

Examinations Roll. No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: LB-1001

Subject: Service Law

B.A/B.B.A.LL.B. 10th Semester

18th June, 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) Ms. K, the record keeper in the Transist camp (under defence services), was overlooked for a promotion in favour of a less qualified colleague. She believes this decision was based on discriminatory reasons. How would you apply the right to equality under Articles 14 and 16 of the Indian Constitution and relevant judicial precedents to assess and argue Ms. K's case against the promotion decision?

- b)** After the sudden death of Mr. I, a driver in the Delhi secretariat, his son, Mr. J, applied for a compassionate appointment but was denied on the grounds that the family does not meet the financial distress criteria set by the government. How would you apply the rules and judicial precedents on compassionate appointments in India to evaluate and argue Mr. J's case for an appointment?
- c)** The probation period is the liability for the employee during the service period, and confirmation raises the employer's liability during the service period." Discuss the statement with the help of relevant provisions and case laws.
- d)** Ms. H, a government employee, has been placed under suspension and is receiving a subsistence allowance. She claims that the allowance is insufficient to meet her basic needs. How would you apply the rules regarding subsistence allowance in India and relevant judicial precedents to assess and argue for an adequate subsistence allowance for Ms. H?
- e)** Elaborate on the Quota Rota rule concept with the help of relevant provisions and case laws.
- f)** Elaborate on the procedure for preparing the charge sheet under disciplinary inquiry with the help of relevant provisions.

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

(4x08=32Marks)

- Q.2** As the legal counsel for Mr. X, how would you construct an argument challenging the municipal corporation of Ghandalia's reservation policy for the post of upper division clerk, using relevant case laws and the relationship between Articles 15 and 16 of the Constitution?
- Q.3** Mr. E, a government employee, was dismissed from service without a departmental inquiry. He claims that his dismissal violates Article 311 of the Indian Constitution. How would you apply the provisions of Article 311 and relevant judicial precedents to assess the validity of Mr. E's dismissal?
- Q.4** Ms. B, on the post of vice-principal in a government school, is denied promotion due to the non-completion of her Annual Performance Appraisal Report (APAR) by her reporting officer. How would you apply relevant service rules and judicial precedents to argue her case for the promotion?
- Q.5** Mr. C and Ms. D joined Shimla Municipal Corporation as regular employees. The date of joining for both of them is the same, i.e., 18/06/2024. However, they are now disputing seniority of each other due to differing confirmation dates in their posts. How would you apply the principles of determination of seniority and relevant judicial precedents to resolve this dispute?
- Q.6** Mr. G, Deputy Director of Law (Shimla Jal Board), has been issued a minor penalty under the CCS (CCA) Rules, 1965. However, another employee objected that he believed the alleged misconduct warranted a major penalty. How would you apply the provisions of the CCS (CCA) Rules, 1965, and relevant case laws to evaluate the

appropriateness of the penalty imposed on Mr. G? Also, Elaborate on the procedure for the disciplinary inquiry in case of minor and major penalty.

Q.7 Discuss the role, duties and powers of Disciplinary Authorities and Inquiry officers. Is there any difference between the two? Also, state the role, duties, and powers of Disciplinary Authorities and Inquiry officers in case of sexual harassment.

Examinations Roll. No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: LB-1002

Subject: Labour Law

B.A/B.B.A.LL.B. 10th Semester

20th June, 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.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** The workers have raised their demand before conciliation officer and it was rejected by him. Whether conciliation officer has power to reject the demand? Discuss briefly.
- b)** Write a critical note on 'Role of Appropriate Government' under Industrial Dispute Act, 1947.

- c) Whether it is obligatory for the appropriate government to make reference of dispute in each and every case? Substantiate your answer with appropriate case law.
- d) Radheshyaam a union leader in pacific industry directed other workman to not work in other section of the industry and to break the contract of employment. Whether he has authority to direct so? Discuss briefly his role in the given situation.
- e) Write a brief note on 'Collective Bargaining as a Tool' in the hands of trade unions.
- f) Explain briefly the benefits provided under Employee's State Insurance Act, 1948.

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

(4x08=32Marks)

- Q.2** What role do strikes play in an industrial setup and what is the legal position in respect of illegal but justified strikes? Discuss with the help of appropriate landmark case laws.
- Q.3** Discuss the provisions relating to Lay Off Compensation under Industrial Dispute Act 1947 and when a workman is not entitled to Lay Off Compensation.
- Q.4** In what ways Labor Court and Tribunals are different from ordinary Courts of Law? Whether an appeal lies against the determination made by Labour Court and Tribunals to Supreme Court under Article 136 of Constitution of India? Elucidate your answer with the help of appropriate case laws.

Q.5 Registrar of Trade Unions refused the registration of Trade Union without giving them an opportunity to be heard on the basis of a past criminal record submitted in some department which is not in knowledge of Trade Union. Trade Union is saying that Registrar has unfairly refused the registration. Discuss the powers of Registrar under Trade Union Act 1926 in the light of above problem and appropriate case laws.

Q.6 “The Employee’s Compensation Act 1923 is laying down that the compensation to injured workman/employee should be attributable to his employment arising out of or in the course of employment and there is also notional extension of employer’s premises.” Throw the light on the above statement in the light of legal precedents and interpretation given by the judiciary.

Q.7 What are the long-term effects of adjusting minimum wage levels under the Minimum Wages Act of 1948 on the country's productivity, inflationary pressures, and overall socio-economic welfare in the light of Minimum Wages Act, 1948?

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPB5-1003

Subject: Competition Law

B.A/B.B.A.LL.B. 10th Semester

26th June, 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) Write a note on Oligopoly, Monopoly, and Monopsony Markets.**
- b) Explain Bid Rigging and Collusive Bidding in light of the applicable section under the Competition Act, 2002.**

- c) Mr. A, an OEM provider, enters into an agreement with his competitor, Ms. B not to compete and they try to fix the price of the various products they sell. Consumers started raising objections on quality and affordability reasons against these two enterprises. Decide with the help of relevant cases.
- d) XYZ Company has refused to supply its product (sugar) to a long-standing ABC company for distribution. It has stopped the supply suddenly. XYZ Company has also charges excessive price for its product in the South Indian States and less price in North Indian States. Whether such activities of XYZ Company amount to the abuse of dominant position or not? Decide with reason.
- e) “Competition Commission of India (CCI) is an independent Quasi-Judicial regulatory body established under the Competition Act, 2002.” Explain the power, functions and duties of the CCI.
- f) Discuss the concept of the Competition Advocacy as envisaged under the Competition Act, 2002.

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

(4x08=32Marks)

Q.2 “Competitiveness is not merely a question of having free markets. There are many other factors that enable or prevent competition, and they range from macro-economic policies, presence of institutions, the educational system to micro policies at the level of the firm.” Discuss the statement with suitable examples.

Q.3 “E-commerce platforms are alternate distribution channels and not separate relevant markets.” Analyse the given statement with reference to the decisions of Competition Commission of India.

Q.4 An information was filed by Fortnite Motor Limited against Epic Motors Limited (EML), (OP). OP was engaged in manufacturing and distribution of motor vehicles and their parts in India. Informant had a EML dealership for sale and service of EML cars. Informant alleged that the OP enters into exclusive dealership arrangements with its dealers, and dealers were required to obtain prior consent of the OP before taking up any dealerships of another brand. It was also alleged that EML's dealers were bound to procure spare parts, accessories and all other requirements, either directly from OP or through vendors approved by the OP. Also, OP imposed a "Discount Control Mechanism" through which dealers were only permitted to provide a maximum permissible discount and the dealers were not authorised to give discount which is above the imposed upper limit.

EML through dealership agreements advises the dealer on margin to be allowed on maximum selling price defined in standard provision and this margin to be revised on sole discretion of OP. OP ensured compliance of its policy of discount control mechanism by engaging "mystery shopping" agencies for policing its dealers through fake customers. Lastly, it was alleged that EML had control over the sources of supply for the dealer's products and tied the manufacture and sale of cars to supply and retrofitting of CNG kits, supply of lube oils, and provision of insurance policies as well.

Based on the stated facts, discuss whether the agreement between the Informant and OP has resulted in the contravention of the Competition Act, 2002?

- Q.5** “Google was fined 2.42 billion euros by the European Commission in June 2017 due to abuse of its dominant position in EU and breach of Article 102 of the European Treaty on the Functioning of the European Union (TFEU).” Discuss Article 102 and compare it with the Indian position referring to relevant cases.
- Q.6** Mr. X has furnished information to the Competition Commission of India (CCI) alleging that Himachal Pradesh Power Transmission Corporation Limited has abused its dominant Position being the sole-supplier of electricity and indulged in price fixing by charging higher rates of electricity connection. Can the CCI treat his information as competition litigation under Competition Act, 2002? Discuss with the help of leading cases. Further discuss test for determining Predatory price? Distinguish predatory price from legitimate competition.
- Q.7** X, Y, and Z enterprises of India issued a notice to the Competition Commission of India (CCI) about their proposed merger. The assets of the merger companies in India are ₹ 1100 crore, while their annual turnover is ₹ 2990 crore. The merger companies of India also want to merge with A and B Indian companies seated in USA, whose assets are \$ 450 million and turnover is \$ 1,600 million. Can the CCI allow this merger? Discuss the procedure followed by the Competition Commission of India while analysing the Combinations.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPC6-1004

Subject: Criminal Psychology

B.A/B.B.A.LL.B. 10th Semester

28th June, 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.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- Identify distinct but related areas of criminal psychology.
- What is psychodynamic trait theory?
- Do you agree with the statement that males are significantly more likely to commit sexual offences than females?

- d) When a crime has occurred, is the knowledge of the psychology of any value to the police in investigation?
- e) What is restorative justice? Do you see its imprints in Indian criminal justice system?
- f) Discuss two offender treatment programmes in India.

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

(4x08=32Marks)

- Q.2** Do you agree that mainstream criminological approaches to understanding crime have a strong sociological flavour? Elaborate how specific social structural arrangements affect particular groups of individual such as women, ethnic minorities and those from deprived social backgrounds.
- Q.3** How important it is to define the terms like ‘aggression’ and ‘violence’ in context of crimes such as mob lynching and mass shooting? Do you think that such concerns have been addressed under Indian criminal justice system adequately? Comment.
- Q.4** Jozsef Molnar says that, ‘with the psychological point of view one cannot speak of an independent concept of crime. Psychology studies the psychic regularities of the individual man and of human communities, within this it deals therefore also with that of those individuals who have committed crimes in the ethical and legal sense.’ Do you agree with the statement? Elaborate.

Q.5 Almost all countries criminal justice system treats young people on the basis of two most important distinctions based on age i.e., age of criminal responsibility and the second relates to the point at which juveniles are treated in the same way as adults by the criminal justice system & both vary nationally. State the underlying reasons for this variation. Do you think that adolescents should be viewed as less culpable for their criminal behaviour and, therefore, receive more lenient responses from the criminal justice system?

Q.6 Do you think that Indian criminal justice system has put a well-laid demarcation when it comes to identifying what counts and what does not count as a mental disorder? State its implications on understanding the relationship between mental disorder and crime.

Q.7 Do you agree with the statement that, correctional psychology as a field is vital within any criminal justice system since it focuses on rehabilitation and addressing the mental health needs of offenders? Identify the limitations and challenges in the application of correctional psychology to the Indian prison system.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPB6-1004

Subject: Energy Law

B.A/B.B.A.LL.B. 10th Semester

28th June, 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.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) “The Eight National Missions forms the core of National Action Plan, representing multi-pronged, long-term and integrated strategies for achieving the goals in the context of climate change”. What are those eight missions undertaken by the National Action Plan on Climate Change?

- b) What are the objectives of Draft National Renewable Energy Act, 2015?
- c) “The Electricity Act, 2003 provides that there are three Consumer Grievance Redressal Forums for the three Discoms”. What are those consumer redressal forums under the Electricity Act, 2003? Under what circumstances consumer may submit the representation to the Ombudsman?
- d) “India in order to fulfil its energy, commercial as well as household needs is heading towards the exploitation of nuclear potential for electricity generation.” Keeping in mind the above statement give an overview of challenges and legal issues related to nuclear energy in India.
- e) Discuss the case of *Hindustan Petroleum Corporation Ltd. v. Yashwant Gajan Joshi* AIR 1989 SC.
- f) Give a broad outline of laws applicable to the coal sector in India.

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

(4x08=32Marks)

Q.2 “Energy law and policy plays a vital role in the energy sector in the 21st century. It aims to ensure that societies meet their energy targets whether that is about the provision of increased energy security, economic benefits, and environmental goals. For many years, energy law has been developed to meet these societal aims”. Keeping in mind the above statement discuss how energy law is developing in 21st century to meet the various energy needs of the world and to fulfil its environmental goals as well.

Q.3 “Power or electricity is an essential component of infrastructure development as it affects a country’s economic growth and welfare. Until the decade of nineties, Indian public sector utility companies controlled the production, distribution and transmission of electricity. Since 1991, several regulatory changes were introduced to enhance the participation of private players and which has transformed the sector’s performance.” In the light of above statement trace the history and evolution of reforms in the electricity sector in India.

Q.4 “The Energy Conservation Act, 2001 provides a legal mandate for the implementation of the energy efficiency measures through the mechanism of Bureau of Energy Efficiency (BEE) in the Central government and designated agencies in each state.” Do you think the BEE under the Act is able to fulfil the object of the Energy Conservation Act, 2001? Discuss various other relevant provisions of the above Act.

Q.5 “The Petroleum and Natural Gas Regulatory Board (PNGRB), in March, 2023, amended the PNGRB determination of Natural Gas Pipeline Tariff Regulations to incorporate provisions for unified tariff for natural gas pipelines with a mission of “One Nation, One Grid and One Tariff”. Discuss those amendments of Petroleum and Natural Gas Regulatory Board (Determination of Natural Gas Pipeline Tariff) Amendment Regulations, 2023.

Q.6 Discuss the first nuclear conventions to deal with liability issues. Also discuss the legal framework in India to regulate nuclear energy.

Q.7 “The legal implications of allocation of Coal blocks were observed by the Supreme Court in a case of *Manohar Lal Sharma v. Principal Secretary* AIR 2014 SC 935”. Discuss how the above case highlighted the legal implications which also led to the amendment to Coal Mines (Nationalisation) Act, of 1973.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPA5-1003

Subject: Federalism

B.A/B.B.A.LL.B. 10th Semester

26th June, 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.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) “Indian federalism represents a balanced compromise that enables States and the Centre to work both independently and collaboratively on subjects of mutual concern.” In light of this discuss the concept of federalism.
- b) “Federalism is a part of basic structure of the Indian Constitution which cannot be altered or destroyed through constitutional amendment.” Discuss.

- c) “The 101 Amendment in the Constitution and introduction of GST in the Indian Economy has significantly changed the landscape of financial relation between Centre and State.” Discuss the different forms of GST application after the adoption of GST.
- d) “The Punchhi Commission aimed to examine and address new issues in Centre-State relations. It aimed to evaluate the existing arrangements between the Union and the States.” In the background of this, discuss the major recommendations of the Punchhi Commission with special reference to legislative arrangement.
- e) Explain the provisions of Constitution relating to allocation and sharing of resources with special mention to distribution of grants-in-aid.
- f) “In this era, the concept is so wide that the freedom of trade, commerce and intercourse involves advertising on radio, transmission on telephone and movement from one place to another which are non-commercial, the scope of trade, commerce and intercourse can be thus affected by laws regulating any of these associating aspects.” In this background write a brief note on the scope of freedom of trade, commerce, and intercourse.

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

(4x08=32Marks)

Q.2 “A review of the theories of the federalism shows that they deal with one or the other aspect of federalism, but not all the aspects. Therefore, each theory of federalism contains some elements of validity and usefulness, though it suffers from gaps and inadequacies. All the theories are separate but, at the same time interrelated and complementary to each other.” Discuss.

Q.3 “Federalism in India has to play the great role of maintaining unity among diversity, but, although the challenge may be big, the task is not alien to the concept of federalism which is historically designed to drawing a balance between local particularism and national consciousness.” How Indian Federalism is meeting challenge which it has never faced before.? Also discuss the current issues related to federalism in India.

Q.4 “Sarkaria Commission did not favour any structural changes; and regarded the existing constitutional arrangement sound. It stressed on cooperative federalism and notes that the federalism is more a functional arrangement for cooperative action than a static institutional concept. It stated that a strong center is essential to safeguard the national unity and integrity and rejected the demand for curtailing powers of centre.” In the light of this background discuss the key recommendations of Sarkaria Commission.

Q.5 “Legislature of a federal state is accountable to its people and the legislation has different power which is vested upon it by the Constitution.” Discuss what would be the extent and context of legislative accountability with reference to the power conferred upon it in the light of doctrine of colourable legislation in Indian scenario.

Q.6 “The Indian Constitution's concept of federalism divides roles and responsibilities between the federal and state governments. In addition, grassroots institutions are empowered by local government to address the particular needs of their communities.” In this background discuss the objective of 73rd Constitution Amendment and its impact on federal structure.

Q.7 “President who makes the official proclamation of emergency in the State, can return the central cabinet’s recommendation back for reconsideration if he or she finds the invocation of the emergency in the state unreasonable.” Discuss the procedure for the proclamation of emergency on the failure of constitutional machinery in the State and the impact or effects of an emergency on the federalism structure.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPA6-1004

Subject: Human Rights

B.A/B.B.A.LL.B. 10th Semester

28th June, 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.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a) Discuss the principles of “capability approach” in promotion of human rights in India.**
- b) Critically examine the concept of “reasonable accommodation” vis-à-vis disability jurisprudence.**

- c) Explore the challenges to facilitate human rights for children in war zones with reference to the Convention on the Rights of the Child, 1989.
- d) The conception of Women Rights is required to be emancipated from the “masculine principle”. Evaluate the statement with reference to the gender movements around the globe in historical and cultural contexts.
- e) Discuss the challenges faced by the Scheduled Tribes in India. To what extent the model of development has affected their way of life and life sustenance?
- f) Discuss the constitution of State Human Rights Commission in India and suggest the necessary changes required to make it inclusive in nature.

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

(4x08=32Marks)

Q.2 “Men are born, and continue, free and equal in respect of their rights. The end of all political associations is the Preservation of the Natural and Imprescriptible Rights of Man; Liberty, Property, Security, and Resistance to Oppression”. Critically evaluate the statement and examine the nature and characteristics of human rights.

Q.3 There are many nation-states in the world whose history and cultures are different and unique. To what extent the universal language of human rights is plurality conscious with respect to its values? Also, discuss the challenges to develop a reasonably plural conception of human rights.

Q.4 “Sexuality was carefully confined; it moved into the home. The conjugal family took custody of it and absorbed it into the serious function of reproduction. On the subject of sex, silence became the rule. The legitimate and procreative couple laid down the law”. Examine the statement with reference to *Supriyo v. Union of India*.

Q.5 Discuss the various theories of disability to understand the concept of disability applicable in law and policy. To what extent the “logic of market” is determining the conception of disability in an industrial society?

Q.6 “No English words are good enough to provide a sense of the link between an aboriginal group and its homeland. Our word ‘home’, warm and suggestive though it is, does not match the aboriginal word that may mean ‘camp’, ‘hearth’, ‘country’, ‘everlasting home’, ‘totem place’, ‘life source’, ‘spirit centre’. Our word ‘land’ is too spare and meagre. We can now scarcely use it except with economic overtones unless we happen to be poets. The aboriginal would speak of ‘earth’ and use the word in a richly symbolic way to mean his ‘shoulder’ or his ‘side’”.

Evaluate the statement and discuss the various doctrines used by colonial powers to expropriate the legal agency of Indigenous people to have property rights.

Q.7 Critically analyse the powers and functions of National Human Rights Commission in India and suggest the changes required to be made to make it more effective in promotion and protection of human rights.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPD5-1003

Subject: Humanitarian and Refugee Law

B.A/B.B.A.LL.B. 10th Semester

26th June, 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.*
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SECTION-A (Short-Answer Type)

(6x03=18Marks)

Q.1 Short Answer Type Questions:

- a)** An important gap in the protection of victims of armed conflict had remained after 1929 and was sorely felt during the two world wars, namely the protection of civilians. Discuss the provisions of the convention relating to protection of civilians.

- b)** Analyze the significance of the role of the International Committee of the Red Cross (ICRC), National Red Cross and Red Crescent Societies in dissemination and promotion of international humanitarian law.
- c)** There is some degree of conceptual tension between the prohibition on indiscriminate attacks and the doctrine of proportionality. Analyze the two concepts in detail and the relationship between them with the help of illustrations.
- d)** The inadequacy of international protection for internally displaced persons has led agencies charged with the provision of relief and assistance to urge the greater involvement of human rights bodies in addressing protection needs. Analyze this observation with the help of extant provisions for the protection of internally displaced persons.
- e)** Tensions in international relations have resulted in a crisis of multilateralism in various areas, including international refugee law, which is reflected in the functioning of the UNHCR. Discuss critically.
- f)** The standard of return is linked more to the principle of non-refoulement which applies not merely to those granted refugee status or an intermediate humanitarian status, but also to asylum seekers. In view of this observation, analyze the challenges faced by the returnee refugees during their repatriation under the International refugee law.

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

(4x08=32Marks)

- Q.2** The applicability of the rules of international humanitarian law to a nonstate group no longer depends upon recognition of the group by a state: rather, it depends primarily on whether or not an armed conflict exists under international law. Analyze the provisions of treaty law which define the concept of armed conflict in different situations.
- Q.3** Article 41 of Additional Protocol I to the Geneva Conventions provides that a person shall be regarded as *hors de combat* if she or he is in the power of an adverse party, has clearly indicated an intention to surrender, or has been rendered unconscious or incapacitated by wounds or sickness and is therefore incapable of defending her- or himself. Analyze the given provision with respect to the protections afforded to captured combatants under the Geneva Conventions and other instruments.
- Q.4** Two territorially adjoining states namely Bilgeria and Komalia are having distinct political systems. It is common for the activists of one state to seek refuge in either country. In the event of armed conflict, the domestic laws of either country provide for supervisory measures against the nationals of the other country. As war breaks out between the two countries, Bilgeria merely interns all those nationals of the Komalia who are opposed to its own political system. Advise the aliens who are not opposed to the Komalia state but are subjected to the supervisory measures?

Q.5 It is unrealistic to treat the Geneva Convention on Status of Refugees, 1951 in a vacuum since it has to operate within a complex framework of values, principles, norms, structures, institutions, and practices. Analyze with the help of relevant provisions how this entire framework has enabled the great majority of refugees around the globe to effectively obtain protection and assistance.

Q.6 The status of being a refugee is a subset of other persons described as non-citizens or forced migrants. At the very fundamental level, these status markers invoke the political status of the person, that is a person who feels the need to get away from his or her state and thus challenges the usual conception of the state as a protector of its citizens. Analyze this statement in the light of human rights available to the refugees and the relevant provisions of international instruments for their protection.

Q.7 The Statute of the Office of High Commissioner of Refugees stipulates that the High Commissioner “acting under the authority of the General Assembly, shall assume the function of providing international protection ... and of seeking permanent solutions for the problem of refugees.” Critically discuss the ‘good offices’ mechanism adopted by the High Commissioner and challenges faced in the discharge of obligations with respect to the protection of refugees.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPD6-1004

Subject: International Criminal Law

B.A/B.B.A.LL.B. 10th Semester

28th June, 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.*
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- 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) Do you agree that the historical absence of a criminal responsibility of the state reflects a broad morally agnostic attitude of international law to violations?**
- b) What are different forms of crime against humanity?**

- c) Discuss the role of prosecutor of the International Criminal Court. Can the prosecutor decide on his own initiative to open an investigation?
- d) What is criminal responsibility under customary International Law for Aggression?
- e) Discuss the criminal liability for attack on civilian population.
- f) In the prosecution of international crimes is there any criminal responsibility shared by those who, even though have not committed the crime themselves but have psychologically prompted other people to perpetrate such crimes by soliciting and inducing, or incitement?

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

(4x08=32Marks)

Q.2 Traditionally, war crimes were considered to occur during international armed conflicts, however, in recent times, it is now accepted that serious infringements of international humanitarian law that occur during internal armed conflicts will also be regarded as war crimes. Will this development lead to a greater number of perpetrators of war crimes during non-international armed conflicts being brought to trial?

Q.3 After 1945 the need for crimes against humanity to be committed during war or armed conflict was ended. This is the position taken in the ICC Statute. Elaborate on this development considering the decisions of the Trial Chamber of the International Criminal Court.

Q.4 “Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.” In the context of this statement, critically analyze the Genocide Convention, 1948, and examine the relevance of the establishment of intent element of the underlying crimes against humanity of deportation or forcible transfer to the genocidal intent?

Q.5 Discuss the role of Nuremberg and Tokyo Tribunals in the development of International Criminal Law. Critically analyze whether the ‘International Criminal Tribunal for Yugoslavia and Rwanda’ were against the principle of *nullum crimen sine lege* or not.

Q.6 The International Criminal Tribunal for Rwanda was an international court established in November 1994 by the United Nations Security Council in order to try those responsible for the Rwandan genocide and other serious violations of international law in Rwanda as a permanent court. Comparatively, analyse the difference of ICC from the *ad-hoc* International Criminal Tribunals established in the 20th century for the former Yugoslavia and Rwanda.

Q.7 Reparations in the ICC may include monetary compensation, return of property, rehabilitation, or symbolic measures such as apologies or memorials. Briefly discuss the procedure for reparations and discuss what decisions may the judges take concerning reparations for victims at the end of a trial in the International Criminal Court.

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**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: SPC5-1003

Subject: White Collar Crimes

B.A/B.B.A.LL.B. 10th Semester

26th June, 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) Discuss the remedial measures to curb White Collar Crimes.**
- b) Explain Hoarding and Black-marketing.**
- c) Differentiate between Tax Evasion and Tax Avoidance.**

- d) Write a short note on public servants.
- e) Explain the liabilities of Bribe giver under the Prevention of Corruption Act, 1988.
- f) Discuss the procedure relating to the powers of arrest under the Prevention of Money Laundering Act, 2002.

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

(4x08=32Marks)

Q.2 “White collar crimes are those which are linked with people of high stature and are distinct from traditional crimes in the sense that there is a principle element of breach of trust by carrying out unethical business practices cultivated by motivation to financial gain. It is the offenders’ position that accords upon them the opportunity to perpetrate such crimes. The loss to society from white collar crimes is much greater than the predatory ones because such huge financial scams threaten to cripple the economic stability by eroding the trust of people.” On the basis of the above statement discuss the history, nature, concept, and scope of White Collar Crime in India.

Q.3 Sutherland stated differential association theory as a set of nine propositions, which introduced three concepts; normative conflict, differential association, and differential group organization that explains crime at the levels of the society, the individual, and the group. Explain the development and principles of Differential Association Theory.

Q.4 Fraud is “a million dollar business and it is increasing every year.”

It is widely accepted that corporate entities of all sizes across the world are susceptible to accounting scandals and frauds. From Enron and WorldCom in 2001 to Madoff and Satyam in 2009, accounting fraud has been a dominant news item in the past decade. Despite intense efforts to stamp out corruption, misappropriation of assets, and fraudulent financial reporting, it appears that fraud in its various forms is a problem that is increasing, both in frequency and severity. The fraud committed by the founders of Satyam is a testament to the fact that “the science of conduct is swayed in large by human greed, ambition, and hunger for power, money, fame and glory.” On the basis of this statement examine and analyze in-depth the Satyam Computer’s “creative-accounting” scandal, which brought to limelight the importance of ‘ethics’ and corporate governance.

Q.5 ‘A’ who is a public servant charged for an offence punishable under Section 7 and Section 13 of the Prevention of Corruption Act, 1988. The special Judge commenced the trial. At the beginning of trial ‘A’ argues that previous sanction for prosecution has not been obtained and he is liable to be discharged from prosecution. But judge discarding his argument, convicted him of the same offence. Decide the validity of ‘A’s conviction and elucidate the offenses under the Prevention of Corruption Act, 1988.

Q.6 “Money laundering is the process by which large amount of illegally obtained money, from drug trafficking, terrorist activity or other serious crimes, is given the appearance of having originated from the legitimate source. Money laundering has an adverse impact on economy and political stability of country and hence such an activity must be curbed with an iron hand. Therefore, nations of the world must join hands and adopt measures to dismantle syndicates

engaged in money laundering by resorting to aggressive enforcement of law.” On the basis of above statement explain the concept, significance and impact of money laundering on the economy of the country.

Q.7 Taking a cue from the law, the RBI has issued a series of circulars guiding the banks functioning in India. In line with this, SEBI and IDRA have also issued similar guidelines. According to the RBI guidelines, KYC procedure should be a key principle for identification of an individual/corporate opening an account. Discuss the obligations of banks and financial institutions in preventing money laundering and also clarify the procedure relating to Search, Seizure and Attachment under the Prevention of Money Laundering Act, 2002.

Examinations Roll No.

HPNLU/___/___/___



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
SHIMLA**

End-Term Examinations, June 2024

Paper Code: LB-1005 Subject: Minor Acts and Supreme Court Rules

B.A/B.B.A.LL.B. 10th Semester

29th June, 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:

- The term books under the Registration Act, of 1908 refers to different registers-books. Referring to relevant provisions of the Act, discuss briefly the issuing authority and the nature of entries made in such register books.
- Define the term “denoting duty” in reference to Section 4 of the Indian Stamp Act, 1899.

- c) The State Government is empowered to make certain rules for determining the value of land for jurisdictional purposes which determines the value of any class of land or any interest in land. Referring to the relevant provisions of the Court Fees Act, of 1870, highlight the significance of such valuation under the Suits Valuation Act, of 1887.
- d) Is it the duty of the officer of the court to see that proper fee is paid under Chapter II of the Court Fees Act, 1870? However, in case of a difference as to the amount of court fees, who shall decide the matter? Discuss the nature of the appointment and the role of such officer.
- e) Write a short note on the following:
 - (i)Caveat.
 - (ii)Rule nisi.
- f) Explain the following terms referring to the relevant sections of the Stamp Act, 1899.
 - (i)Settlement.
 - (ii)Bill of lading.

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

(4x08=32Marks)

Q.2 Who may present the document for registration and under what circumstances they are authorized to present the same for registration? Can a document be re-registered? Elaborate with the help of illustrations.

- Q.3** Is it the duty of the court to determine whether court fees paid on a plaint is proper or not? Can deficiency of the court fee concerning the plaint be made good during the appellate proceedings? Elaborate in the light of *Tajinder Singh Ghambhir v. Gurpreet Singh*, (2014) 10 SCC 702.
- Q.4** What is Probate? What role does the collector play in the administration of Fees under Chapter III-A of the Court Fees Act, 1870. Also, discuss the provisions dealing with the situations where too low, and too high court fees, have been paid by the person applying for the probate.
- Q.5** Supreme Court Rules, 2013 mandates the compliance of necessary conditions for an advocate to be registered as an advocate on record. What are those conditions and on what grounds name of an advocate can be removed from the roll of advocates on record? Explain in detail.
- Q.6** Filing of civil appeals and criminal appeals in the apex court of India mandates the certificate of fitness to be granted from the court appealed from, under the Constitution of India. What recourse is available to the appellant in civil as well as criminal matters if such a certificate is denied by the court appealed from? Elaborate.
- Q.7** “Chapter II D of the Stamp Act, 1899 mandates, valuation for determination of duty on instruments under different conditions.” In the light of above, discuss the following with the help of relevant provisions and illustrations:

- (i) Valuation of stocks and marketable securities
- (ii) Transfer in consideration of debt
- (iii) Valuation in case of annuities
- (iv) Direction as to duty in case of certain conveyances
