful initiatives led by these agencies.

Q.5 Discuss the ethical and legal principles underlying informed consent in medical practice. How do legal frameworks support or hinder the practice of informed consent, and what measures can be taken to improve patient understanding and ensure ethical compliance in diverse medical settings?

Q.6 In the context of constitutional law, various countries, including India, have sought to articulate the right to health through explicit provisions or as an implied right derived from other constitutional guarantees. In India, for instance, while the Constitution does not explicitly mention the right to health, the Supreme Court has interpreted it as part of the right to life under Article 21. Analyze the implications of this interpretation for public health policy and access to healthcare services.

Furthermore, examine the role of the judiciary in shaping the right to health and ensuring accountability from the state.

Q.7 What specific provisions do Factories Act, 1948, and the Occupational Safety, Health and Working Conditions Code, 2020 include regarding workplace safety, health standards, and workers' rights to compensation in case of health-related issues arising from their employment? Analyze the effectiveness of these legal frameworks in addressing contemporary health challenges faced by workers.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPB4-905

Subject: Investment and Securities Laws

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

24th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- Write a short note on Corporatisation and Demutualisation.
- Discuss the provisions related to share capital under the Companies Act, 2013.
- Write a short note on IEPF.

- d) ABC Ltd., an Indian company, is planning to raise foreign direct investment (FDI) to expand its operations in the manufacturing sector. However, the company is unsure about certain transactions that might be prohibited under the FDI regulations. Discuss the prohibited transactions under FDI policy 2020.
- e) What are the key features of NASDAQ as a stock exchange, and why do technology and high-growth companies prefer to list on it?
- f) Explain the key characteristics of Foreign Venture Capital Investment (FVCI).

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

(4x08=32Marks)

Q.2 ABC Ltd., an Indian company, plans to raise capital through the issuance of Global Depository Receipts (GDRs) to foreign investors. The company is unsure whether GDRs would be classified as "securities" under the Securities Contracts (Regulation) Act, 1956 (SCRA), and how this classification would impact the regulatory framework it needs to comply with. Discuss with the help of landmark case laws "securities" under Section 2(h) of the Securities Contracts (Regulation) Act, 1956, and explain whether Global Depository Receipts (GDRs) would be considered securities under this definition.

Q.3 ABC Ltd., an Indian manufacturing company, is planning to expand its operations by setting up a subsidiary in the United States. The company intends to transfer funds for both operational expenses (current account transaction) and equity investment (capital account

transaction) as part of the expansion plan. Discuss the regulatory framework under the Foreign Exchange Management Act (FEMA), 1999, current and capital account transactions.

Q.4 XYZ Pvt. Ltd., an Indian company, is planning to make foreign investments and conduct cross-border transactions. Some of its key directors, who recently returned to India after living abroad, are uncertain about their residential status under the Foreign Exchange Management Act (FEMA), 1999. Discuss “person resident in India” and “person resident outside India” under the Foreign Exchange Management Act (FEMA), 1999.

Q.5 The Securities and Exchange Board of India (SEBI), established under the Securities and Exchange Board of India Act, 1992, plays a pivotal role in regulating and overseeing the securities markets in India. SEBI's mandate includes protecting investor interests, ensuring fair practices in the market, and facilitating the growth and development of the securities market. It possesses a wide range of powers to regulate market participants, enforce compliance with securities laws, and take corrective action when necessary. Discuss the role of SEBI in regulating the Indian securities market, focusing on its powers and functions as outlined in the Securities and Exchange Board of India Act, 1992.

Q.6 XYZ Global Ltd., a rapidly growing technology company based in India, is considering listing its shares on an international capital market. The company's board of directors is keen to access global capital but is concerned about the complexities of cross-border regulations, listing requirements, and the potential risks associated with dual listings. Discuss the legal and regulatory framework for listing securities on an international capital market such as the London Stock Exchange.

Q.7 A company, GreenTech Solutions, is on the verge of announcing a breakthrough product that is expected to greatly increase its stock value. One of its senior managers, Emily, learns about the upcoming product launch before it becomes public. Emily shares this confidential information with her cousin, Alex, who works as an analyst at an investment firm. Acting on this information, Alex buys a significant amount of stock in GreenTech Solutions prior to the announcement. Once the product is publicly revealed, the company's stock price jumps and Alex sells his shares, making a substantial profit. Discuss with the help of landmark cases and SEBI (Prohibition of Insider Trading) Regulation, 2015, and the Securities and Exchange Board of India Act, 1992.

- (i) Did Emily's action of passing on the information to Alex constitute insider trading? Explain your reasoning.
- (ii) How does SEBI (Prohibition of Insider Trading) Regulation, 2015 r/w Securities and Exchange Board of India Act, 1991 address the actions of both Emily and Alex and punishment if found guilty of insider trading.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPC4-905 Subject: Offences against Women and Children

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

24th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of four printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) Gender justice seeks to achieve a life of dignity and freedom to women as a basic human right. Discuss the steps taken by the judiciary to achieve gender justice.
- b) Discuss the efficacy of Constitutional provisions and other legislations in India prohibiting the employment of children?

- c) A, an adult male, a college student knows that a girl B who lives in his neighbourhood and is below 16 years of age but her real age is not known to A. She meets him one day and asks him to take her in a taxi for sightseeing in and around the city. They go ultimately by train to Bombay. Discuss the nature of offence and liability of A.
- d) Z has circulated the morphed pictures of his classmate Y, on a WhatsApp group in which she was not wearing any clothes. Discuss the liability of Z.
- e) Is there any legislation in India to protect women from domestic violence like physical, emotional, sexual, and economic abuse? Discuss with a case law.
- f) X, a 17-year-old boy has committed a murder. Is it covered under the category of heinous crimes and what are the powers and functions of Juvenile Justice Board to investigate heinous crimes?

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

(4x08=32Marks)

Q.2 Critically examine the impact of judicial reforms on gender justice and the efficacy of legal framework addressing gender-based violence. Do you think that deletion of Section 377 of IPC, 1860 from the newly enacted BNS 2023 may lead to create a gap in protection of gender-based violence at certain contexts?

Q.3 'R' a girl, refused to marry her boyfriend 'S', resulting into his depression. 'N', a friend of 'S', suggested him to take revenge with an intention that 'S' will come out of shock, 'N' provided 'S' a

bottle of liquid believing it as acid. 'S' mistook 'P' to be 'R' in darkness and threw the liquid on 'P', causing rashes on her face, which later resulted into serious injuries. The investigation revealed that it was not acid but was a concentrate of fungicide. Decide the Criminal liability of 'S' and 'N' in this case.

Q.4 A performs sexual intercourse with a woman namely B aged 17 years, with her consent. A is prosecuted under POCSO Act, 2012 and BNS, 2023. During the trial, A takes the defence that he is not guilty as he performed sexual intercourse with B with her consent. Will A succeed in his defence? Give reasons and refer to the relevant provision of both the Acts in this regard.

Q.5 R, a newly married village woman aged twenty years was ill treated by her husband and mother-in-law for dowry. There was a quarrel between the two and the husband threatened that he would beat her to death. Late that night, the woman, decided to run away from the matrimonial home stepped out of her room with her bag and slipped away from the stairs of the house. She died due to the multiple injuries. Discuss the liability of her husband and mother-in-law under BNS 2023 with relevant case laws.

Q.6 A 14-year-old girl from rural West Bengal was reported missing by her mother. Eventually, it was found that the girl had married a 25-year-old man. The girl's mother alleged that the man had kidnapped her daughter and subsequently filed a First Information Report (FIR). During the proceedings, the girl submitted that her affair with the man was consensual and that she had eloped to marry him "out of her own volition." She also informed the High Court that she was a single mother with a two-month-old baby from her marriage with the accused and that she was living in "destitute" conditions with an ailing mother. Discuss the liability of the man with relevant provisions of POCSO act 2012 and with relevant case laws.

Q.7 An FIR was registered against a 17-year-old boy for commission of offences under Sections 63, 64 of BNS 2023 and Sections 4, 5, 6, 7 and 8 of Protection of Children from Sexual Offences Act, 2012 ('POCSO'). After his apprehension on 03-11-2024, he was produced before the board and application was filed to release him on bail. Discuss the provisions of bail, preliminary assessment by the board and other related provisions of the Juvenile Justice Act 2015 and their applicability in the given case with relevant case laws.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, December 2024

Paper Code: SPD4-905

Subject: Law of the Sea

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

24th December, 2024

Time: 3 Hour

Maximum Marks: 50

Instructions:

- 1. Section-A is compulsory consisting of Six short questions carrying three marks each. Attempt any Four Questions from Section-B. Each question in Section-B carries eight marks.*
- 2. This Question Paper contains total of three printed pages.*
- 3. Candidates are required to write their Roll No. on the question paper in the given space above. Do not write anything except Roll No. on the question paper.*

SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) The territory of states includes internal waters over which the state has full and complete sovereignty and exclusive jurisdiction. Explain the jurisdiction of the state on its territorial sea as under the UN Convention on Territorial Sea, 1958.

- b) In the book *The Free Sea*, Grotius formulated the new principle that the sea was international territory and all nations were free to use it for seafaring trade. Briefly throw light on this concept.
- c) Which international straits are relevant to India and in what context?
- d) The idea of allotting nations EEZs to give them more control of maritime affairs outside territorial limits gained acceptance in the late 20th century. Trace the evolution of Exclusive Economic Zone.
- e) What are the provisions relating to immunity of warships on the high seas under UNCLOS, 1982?
- f) Significant feature of the Law of the Sea Convention, 1982 is the International Tribunal for the Law of the Sea (ITLOS). State in brief powers and functions of ITLOS.

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

(4x08=32Marks)

Q.2 Article 1 of The Geneva Convention on Continental Shelf, 1958 defines continental shelf. What is the drawback of the said definition and how has the 1982 Convention on Law of Sea addressed the grey area of this definition. Answer using the help of international case laws.

Q.3 The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal state have good reason to believe that the ship has violated the laws and regulations of that State. – Article 23, Geneva Convention on High Seas, 1958. Elaborate the concept of hot pursuit.

Q.4 Innocent passage is as old as the law of the sea itself and is a normal consequence of freedom of navigation; the doctrine was elaborated in Article 14 of the convention on the Law of the Sea 1958, which emphasized that the coastal state must not hamper innocent passage and must publicize any dangers to navigation in territorial sea of which it is aware. Give detailed explanation of the concept of innocent passage under UNCLOS, 1982 with examples.

Q.5 Coastal countries have exclusive rights to resources located within the continental shelf, which legally is defined as the seabed up to roughly 370 km (200 nautical miles) from shore or to the outer edge of the continental margin, whichever is farther, subject to an overall limit of about 650 km (350 nautical miles) from the coast or about 185 km (100 nautical miles) beyond the 2,500-metre (8,200-foot) isobath, or line connecting equal points of water depth. Give a detailed explanation of the rights exercisable by Coastal State on its continental shelf.

Q.6 Part 4 of the UNCLOS, 1982 states the provisions on High Seas. The UN Convention on High Seas, 1958 also states provisions on High Seas. Draw a comparative analysis of the drawbacks and advantages of the UN Convention on High Seas, 1958 and Part 4 of UNLCOS, 1982 in relation to concept and jurisdiction of High Seas.

Q.7 International Seabed Authority (ISA) is the organization through which States Parties to UNCLOS organize and control all mineral-resources-related activities in the area for the benefit of mankind as a whole. In so doing, ISA has the mandate to ensure the effective protection of the marine environment from harmful effects that may arise from deep-seabed related activities. What are the powers and functions of various organs of the ISA?
