



**TAMILNADU NATIONAL  
LAW UNIVERSITY**

**UG PROGRAMME**

**QUESTION PAPERS**



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FACULTY-IN-CHARGE OF EXAMINATIONS  
TAMIL NADU NATIONAL LAW UNIVERSITY  
TIRUCHIRAPPALLI - 27

**MID SEMESTER (ODD-SEMESTER)  
EXAMINATIONS,  
SEPTEMBER - 2024**

**Academic Year : 2024-2025**

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI  
I Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes  
Mid Semester (Odd-Semester) Examinations, September 2024

ENGLISH – I / BUSINESS ENGLISH - I

Time: 2 Hours

Maximum Marks: 30

PART - A (6 x 5 = 30 Marks)

Answer any SIX of the following questions in not exceeding 400 words each.

1. Examine the significance of the English language in legal studies. *Explain the role of language in ensuring clarity, precision, and fairness in legal proceedings and how it influences the pursuit of justice.*
2. *Describe the key components in writing process. How do prewriting, drafting, revising, editing, and publishing contribute to producing a clear and informative piece of writing?*
3. Comment upon research as a form of communication. Explain the process of developing the central argument and the research objectives.
4. Attempt an argumentative short essay on the topic **Artificial Intelligence and Legal Education.**
5. **Explain how the tone and style** differ between narrative writing and expository writing. How do these differences affect the reader's experience and the type of information conveyed? Provide two short paragraphs on any topics of your choice to illustrate the difference between these types of writing.
6. Transcribe the following International Phonetic Alphabet into English words/phrases.

1) /ɪŋɡlɪʃ/

- 2) /lɪstən/
- 3) /læŋgwɪdʒ/
- 4) prəʊnɑːnsi'eɪʃən/
- 5) /dʒʌstɪs/
- 6) /ði ˌɜːnli steɪbəl steɪt ɪz ðə wʌn ɪn wɪtʃ ɔːl mɛn aɪr ɪˈkwəl  
bɪfɔːr ðə lɔː/
- 7) /'jɛstərdeɪ ɪz bʌt ə dri:m, tæmpərəʊ bʌt ə vɪʒən/
- 8) /prɒsɪkjʊːʃn/
- 9) /dʒʌstɪfɪ'keɪʃn/
- 10) /ɪgzʌmɪneɪʃn/

7. How do you select appropriate resource materials for research writing, and what criteria should be considered to ensure their reliability and relevance? Explain CRAAP test in academic writing.
  8. Analyse the relevance of Francis Bacon's views in his classical essay "*Of Studies*" to modern education. In what ways do his insights on the benefits of studies apply to contemporary learning and academic practices?
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**Mid Semester (Odd-Semester) Examinations, September 2024**

**POLITICAL SCIENCE – I (Political Theory and Organizations)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Explain the Nature and Scope of Political Science.
2. *“The State and its authority have a divine origin and sanction”*- Critically examine the statement.
3. Compare and contrast between the ideas of Thomas Hobbes, John Locke and J.J. Rousseau on the State of Nature, Social Contract and Sovereignty.
4. Critically examine Austin’s Theory of Sovereignty.
5. Write about the importance of law in the life of the individual and explain various Kinds of Laws.
6. *“Liberty is an invaluable asset to the individual and has to be defended at all times”*- Explain the various safeguards of Liberty of an individual in a State.
7. Write about the Types of Equality and the relation between ‘Liberty’ and ‘Equality’.
8. How important Rights are to the individual and explain various Political Rights of the people in a democratic State.

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**Mid Semester (Odd-Semester) Examinations, September 2024**

**SOCIOLOGY- I (A critical Introduction)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions with appropriate examples. Please note that examples for every answer carry marks.**

1. What is Solidarity? Explain Emile Durkheim's theory of Solidarity and its reflections in the contemporary society.
2. According to August Comte we live in a Positive age and Sociology is the most complex science evolved in the human progress. Do you agree? Justify your response.
3. Analyse different kinds of Religion, and what constitutes the Sacred and Profane?
4. Do you agree that Suicide is social fact? Justify your response and also discuss the Anomic Suicide in contemporary world.
5. What is Indology? Discuss the various Indological works of Sociologists to understand Indian Society.
6. Evaluate the Bombay school of Sociology and Lucknow school of Sociology in methodological approach and outcomes.
7. How does MacIver define society? Explain in detail.
8. Explain the characteristics of a metaphysical stage of law of human progress.

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**ECONOMICS – I (Principles of Economics)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Analyse the significance of microeconomics and macroeconomics as distinct branches of economics. How do they complement each other in understanding economic phenomena?
2. Examine the implications of the demand function  $Q_d = f(P, I, PR, T, M)$  in understanding consumer behavior. How do changes in each variable affect demand?
3. How does the interaction of demand and supply determine the equilibrium price and quantity in a market? Evaluate the implications of shifts in demand and supply on this equilibrium.
4. Analyze how an increase or decrease in market price affects both consumer and producer surplus with the help of a suitable example and explain that graphically. What are the potential outcomes for total social surplus when there is an increase or decrease in prices.
5. Briefly illustrate the price control mechanism of government with the help of graph. Discuss the rationale behind government interventions such as price ceiling and price floors. Why might a government choose to implement these policies, particularly for essential goods and services?

6. From the data give below:

Combination	Price of Onions	Demand for Onions
A	68	10
B	50	18
C	42	26
D	36	36
E	25	48
F	10	70

- Suppose the price of onions falls from Rs 42 to Rs 25 per/kg, and its quantity demanded increases from 26 to 48, calculate price elasticity of demand.
- Suppose the price of onions has increased from Rs 10 per Kg to Rs 50 per kg, the quantity demanded decreases from 70kg to 18 kg, calculate price elasticity of demand.

7. Your friend has started production unit for deodorants in 2023. After one year there is an increase of 20 per cent in fixed costs as well as variable costs. The data for 2023 is given below.

Quantity Produced	Price Per Unit	Fixed Cost	Variable Cost
0	60	300	0
100	60	300	100
200	60	300	200
300	60	300	350
400	60	300	500
500	60	300	600
600	60	300	650
700	60	300	750
800	60	300	800
900	60	300	840

Calculate Total Cost, Total Revenue, Total Profit, Marginal Cost, Marginal Revenue, Average Cost, Average Revenue, Average Fixed Cost, Average variable

cost. Illustrate it with the help of a graph. Explain it to your friend and advise him the best combination of output where he can produce maximum deodorants with maximum profit at minimum costs.

8. You have started working as a manager in firm producing leather pouches which is facing monopolistic competitive market. The firm is producing 300 units of output each day. The cost incurred on production of a single unit is equal to rupees 95 and you are charging 120 rupees as price for each product. Keeping in view the above scenario, explain to your friend how much revenue and profit the firm generates, graphically illustrate the concepts since he is interested in producing a similar product, also describe the characteristics of a firm operating in a monopolistic competitive market. Highlight the potential areas where he can focus to increase the demand for his product.
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**Mid Semester (Odd-Semester) Examinations, September 2024**

**LAW OF TORTS**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Compare and contrast a Tort and a Crime with suitable illustrations.
2. Explain the Common Law origin and development of Law of Torts.
3. Evaluate minor's capacity to sue and be sued under Tort Law with the help of relevant judicial decisions.
4. Explain the relevance of 'Malice in fact' under Tort Law. How is 'Malice in fact' different from 'Malice in law'? Explain with the help of relevant judicial decisions.
5. Mr. Azkimo was driving his car on a rainy day. Suddenly, a child ran into the street and to save the child, Mr. Azkimo swerved his car which went on to hit Mr. Kilmish's parked car. Mr. Kilmish sues Mr. Azkimo for claiming damages due to the damage caused to his expensive car.  
**In light of the given facts, will Mr. Azkimo be liable and What defences are available to him?**
6. Ms. Jenna is the owner of a farmhouse 'Sunnyvale'. Of late, there have been incidents of trespassers entering into the property. To protect her property, she put up electric fencing around the property. No warning sign was put up regarding the high voltage as Ms. Jenna did not want the trespassers to escape without consequences. A child was playing in the vicinity of 'Sunnyvale' and tried to enter into the property. The

child gets severely injured due to electrocution. The parents of the child sue Ms. Jenna.

**In light of the given facts and relevant precedents, determine the liability of Jenna.**

7. Ms. Rejji was 19 year old and went on a college trip to a sea shore. The sea turned rough due to strong winds. He was warned by the instructor accompanying the college students and the lifeguards present there not to venture into the sea. However, he still got into the sea and was washed away by a strong wave.

**In light of the given facts and relevant precedents, decide whether the college is liable for the incident.**

8. A large chemical factory operated by M/s. ANS Ltd., is located in the periphery of Zinseltown, a densely populated city in Pindia. One fateful night, there is an unforeseen chemical reaction in the reactor which released toxic gases in the atmosphere. Many residents suffered from serious injuries and some died due to asphyxiation. M/s. ANS Ltd., rendered apology to the residents for the catastrophe but stated that they had taken all safety measure and the incident was unforeseeable and accidental. However, the residents are claiming compensation.

**In light of the given facts and landmark judgments, decide the liability of M/s. ANS Ltd., Laws of Pindia are pari materia with that of India.**

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**LEGAL METHODS**

Time: 2 Hours

Maximum Marks: 30

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**Instructions:**

- Please write legibly. Fill up the answer book with relevant and cogent answers.
- All the questions should be answered by quoting at least two relevant judicial precedent and/or illustrations.
- The questions may be preferably answered in the *Issues-Research-Analysis-Conclusion (IRAC)* method by quoting relevant legal provisions, precedents and examples.
- You are strictly directed to follow the Question Number as given in the Question Paper.
- Bare Acts are not allowed; Electronic gadgets are prohibited.

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**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions**

- List down the essential components of a synopsis/proposal for a research project. Prepare a succinct project synopsis/proposal in about 350 words on any contemporary area of your choice.
- The *United States of Kalasa (USK)* is a self-proclaimed island nation founded by fugitive Indian godman Bithyananda. He absconded from India in 2019 after he was accused of committing many heinous offences by the Indian law enforcement authorities against his own disciples. Though no one is exactly aware of USK's inhabitants or its topography, videos and pictures about the fictional country and its administrative setup often pop up in social media leading to hilarious memefest among netizens. A website named [www.kalasa.org](http://www.kalasa.org) proclaims that USK has its own constitution, flag, anthem and emblem and it is the first ever sovereign spiritual nation in global history. Recently, even the representatives of USK visited the *United Nations (UN)* and actively participated in the deliberations of the UN. In light of this

factual scenario, critically analyse whether USK satisfies the definition of 'State' under International Law.

- 3 Explain with examples the importance of '*judicial precedent*' in common law legal system by distinguishing the terms '*obiter dictum*' and '*ratio decidendi*'.
- 4 What is the role of Aristotelian Deductive Syllogism in legal writing? Apply the concept to any two realistic legal scenarios from an Indian perspective.
- 5 "*If Judges were at liberty to decide what the law is according to their notions, then the greatest confusion and uncertainty would necessarily be caused. Hence, Judges should remember that while they can obviously 'make' law, it is only the Legislature that can 'create' it.*" In light of the above statement,
  - 5.1 Briefly narrate the facts of the hypothetical case of traffic regulation violation involving Alice and Bruce in Anthony D. Amato's Article "*On the Connection Between Law and Justice*".
  - 5.2 Whether you agree or disagree with the above quoted statement which states that Judges can only '*make*' laws, but cannot '*create*' them.
- 6 Is International Law really a '*law*' according to John Austin? Substantiate your opinion by critiquing the definition of law under Positivist School of Jurisprudence.
- 7 "*A man is entitled to exercise any lawful trade or calling, as and where he wills. The law has always regarded jealously, any interference with trade, even at the risk of interference with freedom of contract, as it is public policy to oppose all restraints upon liberty of individual action which are injurious to the interests of the State. This is the reason why freedom of trade and profession is considered as a fundamental right in India.*" Critically comment on this statement by analysing the need for judicial exceptions to the doctrine of "*restraint of trade*" codified under Section 27 of the *Indian Contract Act, 1872*.
- 8 Choose the most suitable answer from the given options for the following question and substantiate your choice(s) with detailed and cogent reasons:

The interpretation of the term "*other authorities*" in the definition of "*State*" under Article 12 of the *Constitution of India, 1950* includes the following entities:

  - (a) Tamil Nadu National Law University (TNNLU)
  - (b) Board of Control for Cricket in India (BCCI)
  - (c) Both TNNLU and BCCI
  - (d) None of the above.

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**Mid Semester (Odd-Semester) Examinations, September 2024**

**ECONOMICS – II (Indian Economy)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Evaluate the economic impact of British Colonial rule on India, particularly focusing on the shift from processed goods to raw materials in export market.
2. What challenges does India face in managing food security in context of buffer stocks and distribution of food grains?
3. Comment upon the implication of rain-fed agriculture and uncertainties it introduces to agricultural sector in India. What strategies could be implemented to mitigate these risks?
4. Examine the effectiveness of using Multi – Dimensional Poverty Index (MPI) as a tool for measuring poverty in India. What are the strengths and limitations of this approach?
5. Using the example of a firm, explain how the increase in production can lead to economic development. What are the potential long-term benefits of this transition for broader economy?
6. Evaluate the India's position in Human Development Index (HDI) rankings according to the most recent data. What are the key areas where India performs well, and where does it need significant improvement?

7. Critically evaluate the limitations of Gross Domestic Product (GDP) as an indicator of country's development. How does the Human Development Index (HDI) provide a more comprehensive measure of well-being?
  
  8. Analyse the interdependence of the four sectors in the circular flow of Income. How can the disruption in one sector lead to a ripple effect across the entire economy? Provide some examples to illustrate your answer.
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**POLITICAL SCIENCE – III (International Relations)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Write about the Meaning, Nature and Growth of International Relations and explain how International Politics is different from Global Politics.
2. Define Power and evaluate the key elements of National Power.
3. Enumerate the important Characteristics of Balance of Power and explain the Techniques or Devices for maintaining Balance of Power.
4. Write about the conditions that are necessary for the success of Collective Security system and explain with a couple of examples how collective security system was a failure under the League of Nations.
5. Write about the need for Disarmament and obstacles in the way of Disarmament.
6. What is Colonialism? Explain the Motives and Methods of Colonialism.
7. Explain how Neo-Colonialism is regarded as a more insidious form of imperialism widely prevalent and particularly pernicious and dangerous and how in a decolonized world the former colonial masters and other imperial powers continue to dominate the backward and underdeveloped countries by using political, economic, social, military and technological forces.

8. *“North-South politics is a struggle of the poorer group of states for a more egalitarian world economic order by a radical redistribution of the world’s resources”*- Analyze the statement.
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### LAW OF CONTRACTS - II

Time: 2 Hours

Maximum Marks: 30

#### PART - A (3 x 5 = 15 Marks)

Answer any THREE of the following problems from this part based on IARD/IARC formulae.

1. Mr. Madhu contracts to indemnify Mr. Gopu against the consequences of any proceedings which Mr. Vasu may take against Mr. Gopu in respect of a certain sum of INR 10,000/-. Is this a contract of indemnity. Decide.
2. Ms. Kala, Ms. Mala and Ms. Latha as sureties for Ms. Divyaja enter into 3 several bonds, each in a different penalty viz., Ms. Kala in the penalty of INR 10, 000/-; Mr. Mala in that of INR 20,000/- Ms. Latha in that of INR 40,000/-, conditioned for Ms. Divyaja duly accounting to Ms. Jaya. Ms. Divyaja makes default to the extent of INR 40,000/- Determine the liability of each of the sureties.
3. Mr. Mukunthan, a goldsmith accompanied by his wife went from his village to attend a marriage in another village. Mr. Mukunthan took with him some ornaments entrusted to his care by customers. The object was to enable his wife to wear the ornaments at the marriage function. On the way, a gang of robbers attacked them and decamped with all their goods including the ornaments. Customers filed a suit against Mr. Mukunthan for the loss sustained by them. Mr. Mukunthan pleaded that he is not liable. Decide.
4. Mr. Mohan gives some cloth to a tailor for making a suit out of it. The tailor's charges settled was INR 2,000/-. After the suit is ready Mr. Mohan tenders INR

2,000/- for the charges. But the tailor refused to deliver the suit till Mr. Mohan pays an old debt of INR 2,000/-. Is refusal to deliver the suit valid?

**PART – B (3 x 5 = 15 Marks)**

**Answer any THREE questions from this part. Answers to each question in this part should not exceed 400 words.**

5. *'Any variance, made without the surety's consent, in the terms of the contract between the principal debtor and the creditor, discharges the surety as to transactions subsequent to the variance'* - Evaluate.
  6. The rights of a surety are three-fold – [i] against the Creditor; [ii] against the principal-debtor and [iii] against co-sureties. Elucidate with illustrations.
  7. Section 171 of the Indian Contract Act, 1872 provides that 'a person who finds goods belonging to another and takes them into his custody, is subject to the same responsibility as a bailee'. Explain this statement and bring out the obligations between him and the true owner of the goods as outlined in the provisions of Law of Bailment in the same Indian Contract Act.
  8. **"Pledge is a form of Bailment"**. Evaluate.
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**FAMILY LAW - II**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions ((Each, citing judicial decisions wherever necessary))**

1. How does the Hindu Succession Act, 1956, deal with the inheritance rights of adopted children and step-children? Does adoption affect the child's right to inherit equally with biological children? Explain.
2. Analyse the powers of the Karta to alienate joint family property. Under what conditions can the Karta make such decisions regarding alienation without the consent of other coparceners?
3. What is 'partition by metes and bounds' under Hindu law? Explain the procedure for effecting partition in a physical sense and the role of courts in ensuring an equitable distribution of the family property.
4. How did the Gains of Learning Act, 1930, influence the legal status of property acquired through personal education and learning under Hindu law?
5. Mr. Vino, a Hindu, works in a private firm in Chennai. He lives with his mother, father, wife, daughter, two sons from a predeceased daughter and one son of a predeceased daughter of a predeceased son. He has 10 lakhs in fixed deposit that he earned all by himself. On 30<sup>th</sup> January 2010, on his way to work, he meets with an accident and dies on the spot. Distribute Mr. Vino's property to his heirs as per

Hindu Succession Act, 1956. Will the shares be any different if Mr. Vino died before 2005?

6. Ms. Sakhi, a Hindu female owns a substantial amount of property, which she inherited from her father. She is married to Mr. Raj, and they have one son and one daughter. Ms. Sakhi along with her husband and children lives with Ms. Sakhi's mother and brother. Unfortunately, Ms. Sakhi passes away unexpectedly without any liabilities. How will her property be divided amongst her survivors according to the Hindu Succession Act, 1956? Will the heirs and their shares be any different if Ms. Sakhi did not have any children?
7. A Mitakshara joint family consists of Mr. Darsh, his wife, his father, mother, two brothers, a daughter and two sons, of whom one is a separated son. Mr. Darsh has self-acquired property worth Rs. 15 Lakhs. The total value of the Joint family property is Rs. 40 Lakhs. If Mr. Darsh dies as an undivided member, what will be the shares of his survivors with respect to the Joint family property and Self-acquired property of Mr. Darsh?
8. Mr. Guru, a Hindu male, is an undivided member of a Mitakshara joint family. The other members of the joint family are his parents and siblings. All of them are Hindus by birth, however, Mr. Guru converts to Islam subsequently, following his marriage with a Muslim woman. This has caused tension within the family. The other members contend that Mr. Guru will not be entitled to any share in the joint family property due to his change in religion. They believe that since the property is governed by Hindu Law, Mr. Guru's conversion disqualifies him from inheriting it. Examine the property rights available to Mr. Guru post his conversion, citing relevant legal provisions and judicial precedents.

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**CONSTITUTIONAL LAW – I**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer the following questions:**

1. Explain the concepts and analyse the relationship: Constitution, Constitutional Law, and Constitutionalism.
2. Critically examine the definition of 'State' under Article 12 of the Indian Constitution. Discuss the implications of this expansive definition on the enforcement of Fundamental Rights, with reference to landmark cases and contemporary issues.
3. Critically examine the significance of the Preamble to the Indian Constitution.
4. Explain the features of the Indian Constitution and the reason for their choice.
5. Critically analyse the constitutional provisions and procedures for the creation of a new state in India under Article 3. How does the process balance the interests of federalism with the central government's authority?
6. Analyse the Constitutional framework governing citizenship in India, with specific reference to the types of citizenship recognized under the Constitution. How has the evolution of citizenship laws, particularly through amendments and judicial interpretations, shaped the understanding of citizenship in India, especially in the context of debates around the Citizenship (Amendment) Act, 2019?

7. Critically analyse the Doctrine of Severability. How does this doctrine help in maintaining the balance between legislative intent and constitutional validity?
  
8. The Ministry of Transport enters into an agreement with a private company, M/s. TransitBuild Ltd., for the construction of a major metro rail project in a metropolitan city. Although the company was selected through a bidding process, the government retains significant influence over the execution of the contract. The Ministry reserves the right to approve or veto decisions related to project design, staffing, and material procurement. Furthermore, the project is funded entirely by the government, and the company's operations are subject to oversight from a government-appointed committee. Over the course of the project, disputes arise regarding M/s. TransitBuild Ltd.'s compliance with timelines and budget constraints. The Ministry steps in to take over critical aspects of the project's management and eventually terminates the contract on the grounds of public interest, claiming that M/s. TransitBuild Ltd. has failed to meet its obligations. M/s. TransitBuild Ltd. argues that the contract is purely commercial and should be governed by private law, while the Ministry asserts that the contract, due to its public nature, should be subject to public law principles, allowing them to terminate it unilaterally.

**Evaluate whether M/s. TransitBuild Ltd. can be considered an instrumentality or an agency of the state.**

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**LEGAL HISTORY**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. "Historians produce and reproduce historical narratives of the past based on the availability and discovery of news sources." What are the sources available so far to write modern Indian history? - Evaluate.
2. "Mill, writing his *History of British India* in the early nineteenth century," argues Romila Thapar, "was the first to periodize Indian history. His division of the Indian past into the Hindu civilization, Muslim civilization and the British period has been so deeply embedded in the consciousness of those studying India that it prevails to this day." Do you agree with the statement? Substantiate your answer with suitable examples.
3. Even though there were similarities between the colonial and nationalist historiography, the nationalist historiography contradicted the colonialist in many ways. Examine the major contradictions between the colonialist and nationalist historians of the nineteenth and early twentieth centuries.
4. "A paradigm shift in the understanding of historical change in India was introduced by Marxist interpretations that began as historical debates from the 1950s onwards." Analyse the important contributions of Marxist historians to Indian history writing.

5. "... *legal history represented mere dead weight or aesthetic decoration in the practice-oriented study of law and statutes.*" Do you agree with the statement? Give reasons.
  6. It is widely recognised that the Wisconsin School played a major role in promoting legal history by widening its scope in the mid twentieth century. Explain the changes that brought by the Wisconsin School of legal historians.
  7. "*Vasco da Gama,*" argues K.M. Panikkar, "arrived at the port of Calicut on the south-west coast of India on May 27, 1498. Without doubt his arrival marks a turning-point in the history of India and Europe." What do you know about the causes and consequences of the discovery of sea route to India by Vasco da Gama?
  8. "It was not the British government that began seizing great chunks of India in the mid-eighteenth century, but a dangerously unregulated private company headquartered in one small office, five windows wide, in London, and managed in India by a violent, Utterly ruthless and intermittently mentally unstable corporate predator – Clive." What was the role of Robert Clive in establishing the Company government in the Indian subcontinent?
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**II Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

**LAW OF CRIMES – I**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Mr. Tony and Mr. Jecky, co-workers at a construction site, had a longstanding personal and professional rivalry. One day, Mr. Tony, who had been particularly frustrated with Mr. Jecky's behavior, decided to teach him a lesson. Mr. Tony knew that Mr. Jecky was working on the top floor of a high-rise building and, in a moment of intense frustration, Tony placed a heavy metal beam precariously close to the edge of the building, hoping it would fall and cause a scare. Later that day, the beam fell, striking Mr. Jecky and causing severe injury. Tony was charged with attempted murder. Analyze the role of intention in establishing mens rea for a charge of attempted murder.
2. Mr. Raj and Mr. Priya are involved in a personal dispute with their neighbor, Santosh. One evening, Mr. Raj and Ms. Priya, with the intention of intimidating Santosh, decide to confront him. They plan to vandalize Santosh 's property as a warning. Mr. Raj brings a can of paint and Ms. Priya brings a hammer. While they are in the process of vandalizing Mr. Santosh's car, Santosh confronts them. In a heated altercation, Ms. Priya uses the hammer to strike Mr. Santosh, causing him serious injuries. Mr. Raj and Ms. Priya are both charged with offenses related to the vandalism of Mr. Santosh 's car and the assault causing grievous harm to him. Explain the application of joint liability in the context of the facts.

3. Mr. Mihir and Mr. Sisir, both involved in a scheme to rob a bank, planned their crime meticulously. Over several weeks, Mr. Mihir and Mr. Sisir conducted surveillance on the bank, gathered tools for breaking into the safe, and formulated a detailed plan for the heist. They purchased lock-picking tools, masks, and gloves, and even rented a getaway vehicle. However, just before they were about to execute their plan, the police arrested them based on a phone call from a concerned citizen. Mr. Mihir and Mr. Sisir were charged with attempted robbery. Analyse the legal distinction between preparation and attempt in the context of criminal law. Based on the facts provided, analyze whether Mr. Mihir and Mr. Sisir's actions constitute an attempt or are merely preparatory acts.
4. Mr. Roshan, an influential businessman, is involved in a long-standing dispute with his business partner, Ms. Tina. During one of their heated arguments, Mr. Roshan discusses his frustration with a mutual acquaintance, Mr. Vikram, and suggests that Mr. Vikram should take "drastic measures" to resolve the issue with Ms. Tina. Mr. Roshan hints that Mr. Vikram could "do something drastic" to make Ms. Tina stop interfering in his business. Mr. Vikram, motivated by Mr. Roshan's suggestion, later confronts Ms. Tina and threatens her, leading Ms. Tina to fear for her safety. Mr. Vikram is eventually arrested and charged with criminal intimidation. Analyze the criminal liability of Mr. Roshan (if any) in the context of the facts provided.
5. Explain territorial jurisdiction determined under the Bharatiya Nyay Sanhita 2023, especially in cases where the crime involves multiple places? What are the key principles for determining the appropriate jurisdiction?
6. Mr. Lizo is a professional rock climber who frequently practices on a popular climbing wall in a public park. During one of his training sessions, he decides to test a new climbing route he has designed. As he begins to climb, he loses his grip due to a malfunction in his climbing gear, which he had not realized was defective. Consequently, Mr. Lizo falls and lands on a passerby, Ms. Sarah, who is injured by the impact. Ms. Sarah sues Mr. Lizo for claiming that his climbing activities were

reckless activities and caused her injury. Analyze the concept of *voluntariness* in relation to the *actus reus* of Mr. Lizo actions.

7. Define criminal conspiracy under Bharatiya Nyay Sanhita 2023. Explain the key elements required to establish a criminal conspiracy and provide an example of a situation where these elements are met. How does the law address the involvement of individuals in the conspiracy, and what is the significance of the actual commission of the planned crime in relation to the charge of conspiracy?
  
8. Mr. Boon is an adult who chooses to engage in a risky hobby base jumping from tall buildings. Despite the safety precautions he takes, his hobby has sparked significant concern among his neighbors and local authorities. They argue that his actions might encourage others to take similar risks, potentially leading to harm to themselves or others. The local government is considering implementing a ban on base jumping to prevent any possible negative consequences. In the light of above mentioned fact, explain how does the Harm Principle apply to the proposed ban on base jumping by the local government? In what ways might the Doctrine of Autonomy support Mr. Boon's right to continue his base jumping activities despite the concerns raised?

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**III Year B.A. LL.B. (Hons.) Degree Programme**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

**HISTORY – III (Legal History of India)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Indian Legal History writing as a practice emerged in British India in the nineteenth century. Both the Orientalists and Utilitarians played an important role in reforming the native Indian laws and legal institutions. The important benefit of these initiatives in colonial India is producing a large amount of source materials for legal historians. Examine the different sources for writing modern Indian legal history.
2. "... legal history represented mere dead weight or aesthetic decoration in the practice-oriented study of law and statutes." Do you agree with the statement? Give reasons.
3. It is widely acknowledged that both Henry Maine and William Maitland from England considerably contributed legal history. Identify their method of legal history writing by referring to their scholarly contributions.
4. Like the general historiography, the origin and growth of legal historiography in India greatly owed to the colonial and nationalist scholarships. Though there were similarities, the colonial and nationalist schools contradicted themselves in terms of

their purpose. Evaluate the major contradictions between colonial and nationalist legal history writings.

5. Indian Legal History Writing witnessed some fundamental changes in the mid 20<sup>th</sup> century. The Anthropologists and political scientists who engaged in this field emphasised the complexity and multiplicity of legal meaning and legal systems in India. Do you agree with the statement? Substantiate your answer with suitable literature on the subject.
6. Legal Historians of the present time are not simply satisfied with tracing the chronological account of legal institutions and legal ideas in the past most importantly they want to account for the historical forces behind the emergence of particular legal institutions and ideas in a particular time period. Do you agree with the statement? Substantiate your answer by referring to the scholarly works on the Choultry Courts in South India.
7. Warren Hastings and Cornwallis initiated legal reforms in the first phase of the colonial rule in India. Whether one can see Cornwallis's initiatives in the legal field as a gradual transformation of Criminal Administration from native Indians to the East India Company? Explain.
8. Nandini Bhattacharyya argues that the Hindu modern personal law is a colonial construction. Examine the role of British in codifying the Hindu Personal Laws in Modern India.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**III Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2023**

**CORPORATE LAWS – I**

Time: 2 Hours

Maximum Marks: 30

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**Instructions:**

- Students are allowed to bring only full text of case laws to the examination for reference.
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**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions.**

1. Write an essay on types of bodies corporate including companies.
2. Ms. "A", a sole proprietor, has been carrying on the business of carriage of goods by road for the past seven years. Now she intends to expand the business by associating few of her friends with the business. But her friends are unsure about the business risks. Hence, they have approached you to seek advice as to the suitable business organization format for their business. You are required to advise them about the organizational format and the procedure to establish the same.
3. Critically comment on *Solomon v Solomon & Co. Ltd.*, [1897] AC 22.
4. Mr. "K", Mr. "H" and Mr. "M" are intending to start a restaurant in the vicinity of TNNLU. They have negotiated with the owners of an existing hotel. It was agreed between all these parties that the existing hotel would be transferred to the new business entity to be incorporated by all of them and that the value of the existing hotel will be

taken for ascertaining the total capital provided by the owners of the said hotel. Now the owners of the hotel seek your advice if this agreement is enforceable. You are required to advise them with suggestions on the procedure(s), if any, to be followed for enforcing the said agreement against all of them and against the entity.

5. Mr. Diran entered into a contract with Mr. Stan to sell a piece of land to him for INR 5,25,000/-. Subsequently, Mr. Diran changed his mind about the impending sale. To avoid fulfilling the terms of the contract, he formed and incorporated a One Person Company in the state of Rajasthan in which he was the shareholder. He made himself the Director of the Company and then transferred the land to the newly incorporated One person Company. The sale of the land was made to the company for INR 3,00,000/-. The company financed this purchase with a bank loan of ₹1,56,400/-, while the remaining amount was still owed to Mr. Diran.

Mr. Stan has now filed a lawsuit seeking specific performance of the original contract against both Mr. Dhiran and the newly formed company. Mr. Dhiran argues that he no longer owns the land and therefore cannot comply with the terms of the contract.

Decide on the above issue and delineate the corporate law principle(s) relevant to the above issue with relevant case laws.

6. In 2003, M/s. Greenwich India Ltd. (GTIL) a company incorporated in India, constructed a new chemical plant on the outskirts of Mumbai. The production process in the new chemical plant involved the use of a highly reactive chemical, Benzene Isocyanate, in combination with another compound, Beta Phenol.

On the night of July 24, 2003, a catastrophic gas leak occurred at the plant. This incident resulted in the release of a large quantity of Benzene Isocyanate into the atmosphere. The gas spread rapidly throughout the surrounding residential areas, causing immediate and severe health effects such as severe coughing, intense nausea, eye burns, and difficulty breathing. The gas leak led to the death of several hundred individuals on the night of the incident, with thousands more suffering from long-term health complications.

Residents of the areas affected by the gas leak have initiated legal action against M/s. GTIL, seeking compensation and accountability for their negligence that led to the disaster.

Decide on the liability of M/s. GTIL with the help of established principles of Indian law and judicial decisions.

7. On March 12, 2013, Ms. Riya and her friends acquired a high-tech manufacturing facility, which was equipped with advanced machinery, for INR 75,00,000/-. From April 04, 2012, Ms. Riya has been acting as a promoter to a company named M/s. TechDynamics Ltd., Ms. Riya was instrumental in appointing five individuals as directors of the company. Three of these directors were closely aligned with Ms. Riya and were significantly influenced by her.

The three directors then facilitated the purchase of the high-tech facility from Ms. Riya and her friends for INR 1,50,00,000 by M/s. TechDynamics Ltd.,. At one of the company's general meetings, the shareholders approved the acquisition of the facility. However, it was later revealed that the details of the transaction, including the substantial mark-up on the facility's purchase price, were not fully disclosed to the shareholders at the time of their approval.

M/s. TechDynamics Ltd., eventually went into bankruptcy, and the liquidator brought legal action against Ms. Riya seeking a refund of the excess profit from the sale of the facility.

Determine the liability of Ms. Riya in the above case with adequate explanations with the help of relevant judicial decisions.

8. In the context of a public limited company under Indian corporate law, elucidate the purpose and importance of the following clauses of an MOA:
- a. Objects Clause.
  - b. Subscription Clause.



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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**III Year B.Com. LL.B. (Hons.) Degree Programme**  
**Mid Semester (Odd-Semester) Examinations, September 2024**  
**CORPORATE ACCOUNTING**

Time: 2 Hours

Maximum Marks: 30

**PART - A (22 Marks)**

**Answer the Following Questions**

1. M/s. Shri Ltd. invited applications for 30,000 Shares of Rs. 100 each at a premium of Rs. 20 per share payable as follows:

On Application Rs. 30

On Allotment Rs. 40 (including Rs.20 premium)

On First Call Rs. 30

On Second and Final Call Rs. 20

Applications were received for 40,000 shares and pro-rata allotment was made on the application for 35,000 shares. Excess application money was utilised towards allotment.

All the applicants has paid the first call money except Mr. Q to whom 600 shares were allotted. Amount unpaid kept under calls in arrear account.

Ms. R who applied for 1,050 shares failed to pay second call.

After legal formalities, the shares which were allotted to Mr. Q and Ms. R was forfeited.

Of the shares forfeited, 1,000 share were reissued as fully paid-up for Rs. 80 per share, which included the whole of Ms. R's shares. Record necessary journal entries in the books of Thiru Ltd and prepare the following accounts.

- (a) Share forfeited account  
 (b) Share capital account

(12 Marks)

2. The Balance Sheet of AB Ltd. As on 31.03.2024

Liabilities	Rs.	Rs.
<b>Shareholders' Net worth :</b>		
<b>Share Capital:</b>		
10,000 Equity Shares @ Rs.10 each	1,00,000	
5,000, 12% Preference Shares @ Rs.10 each	50,000	
5,000, 11% Preference Shares @ Rs.10 each	<u>50,000</u>	2,00,000
<b>Reserve and Surplus:</b>		
Profit and Loss Account	75,000	
General Reserve	<u>25,000</u>	1,00,000
Long term Liabilities		1,00,000
Current Liabilities		1,00,000
		5,00,000
<b>Assets</b>		
<b>Fixed Assets :</b>		
Tangible Assets		2,00,000
Intangible Assets (Government Securities)		18,000
<b>Current Assets</b>		
Debtors		1,00,000
Stock		80,000
Cash and Bank		1,02,000
		5,00,000

The Board of Directors has decided to redeem the 5,000, 11% preference shares at a premium of 10%.

In order to facilitate the redemption of Preference shares, the company decided:

- (a) Government securities were realised for Rs.22,000
- (b) One of the Debtors have agreed to pay Rs.10,000 immediately
- (c) As the company has plan to invest in a new project, the cash and bank balance need not be disturbed.
- (d) For the balance amount, the company can issue the sufficient number of equity shares at the rate of Rs.10 each.

You are required to pass the necessary journal entries to record the above transactions and prepare the balance sheet as on completion of the above transactions.

**(10 Marks)**

**PART - B (2 x 4 = 8 Marks)**

**Answer any two of the Following Questions**

3. Explain the Rule 18 (7) of the Companies (Share Capital and Debentures) Amendment Rules, 2019.
4. The Balance sheet of A Ltd shows that Rs. 10,00,000, 8% debentures of ₹ 100 each, redeemable at a premium of 10%. The company is not a AIFI, Banking company,

NBFC, HFC and public listed company. Assume the rate of interest on the investment as you like. The debentures were redeemed at par on 31st March, 2024.

5. List out the various circumstances under which the goodwill of the company can be valued and what is "No. of Years of Purchases?"
  6. Discuss the legal provisions with regard to the issuance of shares at premium and discount.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**III Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

**LABOUR LAW - I**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions. State the relevant legal provisions and case laws where ever necessary.**

1. *"Industrial revolution is the primary reason for development of modern Labour Jurisprudence in England and in India"* – Examine with reasons whether the statement is true or false
2. Define collective *laissez-faire* and analyse its significance in the modern industrial relations system.
3. Trace and evaluate the constitutional safeguards available to labourers in India and the development of Labour Jurisprudence in India to protect the safety and dignity of workmen in India.
4. State the significance of collective bargaining and the role of ILO in establishing collective bargaining as an international labour standard.
5. What are the privileges and immunities available to a Registered Trade Union under the Trade Unions Act, 1926.
6. Recognised Trade Union is a status given by the employer to negotiate with the employer. State whether the process of recognition is in accordance with the principles of Natural justice and what are the changes that have been incorporated

under the IR code relating to the status given to the Trade Unions to negotiate with the employer.

7. Mr. Rajath aged (45 yrs) was working as a workman at ZZD Cotton industries in Trichy Tamil Nadu. Mr. Rajath had 2 friends named Ms. Sasrika aged (35yrs) and Ms. Shammu (19 yrs). Ms. Sasrika was working as a clerk at Vivom Bank in Trichy and Ms. Shammu was an advocate practicing Labour Law at Trichy Court. Mr. Rajath, Ms. Shammu and Ms. Sasrika along with 4 other friends who were working at TRB Sugar Mills in Trichy wanted to form a Trade Union. They submitted an application form to the Registrar of Trade Union and they had mentioned in the application form that Mr. Rajath, Ms. Shammu, Ms. Sasrika, Ms. Shama (24 yrs), Ms. Swasti (34 yrs), Mr. Zen (17 yrs) are members and they are forming a Trade union in the name of "TRICHY WORKERS WELFARE TRADE UNION." Decide whether all 7 can form a Trade Union fulfilling all the formalities required under the Trade Unions Act to register a Trade Union.
  
8. Mr. Jaffar aged 57 was working as senior clerk at AZIZ bank in Chennai and his superannuation was due on 4<sup>th</sup> September 2023. On 5<sup>th</sup> August, Jaffar was suddenly dismissed by his branch manger Mr. SUBBU on the grounds of low productivity and misappropriation of money and he was focusing too much on Union activities and as a result of which his official work was always pending and incomplete. He approached his union "AZIZ Bank Workers Union" to support his cause. But the Union denied stating that he was no longer a member of the Union and stated that and the dispute which arose between Mr. Jaffer and the employer cannot be considered as a Trade Dispute. However, The Union Rules R.5 stated that "upon nonpayment of monthly subscription the membership can be terminated and dismissal from employment will not automatically terminate the membership of the Union" R.15 states that "Union shall provide legal aid and support the cause of the TU member even after retirement". However the "retired AZIZ Bank Employee's Association" said that they will support his cause. But AZIZ Bank stated that retired bank employees cannot form Trade Unions and the Trade Union formed by retired bank employees is not valid. Since the Trade Union was registered AZIZ Bank sent

a notice of cancellation to the Registrar of TU to cancel the registration of the “Retired AZIZ Employee’s Association”.

- A) whether the dispute between Mr. Jaffar and AZIZ Bank is Trade dispute?
  - B) Decide whether the union can cancel the membership upon super annuation based on the above facts and Trade union rules.
  - C) Decide whether retired employees can form Unions.
  - D) State whether bank employee’s union can be considered as a Trade Union and whether employer can send a notice of cancellation to the Registrar of TU.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI  
III Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes  
Mid Semester (Odd-Semester) Examinations, September 2024

### PUBLIC INTERNATIONAL LAW

Time: 2 Hours

Maximum Marks: 30

#### PART - A (6 x 5 = 30 Marks)

Answer any SIX of the following questions in not exceeding 400 words each.

1. According to Thomas Holland, the law governing the international community is at a 'vanishing point of jurisprudence'. Critically evaluate this statement with reference to the nature of the international legal system today.
2. Evaluate the implications of *pacta tertiis nec nocent nec prosunt* on States under the Vienna Convention on Law of Treaties, 1969.
3. 'Recognition is a condition precedent for a State to enjoy its status as an international legal person' – Critically examine this statement referring to the legal elements of state and effects of non recognition.
4. Elucidate the legal principles involved through the case of *Jolly George Verghese & Anr. v. The Bank of Cochin*, SIR 1980 SC 470.
5. Analyse the legal elements of custom in international law and evaluate the legal consequences of the decisions of the International Court of Justice (ICJ) on Maritime Delimitation in light of Art. 38 of the Statute of the ICJ.
6. Explain the stages of reservation of treaty and its implications for bilateral and multilateral treaties as per the principles contained in the Vienna Convention on Law of Treaties, 1969.

7. “*International Institutions are the subjects of international law*” Evaluate this statement referring to the *Reparation for Injuries Suffered in the Service of the United Nations*, (1949) ICJ Rep. 174.
  
  8. Critically examine the effects of de jure and de facto recognition by referring to the decision in *Luther v. Sagor*, [1921] 1 KB 456.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI  
III Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes  
Mid Semester (Odd-Semester) Examinations, September 2024

### LAW OF EVIDENCE

Time: 2 Hours

Maximum Marks: 30

#### PART - A (6 x 5 = 30 Marks)

Answer any SIX of the following questions in not exceeding 400 words each.

Discuss the following with the cogent reasons, by citing the relevant provisions involved under the BSA, 2023. Refer to the relevant case laws, if any.

Ms. Livya, a young woman, is found unconscious in her apartment after an apparent suicide attempt. She is rushed to the hospital, where she regains consciousness briefly before passing away. Before her death, she tells the attending doctor and a police officer that a long video call with her husband, Mr Rajesh, the night before led her to take this extreme step due to the harassing nature of the husband. Rina's statement, recorded by the doctor, is considered her dying declaration. She had instances of drug consumption claimed her close friends. Analyse and critically comment on the following,

1. Closely connected facts as per the BSA 2023. (5 marks)
2. Dying declaration as a substantive piece of evidence. (5 Marks)

Discuss the following with the cogent reasons, by citing the relevant provisions involved under the BSA, 2023. Refer to the relevant case laws, if any.

A business magnet, Mr. Arjun, is found dead under suspicious circumstances, and the police uncover evidence suggesting foul play. During the investigation, a key suspect, Mr. Rajeev, confesses to his involvement in the crime, detailing a conspiracy involving several individuals, including his business partner, Ms. Priya, and a former employee, Mr. Vikram. Mr. Rajeev's confession implicates Ms. Priya and Mr. Vikram in a criminal conspiracy to murder Mr. Arjun due to a financial dispute.

The confession is made in the presence of a police officer and is recorded. Mr. Rajeev provides a detailed account of the conspiracy, including the planning and execution of the crime, and names his co-conspirators. However, Ms. Priya and Mr. Vikram claim that Mr. Rajeev's confession is coerced or motivated by a desire to reduce his own legal consequences. Decide on the following,

3. As a public prosecutor, bring Mr. Arjun to the light of justice. **(5 marks)**
4. The element of 'criminal conspiracy' in the light of BNS 2023 and the IPC 1860. **(5 Marks)**
5. Write a detailed note, along with the decided cases, on the facts which are not otherwise relevant becomes relevant.
6. The hoary principle which is the hub and fulcrum of the Law of the Evidence is that best possible evidence only must be considered by the courts in the adjudication of disputes – Critically comment.
7. The judges and authors have defined 'presumption' in various ways but there does not seem to be an acceptable definition that would cover different situations. In the light of the above statement, critically examine the statutory presumption under the BSA, 2023. Refer to the relevant provisions and decided case laws if any.
8. Do you agree with the view that *"the effect of admission shift the burden of proof and it is for the person making the admission to explain and it is not necessary that it should be put to him while examining the witness"*?

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**III Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

**LAW OF DIRECT TAXATION**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

Answer any SIX of the following Questions.

1. To fulfil its responsibilities and functions, the State is left with no option but to generate financial resources through taxation. Since tax, by its very nature, is a compulsory charge without *quid pro quo*, it imposes a sacrifice on taxpayers. Therefore, although the government has the power to tax anything and there is no limit to this power, it is necessary for tax authorities to follow certain principles before devising a tax system, as a tax system has far-reaching effects on the economy. Evaluate whether the Income Tax Act, 1961, adheres to the fundamental principles of taxation.
2. Analyse how the significant economic presence of a non-resident in India establishes a business connection within the country. Examine the criteria used to determine significant economic presence, including digital and physical presence thresholds. Examine the legal implications for non-residents, in terms of taxation with the help of judicial decisions.
3. Mr. Athulan came to India on deputation to an Indian Company for a period of 55 days during the previous year. He was paid a sum of Rs.2,00,000/- as salary. Determine the taxability of this income in India in the following scenarios:
  - a. The Salary is paid to Mr. Athulan by the Indian Company.
  - b. The Salary is paid to Mr. Athulan by the original employer without routing through the Indian company.

4. Mr. Balu owns agricultural land, which is situated within the city limits of Chennai. He furnishes the following information:
- a) Income from agricultural activities carried on by him - Rs. 25,00,000/-;
  - b) Income from letting out of agricultural land- Rs. 10,00,000/-;
  - c) Income from letting out of building situated within the vicinity of above agricultural land- Rs. 7,00,000/-.
- Mr. Balu considered the entire sum of Rs. 42,00,000/- as agricultural income covered by Sec. 2(1A) of the Income Tax Act, 1961 and claims exemption u/s. 10(1). Advise on the validity of the claim.
5. Mr. Nataraj is the founder of SSVB Trust, a public charitable trust registered under the Income-tax Act, 1961. The trust runs a hospital for the treatment of various diseases. Mr. Ram, son of Mr. Nataraj was admitted in May 2023 in the hospital due to Hepatitis for treatment. He was charged a total fee of Rs. 3 lakhs as against the amount of Rs. 5 lakhs charged by the hospital for similar treatment to the general public. The Board of trustees were served with a notice by the Income-tax Authorities for cancellation of registration u/s. 12AB. Analyse whether registration can be denied to the trust?
6. Critically evaluate the provisions related to political parties and electoral trusts under the Income Tax Act, 1961. Evaluate the tax implications of donations made to political parties and electoral trusts, and the conditions under which these donations are eligible for tax deductions. How do these provisions aim to promote transparency and accountability in political funding?
7. An employer takes a group personal accident policy with one of the nationalized insurance companies in India and keeps the policy current by paying premiums periodically. Ms Kay, one of the employees covered by the scheme, met with an accident and receives Rs. 40,000 as compensation from the insurance company. Is this receipt taxable in the hands of Ms Kay?

8. Elucidate with the help of decided case laws, if the following incomes can be considered as “Salary” under Section 17 of the Income Tax Act, 1961:

- a. Income derived by the director of a Company;
  - b. Income earned by the Chief Minister of the State;
  - c. Income earned by the Advocate General;
  - d. Income earned by a waiter in the restaurant from the customers;
  - e. Income earned by a teacher for correcting the answer scripts of the Students.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**IV Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

**LAW RELATING TO INTELLECTUAL PROPERTY RIGHTS**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions**

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**Instructions:**

- Each question tests your ability to analyse and evaluate IP concepts using your acquired foundational knowledge.
  - Support your answers with relevant legal provisions, case laws, and practical examples.
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1. Examine how the current intellectual property regime provides legal protection for creative human ideas, such as inventions and literary, artistic & musical works. Analyse the rationale for granting statutory protections like patents, copyrights, trademarks, and trade secrets. Evaluate how these protections balance the interests of creators with the broader interests of society and provide relevant examples to support your answer.
2. Using Schumpeterian theory, justify the role of intellectual property rights in fostering innovation and economic development. How Schumpeter's "creative destruction" concept supports the need for intellectual property protection. Evaluate how intellectual property rights align with or challenge Schumpeterian ideas and provide legal reasoning and examples to support your analysis.
3. To what extent do you agree that intellectual property rights, despite their broad acknowledgement under international law, do not qualify as a universal right? How do the legal principles of "universal recognition" and "universal right" differ, and what are the implications of this distinction for protecting and enforcing intellectual property rights nationally and internationally?
4. Critically analyse the objectives and principles of the TRIPS Agreement. Examine how these objectives and principles address the socio-economic interests of developing and least-developed countries. Assess the impact of the WTO-TRIPS Agreement on the

Indian patent system, focusing on changes in patent laws, enforcement practices, and their effects on innovation and public health.

5. 'TechNova' is a technology startup that has developed an innovative mobile application for real-time language translation using artificial intelligence. The application features a unique algorithm that enhances translation accuracy and offers a user-friendly interface with customisable settings. The company also designs a distinctive logo and branding materials for the application and plans to release a promotional video showcasing the app's capabilities. Advise on the intellectual property rights associated with TechNova's mobile application, including the algorithm, the user interface, the branding materials, and the promotional video. Analyse how these rights can be protected and enforced, and discuss the potential challenges and strategies for maintaining these protections in the Indian market.
6. A biologist discovers a unique plant in the Western Ghats with medicinal properties for treating chronic diseases. After extracting a compound from the plant, he modifies it to enhance its therapeutic effects. The biologist applies for a patent on both the natural compound and the modified version. Examine the patent eligibility of the compound and the modified version under the current patent laws. Analyse whether both, either, or neither of these can be patented, providing legal reasoning and relevant case law to support your answer.
7. A renowned chef has developed a recipe for a plant-based meat alternative that mimics the texture and flavour of chicken using a specific combination of natural ingredients. The chef applies for a patent on the recipe. Analyse the patent eligibility of the recipe under current patent laws also whether the recipe can be patented, considering the requirements for patentability, such as novelty, non-obviousness, and industrial applicability. Provide legal reasoning and relevant examples or case law to support your answer.
8. Determine the Patent eligibility for the following inventions:
  - a. A company develops an innovative method for performing yoga and aerobic exercises in combination that claims to improve physical and mental well-being. They apply for a patent on this method. **(2 ½ Marks)**
  - b. A novel method of hair implantation technique designed to improve the durability and longevity of the results. **(2 ½ Marks)**

For each case, analyse whether the invention meets the requirements for patentability. Provide legal reasoning and relevant examples to support your determination.

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### **LAW OF INDIRECT TAXATION**

Time: 2 Hours

Maximum Marks: 30

#### **PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions**

1. *“Recommendations of the GST Council are not binding on the Union and States but are binding on rule-making authority”* – Elucidate the following statement in light of Art 279A of the Indian Constitution.
2. M/s. Himanshi Pvt. Ltd., a manufacturer of cosmetic products supplied a package consisting of hair oil (GST Rate – 18%), hair serum (GST Rate – 28%), shampoo (GST Rate – 28%), and hair comb (GST Rate – 12%). The price per package is Rs. 500 (exclusive of taxes). Determine the nature of supply and its Taxability with the help of various tests evolved by the Judiciary.
3. Mr. Vicky Franklyn, an unregistered famous author, received Rs. 3 crores as consideration from Shiv Bhawan Publications located in Indore for the supply of services by way of the temporary transfer of copyright covered u/s 13(1)(a) of the Copyright Act, 1957 relating to original literary works of his new book. He finished his work & delivered it to the publisher, but has yet not raised the invoice.

Mr. Vicky Franklyn is of the view that the publisher is liable to pay tax under reverse charge on services provided by him. But, the publisher does not concur with his view and is not ready to deposit the tax under any circumstances. Examine whether the view of Mr Vicky Franklyn is correct?



4. Mr. Abhishek, an advocate, has rendered the following services in the month of August, 2024:

- (i) Representing Mr. Archit in his divorce case before the High Court.
- (ii) Representing Mr. Aniket, an architect by profession, in relation to his GST liability [Turnover of Mr. Aniket in the Financial Year 2023-24 was Rs.25 lakhs]
- (iii) Legal consultancy given to M/s. Sunil Associates, a partnership firm of advocates [Turnover of services of M/s. Sunil Associates in the financial year 2022-23 was 28 lakhs]

Examine whether GST is payable on each of the above services assuming Mr. Abhishek to be

(a) an advocate other than a senior advocate. **(2.5 Marks)**

(b) a senior advocate in terms of Section 16 of the Advocates Act, 1961?

**(2.5 Marks)**

5. A service provider supplied service on 01-12-2023 for a value of Rs. 25 lakhs. He issued an invoice for the same on 30-11-2023 and received payment by an account payee cheque on 30-11-2023 and the same was entered in the books on the same date 30-11-2023. The cheque was deposited in the bank on 04-12-2023 and the same was credited to his bank account on 09-12-2023. The said service was taxable @ 5% before 01-12-2023. The rate of GST has been increased to 12% w.e.f. 01-12-2023. On 03-12-2023, there was a public holiday. Identify the appropriate rate of tax for the supply made by the service provider.

6. Evaluate the treatment of discounts under the GST framework and discuss how the provisions for pre-supply and post-supply discounts affect the determination of taxable value.

7. Mr. X purchases furniture from Mr. Y for Rs. 1,50,000 and requests Mr. Y to deliver the same to his office. Mr. Y, who has a retail furniture shop, does not undertake furniture delivery services. On the special request of Mr. X, Mr. Y agrees to deliver the furniture to Mr. X's office by hiring a transporter. The actual charges paid to the transporter (Rs. 10,000/-) would be reimbursed by Mr. X to Mr. Y. In the above-

mentioned example, the arrangement between Mr. X and Mr. Y is only for the sale of furniture for Rs. 1,50,000/-. The amount paid by Mr. Y to the transporter (Rs. 10,000/-) is on behalf of Mr X which would be reimbursed on an actual basis and this does not form a part of the contract. From the above scenario identify the type of supply that Mr. Y supplied to Mr. X.

8. Critically analyse the impact of the cascading effect on the Indian taxation system before the implementation of GST and deliberate how the introduction of GST addressed this issue. [ Include key benefits and challenges].



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### **CONSUMER PROTECTION LAW**

Time: 2 Hours

Maximum Marks: 30

#### **PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions (Each, citing judicial decisions wherever necessary)**

1. How is the term 'consumer' defined under the Consumer Protection Act, 2019, and what are the key differences in this definition compared to the previous legislation, particularly in the context of digital transactions and self-employment?
2. Which provisions of the Constitution of India provide for consumer protection, and how does this constitutional mandate transform through comprehensive consumer protection legislation prior to the enactment of the Consumer Protection Act, 1986?
3. What are the fundamental consumer rights recognized by the United Nations Guidelines for Consumer Protection (UNGCP)? What key measures have been adopted by India to align national consumer protection laws with these international standards?
4. "Have you prepared well for the Mid-semester Examination?"
  - Yes!
  - No, I plan on re-doing this Semester!"

What is the above mentioned technique identified under and how does the Consumer Protection Act, 2019 deal with the use of such techniques?

5. Ms. June purchased a Tata Indigo Car from M/s. Mazzy Auto Zone, an authorized dealer of the Manufacturer Tat Motors Ltd. for a consideration of Rs. 4 lakh. Ms. June started having trouble with the car within a week of purchase and she had to take the car to the dealer's workshop as many as over 20 times. Still unhappy, she wishes to file a complaint against the dealer and the manufacturer. Under what provision of the Consumer Protection Act, 2019 can they be sued? What are the remedies available to Ms. June under the Act?
  
6. Ms. Zoe, a 9th standard student of H&M School, was accompanied by her classmates & some teachers for an educational tour. While on tour, Ms. Zoe developed fever and it was intimated by her friends to the teachers accompanying them. However, no medical aid was provided to her, which resulted in deterioration of her health. Subsequently, she fell unconscious and was taken to the hospital, where she was diagnosed with Meningo Encephalitis, a viral fever. The doctors opined that had she been given timely medical aid and attention, she could easily have been cured. Does this amount to deficiency in service on the part of the Educational Institution, under the Consumer Protection Act, 2019 and Explain the remedies available to Ms. Zoe.
  
7. Mr. Jha buys a new kitchen appliance from an online retailer. After using the appliance for a short period, it overheats and catches fire, causing significant damage to Mr. Jha's kitchen. Under the Consumer Protection Act, 2019, how does the principle of product liability apply in this case? Evaluate the potential liability of the manufacturer and the online retailer. What legal recourse does Mr. Jha have, and what defences might be available to the parties responsible?
  
8. Imagine a movie theatre prohibits consumers from bringing their own water bottles inside the theatre halls. Can this be considered an unfair trade practice under the Consumer Protection Act, 2019 and what are the defences available to the service provider?

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### LAW AND SOCIAL TRANSFORMATION

Time: 2 Hours

Maximum Marks: 30

#### PART - A (6 x 5 = 30 Marks)

Answer any SIX of the following questions in not exceeding 400 words each.

1. What is legal pluralism? Examine the need of legal pluralism in a pluralistic society.
2. Comment upon Social Change Theory.
3. *“Rights are real only if they are accompanied by Remedies”* critically examine the statement in the perspective of Dr. Ambedkar's emancipatory constitutionalism.
4. *‘We Asked for Gifts, Not Dowry’* - critically examine the statement by analysing the definition of Dowry under the Dowry Prohibition Act, 1961.
5. *‘Ostensible poverty may require no specific, or even general, act or conduct to acquire the attributes of criminality; dire poverty that is visible, and witnessed in public spaces, could attract the exercise of the authority of law’* - comment.
6. *‘Honor killings are an extreme type of gendered domestic violence, with peculiar characteristics related to the social and cultural traditions of tribal, patriarchal societies.’* - critically comment on honour killings in India with the intersection of caste and gender.

7. How does law interact with custom?

8. Write a short note on the evolution of the caste system in India.

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### HUMAN RIGHTS LAW

Time: 2 Hours

Maximum Marks: 30

#### PART - A (6 x 5 = 30 Marks)

Answer any SIX the following questions

1. "Human rights are rooted in the inherent dignity of every individual." Examine the various theories and ideologies that have contributed to the development of human rights. Which of these theories remains relevant in the contemporary context?
2. Evaluate how the concept of inalienability and universality of Human Rights is challenged by cultural relativism. Explain with suitable examples.
3. What are the positive and negative rights? Explain the different generations of rights. Explain the relevance of all these differentiations in the present context.
4. How does the Rule of Law and the concept of *Jus Cogen* Support the protection of human rights and check the sovereign powers of a state?
5. Explain the concept of good governance and the attributes of good governance. Explain the interplay of good governance and Human Rights in different aspects.
6. Critically analyse the difference between the Human Rights Commission, Human Rights Council, and Human Rights Committee considering their jurisdiction and functioning.
7. As independent nations are responsible for protecting and implementing human rights, the international community must establish standards to ensure their safeguarding. Explain the human rights standard-setting mechanisms and bodies within the United Nations. Examine the binding nature of these instruments on the states.
8. Analyse and differentiate the enforcement, monitoring and grievance redressal mechanism of the ICCPR and ICESCR.



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## CYBER LAW

Time: 2 Hours

Maximum Marks: 30

### PART - A (6 x 5 = 30 Marks)

Answer any SIX of the following questions in not exceeding 400 words each.

1. “Abdul had always been a bright and active teenager, but over the past year, his life had taken a drastic turn. His passion for online gaming had spiralled into an all-consuming addiction. He spent countless hours hunched over his computer, staring at the screen, and the toll on his body became evident. His grades in school began to decline, and his teachers noticed his lack of concentration”, stated Mr Lessig in his speech on web technology and impacts in cyber space. Elucidate.
2. Ms. Dheerah and Ms. Deeksha are friends for a long now. When Ms. Dheerah was in her tough days, Ms. Deeksha helped her with INR 50,000/- to solve her day-to-day financial problems. After 2 years, Ms. Dheerah, who was in USA wanted to give the debt back and transferred the money to her friend’s account through online banking transaction. Cyber Police issued ‘Bank Accounts Freezing Orders’ to Ms. Deeksha claiming jurisdiction of Mumbai where Ms. Deeksha resides. Cyber Police issued summons to Ms. Dheerah citing the illegal money deposit from a profit earned out of crypto currency transaction. Can the victim claim ‘Lex Loci Delictii ’or law of the place of the wrong? As a legal counsel, legally interpret the jurisdictional issues.
3. As a part of a legal team in a tech company developing a new mobile app designed to track and improve users' health and fitness routines. To ensure the app's success, your team needs to consider various factors that will influence how users interact with and

perceive the app. You are tasked with ensuring that the app aligns with Lawrence Lessig's multi-modal approach to regulation. Advise.

4. A global tech company has developed an advanced AI assistant, 'ConvoAI', intended to help users with a wide range of tasks, from scheduling appointments to providing advice on personal matters. The company is eager to demonstrate that ConvoAI can engage in conversations that are indistinguishable from those with a human. To validate this, they plan to conduct a Turing Test where a diverse group of users will interact with ConvoAI, not knowing whether they are communicating with a human or the AI. Analyse the scenario by highlighting the positive and negative aspects of Turing and Chinese Room Argument tests.
5. When Uber was charged for the death of Ms Elaine Herzberg when their automated cars are tested, their legal team wanted to claim 'human in the loop' concept as a defence statement. Being a part of prosecution, analyse various human rights concerns in cyberspace and bring justice to the deceased.
6. Mr. Rashu, a Government employee, received the smart card provided in their office to claim benefit points based on her performance at the workplace. She bought a 'Cycle' on an online marketplace to improve her health and stay fit. She provided her smart card details online for the transaction. As she received a defective product, she claimed 'exchange' from the online market place. They denied her 'exchange' citing the following points,
  - a. Terms and conditions are clear on 'NO exchange';
  - b. 'Exchange' is not possible for smart card operations;Decide the 'consumer right' accordingly.
7. Critically analyse on the data protection 'J. Puttaswamy' judgement.
8. 'Postal Rule' v. 'Mailbox Rule'- compare and comment.

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**WHITE COLLAR CRIME**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Mr. Rajesh, a senior government official, has been accused of soliciting bribes from contractors in exchange for awarding lucrative government contracts. The Central Bureau of Investigation (CBI) has initiated an investigation based on these allegations. During the investigation, Mr. Rajesh claims that the gifts he received were not solicited but were given out of goodwill by the contractors. He argues that the bribes were merely gifts and asserts that he has not committed any offense under the Prevention of Corruption Act 1988. Explain the standard of proof required for the prosecution to establish Rajesh's guilt under Prevention of Corruption Act, 1988.
2. Explain how the concept of mens rea applies to traditional criminal offenses versus socio-economic offenses and explore how the burden of proving intent affects the legal proceedings with the help of relevant judicial decisions.
3. Ms. Ankita, a successful businesswoman, has been investigated by the Income Tax Department and found that, Ms. Ankita had purchased several high-value properties in the names of her relatives, claiming that these transactions were made as gifts. The department alleges that Ms. Ankita's real intention was to evade taxes and conceal her assets. Analyze whether the properties purchased by Ms. Ankita in the names of her relatives could be classified as benami transactions under the Benami Transactions (Prohibition) Act, 2016.

What elements must be proven for a transaction to be deemed benami under this Act and evaluate the legal consequences for Ms. Ankita if the transactions are found to be benami.

4. Mr. Bijoy, a prominent businessman, has been accused of committing large-scale financial fraud, including embezzlement and money laundering, leading to significant losses for investors and creditors. Mr. Bijoy has fled the country to avoid prosecution. Analyze if Mr. Bijoy meets the criteria for being declared a fugitive economic offender, focusing on the nature of the offenses and his flight from the jurisdiction. Explain the legal framework and procedural requirements for the enforcement of asset attachment, including the role of authorities and potential legal challenges.
5. What is the role of the Lokpal in India, and how does it contribute to addressing corruption and ensuring accountability within the public sector?
6. What are the key recommendations of the 47th Law Commission Report of India, and how do they propose to reform the legal system in India?
7. What are the primary provisions of the Whistle Blowers Protection Act, 2014 in India, and how do they safeguard individuals who report corruption and wrongdoing within public and private sectors?
8. Ms. Manish, a senior officer in a large private bank has been accused of accepting bribes from a supplier to provide 10 Crores personal loan. The Central Bureau of Investigation (CBI) has charged him under the Prevention of Corruption Act, 1988. Manish contends that since he is employed in the private sector and not directly employed by the government, he does not fall under the definition of a "public servant" as per the Act. Analyze whether Manish will be liable under the Prevention of Corruption Act, 1988, based on the definition provided in the Act.

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### MARITIME LAW

Time: 2 Hours

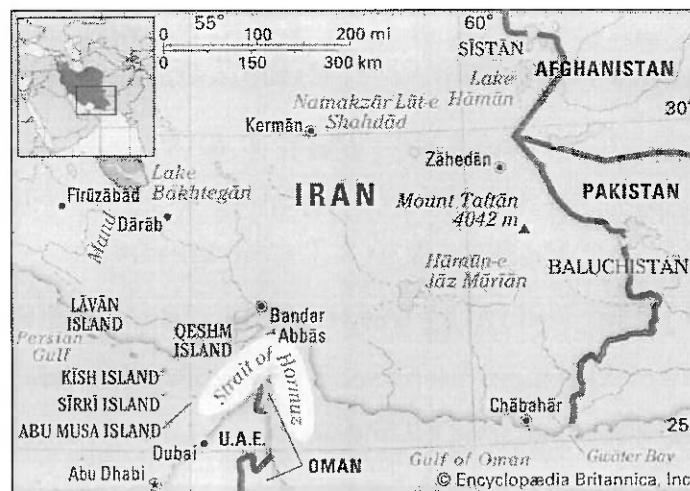
Maximum Marks: 30

#### PART - A (6 x 5 = 30 Marks)

Answer any SIX of the following questions in not exceeding 400 words each.

1. The coastal State of Alexandra has passed a law requiring all foreign-flagged vessels to pay a passage fee when transiting through its territorial sea. Evaluate whether this law is compatible with the rights of the State under UNCLOS, 1982.
2. Identify the Intergovernmental Organization with the slogan '*Safe, secure and efficient shipping on clean oceans*'. Explain its history in brief, structure and working in progression of its slogan.
3. A vessel flagged by the State of Xandar, operating in the high seas, is found to be engaged in unauthorized broadcasting that is interfering with communications of other states. Evaluate the measures available to Xandar and other states under UNCLOS 1982 to address such actions.
4. Explain the role of the Commission on the Limits of the Continental Shelf (CLCS) under UNCLOS, 1982.
5. Critically analyze how the various nature of rights of States under UNCLOS, 1982 have shaped the consequences in the South China Sea.
6. Explain the compulsory dispute settlement framework under UNCLOS, 1982.

7. The naval ships of the State of Eretria were struck by mines while transiting through the Strait of Hormuz, an international strait separating the territorial seas of the State of Iran and Oman. This resulted in significant damage and loss of life for the naval ships. **Discuss the nature of legal action possible by Eretria under UNCLOS, 1982 in light of decided cases.**



8. Read the following recent news excerpt and analyze it with reference to the obligations of States under UNCLOS, 1982 for dealing with piracy.

***Maritime menace: Resurgence of Somali piracy***  
***by Gurjit Singh, Observer Research Foundation (2024)***

*Since November 2023, about 25 cases of attacks on ships linked to piracy have taken place. This has brought attention again to piracy off the Somalia coast in the Gulf of Aden. Due to this, the demand and cost of armed security patrols on international shipping, the costs of insurance coverage, and the cost of covering possible ransom payments have increased. These attacks come alongside attacks on international shipping in the Red Sea by Houthi rebels. This has the potential to provide another challenge to international shipping and commerce.*

*It has been more than 100 days since the launch of Indian Naval 'Operation Sankalp' in the Indian Ocean Region (IOR), an internationally acclaimed lead role in ensuring the safety and security of merchant vessels. This involves deploying over 5,000*

*personnel at sea, 450 ship days (with 21 ships deployed) and 900 hours of flying by maritime surveillance aircraft.*

*In 2011, 237 attacks by Somali pirates, leading to hundreds of hostages had been reported by the International Maritime Bureau. The estimated costs to the world economy at that time were about US\$7 billion, which included ransoms. Presently, the piracy attacks are on smaller vessels in those seas which are less patrolled. During the troubled times, 20 warships from 14 different countries would normally patrol the Gulf of Aden and the shipping lanes to the Indian Ocean leading out of it. They eliminated pirate attacks which were scarce since 2018. In 2023 the Gulf of Aden and the related parts of the IOR were not a high-risk zone. In March 2024 the Bangladeshi-flagged ship MV Abdullah carrying coal with 23 crew members was hijacked by Somalian pirates in the Indian Ocean refocusing on the risks of the region.*

*Some analysts suggest that Somali pirates act in tandem with the Houthi rebels; this is, at best, a case of sympathy and inspiration drawn from the Houthis. The aim of the Somali pirates is more economic and anarchic than political and geostrategic, unlike the Houthis. Difficult circumstances prevail in Somalia, which include dire poverty, lawlessness, and varied levels of anarchy across the Federation. Long years of civil war led to some parts of Somalia trying to go their own way. This has accentuated the vicious matrix of poverty, violence, and instability. Due to the weak efficacy of governance, pirates obtain control of important institutions, often by investing the proceeds of ransom collection to influence local politics and increase their criminal activities.*

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## **FORENSIC SCIENCE AND LAW**

Time: 2 Hours

Maximum Marks: 30

### **PART A (6 x 5 marks = 30 marks)**

**Answer any SIX of the following questions.**

1. Telangana police officials arrested Ms. Junitha after obtaining the required warrants from the court, suspecting her involvement in a high-profile embezzlement case. The Investigating Officer believes that Ms. Junitha has concealed crucial documents related to the crime and seeks to extract this information during interrogation. Through a forensic expert, the officer learns about a cutting-edge technique called "Neuro-Interrogation Protocol" (NIP), which uses neural mapping to detect hidden knowledge. However, Ms. Junitha's lawyer argues that using NIP violates her rights under Indian Laws.

Will the Investigation Officer be able to employ NIP through legal channels in the above case? Answer with the help of relevant provisions under the Indian laws and judicial decisions.

2. A Central Forensic Science Laboratory receives forensic science evidence from a criminal case. The body of evidence include a broken laptop, a blood-stained shirt, a hair strand and a small powdery substance found in a suspicious envelope.

Identify and describe the forensic divisions of the laboratory responsible for analysing each of the above piece of evidence.



3. Inspector Mr. Shinchon is in charge of the local police station in Kasukabe (a village in Madhya Pradesh). He has received reliable information that a suspect involved in a recent drug trafficking case is hiding illegal narcotics in his apartment, which falls within the jurisdiction of his police station. Inspector Mr. Shinchon believes that narcotics may be located in the suspect's apartment and waiting for a search warrant could result in the destruction of evidence. Therefore, he decides to conduct the search instantaneously.

Enumerate and elaborate the steps that must be taken by the Inspector before and during the search of the suspect's apartment based on the provisions under Indian Laws.

4. Trace and evaluate of standards applied by the Courts of Law to determine the admissibility of expert testimony in the United States with the help of judicial decisions.
5. Police Officer Ms. Dora is appointed as an Investigating Officer in a recent high-profile case in which Mr. Swiper was murdered. As it is her first case as an Investigating Officer, she decides to do her best to ace it. She starts reading the newly enacted Bharatiya Nagarik Suraksha Sanhita, 2023 in order to understand the procedure to investigate. She arrives at Section 192 of the Act and cannot comprehend the same. Hence, she decides to get the help of Ms. Backpack, her go-to friend.

Put yourself in the shoes of Ms. Backpack and explain Ms. Dora, the contents and the manner in which they have to be entered in the investigation diary as per Section 192 of the Act. Also, explain the evidentiary value of the diary.

6. In a Criminal trial in India, the following body of evidence were presented in court by the Prosecution:
  - a. Mr. Rogers testified in the court that he saw the accused, Mr. Connor standing over the victim's body with a knife in his hand.
  - b. The prosecution submitted a handwritten letter recovered from the victim's home which threatened to harm the victim.
  - c. The prosecution also submitted a knife recovered from the scene of occurrence.

- d. Ms. Velma testified that the victim had told her friend Ms. Daphne over a phone call that the victim feared that Mr. Connor will harm him.
- e. The prosecution submitted that Mr. Connor's car was found near the scene of the occurrence with blood stains.

Identify the type of evidence each of the above-mentioned pieces of evidence falls under, providing suitable explanations.

- 7. "An efficient criminal justice system should place greater emphasis on advanced forensic evidence techniques even if they are expensive and time-consuming over the investigative methods".

Argue for and against the above statement with the help of judicial decisions.

- 8. In a burglary case, the police arrested Mr. Wheeler, a suspect with a history of theft. The crime occurred at the residence of Ms. Linka. During the investigation, the Investigating Officer found small paint chips and carpet fibres on the windowsill at Ms. Linka's residence. Further, on searching Mr. Wheeler's apartment, the Investigating Officer discovered matching paint chips on his jacket and fibres similar to those from Ms. Linka's carpet on his shoes.

Enumerate and explain the principle(s) of forensic science that can aid the Investigating Officer in dealing with the above facts.

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**CLINICAL – III (Professional Ethics and Professional Accounting System)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. Critically comment upon the lawyer's duty to uphold the right of legal representation.
2. Enumerate the ways in which a conflict of interest may arise between an advocate and a client. How should an advocate respond to such conflict of interest?
3. Examine the powers and functions of the Bar Council of India in regulating the Legal Profession.
4. Critically comment upon the restrictions on advertisements by Advocates in India in light of judicial precedents.
5. Joseph Story said, "Law is a jealous mistress and requires long and constant courtship. It is not to be won by trifling favours but by lavish homage." Which lamp of advocacy is being referred to in this quote by Joseph Story? Explain the other lamps of advocacy and their practical utility.
6. An Advocate struggles to balance the trichotomy of duties towards the client, court and the public. Explain the rationale and justification of these duties with suitable examples. What justifies an advocate to represent a client going against public morality?
7. Critically explain the principles of judicial conduct and its practical application with examples.
8. Can a legal professional ethically justify a course of action that is legally permissible but morally questionable? How should they navigate situations where strict adherence to the law may lead to outcomes that conflict with broader ethical principles or societal moral standards? Evaluate.

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### LAW, BUSINESS AND HUMAN RIGHTS

Time: 2 Hours

Maximum Marks: 30

#### PART - A (6 x 5 = 30 Marks)

Answer any SIX of the following questions in not exceeding 400 words each.

1. Write a brief note on the paradigm shift from Business or Human Rights to Business of Human rights.
2. "We can't have safe social media if the workers who protect us toil in a digital sweatshop" - Critically comment on human trafficking through recruitment with the relevant case law.
3. What role does business play in society? Examine the importance of responsible business practices.
4. Examine the significance of the OECD principles with respect to business and human rights.
5. "The 2003 Norms had more than aspirational statements of desired conduct" - Critically comment on the failure of the 2003 Norms.
6. "When we lost the Forest, we lost everything" - write a brief note on the oil palm plantations and human rights violations.
7. The three pillar concept of the UNGPs is a pragmatic solution to address human rights violations by business enterprises.
8. Write a note on the impact on health and environment caused by endosulfan by analysing relevant judicial decisions.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

### **LEGISLATIVE DRAFTING**

Time: 2 Hours

Maximum Marks: 30

#### **PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. The fundamental legal concepts recognized in today's legal system owes its origin to Hammurabi's Code. Explain this statement pointing out the directions to which present day legislations proceed.
2. Among the sources of law today, it is recognized in all countries irrespective of their legal system that a legislated or enacted law is the most important and prominent one. Bring out the significance of this statement tracing out the advantages and disadvantages of legislation.
3. The legislative drafter's job is to transmit the legislative policies of the Executive into the draft legislation which is then introduced in Law making fora for discussion and debate and pass an Act. Against the backdrop of this statement state the pre-requisites which the drafter should follow.
4. In the context of legislative drafting a drafter is expected to conform to certain accepted norms while drafting a legislation. State and explain the norms prescribed in this regard.
5. The 'pursuit of clarity' must be adhered to as a style of drafting process. Enumerate the means by which a drafter could bring in clarity in legislative drafting.

6. The anatomy of any legislation should portray Four major parts. Enumerate the parts and explain briefly the contents of the Preliminary Part alone.
  7. Explain the significance of inclusion of 'Provisos and Exceptions' in a Legislation that may be drafted.
  8. **Write Short notes on any TWO of the following:**
    - a] Directives 'in the nature of ideals of the State'.
    - b] SARAL principles of legislative drafting.
    - c] Coode's principles to form a legislative sentence.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
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**Mid Semester (Odd-Semester) Examinations, September 2024**

## LAW AND POLICY IN EMERGING TECHNOLOGY

Time: 2 Hours

Maximum Marks: 30

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**Note:** The questions are drafted in a way that combines 2-4 different instances of class-room discussions and may expect a combined approach in the same answer. Write concisely; Prevent abstrusity.

As this is a specialised subject, I further welcome your esoteric writing, if required.

**P.S.:** Which computer brand sings the best?... A Dell.

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### PART - A (6 x 5 = 30 Marks)

**Answer any SIX of the following questions**

1. Assess the most suitable Principle of the UN's 'AUDRI 2022' Guidelines considering the increasing reliance on private tech companies for national security functions. With the recent 'Microsoft Blues'<sup>1</sup> outage affecting government, financial and other user-personal operations alike, draw Policy Recommendations to ensure the Government and the Netizens remain immune from mass outages of Big Tech Companies' Operations.

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<sup>1</sup> "... On July 19, 2024, many Windows users across the globe, experienced a Blue Screen of Death (BSOD) error, which caused their computers to suddenly shut down or restart. The issue was caused by a technical problem in a software update from the cybersecurity firm CrowdStrike, which provides antivirus software to Microsoft. The bug affected many companies, banks, and government offices worldwide. This incident has been called the largest outage in the history of information technology and has raised concerns about the need for improved software 'resiliency' and testing to prevent similar incidents in the future", Generative Response, Krutrim. (2024). Ola Krutrim AI [Large language model] Generated Answer (Last Accessed on 01 September 2024).

2. In the context of personal safety and data privacy, how would you evaluate the European Union's GDPR in terms of its effectiveness in protecting against cross-border data transfers? Use the Schrems II<sup>2</sup> Decision as a case study and discuss the potential implications for other jurisdictions adopting similar regulations.
3. Compare and contrast the "Necessity" and "Proportionality" principles as outlined in the *Puttaswamy* Judgment with their application in the context of emerging technology regulations. Provide examples of how these principles might guide policy decisions in AI governance. Place specific emphasis on the Judges and their Opinions in the *Puttaswamy-I*<sup>3</sup> Judgement to support your statement.
4. Evaluate the effectiveness of the EU-GDPR's Article 17 in addressing the data privacy concerns raised by emerging technologies. How does this compare to other global data protection frameworks with more specificity to the Indian legal context?
5. Analyse the concept of Mass Surveillance from a jurisprudential perspective. How do theories like Hart's Rule of Law and Hobbes' Self-Protection Theory justify or criticise the existence of global police databases like INTERPOL?
6. Evaluate the implications of the 'Pacing Problem' in governance as it relates to the regulation of AI and autonomous systems. How can policymakers balance innovation with legal accountability when technological advancements outpace legislation?
7. 'TechNNLU', an International Consortium of Tech Companies is developing a global satellite network to beam internet access in remote areas across the globe, across plans, that are both free of charge and tariff based. However, several countries object, arguing that the network infringes on their sovereignty and violates the Outer Space Treaty. How should International Law address the balance between global connectivity and sovereignty? Analyse the situation in the context of existing space law and potential amendments to the OST.

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<sup>2</sup> *Data Protection Commissioner v Facebook Ireland Limited and Maximillian Schrems*, CJEU - C-311/18.

<sup>3</sup> *Justice K.S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors.*, AIR 2017 SC 4161.



8. Pranetha, a Country akin to India, introduces legislation to regulate AI-driven predictive policing. The law mandates that all police departments must use AI systems to predict and prevent crimes based on historical data. Udhitya, a civil rights Group wants to challenge the law, arguing that it disproportionately targets minority communities and violates privacy rights.

How should the court balance the need for public safety with the potential for discrimination and privacy violations? Discuss the Constitutional and ethical considerations at play. Advise.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

**INTERNATIONAL TRADE LAW**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. *“The fundamental elements of the Factor Endowment theory is irrelevant to maintain the countries growth and development in the era of Liberalistaion, Privatisation and Globalisation (LPG)”*. Substantiate this statement referring to the elements of the Factor Endowment Theory and assess the impact of LPG in the trade arena.
2. Havana Charter has a birth defect. Do you agree? Evaluate this statement referring to the role and contribution of International Bank for Reconstruction (IBRD) to reduce poverty and enable sustainable development between generations.
3. Evaluate the relevance and effectiveness of gold and silver in international trade law and analyse the benefits of Special Drawing Rights (SDR) to the member countries of the global trade system.
4. List out the elements of federalism. The federal system of the United States of America is the detriment in realising the fullest cooperation between all countries in the economic field with the object of securing, for all, improved labour standards, economic advancement and social security”. Comment.
5. *“The primary objectives of the General Agreement on Tariff and Trade is further liberalising the trade in goods through the reductions of tariffs and other trade barriers and eliminating discrimination.”* Critically examine this statement referring to the power of the contracting countries to adopt tariff and non-tariff trade barriers in the GATT system.

6. Most Favoured Nation Clause (MFN) requires WTO Members to extend MFN Treatment to like products of other WTO Members concerning to tariffs, regulations on exports or imports, internal taxes and charges on imported products, and internal regulations. Analyse this statement referring to the exceptions to the MFN in the international trade and cite the relevant provisions of the GATT.
  7. "*Quantitative Restrictions discourage import of foreign goods, reduce balance of payments deficits, and held domestic firms grow and expand*". Critically examine this statement referring to the relevant provisions of the General Agreement on Tariff and Trade (GATT).
  8. "*Unilateral Trade Measures are valid and sustainable when it fulfils its legal elements of the General Agreement on Tariff and Trade (GATT)*". Critically examine this statement referring to the relevant judicial decisions of the World-Trade Organisation Dispute Settlement Understanding (WTO-DSU) on the validity of the Unilateral Measures adopted by the United States of America.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
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**Mid Semester (Odd-Semester) Examinations, September 2024**

**ADVANCED COURSE ON TRADEMARK LAW**

Time: 2 Hours

Maximum Marks: 30

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**Instructions:**

- Each question carries equal marks.
  - Ensure your answers demonstrate a critical understanding of trademark law principles and relevant case laws.
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**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions in not exceeding 400 words each.**

1. How does human creativity influence the development of trademarks? Justify the rationale for classifying trademarks as Intellectual Property Rights.
2. A startup named "DigiCare Inc.," operating in the electronic consumer services industry, is struggling to establish a distinctive market presence with its trademark "DigiCare". The company seeks your legal opinion on how to build goodwill and reputation. In this context, discuss the role of a trademark in shaping brand culture, marketing strategy, and consumer perception.
3. A Multi National Corporation (MNC) plans to expand its brand into new international markets but is concerned about protecting its trademark in countries where it currently has no presence. Analyse how international treaties on trademarks can assist the MNC in its strategy to secure global trademark protection.

4. As a legal advisor to a biscuit company launching a new product line, you have been asked to assess the proposed trademark “NutriFIT” for organic snacks. Evaluate the distinctive character of this mark and recommend suitable legal strategies for its registration under the Indian Trademark Act, 1999.
  5. A small startup uses a trademark similar to a famous brand but in a completely different industry. The famous brand claims dilution. Analyse the situation from both perspectives. Should the dilution doctrine apply in this case, or is the likelihood of confusion a more appropriate standard?
  6. What factors contribute to the “genericide” of a trademark? A nationally popular brand facing the threat of genericide approaches you to develop a comprehensive strategic plan. Advise the brand on how to prevent genericide and protect its trademark.
  7. M/s. Dragon Ball Inc., a popular comic industry in Japan that has launched a smartphone under the name of a character from its comic series, holds a 10% offline market share and a 4% online market share in the Indian smartphone market. The company intends to sell its online business brand named “Vegito” to an Indian company. The Indian company has appointed you as their trademark expert to evaluate the value of the trademark “Vegito”. Critically evaluate the challenges associated with different trademark valuation methods and recommend the most reliable assessment method for a digital-only brand.
  8. Critically examine the rationale behind the functionality doctrine in trademark law and analyse the concepts of utilitarian and aesthetic functionality.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes**  
**Mid Semester (Odd-Semester) Examinations, September 2024**

**SPORTS LAW (Policy and Governance)**

Time: 2 Hours

Maximum Marks: 30

**PART - A (6 x 5 = 30 Marks)**

**Answer any SIX of the following questions**

1. Analyze the intersection of Intellectual Property Rights (IPR) and sports, particularly focusing on the protection of trademarks and player image rights. How do IP laws protect the commercial interests of sports organizations, athletes, and other stakeholders? What challenges arise in enforcing these rights in the digital age? Evaluate referring to the relevant judicial decisions and international sporting events.
2. Are Indian Domestic Sports Governing Bodies amenable to Judicial Review? Critically analyse the role of the state and judiciary in the governance of sports.
3. In light of Manu Bhaker's rise to fame after winning two bronze medals at the 2024 Paris Olympics, critically analyze the legal mechanisms available to protect her personality rights. What steps can she take to commercialize her name, image, and likeness while preventing unauthorized use in digital media?
4. When can a human activity be called a sport? Will gaming, fantasy sports, and e-sports come under the definition of sports? Evaluate.
5. How does the legal landscape regarding criminal liability in sports navigate the delicate balance between allowing physical contact within the sporting arena and addressing

potentially criminal acts? What are the factors courts consider while determining the criminal liability of an athlete? Discuss with case laws and suitable examples.

6. What is the duty of care in Sports? How is the Breach of duty of Care decided in Sports? Examine the doctrine of *volenti nonfit injuria* in sport as defence and its limitations in determining civil liability.
  7. Explain the morality clause, best performance clause, Player's restriction clause, and Hazardous Activities Clause in Sports contracts. How does a court determine an unconscionable condition in a sports contract? Explain with examples and relevant judicial decisions.
  8. How is the autonomy of sports ensured in the governance of sports? What is the role of Sports governing bodies and the state in the governance of sports?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI  
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Mid Semester (Odd-Semester) Examinations, September 2024

**HEALTH CARE LAWS**

Time: 2 Hours

Maximum Marks: 30

**PART - A (4 x 5 = 20 Marks)**

Answer any **FOUR** of the following questions

1. *“The fact that the right to health should be a tangible programmatic goal does not mean that no immediate obligations on States arise from it. In fact, States must make every possible effort, within available resources, to realize the right to health and to take steps in that direction without delay...”* Examine this statement in the context of WHO.
2. Recounting the discussion on the Clinical Trials conducted in India; explain the importance of “Ethics Committee” in conducting the clinical trial or a biomedical research.
3. The Supreme Court of India in *Samira Kohli v. Dr.Prabha Machanda*, AIR 2008 SC 1385 lays down the following  
*“....What is relevant and of importance is the inviolable nature of the patient’s right in regard to his body and his right to decide whether he should undergo the particular treatment or surgery or not....”*  
Opine as to whether the ‘consent’ in India as explained by the Supreme Court in the above statement affirms to right to Autonomy of Patients.
4. Is it correct to say that Indian Constitution recognizes Right to Health as a Fundamental Human Right? Evaluate referring to the relevant judicial decisions.



5. Explain the concept of 'Universal Health Coverage' as discussed under the International Health Laws ?

**PART - B (2 x 5 = 10 Marks)**

**Answer any TWO of the following questions**

6. Mr. Basheer, aged 61 years old, complaints of Stomach ache, bloating and abrupt bowel movements including diarrhea. He visits a well -known Gastroenterologist –Dr. Babu Gupta who upon listening to the symptoms and conducting preliminary examinations, prescribes some Antibiotics declaring it as a case of normal gastroenteritis. However, after taking the antibiotics, his symptoms does not reduce but further aggravates with fever. Henceforth, he again visits Dr. Babu who asks him to get a CT scan and blood test. The reports showed that Mr. Basheer is suffering from a condition called us 'Diverticulitis' (it is a gastrointestinal disease characterized by inflammation of abnormal pouches—diverticula—that can develop in the wall of the large intestine). However, his condition being severe, Dr. Babu suggests surgery as the best treatment plan. Mr. Basheer says his daughter's wedding is happening in 2 weeks and requests that his surgery be postponed and medicines be prescribed. However, Dr. Babu explains that waiting for 2 weeks is risky. But owing to the to the circumstances, he prescribes Antibiotics and also asks Mr. Basheer to be on liquid diet to keep the bowels less functioning. A week passed and Mr. Basheer felt a lot better. However, he found that he was forming some skin rashes over his chest. Since he was very busy with the wedding preparations, he ignored the same. Eventually the wedding got over but his rashes started spreading aggressively turning into blisters with pus and peeling skin. He finally consults Dr. Babu to diagnose his condition. Dr. Babu finds that Mr. Basheer suffers from TEN Syndrome (Toxic Epidermal Necrolysis- a severe skin reaction affecting even the mucosal skin regions like eyes, ears. etc.) His condition worsens within 24 hours of admitting into the Hospital and finally he succumbs. His family members are furious with Dr. Babu Gupta. Do you think

'consent' has been sufficiently procured in this case? If not, has Dr. Babu Gupta acted in contravention of his duty towards his patients?

7. Dr. Joseph Herr, a pediatrician & surgeon, by profession is working in Good Lord Hospital, Tiruchirappalli. On a particular busy day, he was consulted by Ms. Venba, single parent who recently divorced her abusive husband, with her 4-year-old son who was suffering from severe fever and abdominal tenderness. The child was his last patient for consultation at around 9pm that night. After preliminary examination he informs Ms. Venba not to worry as the child is suffering from normal bacterial fever of 105 degree Fahrenheit and prescribes Paracetamol Syrup, rubbing down with cold cloth all over body to reduce the temperature, liquid diet for retraining the hydration and come back after 5 days if the symptoms don't reduce. Ms. Venba returns back on the 5<sup>th</sup> day with a tired and sleeping child who is still suffering from high fever and abdomen swelling. Upon further examinations and few tests like blood test, an MRI and Ultrasound, Dr. Joseph concludes that the child is suffering from Hepatoblastoma (a very common liver cancer in children) and recommends Liver transplant ASAP. So, they start searching for donors immediately. Ms. Venba turned out to be a potential donor and the doctors immediately started the procedure to harvest her liver. However, once they started the procedure they found that even Ms. Venba has an undetected mass in her liver and thus was ineligible for donation. Meantime, Ms. Venba's, ex-husband starts enquiring about his son's condition and requests that he can be a potential donor. The attending nurse however, informs Dr. Joseph that Ms. Venba had anticipated this situation and therefore, specifically given a oral direction to the Head nurse and attending nurse never to involve her ex-husband into this case. Therefore, Dr. Joseph keeps trying to get a potential donor for the child as well as removes the undetected mass from Ms. Venba as a matter of convenience and benefit of the party. Meanwhile, he remembers the Clinical Trial that is being conducted by his former colleague on a new experimental drug to treat Hepatoblastoma on children which is currently undergoing double blinded phase -3 trials and decides to enroll the child into the trial if he couldn't get potential donor apart from the father of the child. Discuss the medical- ethical implications of Dr. Joseph's decision.

8. NovaltyNexa.Co. is a huge research-oriented company which primarily involves in research and development of treatments for communicable diseases in India. Adding new feathers to its achievement, its recent team of scientists have evolved a new method to identify the human genes and the potential humans with superior genetic quality. Based on this identification, it developed an algorithm to identify such individuals by collecting their sensitive personal information including the health and genealogy. This was used to create a matrimonial website which allowed people with such superior genetic quality to find a spouse for themselves matching with their genetic profile to allow them to enter into a legal matrimony and start a family of superior quality human beings. The information about this website went viral online in all the social medias. However, the Ministry of Electronics and Information Technology, CERT-in(Indian Computer Emergency Response Team), Central Licensing Authority under the Clinical Trial regulations, 2023 and National Ethics Committee under biomedical Research Guidelines, 2023 went berserk seeking immediate shutdown of the website and retract every minute detail with regard to the clinical trial of the same or website or algorithm as it is promoting the idea of Eugenics (the idea of only the superior humans being alone to thrive on earth). Discuss the validity of the action of the law enforcement authorities.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
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**Mid Semester (Odd-Semester) Examinations, September 2024**

**SERVICES LAW IN INDIA**

Time: 2 Hours

Maximum Marks: 30

**PART - A (1 x 10 = 10 Marks)**

**Answer the following questions**

1. Mr. Thothatiri, an officer of the Indian Administrative Service (IAS), had an illustrious career over the past 20 years, during which he served in several high-profile roles across multiple states. Known for his integrity and his relentless pursuit of justice, he was tasked with numerous critical assignments. In early 2023, he was appointed as the Secretary to the Ministry of Environment, a position that placed him in charge of overseeing various national environmental policies and regulations, including scrutinizing projects that had a significant impact on natural resources.

Upon assuming office, Mr. Thothatiri initiated a series of high-profile investigations into illegal mining operations, especially those in ecologically sensitive areas. These investigations targeted several companies, some of which were linked to prominent political figures and influential business groups. Mr. Thothatiri's effort led to substantial fines being levied on these companies, halting several large-scale projects, and initiating legal proceedings against some of the involved entities. His actions attracted widespread media attention and were hailed by environmentalists, but they also angered powerful stakeholders who had significant political connections.

In July 2023, just months after the investigations began to take shape, Mr. Thothatiri received an abrupt termination order from the President of India, invoking the powers under the Constitution. The order stated that Mr. Thothatiri's services were dismissed with immediate effect. No reasons were provided in the order, and

Mr. Thothatiri was not given an opportunity to explain his actions or defend himself. The government's stance was that the President has absolute discretion, allowing them to dismiss a civil servant without cause or inquiry.

However, Mr. Thothatiri believes that his termination was politically motivated and orchestrated by those whose interests had been harmed by his investigations. He contends that his dismissal violated the procedural safeguards enshrined in the Constitution, which offers protection to civil servants.

The abrupt removal of Mr. Thothatiri's has not only jeopardized his career but also sent a chilling message to other bureaucrats, potentially discouraging them from pursuing investigations or actions that might go against the interests of powerful entities. His dismissal has also led to public outcry. Civil Societies and environmental activists alleged that his termination was a clear example of misuse of executive power.

Mr. Thothatiri now plans to challenge his termination in a court, contending that while the Constitution grants the President or Governor the power to dismiss officers, it also places essential checks on this power, ensuring that civil servants are protected from arbitrary and capricious actions. He argues that his dismissal was neither based on misconduct nor incompetence and it was a retaliation for performing his duties with integrity.

Evaluate the interplay between the powers of the Executives and the protections guaranteed under the provisions of the Constitution. What procedural safeguards should be followed before a Civil Servant is dismissed in such cases? Can Mr. Thothatiri successfully challenge his dismissal in court? Substantiate your answer with relevant judicial pronouncements.

**(OR)**

2. In early 2022, the Public Works Department of a State Government announced a recruitment drive to fill 200 vacancies for the post of Assistant Engineers. According to the initial notification, candidates were required to possess a Bachelor's degree in Civil Engineering with at least 60% marks and two years of relevant work experience. The notification was widely publicized, and thousands of candidates,

including Mr. Kosaksi Pasapugazh had applied based on these criteria. Mr. Kosaksi Pasapugazh, who had a degree in Civil Engineering and five years of experience in a reputed construction firm, felt confident that he met all the requirements.

However, three months into the recruitment process, after the application window had closed and the written exams were conducted, the government issued a new notification amending the eligibility criteria. The new rules now required applicants to hold a certification in specialized engineering software, which was primarily offered through government-affiliated institutes and was relatively new to the market. In furtherance to this, a new rule on qualifying marks was also added to proceed to the next stage of the selection process. This change effectively disqualified a significant number of candidates, including Mr. Kosaksi Pasapugzhal, who had already submitted their applications and invested time preparing for the recruitment process.

Several candidates raised objections, arguing that the rule change midway through the recruitment process was arbitrary and unfair. They claimed that the new certification requirement favoured candidates from certain privileged backgrounds who had access to the training facilities offering the course. Despite these concerns, the government stood by its decision, arguing that the change was necessary to meet the evolving technical demands of modern infrastructure projects. The government maintained that the rule change was made in good faith and the public interest, as the specialized software was now a critical part of public works planning.

Mr. Kosaksi Pasapugzhal, now ineligible despite meeting all the original requirements, decides to challenge the government's decision. He believes that the rule change was discriminatory and violated principles of equality, especially since many candidates had already invested considerable resources into the recruitment process based on the original notification.

Analyse the legality of changing the recruitment rules mid-process with relevant principles and judicial pronouncements. Can Mr. Kosaksi Pasapugazh challenge the government's decision to alter the eligibility criteria, and what grounds might he have?

**PART - A (4 x 5 = 20 Marks)**

**Answer and FOUR of the following questions**

3. Explain the difference between a point-based reservation system and a vacancy-based reservation system in recruitment, for the employment under India Laws. How are horizontal reservations such as those for sportspersons, ex-servicemen, and persons with disabilities adjusted within the vertical reservation categories? Provide an example to illustrate the process.
  4. Trace out the evolution of the Service Laws after the Imperial Government took over the control of the Territories of the Indian Sub-Continent.
  5. Examine the concept of compassionate appointments in Government service and the criteria used for such appointments.
  6. In a public sector organization, a group of employees were hired on an irregular basis without adherence to recruitment rules. After several years of service, they demanded regularization. Evaluate the validity of the demand by the employees with relevant judicial decisions.
  7. Explain the various recruitment methods employed in Government services and the key principles that govern these processes. What are the pre-requisites which need to be satisfied before the initiation of the recruitment process?
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