



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-901

Subject: Law of Interpretation of Statutes

B.A./B.B.A. LL.B. 9th Semester12th March, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) When a statute is repealed, there might be conflict whether the right and liability incurred under that old statute would continue or stand repealed. In such cases what are the aids to interpret those repealing statutes?
- (B) Indian government has passed a law whereby publication of any image, symbol, emblem, cartoon or other representation which is likely to incite hatred for a group or person is prohibited. A matter has come before the court that whether representation only means visual portrayal of fact or verbal communications are also covered under it. What aid would be used by a judge while interpreting it?
- (C) As a general rule, proviso is added to a section/ provision to qualify or create an exception to the provision. Whether a proviso can be interpreted as a general rule? Discuss.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks).

- Q.2** A Criminal Court has power to pass interlocutory orders at various stages of the trial. The basic object of interlocutory orders is to cut down the delays. The word interlocutory poses confusion with words 'interim' or 'intermediate'. Courts in various judgement have applied different rules to interpret these words. Discuss in the light of

different judicial pronouncement and also explain as to how these confusions have been settled ?

Q.3 Suppose Indian criminal code provides that “an offence occurs when a person acting as an agent corruptly.... agrees to accept any reward, advantage or benefit in connection with his/her task as an agent”. So, the word ‘corruptly’ was in question before the court.

- Whether the word should be given the meaning in its literal sense or the court should adopt other principles or rules of interpretation?
- What should be the approach of the court while interpreting the words- reward, advantage or benefit?
- Whether the statute must be read as whole for the purpose of interpretation?

Q.4 a) Along with the various sections, a statute has many other parts such as preamble, marginal notes, headings definition etc. It is important to know as to how these parts are helping the courts in interpretation. Discuss, ‘definitions’ and ‘illustrations’ as the internal aid to interpretation with relevant authorities over them.

b) “Marginal notes are not part of the statutes because they are not inserted by the legislature nor they are printed in the margin under the instructions or authority of the legislature. Sometimes they are inserted by the drafters and held as inaccurate too. There may be some exceptional circumstances where marginal notes are inserted by the legislature, help can be taken”. In the light of the above statement, discuss critically, the relevance of marginal notes in the interpretation of a law or statute with the help of case laws.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-902

Subject: Alternative Dispute Resolution (ADR)

B.A./B.B.A. LL.B. 9th Semester13th March, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) X and Y, partners in a partnership firm make an agreement in writing to refer a dispute between them in business to an arbitrator. In spite of this agreement X files a suit against Y relating to the dispute in a court. Discuss whether X can move the court and obtain the relief in relation to dispute mentioned?
- (B) Is negotiation a binding procedure? Give reasons to support your answer.
- (C) Can conciliator independently indicate the method of settlement of disputes and draft his report in this regard?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** Margo Pvt. Ltd. a soap manufacturing company registered in Japan entered into a licensing agreement with Medimix Pvt. Ltd an Indian Company for manufacturing and sale of its soap in India in 2018. The agreement had no dispute resolution, choice of law or jurisdiction clause. A dispute has risen between the parties in 2020 relating to payments of royalty and fees on the account of sale. Parties have negotiated to reach settlement but have failed. Margo has now written a letter to Medimix to submit their dispute to arbitration in Japan under the Japan International Arbitration Centre. Medimix Pvt. Ltd. is not sure about the same. Advise Medimix Pvt. Ltd.
- Q.3** 'X' resisted arbitration on the ground that the relief sought by the 'Y' i.e. specific performance is discretionary and statutorily conferred on civil courts under the Specific

Relief Act, 1963. Hence, an arbitral tribunal would have no such power. Would X succeed? Give reasons to support your answers.

Q.4 Mr. and Mrs. Sharma and their relatives who have a family dispute relating the division of ancestral property have approached you to resolve their dispute through mediation. It is their wish that they all be given a chance to express themselves and they have decided that all of them can negotiate for themselves.

Advise them what will happen in the mediation hearing until they reach an agreement.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPB2-903

Subject: Banking Law (including Negotiable Instrument Act)

B.A. LL.B. 9th Semester15th March, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) Mr. K has taken a life insurance for himself. After 10 years Mr. K died due to sudden cardiac arrest. His wife filed an application before the insurance company for disbursal of claim amount. The insurance company rejected the claim on the ground that Mr. K was suffering from heart diseases which was not disclosed to the company. Decide with the help of legal provision and relevant case law.
- (B) Mr. X having sufficient funds in his account, issued a cheque of Rs. 5000 to Mr. Y. when the cheque was presented before the bank, the bank fails. Mr. Y sued Mr. X for the amount. Decide the liability of Mr. X keeping in mind the contention of Mr. X that he has been discharged from the liability as a drawer.
- (C) Mr. A after issuing a cheque instructed the bank to make stop payment of the issued cheque. Can Mr. A be sued under Section 138 of the Negotiable Instrument Act, 1881 for the insufficiency of funds. Explain with the leading cases.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x20=40 Marks)**

- Q.2** 'X' called up 'Y' and said that his laptop had been stolen and though he had insurance for laptop, he did not have theft coverage for his laptop. A few hours later he called back. The laptop had been found by police. But the thief had crashed it. "Thank God" 'X' told 'Y', "I am now going to claim for the repair from the insurer". Decide whether 'X' can get the claim from the insurance company with the help of relevant legal principles and case laws.

- Q.3** Mr. J who gets the check of Rs. 5000 after making payment to Mr. P. He presented the same to the bank without being aware of any prior issues with a check, such as it was overdue, dishonored when presented for payment. had Mr. Jany claims against it? Decide with the help of relevant statutory provision and leading case law.
- Q.4** Mr. S filed a petition before the Magistrate against Mr. W for the dishonor of the cheque of Rs 10000 at Shimla on the pretext that he gave notice to Mr. W demanding payment of the cheque amount. The Magistrate dismissed the petition keeping in mind the fact that the said cheque is presented for payment at Kalka. Mr. S went in to appeal against the dismissal order of the Magistrate. Decide with the help of relevant statutory provision and case laws.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPB3-904

Subject: Bankruptcy, Insolvency and Insurance Law

B.A. LL.B. 9th Semester16th March, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) Discuss briefly the process of Fast Track Corporate Insolvency Resolution Process.
- (B) What do you understand by Moratorium?
- (C) Discuss the importance of Information Utilities.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** “Failure to resolve Corporate Insolvency leads to Liquidation.” In the light of this statement, explain the important stages of Corporate Insolvency Resolution Process and Liquidation along with relevant provisions of IBC, 2016.
- Q.3** ABC Pvt. Ltd is a company registered under Companies Act, 2013 with its registered place of business at New Delhi. After having obtained a loan amount from three Nationalized Banks situated in India (State Bank of India, Punjab National Bank and Oriental Bank of Commerce) in the year 2015 as also another loan in 2018 from a foreign bank situated in New York (U.S.A.), namely New York Bank, the company made a default in the repayments thereof. It had an outstanding loan amount to the tune of Rs. 70 Crores as on 01.01.2019 which it owes to its Financial as well as Operational Creditors. That being the case, it became difficult for the company to pay salary of its employees as well. In view of the aforesaid facts, answer the following questions discussing in detail relevant statutory provisions and case laws:
- a. What remedy, if any, is available to the New York Bank under the Code?

- b. What do you understand by Committee of Creditors (CoC)? Whether CoC includes the unpaid employees of the company?
- c. What would have been the time limit for the completion of Corporate Insolvency Resolution Process?
- d. What would be the waterfall mechanism for distribution of assets in case company undergoes liquidation in this case?
- e. What are the different avoidable transactions under IBC, 2016?

Q.4 Ghanshyam is an Indian citizen who earns Rs 4500/- per month. On 01.01.2018, he obtained a personal loan to the tune of Rs. 50000/- from State Bank of India. The principal loan amount along with interest accounts for Rs. 62000/-. After having paid his regular EMIs of Rs. 1000/- he made a default in the repayment of loan. The outstanding amount to be paid by him is Rs. 30000/-. The aggregate value of his assets is merely Rs. 15000/-. Apart from this he has also taken interest free student loan from Union Co-operative Bank for the education of his son amounting to Rs. 10000/- which is also due. Owing to his financial conditions, he was constrained to take a loan of Rs. 5000/- by pledging his gold chain with some local money lender on 01.01.2020 which he shall repay within two years. Few days back he was fined to the tune of Rs. 1000/- by a Criminal Court for having been found guilty of the commission of some petty offence which amount is also unpaid. Last month he has also been ordered to pay monthly maintenance of Rs.1000/- to his wife upon her application under section 125 Cr.P.C which is also unpaid. He resides in a rented accommodation for which he pays Rs. 500/- as monthly rent which is not in dispute. No remedy under IBC has been obtained by or against him thus far. In view of the aforesaid facts, answer the following questions discussing in detail relevant statutory provisions:

- a. What do you understand by 'Qualifying Debt'? How much is the qualifying debt in this case?
- b. Define 'Excluded Debt'. State the excluded debt in this case.
- c. Whether Ghanshyam is eligible for Fresh Start Process for the amount which is due to State Bank of India as on date assuming that provisions of Part III of IBC stands notified for individuals and partnership firms? If yes, discuss the steps involved in the process.
- d. On what grounds can an order admitting application for fresh start process can be revoked?
- e. What do you understand by Discharge Order?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPC3-904

Subject: Forensic Science

B.A. LL.B. 9th Semester16th March, 2021

Time: 3hrs(for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10Marks)****Q.1 Short Answer Type Questions:**

- (A) Explain the recent advancement in forensic science.
- (B) “When another person makes you suffer, it is because he suffers deeply within himself, and his suffering is spilling over. He does not need punishment; he needs help,” explain it with reference to Forensic Psychology.
- (C) Critically analyse the landmark judgement of *Selvi v. State of Karnataka*.

SECTION-B (Long-Answer/Descriptive/Analytical Type)(2x20=40Marks)

Q.2 Crime scene investigation mechanism is the key for the best results of the evidence, which help the courts to impart justice – comment.

Q.3 Discuss the following in detail;

- (i) Forensic report and its evidentiary value in the court of law with the help of latest case laws.

10 Marks

- (ii) Fingerprint is unique source of personal identification of human beings- discuss in detail.

10 Marks

Q.4 Discuss the following in detail;

- (i) What is Forensic Science, its scope and importance in Criminal Justice System?

10 Marks

(ii) When a killer enters and subsequently departs a crime scene, the attacker could leave blood, DNA, latent prints etc. – explain in detail.

10 Marks



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPD3-904

Subject: International Environmental Law

B.A. LL.B. 9th Semester16th March, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) Define the expression Sustainable Development. Discuss the pillars of sustainable development.
- (B) Write a short note on the Basel Convention 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
- (C) “The Kyoto Protocol was bound to fail as it was not backed by political support, and also it was fundamentally flawed agreement in terms of compliance, efficiency, and effectiveness.” Critically examine the statement in the light of the provisions contained in the agreement.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2 “The unplanned, unmindful and heavily uneven growth in physical infrastructure would inevitably damage the idea of sustainable development of India.” In the light of the statement, critically examine the execution of sustainable development growth policy in India. Substantiate your answer with at least three examples.
- Q.3 “The Harmon doctrine may find favour in political arena, but the same was sternly rejected at numerous international fora being coercive, unethical, and immoral”. In the view of the statement, discuss the growing jurisprudence on trans-national pollution and liability of polluter state.

- Q.4** “Protection of biodiversity is necessary component for the sustenance human life. The bio-diversity is prerequisite for the survival of agriculture, pharmaceuticals, horticulture, and waste treatment etc. The loss in biodiversity would destroy food supplies, medicines and health.” In view of the statement, write a critical note on Convention on Biological Diversity and its underlying theme.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPD2-903

Subject: International Human Rights

B.A. LL.B. 9th Semester15th March, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) International Human Rights Law operates in the same sphere as that of the Public International Law but there are certain elements of the former that make it a potent tool. Critically analyse this statement.
- (B) There is a guiding role that the International Bill of Human Rights plays in the international context. Critically evaluate the role of the Bill in the contemporary context.
- (C) Discuss and distinguish the features of the European Convention and the Inter-American Convention on Human Rights. Also discuss in brief the adjudicatory mechanisms thereunder.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** Initially the United Nations General Assembly (UNGA) was considered the vestibule to the UN Security Council (UNSC). Therefore, the most important decisions could have been vetoed owing to the wide powers of the UNSC. However, this position led to significant difficulties in dealing with various claims of human rights across the globe. Subsequently, the UNGA has established a procedure whereby the veto can be subsided, if the circumstances befit. Referring to at least one situation in which the UNGA has used this power, critically evaluate the effort of the UN to move from a veto-based to a more needs-based institution.

10 Marks

Discuss in brief how the Universal Declaration of Human Rights has had an influence on the regional human rights system considering the fact whether the former has influenced the latter of vice-versa. Substantiate your answer with provisions of the UDHR, its philosophy, and the debate that facilitated the adoption of the UDHR.

10 Marks

Q.3 Read the facts below and answer the questions that follow:

The territory of Malanoska was carved out of the territory of Purican in the year 1990. The territory came into existence with legitimate effect and recognition on part of the international community, since. After 5 years of existence, Malanoska started facing movements by a group of people belonging to the Nawatzu community and they demanded further carving out of the territory of Nawatzu from Malanoska. The violent movements continued for three years where after the Nawatzu Community declared itself independent and established the territory of Nawatzu in the year 1998. The international legitimacy of Nawatzu is debatable. There is effective government in the Nawatzu territory and that there is a Court established for dispute resolution. However, to ensure citizen welfare, the Government of Malanoska provides facilities such as ration cards to the citizens of Nawatzu. During the violent protests that ensued in Malanoska for the carving out of the territory of Nawatzu, two persons X & Y were detained alleging that they were a threat to the security of Nawatzu territory. The two persons were tried and Mr X was sentenced to death by the Nawatzu Court in 1995.

The Malanoska Government ratified the European Convention on Human Rights in the year 1996. After the sentencing of Mr X, he filed an application with the European Court of Human Rights alleging violations on part of Nawatzu (of the Convention) and claiming that the Malanoska Government failed to comply with the obligations it had under the Convention. It was also claimed that the Malanoska Government, because of its control over Nawatzu could have stopped the violent movements and in not doing so, it failed to give effect to the provisions of the Convention.

The Malanoska Government contended that the said person at the time of trial were not citizens of Malanoska and that because of the conflict, the Malanoska Government did not have jurisdiction upon the said persons to take actions and protect them. The Malanoska Government also contended that it had tried to seek help from the Territory of Purican and other international institutions to ensure peace in the conflict-ridden region.

Decide whether in view of the concept of jurisdiction and applicability of obligations upon the State, whether the Malanoskan Government complied with its obligations under the Convention. Discuss the relevant cases decided by the Court.

10 Marks

The territory of Purican ratified the ICCPR in 1976. Ms P was married to Mr L in the year 1966. Ms P belonged to the community of Nawatzu (which is a minority community in Purican) while Mr L belonged to the majority community. A special law was enacted in 1950 to protect the interests of the Nawatzu Community that allowed a

male to remain part of the community despite his marriage to any person outside the community but forbade any female to return to the community after breakdown of the marriage. Mr. L died in 1971 and therefore, Ms P wanted to return to her community but because of the law she was disallowed from the same. After the ratification of the ICCPR by the Purican Government she filed an application before the Human Rights Committee that her right under the Covenant is infringed. Discuss with decided cases, whether the claim of Ms P is sustainable.

10 Marks

- Q.4** The International Covenant on Civil and Political Rights (ICCPR) is a more comprehensive and all-encompassing document as compared to the International Covenant on Economic Social and Cultural Rights (ICESCR). Delineating the distinctions between the form and content of the two documents, discuss the statement.

10 Marks

India as a signatory to the ICCPR has taken steps to ensure the concrete manifestation of the rights enshrined therein. However, there are certain issues associated with the implementation of the provisions of the Act. It is pertinent to note that under the provisions of the relevant law there is a direct mandate upon the powers that be to establish the institutions for the protection of human rights but despite the mandate the institutionalisation has not seen the light of the day. Referring to the relevant case laws in this regard discuss the mandate upon the Government to establish institutions for the protection of human rights.

10 Marks



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPB4-905

Subject: Investment and Security Law

B.A. LL.B. 9th Semester17th March, 2021

Time: 3hrs(for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50Instructions:

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

SECTION-A (Short-Answer Type) (2x5=10Marks)**Q.1 Short Answer Type Questions:**

- (A) Mr X purchased the shares of one X Pvt. Ltd. which was registered over the stock exchange registered under the Securities Contract Regulation Act, 1956. However, it was found that X had indulged in some fraudulent activities. The notice regarding fraudulent transactions was brought before the stock exchange through which the purchase was made. As soon as the notice was brought before the stock exchange, the stock was delisted but the purchase had already been transacted. Mr X claimed that the stock exchange had facilitated fraudulent transactions and therefore, must repay the amount of purchase. Decide whether the stock exchange can be held liable in this case referring to relevant case law.
- (B) Authorised dealers are crucial to facilitating foreign investments in India. Referring to the relevant provisions of regulations issued by the RBI, discuss the concept of Authorised Dealers and their role in facilitating External Commercial Borrowings.
- (C) Discuss the role of Securities Appellate Tribunal in adjudicating cases related to investor protection and grievance redressal, referring to the provisions of the SEBI Act, 1992.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40Marks)**Q.2** Discuss the following -

- a. Making reference to the decided cases discuss whether a law of the land can be brought within the purview of fundamental policy of India while deciding whether a foreign arbitral award can be implemented in India with reference to foreign investment in India.
- 10 Marks**
- b. A country X wants to enter into a bilateral investment agreement with India. Referring to the guiding principles list out the important aspects that the two countries must consider while negotiating the agreement.

5 Marks

- c. Distinguish between the domestic and foreign investments in India delineating the legal framework in this regard.

5 Marks

Q.3 Read the facts and answer the questions that follow -

An entity X, registered outside India enters into shareholders agreement (SHA) with F Pvt. Ltd., registered in India. The SHA transferred certain voting rights in favour of X. the transfer of these voting rights were limited to a certain number of shares only.

With the advent of time FX Pvt. Ltd. , which is a part of the same group of companies as that of the F Pvt. Ltd. started facing financial difficulties. FX Pvt. Ltd. started negotiating a combination with another company M Pvt. Ltd., registered in India for transfer of voting rights and thereby transfer of control in FX to M.

In the interim, there are the following facts -

- i. That X had notified the competent authorities that the combination between X & F Pvt. Ltd. does not exceed the FDI Rules and the former will only have control over 49% of the voting rights of F Pvt. Ltd.
- ii. There is interference on part of X to stop the deal and combination between M & FX Pvt. Ltd.
- iii. That X contended that by the SHA between X & F Pvt. Ltd., it had acquired rights over FX Pvt. Ltd. as well and the transaction between FX & M could not be undertaken without notice to X.

In light of the above a suit was filed by FX Pvt. Ltd. that there was tortious interference on part of X in stopping the deal. Referring to the relevant FEMA Regulations and decided cases, discuss -

- a. Whether there is interference on part of X in stopping the deal between FX and M?
- b. Whether the control over the parent group of companies was transferred to X by virtue of the SHA between X & F Pvt. Ltd.? Discuss in light of the FEMA provisions and the concept of “control” by foreign enterprise over Indian enterprises as enunciated by the Court.
Future, Amazon, and Reliance Case .

Q.4 Discuss the FEMA (TISRO) Regulations in relation with how governmental approval may be taken for routing foreign investment in Infrastructure and Pharmaceutical Sector while also making reference to the FDI Policy.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPD4-905

Subject: Law of Sea

B.A. LL.B. 9th Semester17th March, 2021

Time: 3hrs(for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)**(2x5=10Marks)****Q.1 Short Answer Type Questions:**

- (A) The United Nations Convention on the Law of the Sea is considered as the “constitution of the oceans”. This convention codifies the international law regarding territorial waters, sea-lanes, and ocean resources. Examine the principal achievements of the United Nations Convention on the Law of Sea of 1982 and their significance for India.
- (B) Can the Coastal Nations Exercise any Jurisdiction for Criminal Acts Committed on Board of foreign vessels while in transit through its territorial water? Give reasons to your answer.
- (C) Under the Law of the Sea Convention, all states have a right to 200 nautical mile “exclusive economic zone” to exploit the resources of the sea and seabed, as measured from their land territories. Where these zones overlap countries are obliged to negotiate with other claimants. This has yet to happen in the South China Sea which is the source of many of the current conflict in this area. How did the South China Sea dispute begin and where is it headed?

SECTION-B (Long-Answer/Descriptive/Analytical Type)(2x20=40Marks)

- Q.2** *Enrica Lexie* was travelling from Singa to Tuli with a crew of twenty four members including ten Indians and accompanied by six Ita navy marines. The captain of the vessel Freddie Louis claimed that his vessel was returning from its fishing expedition in the Laccadive Sea. Following a confrontation with *Enrica Lexie* in international waters off the Indana coast *Enrica Lexie* began firing at them without provocation for approximately two minutes because of which three Indian nationals were killed. According to the Indana coast guard and the crew of the vessel, the incident occurred when vessel was some 20.5 nautical miles off the Indana coast within the contiguous zone (CZ) area of Indana's exclusive economic zone (EEZ). Two Ita special corps

marines, were remanded to judicial custody for interrogation on charges of homicide under Indian Penal Code. However, Ita authorities maintained that Indana lacked jurisdiction for arresting the two marines, since they were on an Ita's ship in international waters charged of security duties. Ita claims the marines had been hired to protect the tanker from pirates and they were only doing their job. Ita argues the marines enjoyed sovereign functional immunity in Indana and Ita alone had jurisdiction to deal with them. Ita filed the case in International Court of Arbitration. Decide. Cite relevant case law/s in support of your arguments.

- Q.3** The states of Argentina and Chile in South America have long coastline along the South Atlantic Ocean. For centuries these waters were used by traditional communities for fishing and pearl collection. Recently shale gas was discovered below the sea bed resulting in exploration dispute between the two countries. The waters of the South Atlantic Ocean are shallow and the whole sea bed consists of Continental Shelf at a depth of less than 200 meters. Argentina contends that all Continental Shelf boundaries must be drawn by means of equidistance line, unless or except to the extent to which special circumstances are recognised to exist. Chile on the other hand denies its obligatory character and contends that correct rule to be applied in such circumstances is one according to which each of the State concerned should have a just and equitable share of the available Continental Shelf in proportion to the length of its coastline or sea frontage. They have approached the International Tribunal for the law of the sea to settle the dispute. Decide the matter keeping in mind the international conventions and practices.
- Q.4** "Vessels on the high seas are subject to no authority except that of the State whose flag they fly. In virtue of the freedom to the sea, that is to say, the absence of any territorial sovereignty upon the high seas, no State may exercise any kind of jurisdiction over foreign vessels upon them." Give a critical appraisal of this principle in the light of the case law and views of the International Law Commission.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPC4-905

Subject: Offences Against Child and Woman

B.A. LL.B. 9th Semester17th March, 2021

Time: 3hrs(for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type) (2x5=10Marks)**Q.1 Short Answer Type Questions:**

- (A) Is the requirement of Mens rea necessary for a sexual crime committed against an Adolescent girl?
- (B) Domestic violence act was enacted in the year 2005, with certain objectives. Are those objectives achieved after 16 years of its enactment? Comment.
- (C) On 12th June 2002, the International Labour Organisation launched the World Day Against Child Labour. Since then, every year, the day is marked to highlight the plight of child labourers worldwide and also to take required measures to eliminate it.” Discuss in light of the same about the legal protection given to children against child labour in India.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(2x20=40Marks)**

- Q.2** An eight year old child had been penetrated in three orifices by her father. Instead of punishing the accused for rape, the Court found him guilty for the lesser offences of outraging the modesty of women and hurt. Comment on the decision of the court keeping in mind that Social change is an inevitable phenomenon of every society because social conditions never remain static.
- Q.3** On instructions from Mr. X (a human trafficker), two of his men kidnapped a girl from outside her school and were transferring her to the state of Mumbai in a mini truck. On the contrary it was observed by the two men that she was happy travelling and was out of the bounds of her house for the first time. Later she disclosed that she was assaulted by her uncle and cousin brothers in the house and she felt more safe with them. The men who kidnapped her felt sorry listening to her story and released her safely so that she can escape. The bus in which she was escaping and travelling to her grandparents met with an accident and she died. What all offences are committed

in the above mentioned facts and how the law views them. Also, do you think that the law should have a soft corner for the men who released her in good faith? Comment.

- Q.4** Ani was a 13 year old girl living in Rajasthan and studying in class 8th. Her marriage was fixed with Bholu who was of 19 years and was working in his family business. Ani and her mother never wanted this marriage and we're doing it because of her father's pressure. One day, there was a session from an NGO in the school regarding illegality of child marriage in India. The NGO also shared their number with the students that if they see any child marriage in their locality they should report it. Ani went home and requested her father to break off this marriage as it is child marriage and is illegal but the father instead hit her and asked her mother to take Ani inside and prepare for the marriage. Ani, then contacted on the given number and filed a complaint against her father. Keeping in view the above mentioned facts kindly discuss the legal provisions which shall be applicable on the accused parties.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: SPC2-903

Subject: Penology and Victimology

B.A.LL.B. 9th Semester

15th March, 2021

Time: 3hrs (for writing exam- 10:00 am -12:00 pm and for scanning & uploading answer-sheet- 12:00 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

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

SECTION-A (Short-Answer Type)

(2x5=10 Marks)

Q.1 Short Answer Type Questions:

Write brief comments on any two of the following:

- (A) Probation and Parole
- (B) Impact of victimization
- (C) De- victimization and victim welfare fund

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

(2x20=40 Marks)

- Q.2** Does a provision for death penalty prevent commission of crimes in a society? Discuss the points of controversy or debate or the constitutionality of capital punishment in India.
- Q.3** In the recent years, a new form of prison system has come into existence like open or semi open prison systems in India where convicts are not confined to the four walls of prisons for the rest of their term of punishment rather more freedom is accorded to them. Elaborate on open prisons system and its advantages.
- Q.4** Discuss whether victimology is blaming the victim? Also explain various theories of victimology.