


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2024</b>			
<b>Course: Legal Method &amp; Legal Reasoning.</b> <b>Program: BBA. LL.B., B.A. LL.B., B.Com. LL.B.</b> <b>Course Code: CLCC 1001</b>		<b>Semester: II</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions:</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	What is the difference between primary and secondary sources in legal research?	2	CO1
Q 2	Explain any two purposes of legal citation.	2	CO1
Q 3	Define and differentiate Civil wrong and Criminal wrong	2	CO1
Q 4	Explain Delegated Legislation	2	CO1
Q 5	Explain social solidarity	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q 6	Substantiate the distinction between adversarial and inquisitorial models of judicial process.	5	CO2
Q 7	Evaluate the hierarchical structure of the judiciary in India.	5	CO2
Q 8	Explain research design and elaborate its importance	5	CO2
Q 9	Provide differences between empirical and doctrinal research	5	CO2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	You come across a concept associated with your assignment topic that you find extremely pertinent, so you decide to incorporate it into your own project without properly acknowledging the original author." Is it an act of plagiarism? Define plagiarism and explore its various types.	10	CO3

	Also state the punishment laid down under relevant provisions for its commission.		
Q 11	<p>Criminalization of conduct involves the coming into play the functions performed by diverse functionaries that define, investigate and prosecute crime; conduct trial and sentence convicted person; and administer post-conviction imprisonment. The multiple functionaries come to play their assigned roles in various stages including investigation, prosecution, trial and post-conviction. The Code of Criminal Procedure 1973 in Chapter II gives a detailed elaboration and rules relating to formal functionaries in the pre-trial and trial process.</p> <p>In lieu of the above statement highlight the various functionaries of criminal justice administration system and the various functions performed by them.</p>	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 12	<p>Re write each of the following information in any one standard form of citation. Mention the form of citation that you are using:</p> <p>a. Author: Sofianti, S.P.D., Ludigdo, U, Smith, G. S., Title of the Book: Suitability of Forensic Accounting in Uncovering Bank Frauds in India: An Opinion Survey Publisher: Universal Law Publishing Co. Pvt. Ltd., Delhi-110033 At Pages: 212-220 Year 2023 <span style="float: right;"><b>05 Marks</b></span></p> <p>b. Article/Paper- The Past, Present, and Future of Forensic Accounting, Authors: Harris, C.K., &amp; Brown, A.M., PENNSYLVANIA CPA JOURNAL 2-3 (2000). Volume 21 (2) At Pages: 2-3 Year- 2024 <span style="float: right;"><b>05 Marks</b></span></p>	25	CO4

	<p>c. Title of the Legislation: Indian Penal Code Year of enactment: 1860 No. of the Act: 45 of 1860 Sections 299, 302 <b>05 Marks</b></p> <p>d. Title of the case: Harshad S. Mehta &amp; Ors. v. State of Maharashtra  Volume: 13  Court: Supreme Court  Page no.: 319-322  Year 1996 <b>05 Marks</b></p> <p>e. Article - G. Training in Forensic Audit in the Banking Sector: A Status Report of Banks in Chandigarh  Authors: Aggarwal, M., &amp; Singh, G.  The Times of India  Year- August 24, 2021,  available at  <a href="https://timesofindia.indiatimes.com/city/hyderabad/karvy-scam-heres-how-it-unfolded/articleshow/85471866.cms">https://timesofindia.indiatimes.com/city/hyderabad/karvy-scam-heres-how-it-unfolded/articleshow/85471866.cms</a> (Last visited on 16/8/2022). <b>05 Marks</b></p>		
Q 13	<p>In the last few years, several states have enacted laws to curb cheating in examinations, especially those for recruitment in public service commissions. According to news reports, incidents of cheating and paper leaks have occurred on several occasions in Uttarakhand, including during the panchayat development officer exams in 2016, and the Uttarakhand Subordinate Services Selection Commission exams in 2021. The Uttarakhand Public Service Commission papers were also leaked in January 2023. The most recent cheating incidents led to protests and unrest in Uttarakhand. Following this, on February 11,</p>	25	CO4

<p>2023, the state promulgated an Ordinance to bar and penalize the use of unfair means in public examinations. The Uttarakhand Assembly passed the Bill replacing the Ordinance in March 2023. There have been multiple reports of candidates being arrested and debarred for cheating in public examinations for posts such as forest guard and secretariat guard after the ordinance's introduction. Similar instances of cheating have also been noted in other states. As per news reports, since 2015, Gujarat has not been able to hold a single recruitment exam without reported paper leaks. In February 2023, the Gujarat Assembly also passed a law to penalize cheating in public examinations. Other states such as Rajasthan (Act passed in 2022), Uttar Pradesh (Act passed in 1998) and Andhra Pradesh (Act passed in 1997) also have similar laws. In this blog, we compare anti-cheating laws across some states (see Table 1) and discuss some issues to consider. Anti-cheating laws across states generally contain provisions that penalize the use of unfair means by examinees and other groups in public examinations such as those conducted by state public sector commission examinations and higher secondary education boards. Broadly, unfair means is defined to include the use of unauthorized help and the unauthorized use of written material by candidates. These laws also prohibit individuals responsible for conducting examinations from disclosing any information they acquire in this role. The more recent laws, such as the Gujarat, Uttarakhand, and Rajasthan ones, also include the impersonation of candidates and the leaking of exam papers within the definition of unfair means. Uttarakhand, Gujarat, Rajasthan, Uttar Pradesh, Chhattisgarh, and Andhra Pradesh prohibit the use of electronic aids. The maximum prison sentences for using such unfair means range from three months in Uttar Pradesh, to seven years in Andhra Pradesh. These laws also vary in scope across states. In Uttarakhand and Rajasthan, the laws only apply to competitive examinations for recruitment in a state department (such as a Public Commission). In the other six states examined, these laws also apply to examinations held by educational institutions for granting educational qualifications such as diplomas and degrees. For example, in Gujarat, exams conducted by the Gujarat Secondary and Higher Secondary Education Board are also covered under the Gujarat Public Examination (Prevention of Unfair Means) Act, 2023. The question is whether it is appropriate to have similar punishments for exams in educational institutions and exams for recruitment in government jobs, given the difference in stakes between them.</p>		
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	<p>In the light of the abovementioned excerpts, answer the following questions:</p> <ul style="list-style-type: none"><li>a. Frame a suitable title. 05</li><li>b. Structure a statement of problem 05</li><li>c. Prepare a hypothesis 05</li><li>d. State the objective in relation to the excerpt 10</li></ul>		
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