



TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS

UG PROGRAMMES

**MID SEMESTER (ODD-SEMESTER),
SEPTEMBER - 2023**

Name :

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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 2023**

ENGLISH – I / BUSINESS ENGLISH - I

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer all the questions:

1. What are the main features of language, and how do phonological elements contribute to producing English sounds for effective communication? Write the below transcribed words in regular letters:
 - a. æmbæsədə
 - b. ɔ:təm
 - c. greɪfəs
 - d. Pətikjelə
 - e. pəteɪtəʊ
 - f. bəlu:n
 - g. a:ktekɪt
 - h. strægl
 - i. ɪgzəmineɪʃn
 - j. entətein

2. Enumerate the essential principles of academic writing, and attempt a critical academic/argumentative essay on the topic “Poetic Sensibility in Lawyers” using the significant academic writing components you have studied.

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SOCIOLOGY- I (A critical Introduction)

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following 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 Positive age and Sociology is the most complex science evolved in the human progress. Do you agree? Justify your response.

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POLITICAL SCIENCE – I (Political Theory and Organizations)

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer both the Questions. Each Answer should not be less than 500 Words.

1. It is impossible to make legal theory of sovereignty valid for political philosophy. Almost every human association has a political system" – Do you agree with this statement? Provide your reasons.
2. "Liberty is an invaluable asset to the individual and has to be defended at all times"- Explain the important safeguards of liberty and also make an assessment on the exercise of liberty by the people of India at present.

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ECONOMICS – I (Principles of Economics)

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following Questions.

1. Your friend had started a production unit for water bottles in 2022. After one year there is an increase of 10 per cent in fixed costs as well as variable costs. The data for 2022 is in below table.

Quantity Produced	Price Per Unit	Fixed Cost	Variable Cost
0	14	500	0
100	14	500	200
200	14	500	500
300	14	500	800
400	14	500	1200
500	14	500	1300
600	14	500	1350
700	14	500	1550
800	14	500	2000
900	14	500	2500

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 water bottles with maximum profit at minimum costs.

2. You have joined a new firm in a monopolistic competitive market which is producing 200 units of output each day. The cost incurred on production of a single unit is equal to rupees 85 and you are charging 110 rupees as price for each product, Keeping in view the above scenario, explain it to your friend that how much revenue and profit is generated by this firm, illustrate him the help of a graph, as he wants to produce a similar product, also explain him the features of monopolistic competitive firm and the possible areas where he can concentrate, so that his product will be more in demand.

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BUSINESS ORGANISATION AND MANAGEMENT

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions.

1. “Business organisation is the art of establishing effective co-operation between the various means of trade, commerce, and industry” – Elucidate.
2. What are the essential features of a Partnership? What precautions are generally recommended to avoid future disputes and litigation in a partnership business?

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FINANCIAL ACCOUNTING AND PRACTICAL AUDITING

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer the following Questions.

1. From the following transaction pass the journal entry and prepare ledger accounts for the Bank, Capital, Purchase, Sales, Computer and Train Account for the month of August 2023. **(15 Marks)**

August, 1. Mr. Moon Started the business with the followings

- (a) Bank Rs.2,00,000/-
- (b) Machine Rs.1,00,000/-
- (c) Stock Rs.50,000/-
- (d) Debtors Rs.50,000/-
- (e) Creditors Rs.50,000/-

5. Goods purchased from Mr. Sun Rs.1,00,000/- for cash

8. Office Furniture purchased Rs. 50,000/- by cheque

9. Carriage paid Rs.5,000/-

10. Goods purchased from Mr. Computer Rs.1,00,000/-

13. Goods sold for Rs.1,50,000/-

15. Loan from Mr. Car Rs.50,000/-

18. Goods returned to Mr. Computer Rs.2,000/-
 20. Computer's account has been settled by payment of Rs.97,000/-
 20. Goods Sold to Mr. Train for Rs.1,60,000/-
 21. Purchased Goods used for personal use Rs.2,000/-
 23. Goods distributed as free sample Rs.5,000/-
 25. Mr. Train's account has been settled
 30. Salary paid to Mr. King by cash Rs.5,000/- and by cheque
 Rs.5,000/-
 30. Sale of Old machine Rs.5,000/-

2. Please identify the accounting rules for the following journal entries.

(5 Marks)

Date	Particulars
1.	Bank A/c Furniture A/c To Capital A/c
2.	Purchase A/c To Bank A/c
3.	Building A/c To Bank A/c
4.	Purchase A/c To Vendor A/c
5.	Bank A/c To Sales A/c
6.	Customer A/c To sales A/c
7.	Salary A/c To Bank
8.	Bank A/c To Commission A/c
9.	Drawings A/c To Purchase A/c
10.	Advertisement A/c To Purchase A/c

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LEGAL METHODS

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions in your own words.

1. Nilsidhi and Stevaran are colleagues and both are lawyers. They happen to conduct a public debate on Justice and the means of locating it. Gradually as the academic discourse intensifies, X and Y disagree with each other's perspective about Justice and the means to locate it in a society. Nilsidhi argues "*the concept of Justice as an abstract sense and the state of its nature does not change with the evolving laws, but rather, the evolving laws accommodate itself to suit the idea of justice, which is abstract. So, justice stays and law changes.*".

Vehemently opposing to Nilsidhi's perspective, Stevaran immediately responds "*The concept of justice is not a God-given concept, but rather an approach that evolved through morality of the powerful people. Thus, if laws are the byproducts of the will of the sovereign, justice also becomes their versions of morality imparted along with dispensing law. Justice is thus, nothing but part of the law*".

As this seemingly increases the intensity and a dead-end situation on their debates, they invite you to add a perspective or give opinion on positioning Justice in the Society or in the legal system.

Critically comment with the backing of literature and academic inferences you have drawn from various scholarly articles and classroom deliberations and formulate a well-constructed response to add clarity to the debate.

2. “When it comes to Sanctions, the main difference is witnessed in how the very law appears to position itself while hearing a defendant who has purportedly broken the law. It determines the kind of society the sovereign intends to lead. It is a choice for the eminent people of the Judiciary to reflect on the Governance established by Due Process of Law, to impart Justice by understanding the reasons and background of the defendant. Applying strict laws are the norm but listening to a cause and understanding the circumstances behind a committed crime is also essential”

Critically write a note on your understanding from the aforementioned paragraph. Write the contrasts understood from the two Judges' opinions on the Analytical and Natural School in the 'Case of the Speluncean Explorers' by Lon L. Fuller.

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LAW OF TORTS

Time: 1½ Hours

Maximum Marks: 20

PART - A (4 x 5 = 20 Marks)

Answer the following questions in your own words.

1. Mr. Akshit is a courier delivery person. He goes to deliver a parcel at Hotel Hingeton. While he was at the hotel for the delivery, a ceiling fan fell upon him and he was injured. A notice exhibited at the entrance excluded liability to the visitors which Mr. Akshit had seen. Mr. Akshit sues Hotel Hingeton for damages. In light of the given facts, analyse the possible defences on behalf of Hotel Hingeton. Do you think Mr. Akshit can succeed in his claim?

2. An ordnance factory owned by Mr. Pelikan manufactured explosives and ammunition. One day, a shell exploded in the premises of the factory. A workman who was working in the factory as well as Jatin a visitor in the factory got injured in the explosion. The factory was operating under strict compliance of safety standards and regulations. In light of the given facts, can the injured workman and Jatin claim compensation if it is found that the factory was not negligent?

3. There is a distinction between Tort and Crime, but there are various wrongs which are classified both as a Tort and Crime. Comment.

4. Explain the liability of a person of unsound mind under Tort Law.

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ECONOMICS – II (Indian Economy)

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions

1. How effective have government-led initiatives like the National Food Security Act (NFSA) been in improving food availability, affordability, and accessibility to marginalized communities? What are the key bottle necks in implementation of such programs?
2. Keeping in view the circular flow of income in four sector economy, analyze the interplay between savings and investments in India, how do the financial institutions facilitate this process, and how does it influence the overall circular flow of income, particularly in terms of capital formation and economic growth?

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POLITICAL SCIENCE – III (International Relations)

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer all the Questions. Each Answer should not be less than 500 Words.

1. “It is the principle that, in the relations of States, everyone is his brother’s Keeper; ... It is the proposition that aggressive and unlawful use of force by any nation will be met by the combined force of all other nations”- Inis L. Claude. Explain the statement with a couple of examples.
2. “The essence of neo-colonialism is that the State which is subject to it is, in theory, independent and has all outward trappings of national Sovereignty. In reality, its economic system and thus its political policy is directed from outside”- Kwame Nkrumah. Analyze the statement and also explain the various mechanisms through which the advanced countries influence the policies of the developing States.

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LEGAL HISTORY

Time: 1½ Hours

Maximum Marks: 20

PART - A (4 x 5 = 20 Marks)

Answer the Following Questions

1. “It is true that historical writing played a role in the Indian National Movement, for some of the writing of the first half of the twentieth century was designed to foster patriotism and pride”, writes historian M.N. Pearson. Do you agree with this statement? Give suitable examples to support your view.
2. “The historiography of Indian Nationalism has for a long time been dominated by elitism – colonial elitism and bourgeois-nationalist elitism” argues Ranajit Guha. Do you agree with Ranajit Guha? Substantiate your answer by referring to valid facts.
3. There are many theories for the transformation of the East India Company from a trading firm to a political power in the mid-nineteenth century in the Indian subcontinent. One theory states that to protect its trading rights at the time of the decline of the Mughals the Company was interested in becoming politically dominant. The other theory states that the critique against the drain of bullion in England for Indian Textile trade by the Company necessitated it to acquire Indian revenue through political dominance. Analyze the theories and state which one seems most feasible according to your understanding.

4. Warren Hastings, the first Governor-General of Bengal, adopted the policy called “Non-Interference” and intended to act as a native ruler. The reforms he carried out in the administration of Bengal in various fields including the judiciary seem quite contradictory to his policy. Analyze the nature of judicial reforms and evaluate the effectiveness of the policy of Non-Interference under Warren Hastings.

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FINANCIAL SERVICES AND MARKETS

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer all the Questions.

1. You are the proprietor of a construction company, and you wish to provide car facilities for your manager. You have three options to arrange the car: (a) Lease, (b) Hire purchase, and (c) Own Money. What would be your choice? Justify your choice and differentiate it from the others. **(8 Marks)**
2. You have been investing your money in the stock market for the last 15 years. Your friend wishes to invest his surplus funds in mutual funds. How would you convince him to invest in the stock market? **(7 Marks)**
3. A is your friend, whose age is 40. He is working for a private company as a manager. He wishes to get your advice on purchasing a house with a housing loan. What would your advice be? **(5 Marks)**

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LAW OF CONTRACTS - II

Time: 1½ Hours

Maximum Marks: 20

PART - A (1 x 10 = 10 Marks)

Answer all the Questions.

1. Ms. Sumaletha, a chartered accountant and Mr. Sanjeev, an psychologist married on 7th January, 2010. After the marriage they were staying at Apartment No.2, Bluenile Buildings, Opposite Beach Road, Chennai ("Apartment"). They separated by mutual consent on 2nd April 2023. As per the settlement agreement, Ms. Sumaletha is taking care of their three children. Mr. Sanjeev covenanted that to pay Rs.20,000/- per month as long as the three children, or any of them, should be under the age of 18 years and continued to reside with Ms. Sumaletha. She covenanted that she would maintain and educate the children out of the money received from Mr. Sanjeev and her own income.

They started living separately under this arrangement. Mr. Sanjeev left the Apartment and moved to his ancestral home in Trichy. Mr. Saleem, a butcher, selling meat to the family for many years, continued to sell meat to Ms. Sumaletha, without making any inquiries. Usually, Mr. Saleem supplies the meat on credit to the family and Mr. Sanjeev pays it quarterly. Before leaving for Trichy, Mr. Sanjeev met Mr. Saleem in a casual visit to the market, then informed his decision to leave Chennai. But at the end of June, 2023, following his usual practice, Mr. Saleem sent a bill amount of Rs.

12, 000 to Mr. Sanjeev by Whatsapp. Mr. Sanjeev replied that he is no longer responsible for the credits made by Ms. Sumaletha.

Mr. Saleem asked Ms. Sumaletha to settle the bill amount. She replied that she doesn't have enough means of living so Mr. Sanjeev should pay the amount. Mr. Saleem approached you for legal advice. Provide your advice.

PART - B (2 x 5 = 10 Marks)

Answer all the Questions.

2. "Lien may arise by statutes, contract or by general course of dealing in a particular trade." Comment on this statement with specific examples.
3. Your neighbour Mr. Ganguly ordered a Mobile Phone through Amarzon online shopping. When the person came to deliver the article, Mr. Ganguly was in a medical emergency. He contacted you over phone and asked to collect the article on behalf of him. You informed the delivery boy that Mr. Ganguly authorised you to collect the article. But the delivery boy demanded an indemnity letter from you since no authorization letter from Mr. Ganguly can be produced.

Draft an indemnity letter which shall indemnify the delivery boy and Amarzon company in case of any loss or damage or other claims from Mr. Ganguly since you have collected the article. (Not more than one page).

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FAMILY LAW - II

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. "Stridhan is woman's property over which she has absolute ownership." – Critically analyse the statement with reference to Section 14 of the Hindu Succession Act, 1956 and the case of *Pratibha Rani v. Suraj Kumar*.

2. Rudra, a Hindu, died intestate in the year 2006 leaving behind the following:
 - a. mother,
 - b. Full brother,
 - c. Full sister,
 - d. spouse,
 - e. a step- daughter
 - f. and a step- son

Rudra has left behind property inherited from father.

Who among the above will be entitled to a share through intestate succession and what will be their respective shares, when

a. Rudra is a male	(5 marks)
b. Rudra is a female	(5 marks)

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CONSTITUTIONAL LAW – I

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 5 = 10 Marks)

Answer the following questions:

1. Explain the concept of Constitutionalism and its essential elements. How does the Indian Constitution ensure Constitutionalism? Give suitable examples.
2. Critically analyse and explain the process of creation of new States under the Indian Constitution.

PART - A (1 x 10 = 10 Marks)

Answer the following questions:

3. The Republic of Gandhara, which is situated in South Asia, has a Parliamentary form of government. In 2022, the Prime Minister announced that establishment of the Peoples' CARE Fund. The Peoples' CARE Fund has been registered as a Public Charitable Trust under the Registration Act 1908 at Red Fort, Trichy.

The objective of the Trust is to undertake and support relief or assistance of any kind of distress situation relating to public health, economics, trade, internal security, or any other kind of emergency, either man-made or natural, including funding relevant research for social science, science, and defense. In the furtherance of the objective of the Trust, the

fund and property of the Trust may be utilized for the scheme announced by the Prime Minister of Gandhara relating to a pandemic, health or any other emergency or distress situation, either natural or man-made.

The Trust Deed states that the Board of Trustees will have seven members. The Prime Minister, Home Minister and Finance Minister will be *ex-officio* members of the Trust Board. The Prime Minister will be the Chairman of the Trust Board and will have the power to nominate two members who are experts in the fields of health, social work, law, philanthropy, etc., in the Trust Board. All the members of the Trust Board will act in *pro bono* capacity. The Prime Minister's Office (PMO) will provide administrative and secretarial support in the administration and management of the Trust.

The Chairman has nominated well-known philanthropist and businessman Chetan Tata and social worker Snigtha Murthy as members of the Trust Board. Prime Minister has appealed to citizens and people to contribute to nation-building by donating to the Peoples' CARE Fund. Many people and companies have donated to the Peoples' CARE Fund by seeing important Constitutional office holders on the Board of Trustees. Within six months of its establishment, the Trust has received ₹7,000 crores from within and abroad. Many Public Sector Undertakings (PSUs) have donated to the Peoples' CARE Fund from their profit and corporate social responsibility fund. In different election rallies, the Prime Minister has boasted about the activities taken under Peoples' CARE Trust.

Controversy has come up regarding the non-transparency of the Peoples' CARE Fund. The Peoples' CARE Fund does not provide details for its donors and money spent by it. The Peoples' CARE Fund also refused to give information under the RTI Act, stating it is not a public authority.

A Public Interest Litigation has been filed in the Supreme Court of Gandhara for the declaration of the Peoples' CARE Fund as "the State"

under Article 12 of the Constitution to ensure the transparency of its functioning. The petitioner has argued that.

1. When the government have high constitutional authorities setting up the Trust, which has *ex officio* members, it is nothing but an agency or aspect of the State.
2. Sixty per cent of the total contribution to the Peoples' CARE Fund comes from government-run and government-owned firms, including the ONGC, the NTPC and the IOC.
3. Can the government raise large sums of money without any legislative sanction? But here, the highest executive office in the government is receiving ₹7,000 crore without any legal sanction. Where is the accountability, where is the tracking?
4. Peoples' CARE Fund is a Trust, and one of the reasons why it is kept out of accountability parameters is on the grounds that it does not receive any budgetary support from the government. However, government-owned/controlled Navratna and Mini Ratna PSUs are the principle donors.

The Union government has contended that it is not the public authority under Article 12 of the Constitution and has made the following submissions.

1. The Peoples' CARE Fund was created and exists for purely charitable purposes. The Peoples' CARE Fund does not get any budgetary support from the Consolidated Fund of India, and the assumptions of the petitioner regarding arbitrariness or non-transparency are devoid of merit.
2. The Peoples' CARE Fund has been set up as a Public Charitable Trust. This Trust is not created by or under the Constitution of India or by any law made by the Parliament or by any State Legislature.
3. The composition of the Board of Trustees consisting of holders of 'Public Office *ex-Officio*' is merely for administrative convenience and for smooth succession to the Trusteeship.

4. The People's CARE Fund accepts only voluntary donations by individuals and institutions.

Frame the issues and decide the dispute, assuming yourself as a judge of the Supreme Court.

Note: All the laws of the Republic of Gandhara are *parimateria* with the Republic of India.

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LAW OF CRIMES – I

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. “*Actus non facit reum nisi mens sit rea*” is the general principle underlying criminal jurisprudence. It has been said that under the Penal Code such a maxim is wholly out of place and that it has no application in its technical sense to the offences under the Penal Code, as the definitions of various offences contain expressly a proposition as to the state of mind of the accused.

In the light of the above, examine whether the maxim in general and the common law doctrine of *mens rea* as an independent doctrine in particular, is relevant in the interpretation of provisions of IPC. Do you think that the doctrine of *mens rea* is absolute and free from exceptions?

2. Mr. Prakash owned a land of 5 acres in which he was cultivating Mango trees and appointed person named Mr. Rajesh to watch over the land and to protect the mangoes from theft. One fine day, four persons namely Mr. David, Mr. Ram, Mr. Kiran, Mr. Saran armed with wooden logs jumped over the compound wall in order to collect the mangoes. Mr. Rajesh noticed and called for other two persons who are working in the farm to get these four persons out of the property. Mr. Rajesh with his men on one side and the four persons on the other side, attacked each other. And in that altercation, Mr. Rajesh attacked and killed Mr. David and Mr. Ram using a country gun. Mr. David and Mr. Ram were declared dead. The accused Mr. Rajesh takes the plea that he acted in private defence of property and that it extends to causing of death and that the theft was committed in such circumstances as might reasonably cause apprehension that death or grievous bodily hurt would be the consequence if the right

of private defence was not exercised. The prosecution states that the private defence of property does not extend to causing of death and that even if it extends to causing of death, the accused have exceeded the right of private defence and hence the accused have to be held liable for murder. The case is before the Court.

Based on the above facts, analyse when can the right of private defence of property extends to causing death and decide as to whether the accused can be held liable for murder? Whether the plea of the accused stands in law? Decide.

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HISTORY – III (Legal History of India)

Time: 1½ Hours

Maximum Marks: 20

PART - A (4 x 5 = 20 Marks)

Answer the Following Questions

1. Sir Henry Maine and William Maitland were the two important scholars of the Victorian Age who took the initiative to establish legal history as an academic discipline. With the contribution of these two English legal historians, legal history has been recognized as a separate academic field in the late nineteenth century in England. However, Maine is not remembered today by legal historians much more than William Maitland. Do you agree with this statement? Substantiate your answer by referring to the contributions made by the scholars to the subject.
2. The differences in the method of legal history writing and the sources used for it enable different schools within the discipline. It was not only historians and legal scholars but also anthropologists and political scientists who contributed to Indian legal history writing. Locate the place of J Duncan M Derrett in the Indian Legal Historiography and evaluate his contribution to the subject.
3. Venant Bouchet, a Jesuit missionary who reached the French Indian settlement of Pondicherry, in the late seventeenth century gives a vivid account of the nature and functioning of the native Indian courts called the Choultry Courts. Analyse his description of the Choultry Court in South India.

4. Madras witnessed the introduction of the first modern corporation under colonial rule. Though the Corporation failed to carry out public administration initially, it was a remarkable beginning in the history of legal administration in British India. Comment on the statement with appropriate examples.

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CORPORATE ACCOUNTING

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer the Following Questions

1. The XY Ltd. issued for public subscription 2,00,000, Equity Shares of Rs.100 each at a premium of Rs.20 per share, payable as under:
On application Rs.20 per share; On allotment, Rs.50 per share (including premium);
On first call Rs.20 per share; and on final call, Rs.30 per share.

Applications were received for 2,40,000 Shares,. The shares were allotted pro rata to the applications for 2,25,000 shares, the remaining applications being rejected. Money over-paid on application was utilized towards sums due on allotment.

Mr. Z, to whom 5,000 shares were allotted, failed to pay the first & final call. Mr. A, to whom 3,000 shares were allotted, failed to pay the first call money and paid his first call money along with final call money with interest. He paid interest for three months. (assume all the unpaid money transferred to Calls in Arrears Account). These were subsequently forfeited after the second call was made. 4,000 shares were reissued at Rs.90 each.

Pass necessary journal entries for the above transactions and prepare Share capital account, Bank Account, Calls in arrear account.

(15 Marks)

2. Good Luck Ltd., Decided to redeem its preference shares as on March 31st , 2023 on which date is position was as under:

Share capital: 12% Redeemable Preference Shares of Rs.100 each fully paid up Rs.30,00,000; Equity Shares of Rs.100 each fully paid up Rs.1,70,00,000; Securities Premium Reserve Rs.17,00,000; General Reserve Rs.25,00,000;(Rs. 15,00,000 is not available for dividend) Other Liabilities Rs.58,00,000.

The Board of Directors decided to redeem the preference shares both by issue of fresh capital and by utilization of reserves but without any further borrowings. You are required to advise them the same for redemption and draw up the Balance sheet after redemption along with Journal Entries.

(5 Marks)

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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: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer all the questions.

1. Ms. Saina and Mr. Pankaj are friends. Ms. Saina runs a business to manufacture bathing soap while Mr. Pankaj runs a business that manufactures shampoo. After long and structured discussions, they decide to join their businesses in order to better utilise their resources but they also want to ensure that they have equal control over their resources. They are unsure as to the kind of business organisation(s) that they should establish and register that would best suit their needs. The approach you for advice.

Kindly advise them on the following areas:

- a) What are the kinds of business organisations that are registerable in India and their salient features?
- b) If Ms. Saina and Mr. Pankaj decide to establish a company / companies, what kind of company /companies will be the most effective and best suited for their requirement?
2. M/s. ABC Co. is a private company which undertakes infrastructure financing work. It is widely reputed, and it is considered as a company which has driven economic growth in India both by the public and the government. M/s. XYZ Co. is a government company which also undertakes infrastructure financing work. Its Initial Public Offering recently was successful, and its shares are now traded on stock exchanges.

M/s. XYZ Co. is in talks with M/s. ABC Co. to acquire shares in it. If the deal goes through, then M/s. XYZ Co. would hold 51% shareholding in M/s. ABC Co.

ABC Co. has several questions on what its status would be under the Companies Act, 2013 if the deal goes through. Answer its questions with suitable explanations and relevant cases:

- a) Post the deal, would ABC company be a private company, a public company, or a government company?
- b) If ABC company becomes a government company, is that sufficient to be considered State under Article 12 of the Constitution of India?
- c) Post the deal, would ABC company become eligible to become notified as a Public Financial Institution?

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LABOUR LAW - I

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer all the questions. State the relevant legal provisions and case laws where ever necessary.

1. State the contributions of the Labour movement and freedom struggle movements in India in drafting the Labour legislations during the British rule in India. (4 Marks)
2. Define collective bargaining and analyse the significance, validity and enforcement of the collective bargaining agreement. (4 Marks)
3. State whether Trade Unions can be formed by employees and workmen in the defence, police and prison services in India? Also state whether private employees, government employees, advocates and doctors can form Trade Union in India ? (4 Marks)
4. 'Rajammal Sugar Mills Workers Trade Union' (RSMWTU) was formed in 1947 by WP.RANMA RAO son of WP Sarkar. It was a plant level Trade Union with 500 member and members paid an annual subscription fees of one Rupee. The primary objective of the TU was to work for the welfare of the sugar mills employees Rule 15 of the Constitution of RSMTU states that "The Trade Union shall not receive contributions from the Management for its political funds and it can seek contributions through from other sources." Rule 25 states that "any alterations in the provisions relating to receiving of contributions for political funds must be assented by at least 1/2 of the office bearers present and voting."

W.P.KANT was the grandson of W.P sarkar and he worked as supervisor in RSMWTU. He was elected as the Trade Union leader in 1995 after his father's death. He was consecutively elected as the Trade Union leader for more than 4 terms from 1995 to 2007. In 2005 the number of workmen and employees working in the establishment reached 3000 members and there were three Trade Unions namely

RSM Mahila TU with 300 members, RSM sugar workers Union with 150 members, liberation of workers union with 190 members and RSMWTU had a membership of 1000 members, the remaining were not part of any Trade Union. W.P KANT's brother WP .SANSAD's purchased RSM Sugar mill in 2006 but WP.KANT continued to work as shift supervisor in RSM.

The Trade Unions submitted repeated requests for recognition of Trade Unions but it was denied by the management. In 2007 when the new Management came it recognized RSMWTU as the representative Trade Union. Further the Management also contributed Rs.5, 00,000/- to the general funds and Rs. 2,00,000/- to the political funds of the RSMWTU. Retrospectively after 2007 TU elections were not conducted but WP KANT was nominated as the TU leader and he was the TU leader till 2009. On 15th September 2008 M.SAWRASWATI, member of RSM Mahila TU filed a complaint against WP KANT for sexually harassing her within the premises of the sugar mills and claimed that being her shift supervisor WP KANT had allotted her night duties and not to any other women employees. But WP KANT claimed immunity as the Trade Union leader of RSMWTU. Following this incident other TU leaders raised the following concerns

1. RSMWTU is a management Trade Union as WP KANT is a member of the management family.
2. RSMWTU cannot be the representative Trade Union of RSM.
3. RSMWTU has violated the Sec.15 and 16 of the Trade Unions Act by receiving contributions from the Management.

Based on the above facts frame the relevant issues and decide.

(8 Marks)

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PUBLIC INTERNATIONAL LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (4 x 5 = 20 Marks)

Answer the following Questions.

1. The relationship between international law and municipal law has posed difficult problems for municipal courts. Examine how far have these problems been reconciled by the municipal courts?
2. The United Kingdom's controversial Illegal Migration Bill, which has been passed recently by Parliament "is at variance with the country's obligations under international human rights and refugee law and will have profound consequences for people in need of international protection"-United Nation.

In light of the above statement, Justify or comment on the law relating to asylum International Law.

3. Mr. Zakusi was a citizen of Sincu. He killed a municipal councilor during the political turmoil in the state of Sincu. Then he escaped to the State Razular. As there was a bilateral extradition treaty signed by both countries, the Sincu government demanded the extradition of Mr. Zakusi. Accordingly, the State Razular accepted the request of extradition.

Explain the legality of law relating to extradition under International Law in the above-mentioned problem.

4. Todoma and Rojania have a legal dispute concerning the border between the two nations. At one point the situation escalates and Rojania threatens to enforce its rights by bombing parts of Todoma. As a response, Todoma decides to bomb military strategic targets in Rojania. There was a bilateral treaty signed by both the nations that they will resolve any border-related dispute peaceful manner. In addition to this, both nations are signatories of The Vienna Convention on the Law of Treaties, 1969.

Analyse the attack of Todoma on Rojania in the light of role of treaty under Public International Law.

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LAW OF EVIDENCE

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following Questions.

1. Ms. Nira, a girl of 14 years was kidnapped while she was returning back to home from school. Upon investigation, the auto driver confessed during the police custody that he received ransom and helped the gangsters to kidnap the girl by re-routing the vehicle on the wrong direction. The confession statements aided the police in identifying the gangsters. The minor girl was rescued and found she was raped. One of the prime accused confessed before the Magistrate that the victim voluntarily went along with them due to an 'Instagram friendship' acquaintance. During the trial, the auto driver deviated from his confession statement and the prime accused too retracted that he confessed based on the deception of 'promise'. As a public prosecutor, protect the State in convicting the accused in the above-said situation having the rules of Confessions under the Indian Evidence Act, 1872. *(10 marks)*

2. In 2019, Ms. Xiya married Mr Karan and their marital life turned sour as fights and arguments prevailed constantly in their relationship. In 2023, Mr. Karan, at one point in time decided to kill his wife and ordered an acid bottle online. He was aware that his wife preferred to go to her office on a route where one of the streets remains always deserted. Having this mind, he had paid the money to a professional acid attacker to throw acid on her face. Fortunately, she applied for leave on the said day and without informing her husband she went to her

friend's home. When she returned home, his husband was furious and attacked her with a sharp weapon. She was dead on the spot and he filed an FIR himself stating that she committed suicide. On the contrary, Ms. Xiya's parents filed cases of dowry harassment and murder against Mr Karan. Concerning the given hypothetical situation, answer the following questions,

- a. Decide the case in relation to the presumptions as provided in the Indian Evidence Act, 1872. **(5 marks)**
- b. Explain the relevant provision of the Indian Evidence Act, 1872 involved in the facts to decide the admissibility of the case. **(5 marks)**

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LAW OF DIRECT TAXATION

Time: 1½ Hours

Maximum Marks: 20

PART - A (4 x 5 = 20 Marks)

Answer the following Questions.

1. Adam Smith, the father of modern economics in his book *Wealth of Nations* enunciated “A sound tax-system is one which adheres to the canons of taxation”. Critically comment on the same by drawing inferences from the Income Tax Act, 1961.
2. Mr. Cibi, who is a citizen of Malaysia, has stayed in India for a period of 150 days during the previous year 2022-23. Mr. Cibi stayed in India throughout the previous year 2021-22. However, he stayed in his home country for 330 days and 350 days during the previous years 2020-21 and 2019-20 respectively. Determine his residential status for Assessment Year 2023-24.
3. Mr. Ranvi has gifted his only house property to his wife Ms. Rohini and his married daughter Mrs. Divya. The Assessing Officer (AO) has served a notice of demand on Mr. Ranvi for payment of tax for the income derived from the said property. Examine the validity of the AO's action.
4. M/s ABC Inc., a company incorporated in Korea, entered into an agreement with M/s XYZ Ltd., an Indian company, for providing assistance to the latter in setting-up a power plant in Gujarat. The scope of work includes
 - (1) Offshore services in the nature of drawing and design of Electrical and networking work; and
 - (2) Onshore services in respects of installation of such machinery.

The consideration for aforesaid scope of work was agreed to be Rs. 3 crores for offshore services and Rs. 2 crores for onshore services. The consideration was discharged as under: - Rs. 3 crores, in respect of offshore services, was paid in M/s. ABC's bank account in Korea on 1 July 2022; -6% debentures for Rs. 2 crores were issued on 1st September, 2022 in consideration for onshore services. Explain tax implications in India in respect of above transactions in the hands of M/s ABC Inc. under the provisions of the Income Tax Act, 1961, for A.Y. 2023-24. *For the purpose of your answer, you may assume that activities of M/s ABC Inc. does not constitute any business connection in India. Ignore the provisions of tax treaty and DTAA.*

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Mid Semester (Odd-Semester) Examinations, September 2023**

HUMAN RIGHTS LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (4 x 5 = 20 Marks)

Answer the following questions:

1. Explain the concept of Vulnerability and Good Governance. How are these concepts interlinked and affect an individual in enjoying their Rights guaranteed by various National and International instruments?
2. What are Positive and Negative Rights? Explain the relevance of the distinction between positive and negative rights in the modern context with suitable examples.
3. With the introduction of the International Bill of Rights, the concept of Human Rights was considered a serious matter that made the States responsible to protect and promote each individual's rights. Analyse the binding nature of the International Bill of Rights.
4. Signing the conventions and the treaties themselves do not safeguard the rights of an individual. Monitoring and the implementation of the same, reporting of the same and in case of any violations of the rights, proper compliant mechanisms and remedy procedures should there in place for the complete protection and enjoyment of the rights. In this context differentiate between the Human Rights Council and the Human Rights Committee. Evaluate the role played by and the procedures adopted by the Council and other treaty bodies in Monitoring and addressing the complaints on allegations of Human Rights Violations.

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COMPETITION LAW

Time: 1½ Hours

Maximum Marks: 20

Instructions:

- a. Write legibly. Write relevant and cogent answers.
- b. All the questions should be answered by quoting relevant legal provisions and at least three relevant judicial precedents and suitable illustrations/examples.
- c. The problem based questions should be preferably answered in the *Issues, Research, Analysis and Conclusion (IRAC)* method.
- d. All the questions are compulsory.
- e. You are strictly directed to follow the Question Number as given in the Question Paper.

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. 'Mr. A' had availed legal services of 'Ms. B', an advocate practising before the Trichy District Courts. 'Mr. A' later alleged negligence and professional incompetency on the part of 'Ms. B' and filed a complaint against her at the *District Consumer Disputes Redressal Commission* by invoking the provisions of the *Consumer Protection Act, 2019*. The Forum directed the advocate to pay 'Mr. A' a sum of Rs. 9,999/- as compensation for mental agony and harassment in addition to the litigation costs.

'Ms. B' challenged this order at the *State Consumer Disputes Redressal Commission*, which overruled the District Forum's order on the ground that 'Mr. A' is not a consumer and a complaint against an advocate is not maintainable before the Consumer Forums, in view of the provisions of the Consumer Protection Act.

In 'Mr. A's appeal against this order before the *National Consumer Disputes Redressal Commission*, it was held that the reasoning given by the State Commission was outdated and erroneous. The National Commission further stated

that the Consumer Protection Act was wide enough to cover the range of services rendered by professionals like auditors, doctors, professors, lawyers etc. It also increased the compensation amount to Rs. 19,999/-.

The verdict from the National Commission is now challenged by ‘*Ms. B*’ as well as by the *Bar Council of Tamil Nadu and Puducherry* before the Supreme Court of India. The Bar Council contends that the decision of the National Commission would amount to encroachment of the Bar Council of India (BCI) and other State Bar Councils authority to deal with complaints against advocates under the *Advocates Act, 1961* and as such, Consumer Courts have no jurisdiction over advocates. Decide.

PART – B (2 x 5 = 10 Marks)

2. An ‘*arrangement*’ has been negotiated among the members of the *Cotton Producers Association of Karnataka (CPAK)* that the cotton produced by the association members will not be sold to mills below a certain price. The arrangement is in writing, but it was never intended to be enforced by way of legal proceedings. Examine whether the above arrangement can be considered as an ‘*agreement*’ and if it is an agreement, whether the same can be considered as a ‘*cartel*’ under the provisions of the *Competition Act, 2002*.
3. Explain in detail “*Hotelling’s Law*” with relevant examples from India and abroad.

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CYBER LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer the following questions:

1. Mr Madhan, an Indian AI trainer was creating an algorithm for a robot called 'Asimov' to perform a specific task and during the process, he fell in love with the robot and eventually wanted to marry the robot. While he was purchasing a product for his marriage ceremony from 'Syntra', an online fashion store, based on his physical features a discount coupon code for a medical test was provided as he was measured obese by the application. It further provided that discount coupons will be applicable only if the tests are undertaken in their sister-concern hospitals near the location accessed through 'Syntra' app. Mr Madhan duly underwent the medical test as accepted in the terms and conditions of the application. He later received threatening calls and emails from an anonymous contact for ransom as he was detected with a serious disease in the 'confidential tests' taken in the hospital. Using the technical expertise of 'Asimov', he traced the IP address of the cybercriminal and found his residential address too. In a meeting to negotiate the ransom with the cyber-criminal, 'Asimov' and Mr Madhan shot at the criminal. Mr Madhan was charged with double murder charges as he was also the owner/programmer of the robot. Concerning the case, answer the following questions,

(a) How can the constitutional and human rights concerns in the case be addressed? (5 Marks)

(b) Why not the legal data protection responsibilities of an electronic commerce operator not followed? (5 Marks)

2. In a dating app, fake profile user 'Rini' identified a profile called 'Avinash' and imitated as a girl to extort money. As days passed, the chat became aggressive with sexual favours and Avinash was requested to send obscene pictures. At one point in time, Rini sent a threatening message to Avinash demanding money failure to which the nude pictures and chats would be posted online. Being a minor, Avinash got terrified and committed suicide. Upon a cyber complaint against the dating app and the cyber criminal concerned, the app denied its responsibility as the user agreed to the terms and conditions and the contract was completed. Furthermore, Rini was identified as a U.S. citizen and the cyber criminal contradicted the jurisdictional purview to try the case. Decide.

(10 Marks)

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CYBER LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer the following questions:

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(10 Marks)

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CORPORATE FINANCE LAW

Time: 1½ Hours

Maximum Marks: 20

Instructions to the candidates:

1. This is an open book examination. You may carry corporate laws manual, company laws manual, full text of case laws, full articles duly published and the class notes.
2. Text books or reference books or any of them are not permitted inside the examination hall.
3. All questions are compulsory and marks for each question are mentioned against the respective questions

PART - A (20 Marks)

Answer the following questions:

Read the facts below and answer all the questions that follow:

The Trichy Precision Tools (TTPT) Pvt. Ltd., having its registered office in Tiruchirappalli, is a company registered under the Companies Act, 2013 on 05.01.2022. TTPT Pvt. Ltd., raised capital from 169 persons who subscribed to the equity shares on 04.01.2022. It further issued equity shares on 04.09.2022 to another 176 person. On 05.02.2023, it proposed to issue convertible debentures to the willing employees of TTPL Pvt. Ltd. Only 11 employees showed willingness and they were allotted the subscribed number of the convertible debentures. Due to poor demand amongst the employees, TTPT Pvt. Ltd. decided to offer the convertible debentures to outsiders as well. Accordingly, on

05.03.2023, convertible debentures, convertible at the option of the company, were issued to a total of 150 persons including another 27 employees.

The demand for precision tools saw a surge in the market overall and the turnover of the TTPT Pvt. Ltd. was 50 crores in 2022-2023 financial year. In 2023-2024 financial year, so far the turnover is 88 crores. As on date, TTPT Pvt. Ltd. has supplied tools worth 13 crores on credit with due bills. The usual credit period is 60 days.

Due to heavy demand in the relevant market, on 07.09.2023, TTPL prosed to convert the said convertible debentures to equity shares. Due to technology development, TTPT Pvt. Ltd., requires to invest further in order to get the latest machines used in quality checks and control. Therefore, TTPT Pvt. Ltd. proposes to raise further finance to the tune of 10 crores which required urgently and another 70 crores in about 6 months' time. In this regard, TTPT Pvt. Ltd. requires advise on the following:

1. The available options of financing for TTPT Pvt. Ltd. State the merits and statutory rights, obligations etc. by citing the relevant provision in each kind of financing option you may deem fit. **(10 marks)**

2. The application/regulatory procedure to be complied by TTPT Pvt. Ltd. for the raising the requisite capital? **(10 marks)**

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LAW RELATING TO INTELLECTUAL PROPERTY RIGHTS

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer all the questions:

1. "Intellectual Property (IP) is a generic term that probably came into regular use during the twentieth century. This generic label is used to refer to a group of legal regimes, each of which, to different degrees, confers rights of ownership in a particular subject matter... One striking feature of intellectual property is that despite its early historical links to the idea of monopoly and privilege, the scope of its subject matter continues to expand. The twentieth century has seen new or existing subject matter added to present intellectual property systems and new systems created to protect existing or new subject matter. The strongly expansionary nature of intellectual property systems shows no sign of changing." In this context, critically comment on the concept of intellectual property, its origin, and development. Do you agree with the statement that intellectual property rights are universally recognized and not a universal right? Why?

(7 marks)

2. 'Wellness & Goodness' [W&G] is an innovative company engaged in the manufacturing of Ayurveda and Siddha formulations in India. The company has recently developed an herbal powder aimed at promoting weight loss and managing obesity. This herbal powder comprises a novel blend of well-known herbs sourced from the Western Ghats region of Tamil Nadu, along with undisclosed proprietary ingredients. The W&G intends to launch this product globally under the brand name 'Slim N Trim'. The herbal powder is elegantly packaged, featuring artistic designs,

catchphrases, and usage guidelines on the external packaging. Additionally, the company plans to include a complimentary guide outlining various diet plans for achieving weight loss with the use of 'Slim N Trim' upon the purchase of the herbal powder. **Advise them on the intellectual property rights which may subsist concurrently in a packet of the company's new powder which they plan to market along with the guide.**

(7 marks)

3. Analyze the patent eligibility of the following in light of the Indian Patent Act, 1970. Justify your conclusion and support your assessment with relevant statutory provisions.

- a. A new type of eye surgery to remove a cataract (cloudy lens) and to improve the vision of a human being. (2 marks)
- b. An ingenious mnemonic technique created by a law professor to help remember important legal provisions from different statutes. (2 marks)
- c. An innovative method of manufacturing sugar-free Halwa. (2 marks)

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ADVANCED COURSE ON PATENT LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer the following questions:

1. (i) *"The full stop, comma, exclamation mark, question mark, the colon, the semicolon, quotation mark, apostrophe, hyphen, dash, parentheses, and brackets are all marks of punctuation. Of these, the most commonly used in claim are the full stop, the comma, and the semicolon. The use of articles in English is also a critical element of patent claim. Further it is also a mandatory requirement that claims must have a proper antecedent basis".*
 In the light of above, examine the as to how to construct a claim and the different parts of the patent claim with suitable examples.

(5 marks)

(ii) Briefly examine the documents (forms) to be filed with the patent applications whether by filing through e-filing portal or otherwise.

(5 marks)

2. (i) A pharmaceutical product having a patent was sold at an unaffordable price which deprives many poor patients of the much needed health care. What are the options before the Government and other persons interested in making such a pharmaceutical product available at a reasonable price? Examine the relevant provisions under the Patent Act, 1970.

(5 marks)

(ii) Also, briefly explain the various ways to ascertain that the reasonable requirements of the public has not been satisfied.

(5 marks)

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INTERNATIONAL CRIMINAL LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. Compare the scope of the *Ne Bis In Idem* doctrine followed by ICTY, ICTR and ICC with the help of relevant case laws.
2. Zingo is a sizeable town in north-east Brittle-Hope on the border with the Republic of Crate and at the time had a population of approximately 41,000 of whom 55% were Muslims. On 30 April 1992, two explosions destroyed the bridges in Zingo spanning the Sava River. These explosions which occurred after the local Sobia representatives had demanded that the town be split into three sectors, including one which was to be exclusively Sobia, may be considered as marking the commencement of hostilities by the Sobian forces. On 1 May 1992, radio broadcasts ordered the Muslims and Crate inhabitants to surrender their arms. Sobian forces comprised of soldiers and paramilitary and police forces were deployed within the town. The Sobian offensive targeted the non-Sobian population of Zingo. Neighbourhood by neighbourhood, the inhabitants were directed to collection centres where the Sobias were separated from the Muslims and Crates.

‘J’ was part of the Brittle Sobia forces that took part in the operation against the non-Sobia civilians. From May until July 1992, the Sobia forces detained non-Sobias at the Luka camp, a facility outside the town of Zingo (Brittle and Hope). The detainees were subjected to inhumane conditions, killings, and mistreatments. ‘J’ regularly entered the Luka camp, where he held a position of authority. He selected detainees for interrogation, during which he beat, and often shot and killed them.

Whether the elements of crime of Genocide been fulfilled? If so, can ‘J’ be held individually liable for it under Article 25 of Rome Statute? Substantiate.

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V Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes
Mid Semester (Odd-Semester) Examinations, September 2023

INVESTMENT MANAGEMENT

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. A financial system is a network of financial institutions, financial markets, financial instruments, financial intermediaries, and financial services to facilitate the transfer of funds – Elucidate with special reference to India.
2. “Various types of *investment opportunities* are available to park the savings as per the *requirement of the investors*”. Critically examine this statement.

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Mid Semester (Odd-Semester) Examinations, September 2023

LAW OF INTERNATIONAL CARRIAGE OF GOODS BY SEA

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer the following questions in your own words using cases and legal principles.

1. M/s. Han Lin Trading (HLT) is one of the top oil trading companies in Asia. HLT is a customer of the M/s. Overseas Chinese Banking Corporation Ltd., (OCBC), who usually finances HLT's purchases. M/s. OCBC issued an irrevocable letter of credit dt. 30 January, 2023, in favour of the seller for a sum of US\$14,00,000 for HLT's purchase of 650,000 barrels of gas oil that was shipped on board the tanker *Mystery*, owned by M/s. Scorpion Shipping Co. (SSC). The carriage from Taiwan to Singapore was covered under a set of three order bills of lading issued by SSC dt. 25th January 2023. The letter of credit required HLT to indorse the bill of lading to OCBC. HLT in pursuance of the letter of credit submitted a B/L to OCBC that was indorsed "to order or assigns of OCBC". HLT took delivery of the cargo on 20th February 2023 without presentation of the bill of lading but with a letter of indemnity issued to SSC. HLT failed to pay back OCBC as HLT's financial conditions worsened. OCBC initiates a claim against SSC for misdelivery of the cargo.

In light of these factual circumstances, answer the following questions:

a) Who was the lawful holder of the B/L on 20 February 2023 and what are their rights? (6 marks)

b) Whether the delivery made by SSC to HLT amounts to misdelivery? (6 marks)

2. "Nothing in the Hague Rules alters the status of a contract of carriage by sea as a species of bailment for reward on terms." - Lord Sumption JSC in *Volcafe Ltd v. Compania Sud Americana de Vapores SA [2019] AC 358*. In light of this statement, detail the consequences of this precedent on the Hague Rules. (8 marks)

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Mid Semester (Odd-Semester) Examinations, September 2023

LAW OF INTERNATIONAL ORGANISATIONS

Time: 1½ Hours

Maximum Marks: 20

PART - A (4 x 5 = 20 Marks)

Answer the following questions:

1. The evolution of International Organisations achieved a new phase by establishing the League of Nations. At that time, one of the Indian Freedom Fight Leader asked the American public to reject the Covenant because it was a ““fraud” and was meant for the “perpetuation of imperialism.” Critically evaluate the above statements referring to the lessons learn from the experience of the League of Nations.
2. Liberalists reject “the view of world politics as a “jungle,” Liberals’ view of world politics is that of a cultivable ‘garden’, which combines a state of war with the possibility of a state of peace.” In light of the above statement, provide a comparative analysis of Liberalist and Realist theories of formation of International Organisations.
3. “World Health Organisation (WHO) is one among the several specialised agencies of the United Nations Organisation.” Analyse the powers of the United Nations with regard to specialised agencies on the basis of the United Nations Charter.
4. “The Council has broad powers to maintain international peace and security, most notably under Chapter VII of the UN Charter and its decisions are binding on UN members. At the same time, many commentators have labelled some Council action as *ultra virus* and decried the lack of a binding, legal oversight mechanism.” Critically comment on the above statement.

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Mid Semester (Odd-Semester) Examinations, September 2023**

LAW, BUSINESS AND HUMAN RIGHTS

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. Can “*Misleading job ads*” lead to human trafficking? Critically analyze Meta and Sama law suit in a business and human rights perspective.
2. “*For an individual company, self-regulation ranges from self-monitoring for regulatory violations to proactive “corporate social responsibility” (CSR) initiatives.*” – Critically comment the statement by analyzing the scope of bridging the gap of accountability by self-regulations of the companies.

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LAW OF INDIRECT TAXATION

Time: 1½ Hours

Maximum Marks: 20

PART - A (20 Marks)

Answer the following questions:

1. (a) “GST laid a new road for India’s fiscal federalism” – Analyse the following statement in light of Union Of India vs. Mohit Minerals Pvt. Ltd.

(7 Marks)

(b) State with reason, the person liable to pay tax in each of the following independent cases:

(i) BKR eateries provided restaurant services in Rajasthan, through an electronic commerce operator – Rubgy Eats.

[Note: the restaurant owner is not liable to be registered as per the provisions of section 22(1) of the CGST Act, 2017].

(ii) Mr. Raghu provided sponsorship to WE-WIN Cricket Academy, an LLP.

(iii) Legal fees received by Mr. Sushrut, a senior advocate, from M/s. Tatva Trading Company having turnover of Rs. 50 Lakh in the preceding Financial Year.

(3 Marks)

2. (a) Shubhlaxmi Traders is engaged in trading of goods within the state of Maharashtra. In the Preceding financial year, it has a turnover of Rs. 140 Lakh from the trading of goods. Further, it has also earned bank interest of Rs. 20 Lakh from the fixed deposits. Shubhlaxmi Traders wishes to opt for composition Scheme in the current year. You are required to advise Shubhlaxmi Traders on the same. Would your answer be different if Shubhlaxmi Traders is also engaged in supply of farm labour and the turnover from the said activity is Rs. 14 Lakh.

(5 Marks)

(b) Chamundra Traders in Maharashtra receives an order from Queens Associates in London to deliver 100 cell phones at Maheshwari Dealers in Maharashtra. Determine the Place of Supply.

(5 Marks)

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CLINICAL – III (Professional Ethics and Professional Accounting System)

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions.

1. Critically analyse a foreign lawyer's right to practice law in India in light of established case laws and other recent developments.
2. X, a junior associate in a top tier tax law firm, accidentally chanced upon some confidential documents that elaborated how the law firm was assisting a particular high-profile client in tax fraud. X tried to bring this to the attention of the management and dissuade them from engaging in such practice, but to no effect. Disillusioned, X left the firm after 6 months. Shortly afterwards, the Income Tax Department raided the aforesaid client's house, and after finding innumerable undeclared assets, lodged a case against him, wherein the law firm and all its associates including X were named as co-defendants.

X then submitted a thirty-page affidavit to the Income Tax Department—a document that disclosed detailed information about how the law firm had indulged and advised in the tax fraud and highlighted how X was never a party to any of that and had, in fact, tried to stop them in good faith before quitting the job.

Has X violated any established duty of confidentiality here? If not, what grounds / exceptions justifies such disclosure? Elaborate your answer with reference to appropriate laws and cases, if any.

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Mid Semester (Odd-Semester) Examinations, September 2023

INTERPRETATION OF STATUTES

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. Compare and contrast the following terms and their application in Statutory Interpretation with the help of relevant case laws and suitable illustrations:
 - a) Retrospective
 - b) Retroactive
 - c) Quasi-Retroactivity
 - d) True-Retroactivity
2. Section 94 of the Indian Penal Code reads as below.

“Act to which a person is compelled by threats.—Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence: Provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1- person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the

benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2-A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception."

Enumerate and explain the different tools of interpretation present in the above provision. Further, analyse and explain in detail the impact that each of these tools has on the interpretation of this provision.

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LAW AND SOCIAL TRANSFORMATION

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. *“Socio-legal research can provide valuable insights into the functioning of the legal system and its impact on society”* – Critically examine the statement by elaborating the importance of socio-legal research with an example.
2. *“Poverty is the worst form of violence”* – Critically examine the statement by analysing the *Bombay Prevention of Begging Act, 1959*.

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INTERNATIONAL COMMERCIAL ARBITRATION

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. Examine what is “Commercial” for the purposes of International Commercial Arbitration. Elaborate further on the concept of Commercial Reservation and its significance.
2. M/s. Dermeek Pvt. Ltd., is a Company which has PAN Indian presence. One of its affiliate Company had entered into an agreement with M/s. Glowfield Pvt. Company for supply of Medicated soaps under a Distributorship Agreement. The Affiliate Company failed to supply the soaps as per the terms and conditions of the Agreement and M/s. Glowfield invoked the Arbitration clause. The affiliate Company contended that only M/s. Dermeek Pvt. Ltd., should be sued and not them. The matter is placed before you who is the Sole Arbitrator for the case. Decide with relevant principles of law, international conventions, reasoning and case laws.

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CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 x 10 = 20 Marks)

Answer the following questions:

1. White collar crimes are committed by the people of high social status. In the light of above statement critically analyse the Sociological Schools of Criminology.
2. “When these violent offenders completed neuropsychological tasks, they failed to learn from punishment cues, to change their behavior in the face of changing contingencies, and made poorer quality decisions despite longer periods of deliberation,” Nigel Blackwood.

Do you think that the violent offenders should get severe punishment? Justify your answer with the help of Criminological theories.