



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-201

Subject: Comparative Public Law

LL.M. 2<sup>nd</sup> Semester2<sup>nd</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. Explain the meaning and significance of Swaraj in Ideas in context of Indian Constitution.
- B. Differentiate between 'ideal' and 'positive' constitution conceptualized by Carl Schmitt.
- C. "By serving as a counter-majoritarian institution, judicial review can ensure that minorities remain part of the system, bolster legitimacy, and save democracy from itself". With reference to this statement critically examine the relevance and scope of judicial review in a Constitutional Democracy.
- D. The basic postulate with respect to constitutional change is that the constitution cannot subvert itself. Examine this statement and explain the theory of implied limitation applicable in the constitutional amendment.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 Public Law was fashioned in early-modern European discourse and in the context of changes that led to the formation of the modern state. Since this fundamental law was regarded as an expression of natural law, the changes that led to the emergence of the autonomous concept of public law might be said to be a consequence of the processes of secularization, rationalization, and positivization of fundamental law. Analyse this statement and discuss the scope and challenges faced by public law in modern period.
- Q.3 Critically analyse the absolute concept of constitution expounded by Carl Schmitt and differentiate it with the relative concept of constitution.
- Q.4 Discuss the concept of Constituent Power and differentiate it from Constitutional Power. Whether Indian Parliament can abolish the whole constitution under Article 368? Answer this question with relevant case laws evolved in Indian Constitutional history.

- Q.5** The schematism of Constitutional Rights in a formal sense ignores the fallibilism of human's intelligence and positivizes the charter of rights without taking care of the evolving nature of constitutional politics. Analyse this statement and discuss the various critical aspects expounded by Jeremy Waldron in critiquing constitutional rights.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-203

Subject: Constitutional Rights &amp; Theory

LL.M. 2<sup>nd</sup> Semester4<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. Doctrine of equality ensured under Article 14 of the Indian Constitution is a combination of both positive and negative notion. Evaluate in the background of doctrine of reasonable classification.
- B. Discuss the doctrine of 'Procedure Established by Law'. What tests are there to see whether the action of the state in this regard is valid or not?
- C. Discuss the issues and challenges of freedom speech and expressions in the digital era.
- D. Judicial review is an inseparable part of the constitution and it cannot be excluded even by the amendment of the constitution. Discuss.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 "Civil rights" and "civil liberties" are terms often used synonymously and interchangeably, but the terms are actually distinct. Discuss the differences between civil rights and civil liberties, with specific laws corresponding to each term.
- Q.3 "The right of Freedom of Speech and Expression implies that every citizen has the right to express his view, opinion, belief, and conviction freely by mouth, writing, painting or through any other methods. The exercise of this right is, however, subject to reasonable restriction for certain purpose being imposed under the Constitution of India." Discuss in the light of Constitutional provision referring relevant case laws.

- Q.4** “Judicial review is the power bestowed upon the judiciary by the constitution, by virtue of which the judiciary can examine legislative enactments and executive orders of the governments”. In the light of this statement discuss the nature, scope and importance of judicial review in India.
- Q.5** “Minority rights in the Constitution of India protect people from being discriminated against on grounds of their ethnic cultural, linguistic or religious identity. Individuals belonging to minorities must be able to learn and use their language, use their own names, preserve and freely express their identity”. What are the problems being faced by the minorities and what rights are guaranteed to the minorities under the Constitution of India? Discuss important case law in this regard.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-204

Subject: Service Law

LL.M. 2<sup>nd</sup> Semester6<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. A government employee 'Z' was retired prematurely on attaining the age of 55 years on the ground of inefficiency and overall service record. While doing so, the competent authority did not provide 'Z' an opportunity of being heard. Decide whether the action is a punishment for the employee 'Z'?
- B. Mr. X is an employee in a central government department. He has been charge-sheeted for act of insubordination. An enquiry has been initiated. He claims that all the documents have not been supplied to him whereas the department claims that he has been supplied with all the documents except the confidential records. Mr. X has filed an application before the Presiding officer of the Inquiry Committee that he should be supplied with all relevant documents irrespective of the fact that it is a confidential document. Decide.
- C. Mr. Vikas Goyal and Ms. Bir Kaur are employed in a government department. In March 2020, head of the department, where both were employed, resigned and a new head took charge. In Annual Performance Appraisal Reports of both the employees, new head red-flagged them. Both the employees claim that there was no material on record on the basis of which new head of the department could have red-flagged their Annual Performance Appraisal Reports. They further claim that new Head joined only in March 2020 and he had no authority to comment on the performance for the first eleven months in the absence of documentary evidence. Decide.
- D. A government department 'H' denied compassionate appointment to son of the deceased employee on the ground that deceased's family was already receiving family pension and other retiral benefits from the State Government. Evaluate the constitutionality of department's denial in this case?

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2** In a petition filed before the Supreme Court of India under Article 32. The petitioners, who are temporarily engaged on daily wages in a Government Department, contended that they worked in the department based on such engagement for more than 10 years and hence they are entitled to be made permanent employees of the department, entitled to all the benefits of regular employees. Frame the relevant legal issues in this petition, and explain the constitutional solutions while referring the fundamental right to equality of opportunity and to equal pay for equal work.
- Q.3** Mr. Deepak was working as an Inspector with the Punjab Police and was posted as SHO Police Station Nabha. On 07.01.2019 his driver Mr. Darshan was caught by the Vigilance Department Officials taking bribe from Mr. Ganesh who was an accused in a Case under the NDPS Act, 1985 which was being investigated by Mr. Gopal Krishan Sub-Inspector who was working under Mr. Deepak. Accordingly, an FIR was registered against Mr. Darshan and Mr. Gopal Krishan under the *Prevention of Corruption Act, 1988*. On the statement of Mr. Gopal Krishan, Mr. Deepak was also made as an accused. Meanwhile, this issue was blown out of proportion by the print media by saying that police officials are in fact promoting and protecting drug smugglers. After the registration of FIR, the worthy Director General of Police Punjab, dismissed Mr. Deepak from service by invoking Article 311 of the Constitution of India. Mr. Deepak intends to challenge the order of dismissal by filing a Civil Writ Petition. On the basis of legal principles and judicial decisions advise Mr. Deepak of the various grounds available to him. Give detailed reasons in support.
- Q.4** Mr. Rajat, a Junior Engineer with the Government of India, was sent on deputation to Department of Electricity, Government of Karnataka on 01.02.2017. As per the service rules of Government of Karnataka, a Junior Engineer, after 3 years of service as Junior Engineer would be promoted as Assistant Executive Engineer. In March 2020, promotion orders were issued by the Government of Karnataka vide which Junior Engineers working since 2017 were promoted as Assistant Executive Engineers. Mr. Rajat, was however not promoted. Claiming discrimination, Mr. Rajat intends to avail his legal remedies. Can he succeed? Give detailed reasons in support of your answer.
- Q.5** Ms. Malini, a judicial officer in Punjab, was suspended on the basis of the orders passed by the hon'ble Chief Justice of Punjab and Haryana High Court on the complaint of the lawyers that she was demanding bribe for passing favourable orders. In this regard, recorded conversations were also submitted against her. Departmental enquiry for imposition of major penalty was proposed and, in this regard, charge sheet was also served upon her. During the departmental enquiry, it was found that the recorded conversations were doctored and tampered and hence the enquiry officer exonerated her and found her to be innocent. Enquiry report was submitted to the competent authority (The Chief Justice) on 05.04.2022. The Hon'ble Chief justice, was not satisfied with the findings of the enquiry and hence on 06.04.2022, he gave his dissent note and on 07.04.2022, major penalty of dismissal was imposed and on 07.04.2022 a communication was issued to Ms. Malini to her response and she was given an opportunity of hearing on 09.04.2022

and she was dismissed from services on 10.04.2022. Advise Ms. Malini of the grounds available to her for challenging the order of her dismissal.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-205

Subject: International Criminal Law

LL.M. 2<sup>nd</sup> Semester4<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. It is argued that state sovereignty does not constitute an impenetrable barrier to international criminal proceedings. Criminal proceedings can be launched if the situation within a state becomes sufficiently disparate. Analyse “Sovereignty of State” under International Criminal Law in the light of this statement.
- B. Crimes against humanity were committed in country Z during 2015-17. The Country acceded to ICC Statute in 2020. Whether the ICC would have jurisdiction regarding the crimes committed during 2015-17?
- C. Both Ukraine and the Russian Federation have signed but not ratified the Rome Statute 2002. Assuming that a Russian army officer is prosecuted for crimes committed during invasion of Ukraine and he decides not to appear before ICC, what options are available with ICC?
- D. In the backdrop of Russian invasion of Ukraine, explain whether, when and how Self-Defence can be claimed by Russia.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 State X accused State Y of aiding and abetting terrorism in State X and there was a persistent tension between the two States. Terrorist attacked military camps in State X. Alleging that terrorist camps are being organized by State Y near international border, State X carried out a military strike to allegedly eliminate terrorist training camps in State Y. Whether the military strike carried out by State X is breach of State Sovereignty of State Y? Analyse the fact situation and international legal provisions supporting your answer.
- Q.3 Discuss and illustrate Genocide under International Criminal Law. Whether any Genocide incidents have been reported in India? If yes, when and how many perpetrators have been punished for Genocide in India? Can an individual in India be held liable for committing



Genocide.

- Q.4** In the backdrop of Russia-Ukraine Conflict, assuming that mass killing of citizens have been committed on Ukrainian soil by Russian soldiers, explain the procedure for investigation of such crimes and collection of evidence. In this backdrop explain the jurisdiction and pre-trial process.
- Q.5** Insanity or mental incapacity is one of the defences for excluding criminal responsibility under Rome Statute of the International Criminal Court. The definition of mental incapacity is primarily borrowed from the domestic law, however, the contexts in which violation of criminal law at domestic level and international level takes place are materially different. Accordingly, it is argued that both the volitional and cognitive components of the defence of insanity under the Rome Statute are incongruous with international crime. Explain the illustrate defence of mental incapacity under Rome Statute in the light of the above statement.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-206

Subject: Sentencing and Sentencing

LL.M. 2<sup>nd</sup> Semester6<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. Explain Pre- Sentence Hearing Process.
- B. Elucidate the procedure of release of offender on probation.
- C. Restorative Justice and Proportionality.
- D. Public opinion and sentencing

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

**Q.2** Due to poverty, **R** pick-pocketed a small amount of money to satisfy his hunger. In Legal parlance, **R** has committed a crime of theft and for the offence of theft there is a punishment of imprisonment of either description for a term which may extend to 3 years, with fine or both according to Indian penal code. Based on the gravity of the crime **R** could also be placed on probation. According to the Act, considering the circumstances of the crime, the offender can be released on probation or after due admonition. Because it has been considered according to progressive interpretation of criminal law that person having no criminal records and tendency, who are first offenders shall not be put in situation which will bring connection with obdurate criminals which will result in increasing the criminal tendency in any individual.

The above illustration goes on to show that if **R** is sentenced by **Judge A**, a hardliner, who believes that theft is a crime on the increase in India, he will receive the maximum penalty of 3 years in prison. If he is sentenced by **Judge B** who believes that imprisonment is not an effective punishment for petty offences and will be placed on probation according to the probation of offender's act 1958.

**Is this fair? Should the sentence R receives depend on the judges who impose it? Should the sentence depend on a judge's philosophy of punishment or personal beliefs about the perniciousness of crime? Or should it be based on an objective evaluation of the seriousness of crime and the offender's prior criminal record. Explain.**

- Q.3** The rehabilitation theory teaches us that “we must treat each offender as an individual whose special needs and problems must be known and in order to enable us deal effectively with him”. And so it is an issue of how amenable to treatment is a criminal not how dangerous he is.  
**On the basis of above statement explain the Reformatory Theory of Punishment. Also explain why do we punish? How should we punish?**
- Q.4** Proportionality is considered to be so important in criminal sentencing because it ‘accords with principles of fundamental justice and with the purpose of sentence - to maintain respect for the law and a safe society by imposing just sanctions’. Despite this strong recognition of the importance of proportionality in criminal justice, ‘the law with respect to proportionality in sentencing is confused.  
**Proportionality is an Unattainable Ideal in the Criminal Justice System. Elucidate the fundamental issues of proportionality in sentencing.**
- Q.5** “Sentencing policy is an important task in the matters of crime. One of the prime objectives of the criminal law is imposition of appropriate, adequate, just and proportionate sentence with the nature and gravity of crime and the manner in which the crime is done. There is no straitjacket formula for sentencing. Judges in India has the discretionary power to decide on the quantum of sentence. For similar crimes the judiciary has delivered conflicting sentences”. **A set of sentencing guidelines should be introduced in India or not? Explain with the help of decided cases that the guidelines laid down by the judiciary are sufficient.**



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examinations, July 2022**

**Paper Code: LM-209**

**Subject: AIR and Space Law**

**LL.M. 2<sup>nd</sup> Semester**

**4<sup>th</sup> July, 2022**

**Time: 3 hours**

**Maximum Marks: 75**

**Instructions:**

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

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

**(3x5=15Marks)**

**Q.1 Short Answer Type Questions :**

- A. Summarize the concept of Sovereignty in Air and Freedoms of Air Space with special reference to Chicago Convention, 1944.
- B. 'The development of aviation technology has a positive impact on the safety of domestic and foreign aviation.' Discuss the development of international framework for aviation liability in the light of above-mentioned statement.
- C. Discuss the main principles of outer space law.
- D. Discuss briefly the rules related to the registration of space objects.

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

**(3x20=60Marks)**

- Q.2 Aviation emissions are not a part of international climate regime managed by the United Nations Framework Convention on Climate Change (UNFCCC) and is dealt by ICAO. Critically analyse the existing environmental policies and taxation measures related to aviation for both the international and domestic markets for abating aviation pollution.
- Q.3 The world aviation organization that is included in the United Nations called ICAO is an agency under the United Nations whose activities are to prepare international civil aviation regulations, carry out distribution and monitor and evaluate their implementation. Discuss the structure and analyse its significance in improving aviation sector around the globe.
- Q.4 Discuss the Space Policy of India and the regulatory agencies related to the regulation of outer space in India.

**Q.5** Discuss the principle of common heritage of mankind as applicable to the outer space making reference to the provisions under the international instruments in this regard.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-210

Subject: International Dispute Settlement

LL.M. 2<sup>nd</sup> Semester6<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. Explain the effects of Indus Water Treaty on India.
- B. Explain the difference between war crimes and genocide under the Rome Statute.
- C. Elucidate the deficiencies of GATT in dispute settlement. How does the WTO address those deficiencies?
- D. Discuss in detail the aim and objectives of Agreement on SAARC Preferential Trading Arrangement (SAPTA).

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 Southeast Asia includes a highly heterogeneous set of countries with very diverse ethnic populations, religious affiliations, enormous linguistic diversity, and lingering territorial disputes. The territorial disputes of India need deep knowledge of the southern perspectives of the country to amicably settle its international disputes. In the light of this statement discuss the obligations and declarations in South East Asia on territorial disputes.
- Q.3 Discuss the jurisdiction, compliance and enforcement of the awards of Permanent Court of Arbitration. Elucidate the role of Arbitration and Conciliation Act Amendment Act 1996 in compliance of foreign arbitral awards in India in reference to the expanded scope of the term Public Policy under Section 48 of the Act.
- Q.4 Discuss the various trends and prospects of financial disputes and their settlement at the international scale with latest examples.

- Q.5** Explain the procedures of the International Court of Justice in matters of jurisdiction admissibility and implementation of its judgments.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-211

Subject: Competition Law

LL.M. 2<sup>nd</sup> Semester4<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- A. Elucidate the concept and functions of relevant market and examine its role in competition law.
- B. Explain the concept of abuse of dominant position in context of the practice of predatory pricing adopted by commercial enterprises.
- C. Differentiate between *rule per se* and *rule of reason* with the help of legal provisions and case laws.
- D. Critically examine the interface between Intellectual Property Rights laws and Competition laws with respect to *Aamir Khan Productions Ltd. v. Union of India*.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 A & B Enterprise is engaged in a business of supplying and distributing essential drugs. The Enterprise is led by two brothers, A and B. Over the period of time differences occurred and both decided to pursue business separately. If A and B agrees that A will limit his business area from Maharashtra to Punjab and B will continue doing business in the rest of India. Discuss the nature of agreement between A and B under the competition law. Answer the question with relevant legal provisions and case laws evolved in India.
- Q.3 Rohan Bazar has various outlets in the different districts of the State of Himachal Pradesh. The outlet in Shimla and Solan are selling the same cotton shirts at different prices. Raju files a complaint before the Competition Commission of India (CCI). Suggest the legal procedures which are to be followed by Director General of CCI to conduct an inquiry.



- Q.4** Discuss the ingredients necessary to constitute an unfair trade practice under the Monopolies and Restrictive Trade Practices Act, 1969. Elucidate it with the help of relevant case laws.
- Q.5** Explain the concept of Appreciable Adverse Effects on Competition in respect of the abuse of dominant position with the help of relevant legal provisions and case laws.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-212

Subject: Taxation Laws

LL.M. 2<sup>nd</sup> Semester6<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. Distinguish between tax-evasion and tax-planning.
- B. Residuary of power of taxation.
- C. Foreign Tax Credit.
- D. Faceless Assessment: New Virtual Tax Administrator

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2** Discuss the constitutional provisions relating to the distribution of legislative powers to impose tax between Centre and State. What is inter-governmental tax immunity? Explain with the help of relevant provisions and decided cases.
- Q.3** Explain the concept of transfer pricing. Have the effects of transfer pricing been minimised under the Income Tax Act, 1961?
- Q.4** “Research have revealed that merely having a highly progressive tax system will do little in reducing income inequalities. Thus, the pursuit of income redistribution through tax policy has certain inherent limitations.” Discuss the urgent tax reforms needed to make our tax system just, fair and efficient.
- Q.5** The government proposes to impose a tax on every readymade food item sold in the open market, irrespective of their income level. The argument is that the new tax proposal will enhance the tax revenue and, at the same time, will curb the discriminatory tax treatment between the duly registered hotels/cafeterias and the other unregistered eateries. The opponent of this proposal has argued that taxation should seek to be neutral and equitable between forms of business activities.

Explain the tax neutrality principle as an essential component of the modern tax system, and examine if the tax proposal moved by the government would be justified based on this principle.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-207

Subject: Health Law

LL.M. 2<sup>nd</sup> Semester8<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. Explain as to how health has become an area of concern due to globalization.
- B. Explain as to how Legislature has addressed the issue of child labour in India.
- C. What is legal sanctity of sex determination test in India?
- D. What is impact of climate change on human health?

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 Explain the role played by WHO in addressing the health challenges of the 21<sup>st</sup> Century.
- Q.3 Explain as to how the Constitution of India safeguards the 'Right of Health' of the citizens of India.
- Q.4 Technology has turned out to be both, a boon and a bane, in the context of health issues. Explain.
- Q.5 The Right to Health is available to employees under law. Explain with the help of relevant statutory provisions.



## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-208

Subject: Cyber Crimes &amp; Cyber Security

LL.M. 2<sup>nd</sup> Semester8<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. Explain the scope of conflict of various laws in connection with cyber crimes.
- B. 'The Indian legal regime can address the complications related to e-crimes'. How far do you agree with this statement?
- C. What is the relevance of cyber security web application? Explain their need with help of relevant examples and laws.
- D. It was alleged that the defendants had hacked into and installed spyware onto the Claimant's server in London. The hackers' IP address was said to be Russian. The Claimants commenced proceedings in English Court. The Defendants disputed jurisdiction, arguing that the tort occurred in Russia: that was where the installation of the spyware software occurred and where the administrator's username and password were improperly entered. Analyse the situation above and give your comments about Jurisdictional Conflicts in Cyberspace.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 A, a reporter, publishes an article in a renowned newspaper about B, making derogatory statements about B's sexual preference without B's approval. Thus, resulting in B secluded by his friends, and family, who have read about B in the newspaper. Here B can sue A for the tort of defamation. Suppose if the defamation was done online by an article published on the newspaper's website with A with the same information then it will be addressed as cyber defamation. Explain the legal framework related to online defamation and how it is entwined with liability of internet service providers. Explain the difference between cyber crimes and conventional crimes.

- Q.3** The question is related to the posting of obscene, defamatory and annoying message about a divorced woman in the Yahoo message group. E-mails were also forwarded to the victim for information by the accused through a false e-mail account opened by him in the name of the victim. The posting of the message resulted in annoying phone calls to the lady in the belief that she was soliciting. Based on a complaint made by the victim in February 2004, the Police traced the accused to Mumbai and arrested him within the next few days. The accused was a known family friend of the victim and was reportedly interested in marrying her. She, however, married another person.

This marriage later ended in divorce, and the accused started contacting her once again. On her reluctance to marry him, the accused took up harassment through the Internet. The Defence argued, in this cyber-crime case, that the offending emails would have been given either by the ex-husband of the complainant or the complainant herself to implicate the accused as accused alleged to have turned down the request of the complainant to marry her. Further, the defence counsel argued that some of the documentary evidence was not sustainable under Section 65B of the Indian Evidence Act, 1872. However, the court relied upon the expert witnesses, and other evidence produced before it, including the witnesses of the Cyber Cafe owners, and came to the conclusion that the crime was proved. Give your opinion in this matter and also refer to Section 67 of the Information Technology Act.

- Q.4** Discuss the Concept of Cyber Squatting in the light of following situation(s) and highlight the concept of infringement of Trademarks and Domain names:
- a.** In this case, cyber-squatter has registered the domain name as [www.radiff.com](http://www.radiff.com), which was similar to plaintiff's domain name ([www.rediff.com](http://www.rediff.com)). Domain names is a valuable corporate asset, as it facilitates communication with a customer base.
  - b.** Mr. Arun P. is a prominent public figure and current Finance Minister of India. In 2011, he was the leader of opposition in Rajya Sabha and was the Member of Parliament for last 10 years. The cyber-squatter (Network Solutions Pvt. Ltd.) registered the domain [www.arunjaitley.com](http://www.arunjaitley.com). The plaintiff tried to buy the domain name from the cyber-squatter but the cyber-squatter tried to sell at an exorbitant cost. Also discuss the concept of "passing off"?

- Q.5** Consider the following situations and highlight the need for Data Protection Laws in India: In December 2018, New York-based video messaging service Dubsmash had 162 million email addresses, usernames, PBKDF2 password hashes, and other personal data such as dates of birth stolen, all of which was then put up for sale on the Dream Market dark web market the following December. The information was being sold as part of a collected dump also including the likes of MyFitnessPal (more on that below), MyHeritage (92 million), ShareThis, Armor Games, and dating app CoffeeMeetsBagel.

As the major social network for business professionals, LinkedIn has become an attractive proposition for attackers looking to conduct social engineering attacks. However, it has also fallen victim to leaking user data in the past. In 2012 the company announced that 6.5 million

unassociated passwords were stolen by attackers and posted onto a Russian hacker forum. However, it wasn't until 2016 that the full extent of the incident was revealed. The same hacker selling My Space's data was found to be offering the email addresses and passwords of around 165 million LinkedIn users for just 5 bitcoins. LinkedIn acknowledged that it had been made aware of the breach, and said it had reset the passwords of affected accounts.



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA**  
**End-Term Examinations, July 2022**

**Paper Code: LM-213**

**Subject: Environmental Law**

**LL.M. 2<sup>nd</sup> Semester**

**8<sup>th</sup> July, 2022**

**Time: 3 hours**

**Maximum Marks: 75**

**Instructions:**

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

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

**(3x5=15Marks)**

**Q.1 Short Answer Type Questions :**

- A. "India's Environmental law regime owes its impetus to the Constitution of India". Elucidate.
- B. "The Environmental Protection Act, 1986 is a snake which lacks fangs". Explain by citing examples from the Act.
- C. "Precautionary principle is reflection of limitation of human ingenuity". Elaborate by highlighting the features of the Principle.
- D. Trace the development of *jus cogens* under international environmental law by citing examples.

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

**(3x20=60Marks)**

- Q.2 "The settlement reached between the parties in Union Carbide case was as moved by the issue of justice as much was by the apprehension regarding its enforceability in the courts of the United States of America". Critically examine the above statement through the litigation trajectory of the Union Carbide case.
- Q.3 The Paris Agreement is an eclectic mix of top-down and bottom-up approach. Elaborate with the help of the provisions of the Paris Agreement.
- Q.4 The approach of looking into the negotiations under the auspices of UNFCCC from the lens of classical 'North-South', divide will result in missing woods for the trees. Elucidate with the help of examples.
- Q.5 The law relating to forests in India has experienced a shift from state-centric approach to eco-centric approach. Explain by tracing the history of forest laws in India.





## HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations, July 2022*

Paper Code: LM-214

Subject: Corporate Social Responsibility

LL.M. 2<sup>nd</sup> Semester8<sup>th</sup> July, 2022

Time: 3 hours

Maximum Marks: 75

Instructions:

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

**SECTION-A (Short-Answer Type)****(3x5=15Marks)****Q.1 Short Answer Type Questions :**

- A. 'While implementing **CSR** as a part of their corporate culture, organizations face many challenges'. Discuss the statement in the light of stakeholder theory of firm.
- B. The role of public policy in regulating and creating an enabling environment for CSR is crucial. Highlight the public policy roles in the promotion of corporate social responsibility.
- C. How do different views of citizenship measure up with the notion of the corporation as a citizen, as a —corporate citizen? Discuss the concept of corporate citizenship and principles of corporate citizenship with the help of fine examples.
- D. 'Liberalization, Privatization and Globalization have increased the need for better governance. Regulations and guidelines by multilateral agencies have also contributed to growing awareness about corporate governance'. In the light of the statement given above explain the relationship between good governance and global principles on social responsibility of businesses with the help of examples.

**SECTION-B (Long-Answer/Descriptive/Analytical Type)****(3x20=60Marks)**

- Q.2 There are different models which tried to explain what shall be the different components and their priorities by an organization. And one of the most influential models of corporate social responsibility (CSR), is Carroll's pyramid of CSR which is, both, reflected, and has helped in prioritizing different responsibilities. Critically examine.
- Q.3 Explain the corporate social responsibility regulations in India under the Companies Act. Are there any shortcomings in the present law? Elaborate.
- Q.4 The triple bottom line approach to corporate social responsibility emphasizes the company's commitment to operating in economically, socially and environmentally sustainable manner.

“The company believes in sustainable development by ensuring that the activities are in harmony with environment”. Discuss the above statement with the help of case laws.

- Q.5** Highlight the global trends in the corporate social responsibility with the help of appropriate case studies.