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19 (IV) BKIN 4·6 (H<sub>5</sub>)

2019

**BANKRUPTCY AND INSOLVENCY**

Paper : 4·6 H<sub>5</sub>

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full marks for the questions.***

1. Choose the correct answer :  $1 \times 10 = 10$
- (i) The Insolvency and Bankruptcy Code, 2016 came into force on the \_\_\_\_\_.  
(28th May, 2016 / 28th June, 2016)
- (ii) The Transfer of Property Act, 1882 came into force on the \_\_\_\_\_. (1st July, 1882 / 1st June, 1982)
- (iii) In Joint Hindu family, minor members \_\_\_\_\_ be declared insolvent. (will / will not)

Contd.

- (iv) The rule under section 53 of T. P. Act of fraudulent transfer ————— any law relating to insolvency. (affect/does not affect)
- (v) Financial Institution as defined in section ————— of the Reserve Bank of India Act, 1934. (46-I/45-I)
- (vi) Resolution applicant means any person who submits a resolution plan to the resolution professional. (True/False)
- (vii) The Adjudicating Authority shall appoint an interim resolution professional within ————— from the Insolvency commencement date. (14 days/15 days)
- (viii) Under section ————— deals with, when a liquidation order has been passed, no suit or other legal proceedings shall be instituted by or against the corporate debtor. (52/53)
- (ix) Any person aggrieved by an order of the NCLAT may file an appeal within ————— days to the Supreme Court of India. (45/60)

(x) The National Capital Region Planning Board Act was passed in 1985. (True/False)

2. Answer the following in short : 2×5=10

(i) Property of Insolvent.

(ii) Small Insolvency.

(iii) Financial Creditor

(iv) NCLT.

(v) Appellate Authority.

3. Explain in details, the Provincial Insolvency Act, 1920. 12

**Or**

Explain in details the origin, background and objectives of the Insolvency Law in India. 12

4. Discuss in details, the objectives and scope of the Insolvency and Bankruptcy Code, 2016. 12

**Or**

What is Bankruptcy ? Write the relationship between Insolvency and Bankruptcy. 12

5. Write a note on, "Corporate Insolvency Resolution Process". 12

**Or**

Discuss in details, the rights and duties of the interim resolution professionals. 12

6. Discuss in details, the different powers and duties of liquidator. 12

**Or**

Who is Debtor ? Explain the duties of debtor after declared an Insolvent. 12

7. Discuss the circumstances under which the order of an adjudication can be annulled. 12

**Or**

What is Adjudicating Authority ? Discuss its jurisdiction and functions as per the Code, 2016. 12

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19 (IV) PNVC 4-6 (H)

2018

**PENOLOGY AND VICTIMOLOGY**

Paper : 4-6 H<sub>5</sub>

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full marks for the questions.***

1. Choose the correct answer :  $1 \times 10 = 10$
- (a) The type of punishment which dissuades a criminal from future wrongdoing is the principle of \_\_\_\_\_ Theory of Punishment.  
(Deterrence/Preventive)
- (b) The Constitutional Validity for Capital Punishment was upheld for the first time in the case of \_\_\_\_\_.  
(Jagmohan vs. State of U.P. AIR 1973/  
Bachan Singh vs. State of Punjab AIR 1980)

Contd.

- (c) The problem of judicial sentencing is closely related to \_\_\_\_\_ of Punishment. (forms/nature)
- (d) "An eye for an eye and a tooth for a tooth" relates to \_\_\_\_\_ theory of Punishment. (Preventive/Retributive)
- (e) The Indian Police Act came into force in the year \_\_\_\_\_. (1816/1861)
- (f) The object of Reformation theory is \_\_\_\_\_. (Deterrence/Reformation of the offenders)
- (g) \_\_\_\_\_ characterises crime as a symptom of social disorganisation. (Sutherland/Halsbury)
- (h) The Probation of Offenders Act relates to \_\_\_\_\_. (Juveniles/First Offenders)
- (i) Victimology is the part of \_\_\_\_\_. (Psychology/Penology)
- (j) \_\_\_\_\_ aims at bringing about a change in the offender's attitude to make him socially acceptable. (Rehabilitation/Restoration)

2. Write short notes on :  $2 \times 5 = 10$

- (i) Distinction between crime prevention and treatment

- (ii) Probation
- (iii) Intermediate Sentence
- (iv) Rehabilitation of an Offender
- (v) Victims of crime.

3. Explain the meaning of Penology. Discuss various types of punishments for different kinds of offences with their merits and demerits.  $4+8=12$

**Or**

The retribution involved in the theory "an eye for an eye and a tooth for a tooth" has no place in the scheme of civilised jurisprudence. Critically examine the above extract and express your view on philosophy of punishment.  $6+6=12$

4. Discuss Constitutional Validity of Capital Punishment. Give your arguments in favour or against the imposition of Capital Punishment.  $7+5=12$

**Or**

Discuss the judicial trend in India regarding awarding of death punishment. 12

5. Discuss "Role of Prison System" in modern Penology. Write down the different prison reforms made by Indian Prison Administration.  $5+7=12$

**Or**

Write explanatory notes on :  $6+6=12$

- (a) Main characteristics of Open Prisons
- (b) Classification of Prisoners.

6. What are the legal functions of Police ? Discuss the importance of Police-Public Co-operation to prevent crime.  $7+5=12$

**Or**

Write notes on :  $6+6=12$

- (a) Custodial torture in prisons
- (b) Role of Police as a preventive mechanism for crime control.

7. What is Victimology ? Discuss the provisions relating to compensatory relief to victims.  $4+8=12$

**Or**

Who is a "Victim of Crime" ? Discuss different kinds of impact of crime on victims.  $5+7=12$

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19 (IV) PNVL 4.5 (H)

2017

**PENOLOGY AND VICTIMOLOGY**

Paper : 4.6 H<sub>5</sub>

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full marks for the questions.***

1. Choose the correct answer :  $1 \times 10 = 10$ 
  - (a) According to \_\_\_\_\_ punishment is meant to prevent other persons from committing similar offences.  
(Retributive theory/Deterrent theory)
  - (b) Penology is the study of \_\_\_\_\_.  
(Punishment / Banishment)
  - (c) The infliction of \_\_\_\_\_ by an authority as a punishment is called capital punishment. (Death/Murder)
  - (d) Capital punishment is awarded for waging war against the Government of India. (True/False)

Contd.

- (e) \_\_\_\_\_ is an alternative sentence to imprisonment  
(Simple imprisonment/Admonition)
- (f) Recidivist is a \_\_\_\_\_.  
(habitual offender/social activist)
- (g) The Prison Act was enacted in the year \_\_\_\_\_  
(1858/1894)
- (h) Victimology is the study of \_\_\_\_\_.  
(Punishment/Victims)
- (i) Mutilation is a \_\_\_\_\_ punishment.  
(Mental/Corporal)
- (j) Hardened criminals can be punished by \_\_\_\_\_ (Lesser/Severe) punishment.
2. Write short notes on : 5×2=10
- (a) Object of preventive theory of punishment
- (b) Solitary confinement
- (c) Capital punishment
- (d) Treatment of offenders
- (e) Any two functions of Police.

3. "Punishment is an art which involves the balancing of retribution, reformation and deterrence."

Explain different theories of punishment. Critically assess these theories in the modern scenario with relevant merits and demerits. 8+4=12

**Or**

Discuss : (a) Various types of punishments for different kinds of offences (b) Penology as a Correctional Science. 6+6=12

4. What is Capital punishment? Discuss Constitutional validity of Capital punishment. 4+8=12

**Or**

Discuss merits and demerits of Capital punishment. Mention some important judgements. 7+5=12

5. Write an exhaustive note on Indian Prison since 1950. 12

**Or**

Discuss 'the role of jail' in recent period. Comment and suggest reforms in the Prison System in India. 6+6=12

6. Discuss the role of Police Organisation in modern time for maintenance of Law and Order. Suggest for improvement of the image of Police in India. 8+4=12

**Or**

How do you suggest to prevent Custodial torture in prisons? Discuss the points of law dealing with such menace. Cite case laws. 6+3+3=12

7. What do you mean by Victimology? Discuss the trends of Victimology in modern society in the light of theories of Victimology. 4+8=12

**Or**

Write notes on : **(any two)** 6×2=12

- (a) Constitutional perspectives of Compensation
- (b) Rehabilitation of Victims
- (c) Need for Compensation.

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19 (3-IV) PNVC (CC-HI)

2015

**PENOLOGY AND VICTIMOLOGY**

Paper : 4.6.H-5

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full marks for the questions.***

1. Choose correct answer :  $1 \times 10 = 10$
- (a) Punishing the offenders is a primary function of all civil states. (Yes/No)
- (b) Punishment under law is fundamentally a technique of social control. (Yes/No)
- (c) Capital punishment is justified only in extreme cases. (Yes/No)
- (d) The pros and cons of 'life or death' sentence has been extensively dealt by the Supreme Court in Rajendra Prasad's case. (Yes/No)

Contd.

- (e) Sentencing system is based on public opinion. (Yes/No)
- (f) The benefit of release on probation is specifically denied to cases involving sex perversity. (Yes/No)
- (g) The word 'police' is derived from the Greek word politeia or its Latin equivalent politia. (Yes/No)
- (h) The British Govt. in India retained the system of policing prevailing in each Province with modification. (Yes/No)
- (i) Constitutional scheme for compensation to victims is to be found in pragmatic interpretation of Art-32 and 226 of the constitution. (Yes/No)
- (j) The probation of offenders, set also contains provisions for compensatory relief under Section 6 of the Act. (Yes/No)

2. Write note on :

2×5=10

- (a) Penology as a growing science.
- (b) Extenuating circumstances for commutation of death sentence.
- (c) Term of life imprisonment.

- (d) General welfare functions of police.
- (e) Legislative frameworks of compensatory relief to victims.

3. Write an explanatory note on New Penology. 12

**Or**

Discuss the concept of Punishment. What are its justification? Write about constraints in the use of Punishment. 4+4+4=12

4. Write the factors which the court is expected in awarding death sentence and also explain the principle the "rarest of rare cases". 6+6=12

**Or**

Discuss the overall views of death sentence as a form of capital punishment in the present day conditions. 12

5. Write down the major problems of prison administration in performing rehabilitative functions. 12

**Or**

Write about main characteristics of open prisons. 12

6. What are the three basic characteristics of Indian Police system? Write in brief about the Police Commissioners. 6+6=12

**Or**

“Police is an effective instrument of social change as well as the foundation of justice and fair play”. Discuss briefly. 12

7. Discuss the judicial trend of compensatory relief to victims. 12

**Or**

(i) Compensation under the code of Criminal Procedure.

(ii) Compensation and Rehabilitation.

6+6=12