



THE INDIAN LAW INSTITUTE  
(Deemed University)  
NEW DELHI

LL.M. (1 YEAR) SEMESTER END- EXAMINATION  
DECEMBER-2023

PAPER – RESEARCH METHODS AND LEGAL WRITING

Time: 3 hours

Max. Marks: 50

**Answer any five questions. All questions carry equal marks.**

1. “In research, the *methodology* may differ from problem to problem, but the basic *approach* towards *research* generally remains the same”. Explain the statement while differentiating between Research Methods and Research Methodology. Illustrate the difference in research on ‘role of law in combating pollution in Delhi.’
2. State the challenges of interdisciplinary research. Distinguish between mono-disciplinary, trans-disciplinary, quasi-disciplinary, and inter-disciplinary research? Explain the merits of multi-disciplinary research.
3. What do you understand by Sampling? What is the difference between the sample and the population? What are the types of sampling methods? Explain with examples.
4. Does ethics have any role in research? What safeguards should a researcher use to ensure that the research is free from plagiarized material? State the difference between plagiarism and copyright infringement.
5. “For every fact there is infinity of hypothesis.” What is the connotation of this statement? State the meaning, nature, characteristics, importance and type of hypothesis. Frame a hypothesis on legal research on ‘role of AI in legal industry.’
6. “While empirical legal research has taken up an important role in numerous law schools, for many legal scholars it remains a black box with unfamiliar, obscure methods and unclear contribution to the law.” Evaluate this statement. Compare and contrast inductive and deductive research approaches.
7. Write short note on any *TWO* of the following:
  - a) Types of interviews used in interview method of data collection
  - b) Use of Materials in Report writing
  - c) Use of Computer Assisted Legal Research

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LL.M. (1 YEAR) 1<sup>ST</sup> SEMESTER END- EXAMINATION  
DECEMBER 2023

PAPER – CRIMINAL JUSTICE ADMINISTRATION

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. “For the larger public interest the individual liberty of the offender is restricted in prison system.” Critically analyse this claim.
2. The cardinal principle of criminal jurisprudence is that the burden rests on the prosecution to prove the case beyond reasonable doubt. Hence, the role of the prosecutors in quest of justice is paramount. Critically examine this principle.
3. Criminal law must bear the burden of compensation to rehabilitate victims. Discuss the concept of compensating the victims in the realm of victimology.
4. A First Information Report (FIR) is essentially an ‘incident report’ after registration of which the incident is treated as a case. To investigate the ‘case’ the investigation officer is not controlled by the contents of the FIR. In the light of this statement you are required to discuss the jurisprudence of FIR and bring out the exercise of discretion applied by the police in arresting a person.
5. The aspect of plea bargaining continuously erodes the supposed distinction between substance and process. Give a detailed analysis of this statement.
6. The concept of fair trial is at the heart of criminal jurisprudence. Critically examine the contours of a fair trial and how far it is upheld in the Indian Criminal Justice Administration.
7. Write short notes on any *TWO* of the following:
  - (a) Mercy Petitions
  - (b) Judicial discretion in non-bailable offences
  - (c) Review petition in *Ankush Maruti Shinde v. State of Maharashtra* (2019) 15 SCC 470

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LL.M. (1 YEAR) 1<sup>ST</sup> SEMESTER END- EXAMINATION  
DECEMBER 2023

PAPER – COMPARATIVE PUBLIC LAW

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. Attributing sovereignty to the people in a democratic context is a foundational principle, but its not without challenges or complexities. Discuss. Also explain how do various countries interpret and apply this principle within their unique political contexts.
2. Explain the fundamental elements of a Constitution and its intrinsic correlation with the guiding principles of constitutionalism. How does a Constitution reinforce the idea of limited government which is central to constitutionalism? Analyze the model of limited government within the framework of the US Constitution.
3. Discuss the influence of 'living originalism' and 'living constitutionalism' on judicial decision-making. How do these concepts guide judges in interpreting the Constitution amidst the evolution of moral values and societal changes? Discuss.
4. Evaluate the evolution of the Rule of Law theories from Dicey to Lord Bingham and Joseph Raz. How have these theories expanded and refined the understanding of the Rule of Law, catering to the complexities of modern governance and societal needs? Explain.
5. Comment on the necessity of maintaining the original character of a constitution created during crucial historical periods. Reflecting on how these moments are mirrored in the Constitution of India, describe the implicit constraints on the Parliament's power to amend the Constitution as per Article 368.
6. Compare and contrast the essential characteristics of the European and American approaches to constitutional review. How do these systems differ in terms of judicial powers and their impact on governance? Discuss.
7. Write short notes on any *TWO* of the following:
  - a) Concept of State in Public Law
  - b) Methodological issues faced in Comparative Public Law research
  - c) The doctrine of Separation of powers and the Indian Supreme Court





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LL.M. (1 YEAR) 1<sup>ST</sup> SEMESTER END- EXAMINATION  
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PAPER – CENTRE STATE RELATIONS

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

- Q.1. Write a thorough essay outlining the key components of federalism. Do you believe that the unitary system is inferior to the federal system? Give reasons.
- Q.2. Three lists in schedule VII of the Indian Constitution specify the detailed allocation of legislative authority between the Union and the States. When there are disagreements between these lists, the way those disagreements are resolved highlights how highly centralised the federal model is. Do you concur with this assertion? Describe.
- Q.3. It was held for a long time that the Court cannot look into the validity or legality of the proclamation because the President had issued the same in pursuance of his constitutional powers under Article 356(1) of the Constitution of India. However, the situation has changed after *Rajasthan v. UOI* case. Explain.
- Q.4. Do you believe that India's federalism is suffering as a result of globalisation? Provide a thorough justification.
- Q.5. Do you agree with this statement that ‘adjudication is an unsatisfactory way of dealing with inter-state river water disputes; a negotiated settlement is infinitely superior; adjudication is divisive and leads to exaggerated claims by both sides’? Explain
- Q.6. Article 3 of the Indian Constitution enables the Parliament to effect by law reorganization *inter se* of the territories of the Indian Union. Critically examine whether the Jammu and Kashmir Reorganization Act of 2019 adopted by the Parliament was according to the constitutional scheme or not.
- Q.7 Write short notes on any *TWO* of the following:-
- (a) Cooperative Federalism
  - (b) Doctrine of Pith and Substance
  - (c) Aspect Theory

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LL.M. (1 YEAR) 1<sup>ST</sup> SEMESTER END- EXAMINATION  
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PAPER – GENERAL PRINCIPLES OF CRIMINAL LAW

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. Some commentators observe that “The modern variety of conspiracy grew in the wild before domestication”. You are required to trace the history of conspiracy keeping this observation in mind and critically examine the offence of conspiracy as it exists in the Indian Penal Code, 1860.
2. *Kumari Chandra v. State of Rajasthan* 2019 Cr LJ 163 “reinforces the age-old belief that women who commit violent crimes are ‘abnormal’ or ‘mentally ill’. Do you agree with the statement? You are required to give reasons for your answer and engage with the contours of defence of insanity.
3. Critically analyse the pre conditions and conditions of the exercise of the right of private defence. Suggest changes which may revive the current tendency of the courts to overly emphasize the objective elements at the expense of subjective elements.
4. Punishment as a threat was intended to deter crime. In its execution, however, the state is limited in its reaction by a retributive theory of justice. Comment.
5. The Bhopal tragedy taught many lessons about criminal misconduct and need for corporate criminal liability. Discuss the Law of corporate criminal liability in India given the fact that historically criminal law developed around the notion of individual.
6. In joint criminal enterprise the “most problematic person is the confederate who neither planned nor abetted the murder but who either foresaw or perhaps ought to have foreseen that a member of the criminal enterprise might commit murder”. In the light of this statement discuss common intention under the Indian Penal Code, 1860.
7. Write short notes on any *TWO* of the following:
  - (a) Contemporaneity
  - (b) Putative theory and actual fact theory in attempt law
  - (c) Minimalistic approach to criminalization

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LL.M. (1 YEAR) 1<sup>ST</sup> SEMESTER END- EXAMINATION  
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PAPER – JUDICIAL PROCESS

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. There are arguments that the justice delivery in ancient India was not advanced because there was no concept of an impartial judiciary and the separation of power doctrine. On the contrary, evidence suggests that the delivery of justice under the Indian knowledge system relied on fairness, natural justice, competent judges, hierarchy etc., which was hardly known in any ancient regime in the world. Do you agree with this view? Give reasons.
2. What do you understand by the term judicial process? Critically examine the contribution of Justice Benjamin N Cardozo in the field of judicial process.
3. Presumption of constitutionality is reflected through the rules of severability, mechanism of reading into and reading down etc. It has developed the law and has brought in new challenges to the legal regime. Elucidate.
4. What are the challenges to identify *ratio decidendi* of a judgement? Can a constitution bench of five judges overrule the law laid down by another constitution bench of five judges? Explain.
5. What are the issues in the appointment of judges in India? Can you suggest three reforms to improve the collegium system as suggested in the *Fourth Judges case* (2015).
6. The judiciary in India has often referred to comparative jurisdictions and imported various doctrines developed by the judiciary in the USA and UK. While any idea coming from any jurisdiction should be welcome, we need to be cautious, that the foreign idea must suit our requirements and constitutional settings. Elucidate.
7. Write short notes on any *TWO* of the following:-
  - a. *Mimansa* rules of interpretation
  - b. Pendency in the courts and use of technology
  - c. Difference between judicial function and administrative function

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LL.M. (1 YEAR) 1<sup>ST</sup> SEMESTER END- EXAMINATION  
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PAPER – NATIONAL SECURITY

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. In the case of *Madhyamam Broadcasting Limited, Media One Headquarters v. Union of India*, (2022 SCC OnLine Ker 680) the High Court of Kerala observed from *Atrishamhita*, (Rigveda period) “दुष्टस्य दण्डः स्वजनस्य पूजा ... निजराष्ट्ररक्षा ... धर्माः कथिताः नृपाणाम्।। To punish the criminals, to protect the good,... to protect the Nation – these are... fundamental duties to be performed by the State.” How does the Indian Knowledge System address the issue of principles and policies on national security? Are they still relevant? Discuss.
2. There are various theories that address the issue of desirability of criminal laws, like, the harm principle, the clear and present danger theory, the imminent lawlessness test, the in toto test, the tendency test, concentric circle test, influence test etc. Are these theories applicable to the criminal laws that respond to national security and human rights concerns of India? Give reasons.
3. The Constitution of India contains various provisions that deal with national security of India. Critically examine these provisions with special reference to Article 1 of the Constitution.
4. The law of sedition under section 124A of IPC is a subject of perennial debate though its constitutionality was decided sixty years back in 1962. There are human rights concerns as to the “section” as well as “action” under IPC. The Law Commission of India in its 279<sup>th</sup> report (2023) has largely addressed these concerns. Discuss.
5. The judicial delineation of national security laws including counter terror legislations has witnessed a set pattern from 1950 onwards. It is alleged that the Supreme Court of India has mostly made a “State centric interpretation” and ignored the “rights model”. Critically examine the statement with decided cases.

*Contd.....*

6. A1 and A2 received a whatsapp notification from a group. The name of the group is LeT-SFJ i.e. Lashkar-e-Taiba and Sikh For Justice. Both are banned organisations under the Government of India notifications. A1 and A2, both are aware of the fact that these organisations are terrorist organisations. However, they became members of that group by admitting the whatsapp notification. A1 remained a silent member of the group for six months though he goes through the discussion in the group every now and then. A2 some times posts some messages on the right to self determination, how to advocate the secessionist cause before the United Nations, what is international and domestic law, etc. Discuss the criminal liability of A1 and A2 in the light of *Holder v. Humanitarian Law Project* (2010) and *Arup Bhuyan v. State of Assam* (2023).
7. Write short notes on any *TWO* of the following :
- a. Offence of Sedition under *Bharatiya Nyaya Sanhita, 2023*
  - b. Checking the abuse of national security laws
  - c. Delay of cases under UAPA

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
MAY 2024

PAPER – CYBER CRIME AND CYBER TERRORISM

Time: 3 hours

Max. Marks: 50

Answer any five questions. All questions carry equal marks.

1. R. Panikkar, in his work ‘Is The Notion of Human Rights A Western Concept?’ states that ”*Dharma* (dhamma) is perhaps the most fundamental word in the Indian tradition which could lead us to the discovery of a possible homeomorphic (similar) symbol corresponding to the Western notion of Human Rights.” Discuss. Is this notion still relevant in the light of the offences of cyber terrorism and cyber crimes? Give reasons.
2. There are various theories that deal with the desirability of a penal law and criminalisation of human conduct especially in the areas of free speech. Discuss these theories in the light of cyber crime and threat to national security through cyber mode.
3. “The description of cyber terrorism under section 66F of the Information Technology Act, 2000 is too restricted to cover all kinds of threats and is too broad to protect basic human rights and fundamental rights of a citizen?” Do you agree? Give reasons.
4. Membership of an organisation has become easier in the age of internet and social media. For a common person membership of a group is just a click away. This raises greater concern because various laws punish membership of an unlawful or terrorist organisation even if the accused is not an active member. How will you address this issue so that a balance between online threat to national security and protection of human rights of members can be maintained?
5. In order to tackle the online threat of terrorism the UK has taken drastic measures in its counter terror provisions. The UK Terrorism Act, 2000 has made mere “reasonable suspicion” and “internet surfing” as one of the sufficient grounds for conviction. Discuss. Should India also follow the UK model? Give reasons.
6. Delay and arrears of cases have become acute in India but delay in national security cases are matters of greater concern of human rights jurisprudence. Why? Can you illustrate a few cases of delay on national security laws, the reasons for delay and the possible remedy?
7. Write short notes on any **TWO** of the following-
  - a. Judicial approach to online threat of terrorism
  - b. The offence against privacy under IT Act and IPC[BNS]
  - c. *Shreya Singhal* case and issue of national security

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
MAY 2024

PAPER – ENVIRONMENT PROTECTION MECHANISM IN INDIA

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks. All answers must be supported by Principles/Doctrine and case laws.**

1. The structure of environmental legislation and regulation in India is built on the constitutional edifice. Elaborate with suitable examples.
2. Environmental Impact Assessment (EIA) is an exercise to locate a project at an optimal site from environmental standpoint. Examine to what extent the idea has been operationalized under the present framework by citing provisions and the case-laws.
3. A state government commenced a project to set up a memorial park. The park covered an area previously used for five parks on a river front, including a children's park. X challenges the project as violation of the Forest Conservation Act, 1980. Decide the case in the light of the provisions and the decisions of the Supreme Court.
4. The Indian Supreme Court has used International law to strengthen the environmental protection in India. Elucidate by citing judicial decisions.
5. A hazardous gas leak from an industrial establishment results in death of hundred persons. What are the principles of liability and compensation applicable in the case? Are there any gaps in the jurisprudence propounded by the Supreme Court in the above area?
6. Trace the role of National Green Tribunal in strengthening the Principle of Sustainable Development in India.
7. Write short notes on any TWO of the following-
  - a) Free Trade and Environment
  - b) Environmental Justice
  - c) Enforcement Mechanism under Air & Water Pollutions Acts







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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
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PAPER – JUVENILE JUSTICE

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. Protection of Children from Sexual Offences Act, 2012 mandates a child friendly atmosphere and the objective of the legislation is to safeguard best interest and well-being of the child at every stage of the judicial process. Critically examine the provisions of the Act which further these objectives.
2. Ved Kumari argues that “in consensual sex among children both are offenders or both are victims! Either both need to be tried under Juvenile Justice Act or both should go to Child Welfare Committee. Normally the boy is tried under Juvenile Justice Act and the girl is sent to Child Welfare Committee. They are equal partners. How can they be treated differently?” Comment.
3. Every child in conflict with law is essentially a child in need of care and protection. The Juvenile Justice Act 2015, however, declares under Section 8 (g) that a child in conflict with law can also be a child in need of care and Protection (emphasis added). Discuss. You are required to deal with the category ‘child’, ‘child in need of care and protection’ and ‘child in conflict with law’ while giving your views on Section 8(g) of the Act.
4. Non institutional care is to be prioritized but institutional care may be the only option in certain situations. And so the Manual on Living Conditions in Institutions for Children in Conflict with Law, 2017 is a significant step towards betterment of Juvenile Justice Administration in India. Critically analyze the Manual with special focus on ‘Place of Safety’.
5. Suman Khadka argues that “Key limitations of the Convention on Rights of Child include inappropriate prioritisation of rights when resources are limited or when rights conflict, the apolitical nature of the Convention itself and its failure to integrate into well being analysis the existence of two different welfare states /or lack of it in the world.” Situated in the third world do you agree with this limitation? Give a detailed answer supported by relevant examples.

6. “The Preliminary assessment cannot be a tool to make comments or draw conclusions or inference about the merits of the case or the guilt of the child”. In the light of this statement discuss the preliminary assessment introduced in the Juvenile Justice Act, 2015. You are required to substantiate your answer with the help of case law.
  
7. Write short notes on any **TWO** of the following:
  - (a) Riyadh Guidelines
  - (b) Mandatory reporting of offences against children
  - (c) Child Labour Prohibition Act *vis a vis* Bhima Sangha

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
MAY 2024  
PAPER – LAW AND JUSTICE IN GLOBALISING WORLD

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. “The traditional concept of justice is intertwined with territorial boundary of a Sovereign State”. Do you believe this statement holds any relevance in today's world? Explain.
2. Article 2(7) of the UN Charter states that, “Nothing contained in the present Charter shall authorize to intervene in matters which are essentially within the domestic jurisdiction of any state....” Do you think that the doctrine of intervention is absolute? Support your answer with reasons.
3. Define globalization and discuss its impact on the economic, social, political and cultural aspects of a sovereign state.
4. In his essay ‘The Law of Peoples’, John Rawls talks about justice between different societies. Rawls' theory states that “the liberal state has a duty to assist burdened societies, and in this process, burdened societies benefit more than the liberal state”. Do you agree with this statement? Elucidate with examples.
5. Do you think that the replacement of the Commission of Human Rights (CHR) in 2006 by the Human Rights Council (HRC) has brought significant changes in the promotion and protection of human rights at the international level? Explain in details.
6. Immanuel Kant in his book ‘Perpetual Peace’ argued that “true and worldwide peace is possible only when States are organized internally according to republican principles and externally they are organized in a voluntary league for the sake of keeping peace”. Do you agree with this statement of the Immanuel Kant in establishing worldwide peace in the contemporary time? Give reasons.
7. Write short notes on any **TWO** of the following
  - (a) Sustainable Development Goals
  - (b) Internally Displaced Persons
  - (c) Global Distributive Justice

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
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**PAPER – MEDIA LAW**

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. Fali S. Nariman in his article on ‘Are Impediments to Free Expression in the Interest of Justice’ said; “A responsible media is the handmaiden of effective judicial administration.” In the light of the above statement, analyse the role of the judiciary in shaping media law in India. How does it impact freedom of speech and expression, media regulation, and the delicate balance between media autonomy and public interest? Are there particular challenges that the judiciary is facing in addressing emerging social media technologies?
2. Examine the role of media as both a 'watchdog' and a 'guide dog' in the context of its traditional function as the fourth pillar of democracy. Despite being tasked with checking and balancing the powers of legislative, executive, and judicial branches, mainstream media's dissemination of fake news and misinformation, as well as its tendency to deviate from pertinent national issues, have led to a decline in public trust. Explain with illustrations.
3. Critically assess the increasing trend of state interventions and restrictions on media in contemporary times. What are the justifications for such interventions, and to what extent are they reasonable? Consider the impact of these interventions on media freedom. Provide examples of relevant legal provisions and case laws from the Indian context to support your analysis.
4. Discuss the influence of media ownership on media content and media policy. Reflect on the risks associated with the concentration of power with media ownership. Assess how the monopolistic control of media outlets affects media freedom and the quality and diversity of information available to citizens.
5. “The freedom of the press has to be preserved and protected not only from outside interference but equally from those within”, the mandate of the Press Council of India, as well as similar bodies across the world is to specifically promote the standards of the media by building up for a code of conduct. Evaluate the functions, powers, and effectiveness of the Press Council of India.

Do you believe there is a necessity for the establishment of a Media Ombudsman to address the challenges encountered in disseminating information effectively?

6. What measures you suggest for maintaining the balance between media's free flow of information, ensuring right to information, and government's right to withhold information affect the ability of citizens to make informed decisions during elections in democratic nations like India and the USA?
7. Write short notes on any TWO of the following:
  - a) Examine the conflict between Parliamentary Privileges in India and the freedom of the Press.
  - b) Investigate the role of media self-regulation in safeguarding freedom of speech and expression in India, particularly concerning issues like sensationalism and media trials.
  - c) Discuss the challenges in balancing the right to privacy with the freedom of expression in context of regulating social media platforms

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LL.M. (1 YEAR) 2<sup>ND</sup> SEMESTER END- EXAMINATION  
MAY 2024

PAPER – SOCIO ECONOMIC CRIMES

**Time: 3 hours**

**Max. Marks: 50**

**Answer any five questions. All questions carry equal marks.**

1. “Unlike the traditional crimes, no stigma is attached to Socio Economic Crimes with the result that people convicted of these crimes masquerade and move about in society without any loss of status, respectability or reputation.” Elucidate the statement by differentiating between Socio Economic Crimes and traditional crimes.
2. Evaluate various theories on ‘Privileged Class Deviance (PCD)’ in the wake of Socio Economic Crimes?
3. “By the end of 20<sup>th</sup> century, the situation had crystallized and almost all free countries had recognized the need and embarked upon a concerted attack on this new anti –social activities involving the higher echelons of the industrial and commercial world.” Examine the statement in the light of the emergence of Socio Economic Criminality in the International Scenario.
4. Discuss and analyse the criticisms of the E.H. Sutherland’s theory of White Collar Crimes. Also critically examine relevant case laws.
5. Jerome Hall has observed that “in view of the magnitude and importance of the Socio-Economic Crimes it has become necessary ‘to organize’ this branch of criminal law in terms of a definite theory”. Examine the Santhanam Committee Report and the recommendations in the context of this statement.
6. What are the Offences and Penalties under the Prevention of Corruption Act, 1988? Examine with the help of relevant case laws.
7. Write short notes on any **TWO** of the following:
  - a. Food Business Operators
  - b. *Mens Rea* in Socio Economic Criminality
  - c. Offences and penalties under FSSAI Act, 2006

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