

23-24



TAMILNADU NATIONAL LAW UNIVERSITY



QUESTION PAPERS

UG PROGRAMMES

END SEMESTER (ODD-SEMESTER),
NOVEMBER – 2023

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
End Semester (Odd-Semester) Examinations, November 2023**

ENGLISH – I / BUSINESS ENGLISH - I

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

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

1. Henrik Ibsen's play, *A Doll's House*, showcases Nora's character as a modern woman who is restricted by a conventional society that deprives women of their rights and freedom. The play depicts Nora's journey from being a typical housewife to becoming an independent woman. What is your viewpoint on this interpretation? Provide your analysis of the play's ending by citing feminist principles to substantiate your argument.
2. "Reading maketh a full man; Conference a ready man; and writing an exact man....Read not to contradict and confute; nor to believe and take for granted; nor to find talk and discourse; but to weigh and consider". Critically interpret these lines of Francis Bacon's essay "Of Studies" and elucidate the factors that led to the rise of new learning and new literary genre called "Essay" in the Elizabethan England.
3. Examine the connection between the English language and the Legal system by analyzing the use and style of the English language in the written judgments of Justice V.R Krishna Iyer. Mention one of his judgments that you are familiar with to support your argument.

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End Semester (Odd-Semester) Examinations, November 2023

SOCIOLOGY- I (A critical Introduction)

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following with appropriate examples. Please note that examples for every answer carry marks.

1. What is Dialectical Materialism? Examine the Relations between the Modes of Production and Social Structures.
2. Explain the C.H Cooley's Looking Glass Self theory and the stages of Socialization as proposed by Sigmund Freud.
3. Analyse the Social Process of Conflict, its types with contemporary examples.

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End Semester (Odd-Semester) Examinations, November 2023

POLITICAL SCIENCE – I (Political Theory and Organizations)

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer both the Questions. Each Answer should not be less than 400 Words.

1. Socialism is dominated by the work of Karl Marx, who described his socialism as scientific as opposed to the utopian variety of those socialists who preceded him. Critically analyze the important ideas of Karl Marx.
2. Write about the important functions of Judiciary and explain the factors which influence the independence of Judiciary.
3. Write about the conditions that are necessary for the formation of Public Opinion and explain how various agencies influence the opinion of the people on important issue of the State.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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End Semester (Odd-Semester) Examinations, November 2023

ECONOMICS – I (Principles of Economics)

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following Questions.

1. Explain, the perspectives in which government policies and regulations influence the behavior of firms in an oligopoly market, especially in the context of preventing cartelization?
2. Explain the fundamental difference between economic growth and development. Provide an example to illustrate economic growth and development. Analyse the key indicators that differentiate these concepts and explain why both are essential for a nation's progress.
3. Republic of Gondor is producing only two products Pizza and Bread. In the last five years total quantity sold and their prices are given below, Calculate the Nominal and Real GDP of the nation in all respective years. Also, calculate the GDP deflator and rate of Inflation in respective years and explain it to your friend.

Year	Price of Pizza	Quantity Sold	Price of Bread	Quantity Sold
2013	10	100	20	50
2014	20	150	30	100
2015	30	200	40	150
2016	40	250	50	200
2017	50	300	60	250

Note: Base year = 2013

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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End Semester (Odd-Semester) Examinations, November 2023

BUSINESS ORGANISATION AND MANAGEMENT

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions.

1. *“The most useful method of classifying managerial functions is to group them around their activities”*- Examine in detail.
2. *“A multinational corporation owns and manages business in two or more countries”* – Comment on this statement.
3. *“Various methods of training is the act of increasing the knowledge and skills of an employee for doing a particular job”*- Elucidate.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
I Year B.Com. LL.B. (Hons.) Degree Programme
End Semester (Odd-Semester) Examinations, September 2023

FINANCIAL ACCOUNTING AND PRACTICAL AUDITING

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)

1. The following is the trial balance is extracted from the books of Mr. White on 31st December 2022

Particulars	Debit Rs.	Credit Rs.
Furniture & Fittings	640	-
Motor Vehicles	6,250	-
Buildings	7,500	-
Capital Account	-	22,500
Bad debts	125	-
Provision for Bad debts	-	200
Sundry Debtors & Creditors	3,800	3,500
Stock on 1 st January 2022	3,460	-
Purchases & Sales	5,475	15,450
Bank Overdraft	-	2,850
Sales and Purchase returns	200	125
Advertising	450	-
Interest Account	118	-
Commission	-	375
Cash	650	-
Taxes and Insurance	1,250	-
General Expenses	782	-
Salaries	3,300	-
Loan @ 6% p.a	10,000	-
Income Tax	1,000	-
	45,000	45,000

Adjustments:

- (1) Stock in hand on 31.12.2022 was Rs.3,250
- (2) Depreciate building @5% Furniture & Fittings @10 and Motor Vehicles @ 20%
- (3) Rs.85 is due for interest on Bank Overdraft
- (4) Salaries Rs.300 and taxes Rs.120 are outstanding
- (5) Insurance amounting to Rs.100 is prepaid
- (6) Interest on loan has not been received for 6 months.
- (7) One-third of the commission received is in respect of work to be done next year
- (8) Write off further Rs.100 as bad debts and provision for bad debts is to be made equal to 5% on sundry debtors and also provide 2% for discount on debtors

Prepare Trading and Profit and Loss Account for the year ending 31.12.2022 and a Balance Sheet as on that date. **(15 Marks)**

2. The Trichy sports club gives you the following Receipts and Payments Account for the year ended 31.3.2018

Receipts	Rs.	Payments	Rs.
To Balance B/d		By Groundman's Fees	1,500
Cash	150	By Mowing Machine	1,100
Bank	2,100	By Rent	500
To Subscriptions	5,800	By Salaries to coaches	3,600
To Tournament Fund	1,500	By Tournament expenses	900
To Life membership fees	2,000	By Office expenses, postage etc.	2,400
To Entrance Fees	200	By Sports equipment purchased	1,200
To Donation for Pavilion	3,000	By Cash in hand	350
To Sale of Grass	100	By Cash at bank	3,300
	14,850		14,850

Additional Details:

- (a) Subscriptions due on 31.3.2017 and 31.3.2018 were Rs.900 and Rs.800 respectively. Subscriptions received also include subscription for 2018-19 Rs.200
- (b) Sports equipment on hand on 31st March, 2017 was Rs.1,100. The value placed on the equipment on hand on 31.3.2018 was Rs.1,300
- (c) The mowing machine was purchased on 1.10.2017 and is to be depreciated at 20% p.a.
- (d) Office Expenses include Rs.300 for 2016-17 and Rs.400 are still due for payment.

- (e) Tournament receipts and expenses are to be separated from general income and expenses.

Prepare Income and Expenditure Account for the year ended 31.3.2018

(10 Marks)

3. "*Auditor is a watch dog, not a bloodhound*" – Critically examine the statement

(5 Marks)

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I Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes
End Semester (Odd-Semester) Examinations, November 2023

LEGAL METHODS

Time: 2 Hours

Maximum Marks: 30

PART - A (2 x 10 = 20 Marks)

Answer the following questions.

1. *“The axiomatic explanation for the rise of Public Interest Litigation (PIL) in India has been that it was an attempt by the post-Emergency Supreme Court to restore its image in the public eye after the crisis of legitimacy created by its ignominious role during the Emergency.”*

– Anuj Bhuwania, *Courting the People: Public Interest Litigation in post-Emergency India* (2017)

- (a) Explain the salient features of Public Interest Litigation, with particular emphasis on the dilution of procedural requirements relating to filing of PIL.
- (b) How far, in your opinion, has the objective of democratizing Justice been attained through this? Establish your answer with suitable cases.
- (c) Do you feel the PIL is a unique, indigenous innovation by the Indian higher judiciary? Which aspects of the common law and/or the civil law systems have been adopted, according to you, in creating the framework for the PILs in India?
2. The Republic of Vanko is an independent republic and a constitutional democracy. Due to a political dispute over sovereignty for a border province of Kavalur, Vanko has a long-standing problem of armed violence by rebel groups. On 6th August 2015, a few armed men, allegedly from the Kavalur Liberation Front [KLF], a banned terrorist organisation, hijacked a passenger plane. They crashed it into a skyscraper, the busiest commercial building in Nuttapattu, the capital of Vanko, killing more than 100 passengers and 484 other persons in the process. The Government of Vanko announced a national mourning of one week to mourn the tragedy.

Soon after this incident, a Committee of Citizens for National Security filed a petition before the Supreme Court of Vanko. In its petition, the Committee of Citizens averred that the Right to Life as embodied in Article 21 of Vanko's Constitution, required that the Government is obliged to shoot down any hijacked plane before such a plane is used for inflicting catastrophic loss of life. The petition argued that it is morally abhorrent to allow the threat of harm to hijacked passengers to allow hijackers of the plane to endanger the lives of a far greater number of persons. It was further argued that the phrase "*the state shall not deprive a person of his life*" under Article 21 also prohibits the deprivation of life arising out of omission or inaction on the part of the State. Therefore, the petition sought a direction from the Supreme Court stating that in all future cases, the Government shall be legally obliged to shoot down any hijacked plane before such a plane is used to endanger the lives of other persons not on the plane.

The Chief Justice of Vanko has hired you as a Research Assistant and asked you to draft an essay on the Petition and comment on the appropriate case based on relevant insights from various legal theories.

PART - B (5 x 2 = 10 Marks)

3. Write short notes for all the following questions

- (a) Difference between a civil and a common law system as a concept.
 - (b) Types of Writs issued in a Court with its functions and nature.
 - (c) Difference between Primary and Secondary Sources.
 - (d) *Audi Alteram Partem* and *Ubi Jus Ibi Remedium*.
 - (e) Burden of proof.
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End Semester (Odd-Semester) Examinations, November 2023

LAW OF TORTS

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions in your own words.

1. Mr. Akshat Ashmek is the President of the political party named "People's Democratic Party". During the electoral campaign for the State Assembly elections in Pindia, Mr. Akshat stated that "The ruling party is headed by a group of corrupt politicians and therefore the entire party indulges in corrupt activities. They are thieves who strive on common man's hard earned money." Mr. Rajat Raheja, an MLA of the ruling party "The Labour Party of Pindia" found it offensive and defamatory towards the party members in the state. He filed a civil suit against Mr. Akshat Ashmek seeking compensation for the statement made by Mr. Akshat.

In light of the given facts, determine whether Mr. Rajat Raheja can succeed in his claim? Discuss the possible defences that can be taken by Mr. Akshat Ashmek in the suit filed against him. Support your answer with relevant case laws.

The Laws of Pindia are parimateria with that of India

2. Theodore is accused of committing theft and the police arrested him. He was not produced before the magistrate within 24 hours of arrest as prescribed by the law. While in custody, he was subjected to custodial violence. The injuries sustained by Theodore were serious and he died in consequence of it. Theodore's body was

disposed near the railway tracks by the police. Theodore's wife makes a claim for compensation against the State of Pindia for the death of her husband.

In light of the given facts, explain what tortious wrongs have been committed by the police. Also, determine the liability of the State to pay compensation for the wrongs committed by the police with the help of relevant case laws.

Laws of Pindia are parimateria with that of India.

3. Explain what amounts to the tortious wrong of Nuisance with the help of relevant case laws. Also, explain the remedies that can be sought by the plaintiff in a suit for Nuisance.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
II Year B.A. LL.B. (Hons.) Degree Programme
End Semester (Odd-Semester) Examinations, November 2023

ECONOMICS – II (Indian Economy)

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the Following Questions

1. Monetary policy is a tool to control the Inflation of a country. Elaborate on the monetary policy of the Reserve Bank of India. Analyze how lowering interest rates and increasing money supply affect consumer spending, business investments, and housing markets, Illustrate with the help of suitable examples.
 2. Explain the impact of non-performing assets on the financial health of banks. How do non-performing assets affect a banks profitability, liquidity and overall stability? Examine the strategies that banks can employ to manage and reduce their non-performing asset portfolios.
 3. Keeping in view the types of Tariff and Non-Tariff barriers, analyze the positive and negative impact of tariff and non-tariff barriers on `imports and exports of a nation. How can a country protect its domestic industries, elaborate with suitable examples.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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POLITICAL SCIENCE – III (International Relations)

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

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

1. Critically examine the core ideas of Realism as an approach to the study of International Relations.
2. What is Detente in Cold War and explain in detail the causes that led to Detente and the implications of Detente.
3. Briefly explain the History of Diplomacy and write about the important features of Traditional and Modern Diplomacy. What you consider are the factors responsible for the change of Diplomacy from old to new diplomacy.

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End Semester (Odd-Semester) Examinations, November 2023
LEGAL HISTORY

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the Following Questions

1. J.H. Nelson, a colonial judicial official from the 19th century Madras Presidency, argues that 'no such thing as Hindu Personal Law' has ever existed in the history of pre-British India. Do you agree with J.H. Nelson? Substantiate your answer with suitable examples.
2. Charles Haimsath argues that "In India, social reform did not ordinarily mean a reorganization of the structure of society at large, as it did in the West, for the benefit of under privileged social and economic classes. Instead, it meant the infusion into the existing social structure of new ways of life and thought: the society would be preserved, while its members would be transformed." Evaluate the statement by examining the ideas and programmes of Jyotirao Phule and his Satyashodhak Samaj of Maharashtra.
3. The origin and growth of communalism in modern India is an integral part of the history of colonialism and nationalism in India. Do you agree with this statement? Substantiate your answer by referring to valid facts related to the origin and growth of communalism in modern India.

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FINANCIAL SERVICES AND MARKETS

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)

Answer all the Questions.

1. Segment the investors on the basis of age and occupation and design the investment plan for them.

(14 Marks)

2. How does SEBI ensure the interest of average investors? Explain.

(8 Marks)

3. One of your friends' is seeking your advice to start a venture capital business. What would be your advice?

(8 Marks)

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LAW OF CONTRACTS - II

Time: 2 Hours

Maximum Marks: 30

PART - A (1 x 10 = 10 Marks)

Answer all the Questions.

1. Provide your decision for the below case after analysing the contentions of both the parties:

M/s. Zigma Electronics Ltd., is a company that manufactures and sells electronic gadgets. They entered into a contract with Star Pluz Retailers, a chain of electronics stores, for the sale of 100 brand-new smart phones. The parties entered into a Sale and Purchase Agreement on 01st October 2023. An extract of the contract is given below.

On November 1st, 2023, M/s. Zigma Electronics Ltd., delivered the smart phones to the warehouse of Star Pluz Retailers as agreed. However, before Star Pluz Retailers could make the payment, a robbery happened at the warehouse and the robbers looted the entire packages of smart phones and caused other significant damage to the Star Pluz Retailers.

After a few days, M/s. Zigma Electronics Ltd., sent a legal notice to Star Pluz Retailers claiming that the latter had failed to pay the agreed price of the smart phones. Star Pluz Retailers replied to the notice arguing that the property in the goods had not passed to them at the time of the robbery.

Extract of the Agreement:

Clause (9) ...the Seller and the Buyer agreed that the goods shall be delivered to the warehouse of the Buyer on November 1st, 2023. Any delay in delivery shall cause the Seller to pay a penalty of Rs. 50,000/- day.

Clause (10) the Buyer agreed that the payment of goods shall be made immediately upon the delivery of the goods.

Clause (11) the risk will be transferred to the Buyer upon the delivery of the goods.

2. Ms. Rebaca is a real estate agent appointed by Mr. Madhav to sell a piece of land. But Ms. Rebaca did not reveal the identity of Mr. Madhav and entered into negotiations with Mr. Sadiq. Later Mr. Sadiq realised that Ms. Rebaca is only an agent of Mr. Madhav. Thereafter, Mr. Sadiq refused to enter into the transaction. Mr. Madhav is willing to transfer the property but Mr. Sadiq wants to withdraw from the transaction. Mr. Sadiq came to you for legal advice.

Provide your advice for Mr. Sadiq based upon the relevant sections of Indian Contract Act, 1872?

3. Mr. Nadeep, Mr. Sudeep and Ms. Rohini were running Smartech, a partnership firm established in 2020 and registered under the Partnership Act, 1932. Ms. Rohini is not satisfied with decisions taken by both the other partners and she decided to exit the firm. But the other partners are not willing to permit her to exit without a fight. They are scared about the potential business implications if she goes out. Provide your suggestions to solve this dispute.

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End Semester (Odd-Semester) Examinations, November 2023

FAMILY LAW - II

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)**Answer the following questions:**

1. Ms. Begum, an Indian Muslim, dies leaving behind her daughter, her predeceased son's daughter, husband, mother and a full sister. What will be their respective shares under the following circumstances:
 - a. Ms. Begum is a Sunni Muslim (5 Marks)
 - b. Ms. Begum is a Shia Muslim (5 Marks)

2. Mr. Ivanovic has three children, John, Mary and Henry. Mr. John dies leaving four children and one of Mr. John's children dies leaving two children. Ms. Mary dies leaving one child. Mr. Xavier afterwards dies intestate. What will be the shares of the survivors. Justify with relevant provisions under the Indian Succession Act, 1925. Will the shares be different if the intestate was a female. (10 Marks)

3. Comment on the inheritance rights of children born from Live-in-relationship with decided case laws. (5 Marks)

4. What is Hiba under Muslim Law? Explain the essential ingredients of the same. (5 Marks)

(1) Sharers	(2) Normal Share		(3) Conditions under which the normal share is inherited	(4) <i>This column sets out—</i> (A) Shares of Sharers Nos. 3, 4, 5, 8 and 12 as varied by special circumstances; (B) Conditions under which Sharers Nos. 1, 2, 7, 8, 11 and 12 succeed as Residuaries.
	of one	of two or more collectively (b)		
1. FATHER	1/6	..	When there is a child or child of a son h.l.s.	[When there is no child or child of a son h.l.s., the father inherits as a residuary: see Tab. of Res., No. 3.]
2. TRUE GRANDFATHER [sec 62 cl. (a)].	1/6	..	When there is a child or child of a son h.l.s. and no father or nearer true grandfather	[When there is no child or child of a son h.l.s., the Tr. G.F. inherits as a residuary, provided there is no father or nearer Tr. G.F.: see Tab. of Res., No. 4]
3. HUSBAND	1/4	..	When there is a child or child of a son h.l.s.	1/2 when no child or child of a son h.l.s.
4. WIFE (c)	1/8	1/8	When there is a child or child of a son h.l.s.	1/4 when no child or child of a son h.l.s.
5. MOTHER	1/6	..	(a) When there is a child or child of a son h.l.s. or (b) when there are two or more brothers or sisters, or even one brother and one sister, whether full consanguine or uterine.	1/3 when no child or child of a son h.l.s., and not more than one brother or sister (if any); but if there is also a wife or husband and the father, then only 1/3 of what remains after deducting the wife's or husband's share
6. TRUE GRANDMOTHER [sec 62, cl. (c)].	1/6	1/6	A. Maternal—when no mother, and no nearer true grandmother either paternal or maternal. B. Paternal—when no mother, no father, no nearer true grandmother either paternal or maternal, and no intermediate true grandfather.	
7. DAUGHTER	1/2	2/3	When no son.	[With the son she becomes a residuary: see Tab. of Res., No. 1.]
8. SON'S DAUGHTER h.l.s [sec 62, cl. (f)]. <i>e.g.</i>	1/2	2/3	When no (1) son, (2) daughter, (3) higher son's son, (4) higher son's daughter, or (5) equal son's son. (d)	When there is only one daughter, or higher son's daughter but no (1) son, (2) higher son's son, or (3) equal son's son, the daughter or higher son's daughter will take 1/2 and the son's daughter h.l.s. (whether one or more) will take 1/6, i.e., 2/3—1/2] [With an equal son's son she becomes a residuary: see Tab. of Res., No. 2].
(i) Son's Daughter	1/2	2/3	When no (1) son, (2) daughter, or (3) son's son.	When there is only one daughter the son's daughter (whether one or more) will take 1/6, if there be no son or son's son. (With the son's son she becomes a residuary: see Tab. of Res., No. 2).
(ii) Son's Son's Daughter	1/2	2/3	When no (1) son, (2) daughter, (3) son's son, (4) son's daughter, or (5) son's son's.	When there is only one daughter or son's daughter, the son's son's daughter (whether one or more) will take 1/6, if there be no (1) son, (2) son's son or (3) son's son's son. [With the son's son's son she becomes residuary: see Tab. of Res., No. 2.]
9. UTERINE BROTHER	1/6	1/3	When no (1) child, (2) child of a son h.l.s., (3) father of (4) true grandfather.	
10. or SISTER				
11. FULL SISTER	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father (4) true grandfather, or (5) full brother.	[With the full brother she becomes a residuary: see Tab. of Res., No. 5.]
12. CONSANGUINE SISTER	1/2	2/3	When no (1) child, (2) child of a son h.l.s., (3) father, (4) true grandfather, (5) full brother, (6) full sister, or (7) consanguine brother.	But if there is only one full sister and she succeeds as a sharer, the consanguine sister (whether one or more) will take 1/6, provided she is not otherwise excluded from inheritance. [With the consanguine brother she becomes a residuary: see Tab. of Res., No. 7.]

(b) The collective share is always divided *equally* among those to whom it is allotted.

(c) A Mahomedan can have as many as four wives at a time.

(d) If there be a *son's son* and a *son's son's daughter*, the former is a *higher son's son* in relation to the latter. If there be a *son's son* and a *son's daughter* the former is a *lower son's son* in relation to the latter. And if there be a *son's son* and *son's daughter* or a *son's son's daughter*, the former is in *equal son's son* in relation to the latter, both being equally removed from the deceased.

TABLE OF SHARERS—SHIA LAW [§90]

(Baillic, II, 271-276, 381.)

Sharers	Normal share		Conditions under which the share is inherited	Share as varied by special circumstances
	of one	of two or more collectively		
1. Husband	1/4	..	When there is a lineal descendant.	1/2 when no such descendant.
2. Wife	1/8	1/8	When there is a lineal descendant.	1/4 when no such descendant
3. Father ²	1/6	..	When there is a lineal descendant	[If there be no lineal descendant, the father inherits as a residuary.]
4. Mother	1/6	..	(a) When there is a lineal descendant; or (b) When there are two or more full or consanguine brothers, or one such brother and two such sisters, or four such sisters, with the father.	1/3 in other cases

Sharers	Normal share		Conditions under which the share is inherited	Share as varied by special circumstances
	of one.	of two or more collectively		
5. Daughter	1/2	2/3	When no son	[With the son she takes as a residuary.]
6. Uterine brother	1/6	1/3	When no parent, or lineal descendant. (see §88)	
7. or sister				
8. Full sister	1/2	2/3	When no parent, or lineal descendant, or full brother, or father's father. (see §88, 101)	[The full sister takes as a residuary, with the full brother and also with the father's father. (see §101)
9. Consanguine sister	1/2	2/3	When no parent, or lineal descendant, or full brother or sister, or consanguine brother or father's father. (see §88, 101)	[The consanguine sister takes as a residuary with the consanguine brother and also with the father's father. (see §101.)

Note.—The descendants h.l.s. of sharers are also sharers. (§90)

Residuaries : The heirs who are not sharers fall under the category of residuary and inherit the residue.

I.—DESCENDANTS:

1. SON.

Daughter takes as a residuary with the son, the son taking a double portion.

2. SON'S SON h.l.s.—the nearer in degree excluding the more remote. Two or more son's son inherit in equal shares. Son's daughter h.l.s. takes as a residuary with an equal son's son. If there be no equal son's son, but there is a lower son's son, she takes as a residuary with him, *provided she cannot inherit as a sharer* [(see ill. (k)]. In either case, each son's son h.l.s. takes double the share of each son's daughter h.l.s.

Note.—When the son's daughter h.l.s. becomes a residuary with a lower son's son, and there are son's daughters h.l.s. equal in degree with the lower son's son she shares equally with them, as if they were all of the same grade [sec ill. (m)].

II.—ASCENDANTS:

3. FATHER.

4. TRUE GRANDFATHER h.h.s.—the nearer in degree excluding the more remote.

III.—DESCENDANTS OF FATHER:

5. FULL BROTHER.

FULL SISTER—takes as a residuary with full brother, the brother taking a double portion.

6. FULL SISTER.—In default of full brother and the other residuaries above-named, the full sister takes the residue if any, if there be (1) a daughter or daughters, or (2) a son's daughter or daughters h.l.s., or even if there be (3) *one daughter and a son's daughter or daughters* h.l.s. See *Sir.* pp. 24-25.

7. CONSANGUINE BROTHERS.

CONSANGUINE SISTER—takes as a residuary with consanguine brother, the brother, taking a double portion.

8. CONSANGUINE SISTER.—In default of consanguine brother and the other residuaries above-named, the consanguine sister takes the residue, *if any*, if there be (1) a daughter or daughters or (2) a son's daughter or daughters h.l.s., or even if there be (3) *one daughter and a son's daughter or daughters* h.l.s. See *Sir.* pp. 24-25.

9. FULL BROTHER'S SON.

10. CONSANGUINE BROTHER'S SON.

11. FULL BROTHER'S SON'S SON.

12. CONSANGUINE BROTHER'S SON'S SON.

Then come remoter male descendants of No. 11 and No. 12, that is, the son of No. 11, then the son of No. 12, then the son's son of No. 11, then the son's son of No. 12 and so on in like order.

IV.—DESCENDANTS OF TRUE GRANDFATHER h.h.s.:

13. FULL PATERNAL UNCLE.

14. CONSANGUINE PATERNAL UNCLE.

15. FULL PATERNAL UNCLE'S SON.

16. CONSANGUINE PATERNAL UNCLE'S SON.

17. FULL PATERNAL UNCLE'S SON'S SON.

18. CONSANGUINE PATERNAL UNCLE'S SON'S SON.

Then come remoter male descendants of Nos. 17 and 18, in like order and manner as descendants of Nos. 11 and 12.

19. MALE DESCENDANTS OF MORE REMOTE TRUE GRANDFATHERS—in like order and manner as the deceased's paternal uncles and their sons and son's sons.



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CONSTITUTIONAL LAW – I

Time: 2 Hours

Maximum Marks: 30

Instructions:

- You are permitted to bring with you an unmarked copy of the Constitution's bare text that must be duly signed by your course faculty.

PART – A (20 Marks)

Answer the following questions:

The following is an extract of an opinion which has been circulated by the Chief Justice of the Supreme Court to their fellow judges – which happen to be Justice Bharathi, Justice Mehta, Justice Alam and you. You are all part of a Constitution Bench deciding upon the constitutionality of the demand for the Right to Marriage and Adoption by the LGBTQA+ community. Justices Bharathi, Justice Mehta and Justice Alam have agreed with the Chief Justice and accordingly have recognised the Right to Marriage and Adoption as part of Articles 14,15,19,21 and 25 of the Constitution.

However, you grudgingly disagree and want to write a dissent. Therefore, draft a dissent, implicating fundamental rights you think relevant¹.

Extract:

Chief Justice (for herself, Justice Mehta, Justice Bharathi and Justice Alam):

Concerns

¹ Kindly note that the judges are fictitious. Parts of the extract are from the Judgment of Supreme Court in case of *Supriya Chakraborty & Anr. v. Union of India* and have been edited and modified for the purposes of this question.

1. Special Marriage Act 1954(referred as SMA) only recognises marriage between heterosexual couples (Male and Female).
2. Juvenile Justice (Care and Protection of Children) Act, 2015 Regulations exclude LGBTQ couples from joint adoption.

The SMA is violative of Article 14 of the Constitution because:

There is no constitutionally valid, intelligible differentia between LGBTQIA+ and non-LGBTQIA+ persons. The classification in the present case is based only on the sexual orientation and gender identity of the parties to a marriage, which is constitutionally impermissible. Further, there is no rational nexus with the object sought to be achieved by the SMA. The object of the SMA is to provide a civil form of marriage for couples who cannot or choose not to marry under their personal law. The exclusion of LGBTQ couples from the SMA has no rational nexus with this object;

Article 19(1)(a) of the Constitution recognizes the right to freedom of speech and expression.

The exclusion of same-sex couples from the SMA is violative of Article 19 of the Constitution. The act of entering into a marital relationship is protected under Article 19(1)(a) of the Constitution, and is a socially valuable form of expression. The restriction on the right of queer persons to marry is not a reasonable restriction under Article 19(2). Freedom postulates within its meaning, both, an absence of State control as well as actions by the State which create the conditions for the exercise of rights and freedoms. Article 19(1)(c) of the Constitution recognizes the freedom to form associations or unions or co-operative societies. The freedom of speech and expression is not limited to expressive words. It also includes other forms of expression such as the manifestation of complex identities of persons through the expression of their sexual identity, choice of partner, and the expression of sexual desire to a consenting party. Earlier judgments of this Court have held that expression of gender identity is a protected freedom under Article 19(1)(a). In NALSA, this Court held that the expression of gender identity is a form of protected expression under Article 19(1)(a). In Navtej, this Court held that Section 377 of the IPC, 1860 infringes upon the freedom of expression of queer persons, protected under Article 19(1)(a).

The exclusion of same-sex couples from the SMA is violative of their right to dignity and is therefore violative of Article 21 of the Constitution. The exclusion of same-sex couples from the institution of marriage is being used to send a public message about their worth as unequal moral members of society and is inter alia akin to caste-based restrictions on temple entry and the refusal to accommodate disability in public examinations. (Article 15 violation)

The SMA is violative of the right to freedom of conscience under Article 25

“Conscience. The moral sense; the faculty of judging the moral qualities of actions, or of discriminating between right and wrong; particularly applied to one’s perception and judgment of the moral qualities of his own conduct, but in a wider sense, denoting similar application of the standards of morality to the acts of others. The sense of right and wrong inherent in every person by virtue of his existence as a social entity. The right to marriage is part of freedom of Conscience, and thus, SMA is violative of Article 25.

Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. Equality demands that the sexual orientation of each individual in society must be protected on an even platform. The right to privacy and the protection of sexual orientation lie at the core of the fundamental rights guaranteed by Articles 14, 15, 19 and 21 of the Constitution.”

Juvenile Justice (Care and Protection of Children) Act, 2015 Regulations exclude LGBTQ couples from joint adoption

The right to enter into a union cannot be restricted based on sexual orientation However, CARA has proceeded under the assumption that only married couples would be able to provide a stable household for the child.

- a. The classification must be based on an intelligible differentia which distinguishes the persons or things that are grouped, from others left out of the group; and*
- b. The differentia must have a rational nexus to the object sought to be achieved by the statute.*

The Adoption Regulations use marriage as a yardstick to classify couples. There is an intelligible differentia in using marriage as an indicator to classify couples in the sense that married couples can easily be distinguished from unmarried couples. However, the differentia does not have a rational nexus with the object sought to be achieved by the CARA Regulations which is to ensure that the best interest of the child is protected. While Article 14 prohibits unreasonable classification, Article 15 prohibits discrimination based on identity.

Finally, conclude that

- 1. LGBTQ persons have a right to marry a person of their choice regardless of religion, gender and sexual orientation;*
- 2. The SMA is violative of Articles 14, 15, 19, 21, and 25 of the Constitution insofar as it does not provide for the solemnization of marriage between same-sex, gender non-conforming or LGBTQ couples; and*
- 3. Juvenile Justice (Care and Protection of Children) Act, 2015 Regulations are unconstitutional and ultra vires the JJ Act insofar as they exclude LGBTQ couples from joint adoption*

PART – B (2 x 5 = 10 Marks)

- 2. Explain the Doctrine of Eclipse and Doctrine of severability in light of the Constitutional Provisions and Judicial Precedents.**
- 3. Examine Doctrine Reasonable Classification citing constitutional provisions and case laws.**

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LAW OF CRIMES – I

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions:

1. 'In robbery there is either theft or extortion'.

In the light of the above statement, explain the ingredients of theft and extortion with provisions and case laws. Analyse with cases when theft and extortion will become robbery. Do you think the terms robbery and dacoity are the same? Justify with reasons.

2. Criminal Law Amendment Act, 2013 has made amendments to various provisions in IPC. One such major amendment is the insertion of Sections 354A, 354B, 354C and 354D. Briefly examine each of the provisions with cases.

3. Mr. George Thomas (deceased) along with his friends initially went to Thidanadu Church in a Scorpio Car, which was driven by Mr. Saji Joseph to attend a musical festival (gana mela). The deceased along with his friends watched the programme for about half an hour and, thereafter, proceeded towards another Church at Variyanikkadu to enjoy the festival going on there. At about 9:00 p.m., they were returning to Thidanadu Church, when two motor-bikes driven by Mr. Sabeer and Mr. Ajmal were moving in front of their Car and blocked their way. Accused Mr. Raziq Jalal was sitting as a pillion on the motor-cycle, driven by Mr. Ajmal. At that time, a verbal altercation took place between Mr. Saji Joseph and Mr. Ajmal regarding the bikes not giving way to their vehicle (four wheeler).

At around 10:45 p.m., deceased along with his friends were returning, when their

Car reached the place called Veyilukanampara Junction in Thidanadu Kara, they saw Mr. Sabeer waiting for them by the side of the road and soon thereafter the other accused also joined him on different bikes.

Once, they were out of the vehicle, they were attacked by the accused. Mr. Biju hit the deceased with a stick of casuarina tree. Mr. Ashique Salam hit on the back of his neck with a brick, as a result of these two injuries, deceased fell on the road. Accused Mr. Ajmal as saulted Mr. Saji Joseph with a stick of casuarina tree causing injuries on his head and other parts of the body. As by this time, public had started gathering, the accused left the place of occurrence.

Further, when the deceased was being taken in the car by his friends towards the hospital, once again, the vehicle was stopped by the accused-persons near Chennadu Junction, where Mr. Ajmal threw stones at the car causing damage to the windscreen and other glasses.

The deceased condition was deteriorating, as such, he was shifted to Medical Trust Hospital, Ernakulam, where he succumbed to the injuries on the following day at about 4:45 a.m.

Prosecution states that the accused are liable for murder under Section 302 of IPC, 1860 as their case clearly falls under Section 300 of IPC 1860.

However, the defence side advocate contends that there was no pre-meditation to commit murder. The accused were not armed with any weapons. There was no mens rea to commit murder. It happened as a result of the verbal altercation and heated arguments. Hence, the accused would not be liable for murder and that their case falls within the exception of section 300 and hence will be punishable under Section 304 Part II of IPC, 1860.

How would you decide the case? When does culpable homicide amounts to murder and when it does not? In which category, the above case would fall into? Why? Analyse with relevant provisions of IPC along with cases.

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HISTORY – III (Legal History of India)

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the Following Questions

1. Since from the arrival of the English East India Company in the early seventeenth century to the mid nineteenth century the political, judicial, commercial, and other developments in the Indian Sub-Continent were chiefly determined by Charters and Charter Acts issued from England. Bring out the major differences between charters and Charter Acts and explain some of the important reforms introduced by the Charter Acts.
2. Even though modern legal education and legal profession were introduced in the nineteenth century colonial India, they were not at a satisfactory level till India's Independence. Critically analyze the factors that disabled necessary changes for the development of legal education and profession in British India.
3. Bipan Chandra, a nationalist historian, argues that even though the legislative councils were established in the Indian subcontinent from the mid-nineteenth century, until the 1920s, the councils had no real powers. Do you agree with Bipan Chandra? Substantiate your answer by examining the nature of legislative councils in the second half of the nineteenth century.

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CORPORATE ACCOUNTING

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)

Answer the Following Questions

1. M/s. Vanavil Engineering Co. Ltd., has an authorized capital of Rs.30,00,000/- divided into 30,000/- Equity shares of Rs.100/- each, 20,000 Shares were issued of which Rs.80/- were paid. The Directors made a call for the balance of Rs.20 per share on 1.1.2020. The Ledger shows the following balances as at 31st March, 2020.

Particulars	Dr. Rs.	Cr. Rs.
Land and Buildings	9,00,000	-
Plant and Machinery	16,56,000	-
Office Equipment	94,000	-
Furniture and Fittings	36,000	-
Calls in Arrears	25,000	-
Cash in Hand	54,000	-
5% tax free Govt Securities	98,800	-
Motor Vehicles	30,000	-
Bills Receivable	1,36,000	-
Goodwill	1,60,000	-
Sundry Debtors	2,08,000	-
Sundry Creditors	-	3,06,000
Reserves	-	1,50,000
Surplus Account, 1.4.2019	-	88,000
Bank Overdraft	-	1,11,800
Purchases and Returns	24,00,000	50,000

Sales and Returns	70,000	30,78,000
Advertising	25,400	-
Legal charges	10,000	-
Carriage Inwards	37,000	-
Wages	2,32,000	-
Rent	30,000	-
Insurance	19,000	-
Share capital	-	20,00,000
6% Debentures of Rs.100 each	-	10,00,000
Stock on 1 st April, 2019	4,76,000	-
Income Tax	28,000	-
Trade Expenses	15,000	-
Repairs to Building	3,000	-
Repairs to Machinery	5,600	-
Interim Dividend paid for half year to 30 th September	35,000	-
Total	67,83,800	67,83,800

- (a) Create a provision for Doubtful Debts at 5%
- (b) Depreciate Plant and Machinery @15%, Furniture and Fittings @10%, Office Equipment @ 10%. Motor Vehicles @ 20% and Buildings @ 5% on Written Down Values.
- (c) Stock at the end at cost was Rs.5,42,000/-, the market value of which was Rs.6,05,000/-.
- (d) The Directors have recommended the final dividend of Rs.73,130/-.
- (e) Interest on Debentures is paid.
- Prepare Statement of Profit and Loss for the year ended on 31st March, 2020 and Balance Sheet on that date.

(13 Marks)

2. A Ltd., and B Ltd., agreed to amalgamate their business. The scheme envisaged the formation of C Ltd., with a share capital equal to the combined capital of A Ltd., and B Ltd., for taking over assets, liabilities and business of the two companies. The purchase considerations were to be satisfied by shares.

Liabilities	A Ltd. Rs.	B Ltd. Rs.	Assets	A Ltd. Rs.	B Ltd. Rs.
Authorized and Issued Capital	50,000	70,000	Fixed Assets (excluding goodwill)	60,000	90,000
Reserves	85,000	50,000	Stock	30,000	55,000
Creditors	20,000	45,000	Debtors	40,000	65,000
Bank Overdraft	-	45,000	Bank	25,000	
	1,55,000	2,10,000		1,55,000	2,10,000

The consideration was to be based on net assets of the companies as shown in Balance Sheets on 31.3.2023 but subject to allowance of additional amount to A Ltd., which was to be calculated on the basis of 2 years purchase of average of net profits of A Ltd. For the three years ended 31.3.2023. The net profits were:

2020-21 Rs. 10,000/-;

2021-22 Rs.40,000/-

2022-23 Rs.60,000/-

Shares in C Ltd., were to be issued to A Ltd., and B Ltd., of Rs. 1 each at a premium of Rs.1.50 per share and in proportion to the agreed net assets values of those companies.

In order to raise working capital, C Ltd. Issued 60,000 shares of Rs. 1 each at a price of Rs.1.75 per share.

- (a) Calculate purchase consideration
- (b) Show the entries in the books of A and B Ltd.,
- (c) Prepare the Balance Sheet in the books of C Ltd.

(13 Marks)

3. From the following ledger balances of H Ltd and its subsidiary S Ltd drawn upto 31st March, 2022, calculate cost of control. (4 Marks)

- (i) Reserve and Surplus of S Ltd stood as Rs.25,000 and Rs.15,000 respectively on the date of acquisition of its 80% shares by H Ltd.
- (ii) The date of acquisition was 1.11.2021
- (iii) Machinery (book value Rs.1,00,000) and furniture (book value Rs.20,000) of S were revalued at Rs.1,50,000 and Rs.15,000 respectively for the purpose of fixing the price of its shares; book values of other assets remaining unadjusted.

Cr. Balances	H Ltd. Rs.	S Ltd. Rs.	Dr. Balances	H Ltd. Rs.	S Ltd. Rs.
Share capital	5,00,000	1,00,000	Machinery	3,00,000	90,000
Reserve	2,00,000	75,000	Furniture	50,000	17,000
Surplus A/c	1,00,000	25,000	Other Assets	4,40,000	1,43,000
Creditors	1,50,000	50,000	Shares in S Ltd 800 at Rs.200 each	1,60,000	-
	9,50,000	2,50,000		9,50,000	2,50,000

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CORPORATE LAWS – I

Time: 2 Hours

Maximum Marks: 30

PART - A (6 x 5 = 30 Marks)

Answer all the questions.

1. Differentiate between transfer and transmission of shares and enumerate the punishable offences under the Indian Companies Act, 2013 associated with the transfer of shares.
2. Comment on the definition of 'Promoters' under 2(69) of the Companies Act, 2013 and its effectiveness in regulating promoter of companies in India.
3. Mr. Anthony owns 65 percentage of equity shares and voting rights in M/s. Mark Anthony Private Limited (hereinafter referred as 'the company'). He wants to initiate the procedure to convert the company into a Public Limited Company. He reaches out to you to understand the various alterations that must be made in the MOA and AOA of the company for the abovementioned conversion. Kindly advise.
4. Critically analyse the interrelation between the doctrine of constructive notice, indoor management, and their role in corporate governance with the help of decided cases.
5. Ms. Brinda is a promoter, and she wants to set up a Public Limited Company in an attempt to start a corporation with the aid of public money. She approaches her friend Ms. Nithya who demotivates her by saying that "There are 'n' of regulations involved in bringing capital in from public under the Indian Companies Act 2013." This creates a dilemma in her head. She decides to consult her legal advisor.

Step in the shoes of Ms. Brinda's legal advisor and provide her with bullet points on the steps and legal requirements involved in first time issue of shares to the Public by a company through the Public Issue method under the Companies Act, 2013.

6. Distinguish between the characteristics and rights attached with Equity Shares, Preference Shares and Debentures under the Companies Act, 2013.

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LABOUR LAW - I

Time: 2 Hours

Maximum Marks: 30

PART - A (1 x 15 = 15 Marks)

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

1. M/s. Rajathi group of industries had many industrial establishment throughout the State of Tamil Nadu. Their primary establishments were situated at Navalur in Tiruchirappalli. Inside the same industrial complex two establishments were functioning. One of the establishment was involved in the manufacturing of sugar in the name of **R.R.Sugars** and was functioning for 250 days per year and had more than 60 workmen per day but did not employ more than 110workmen at any day in the past 10 years. Out of the which 60 workmen were permanent. Remaining 40 were engaged on a daily basis and they were primarily involved in manual work and 10 were engaged in '**fixed term service**' from 2021 December to November, 2023.

The second establishment was **R.R.Juses** which had around 300 workmen and it was functioning for 240 days in a year. The sugar supply for the **R.R.Juses** was from **R.R. Sugars**. On 17th May 2022 Mr.Jagan crushed his hand in the sugarcane crusher machine. There was no vehicle to take the workmen to the nearest hospital and the ambulance service was not called by the supervisor Ms. Sangeetha, so Jagan lost his hands. After the incident Mr. Vivek, Manager of **R.R.Juses** and **R.R.Sugars** declared paid leave for all the workers in both the establishments and completed the machinery inspection and maintenance, even though it was due only in the month of November and as per the records the last year maintenance was completed in November2021.

On June 1st Ms.Rakkamma a female who was working as a helper at **R.R.Juses** assisted her friend Mrs. Jamuna who was working at **R.R.Sugarsto** complete the pending work as they had to leave home early on that day. Ms. Rakkamma and Mrs. Jamuna accidently crushed their fingers in the sugar cane crushing machine. It was found out by the chief mechanic that the crushing machines screws were not fixed properly after the completion of the maintenance process which resulted in the

accident. Hence Mr. Vikku, TU leader of '**R.R. Juses Worker Union**' and Mr. Shammu TU leader of '**R.R. Sugars thozhilali koottamaippu**' called for stoppage of work. Mr. Vikku was the husband of Mrs. Jamuna and Mr. Shammu was the brother of Ms. Rakkamma. On June 4th the 2 TU leaders, Mrs. Jamuna, Ms. Rakkamma along with few workmen from **R.R. Juses & R.R. Sugars** held a protest with hoardings and banners in front of Manager Mr. Vikku's house and Mr. Dhanasekaran the owner of Rajathi group of industries. The protesting workmen blocked the entry and denied access to the family members to leave the house or enter the house for 5 hours at Mr. Vikku's and Mr. Dhanasekaran's house.

On June 5th 100 workers from the **R.R. Juses** left their workplace and sat near the machineries which resulted in injury to the 2 women workers, refusing to work. The workmen claimed justice for Mr. Jagan, Mrs. Jamuna and Ms. Rakkamma. They further demanded that the manager Mr. Vivek must be removed from his office for his incompetency.

On 5th June, around evening 5 P.M Mr. Vivek threatened Ms. Rakkamma to ask her brother to stop the protest and resume to his work. Enraged by this act Mr. Shammu stabbed Mr. Vivek and he was grievously hurt. As a result of which the '**R.R. Sugars Employees TU**', in which Mr. Vivek was a member, protested and demanded that Mr. Shammu must be dismissed from service with immediate effect. This resulted in physical conflict between the two trade union members. The management called for a peace talk and promised to give 10,000 rupees to each injured person including Mr. Vivek. But the workers refused to turn up to work. On 15th June the management issued notice of retrenchment to Mr. Vivek and the reason was negligence at work. Mr. Vivek asked that management to provide him retrenchment compensation for removing him from service.

On 17th June, the members of **R.R. Sugar** employees TU returned to work. But the members of the other 2 TU prevented them from entering the premises and it resulted in further conflict. The Management issued a final call for the protesting workmen to join the establishment through SMS messages, emails and What's app to their registered mail id and mobile numbers in the employer's record and Muster roll. The Management also announced in loud speakers outside the premises where workers were gathered for the protest. On 19th June, the Management on issued a lock out notice. The protest and stoppage of work continued despite of the notice for 3 more days. On 21st June, the Management conveyed its decision to close both the establishments due to the following reasons .

1. Accumulation of stocks in both the establishments and
2. Inability to sell the products as they have expired. (The products shelf life for their products were 20 days) and most of the products expired resulting in heavy financial loss.

After issuing the notice to all the workmen they sent an intimation to the government regarding the closure of both the establishments. The Management in its notice to the

government also stated they are in a financial crunch after the COVID and this protest at the 2 establishments have further affected their financial position and hence they will not be in a position to reopen R.R Sugars and R.R Juses. They also claimed for exemption to pay the closure compensation all the workmen .

Based on the above facts analyse,

1. Whether the employer **R. R. Juses** and **R.R. Sugars**, workmen & employees of **R. R. Juses and R. R. Sugars** have violated provisions of the Industrial Disputes Act, 1947 and the Industrial Employment Standing Orders Act, 1946. (8 marks)
2. Whether Mr. Vivek can claim Retrenchment compensation? (3 marks)
3. Whether Rajathi Industries is liable to pay retrenchment and closure compensation? If so, whether the employer can claim the exemption for payment of retrenchment and closure compensation for all the workmen working at **R. R. Sugars and R. R. Juses?** (4 Marks)

PART - B (3 x 5 = 15 Marks)

3. Analyse whether Charitable Establishments and Hospitals can be considered as an Industry under S.2 (j) of the Industrial Disputes Act, 1947?
4. The employer submitted a modified standing order on 18th June 2022 for Ramya Metal works. The last standing order modification was certified on November 2022. The current modifications were made u/ R.13 (a) & R.(16) of Ramya Metal Works standing orders.
R. 13 (a) payment of subsistence allowance: **“subsistence allowance shall be paid to the employees after the completion of enquiry only”**
R.16 (b) Lay off reasons : “ natural calamity , power shut down theft of machineries & negligence” .
But the certifying Officer instructed the employer to remove both the clauses. The 2 clauses were also objected by the 3 Trade Unions of Ramya Metal Works.
Comment on the just and fairness of the proposed modifications, the power of the certifying officer to refuse to certify the standing order and whether the certifying officer has to consider the opinion of the Trade unions before certifying the standing orders.
5. Define Contract Labour under the Contract Labour (Regulation & Abolition) Act, 1970 & Industrial relations code and state whether it is mandatory for the employer to automatically absorb the contract labour in to permanent service when a notification is issued by the appropriate government u/ s/ 10 of the Contract Labour (Regulation & Abolition) Act, 1970.

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PUBLIC INTERNATIONAL LAW

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)

Answer the following Questions.

1. *“The privatization of space is taking off, but not everyone is over the moon.”*-
Comment on the statement with the help of various treaties and principles relating to space law.

[12 Marks]

2. On 20.11.2022 a collision occurred on the high seas between a vessel of Mazaros state and vessel of Tomtano state. The vessel of Tomtano sank and killed 5 nationals boarded on it and about 600 liters of fuel oil on board spilt into the sea. The Mazaros captain were taken to Tomtano on board and claimed 1 million Dollar for the loss due to the collision. On contrary, Mazaros claimed that as the vessel sunk in high sea so Mazaros Government is not responsible for any loss.

In the light of above mentioned facts, decide the dispute with the help of landmark case laws and the principles of International Law of Sea.

[6 Marks]

3. A China Airlines flight on its way to Montreal stopped due to Contamination of the fuel system in Alaska. While the flight landed in emergency it caused inconvenience and damages to the people nearby for which the Alaska Government claimed compensation from China as there was no bilateral agreement between the nations.

In the light of above mentioned facts decide the case with the help of Freedom of Air under Public International Law. **[6 Marks]**

4. In May 2022, two carpenters from Joman state were asked to fix furniture at the home of an Iraput diplomatic agent to the Iraput embassy. The conflict between Iraput and Joman security personnel is thought to have sprung from the ongoing disagreements over a polical issue. During the argument, a teenage Jomanian carpenter allegedly attempted to stab an Iraput security guard with a screw river, by viewing the incident the Iraput diplomatic agent's wife shot and killed the carpenter from Joman.

With the help of International law relating to Diplomatic immunity, decide whether the Israeli Diplomatic Agent will get the diplomatic immunity in the present case?

[6 Marks]

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LAW OF EVIDENCE

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following Questions.

- Ms. Hini and Mr. Rinesh had a son Rahman and he was tortured to death over a land dispute by their neighbour Mr. Billa. The accused was convicted in a year by the trial court. Mr Billa was imprisoned and he was granted a day on parole for the death of his close relative. In the meanwhile, Ms. Hini and Mr. Rinesh executed the plan and murdered Mr. Billa to avenge their son's painful death. They planned it meticulously by sharing messages over the phone and cleverly did not discuss anything in front of others.

On the day of Mr. Billa's parole, he was shot from a lamp post which was adjacent to the lamp post holding CCTV. Mr. Billa was severely injured and he gave a dying declaration accusing Ms. Hini and Mr. Rinesh.

DEPOSITION OF THE WITNESSES DURING THE POLICE

INVESTIGATION

PW-1

Deceased's wife Ms Meena

My husband was innocent and he was not responsible for Mr. Rahman's death. We shared a good bond of 20 years of the neighbourhood with Ms. Hini and Mr. Rinesh. Through the dying declaration of my husband Ms. Hini and Mr. Rinesh are responsible for his death.

PW-2

Mr Kamlesh, Duty Doctor, Government Hospital

I am working as a Duty Doctor in a Government hospital. Mr Billa's dying declaration was video recorded on my mobile as soon as he was brought to the Government hospital. He was willing to provide a dying declaration and conscious enough to identify himself. He was also guarded by two policemen.

PW-3

Mr Kumar, Constable (Local Police Station)

Mr. Billa was shot and we took him immediately to the hospital. As He was willing to provide a dying declaration, we recorded. I started writing his dying declaration while the doctor video-recorded it and the nurses kept on checking his vitals.

DW-1:

Ms Hini

I am not responsible for the death of Mr. Billa, he killed our son. Thus, God punished him. We loved our son so much and we were not involved in any kind of dispute with our neighbour except for the land disputes.

DW-2:

Mr Rinesh

I am not liable for the death of Mr. Billa. Though we shared a good neighbourhood relationship for 20 years for petty reasons, he murdered our son and the same was proved in court. My wife and I feel this is a punishment given by God for having killed our son.

DW-3:

Ms Malika, Domestic help at Rahman's house.

I have not seen madam and sir involved in any conspiracy talk. They were leading a painful yet normal life after the death of their son.

As a public prosecutor and defence counsel, elucidate on the following referring to the relevant provisions of the Indian Evidence Act, 1872.

1. Examination-in-chief (of any 2 witnesses)
2. Cross Examination (of any 2 witnesses)
3. Re-Examination (if required)

(Note: PW can be read as Prosecution Witness and DW can be read as Defence Witness:).

2. Mr Shanthanu was charged with an offence under the Protection of Children from the Sexual Offences Act, 2012. There was a friend of the victim who was an eyewitness in the case. During the trial, the prosecution relied on the bad character of the co-accused he was earlier charged with a 'cyber stalking' offence. It was defended that it was an incorrect fact and the same should not be taken into consideration. The prosecution further produced the chats exchanged on social media platforms between the victim and Mr Shanthanu in the current case and they want the accused to undergo a 'Narco-analysis' test. In addition, the defence counsel defended that the digital evidence was forged.

Critically comment on the issues raised in the above-said hypothetical situation.

3. Describe the types of ambiguities in the document under the Indian Evidence Act, 1872 and further critically analyse the circumstances in which the oral evidence is admitted relating to the documentary evidence.



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LAW OF DIRECT TAXATION

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)

Answer the following Questions.

1. Determine the taxability of the following income under relevant heads in the following cases:
 - a. Ms. Joy was gifted Gold Bonds worth Rs. 7 lakhs by her mother in 1989. They were redeemed by the government on 1st August 2000 and Ms. Joy received gold of equivalent value which came upto 4000 grams approximately. Ms. Joy subsequently sold this gold on 1st April 2019 for Rs. 100 lakhs. Examine the tax liability of Ms. Joy. Will the situation be any different had Ms. Joy directly received gold as gift from her mother instead of the gold bonds? (5 Marks)
 - b. M/s Veer Ltd., engaged in the business of textiles, also was involved in trading in shares of other companies. The company suffered loss from such dealing in shares. Can such loss be set-off against profit in textile business? Will the situation be any different if the principal business of such company itself is purchase and sale of shares of other companies? (5 Marks)
2. Mr. KDH Hridhay is a Member of Legislative Assembly. He underwent an open-heart surgery abroad in respect of which he received Rs. 5 Lakhs from the State Government towards reimbursement of his medical expenses. The Assessing Officer contended that such amount is taxable as a perquisite under Section 17 of

the Income Tax Act, 1961. Examine the correctness of the contention of the Assessing Officer. **(5 Marks)**

3. Ms. Jane, the assessee while filing her ITR, declared income from salary, income from house property, income from capital gains and from other sources. She also received bonus shares from M/s Zipro Ltd. Ms. June was show caused as to why the addition u/s 56(2)(vii)(c) of the Income Tax Act should not be made in respect of these bonus shares. Ms. Jane replied that provisions of Section 56(2)(vii)(c) of the Act would not apply to bonus shares at all as it is merely done by capitalization of profits. The Assessing Officer did not heed to the contentions of Ms. Jane and proceeded to treat the bonus shares issued to be taxed u/s 56(2)(vii)(c) of the Act. Explain the validity of Assessing Officer's decision with relevant provisions of the Income Tax act and judicial decisions.

(Section 56(2)(vii)(c) -Where an individual receives, in any previous year, from any person or persons on or after the 1st day of October, 2009 but before the 1st day of April, 2017-.....)

(c) any property other than immovable property, -

(i) without consideration, the aggregate fair market value of which exceeds fifty thousand rupees, the whole of the aggregate fair market value of such property;

(ii) for a consideration which is less than the aggregate fair market value of the property by an amount exceeding fifty thousand rupees, the aggregate fair market value of such property as exceeds such consideration.) **(5 Marks)**

4. M/s. Rolex Pvt. Ltd., incurred expenditure towards contribution made to a Political Party CJP. Will the same be allowed as deduction from Business or Profession income? Substantiate your answer with relevant legal provisions under the Income Tax Act, 1961. **(5 Marks)**
5. Mr. Shah has started a business on 15/4/2020. He has incurred expenditure before setting up the business. Can these expenditures be allowed as a deduction for the A.Y. 2023- 24? If yes, what are the limits and conditions? **(5 Marks)**

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LAW RELATING TO INTELLECTUAL PROPERTY RIGHTS

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)

Answer all the questions:

1. *“The question of infringement of a patent is a mixed question of law and fact. The infringement of a patent may be done in a number of ways, one of which is by using the patent or any colourable imitation thereof in the manufacture of patented articles.”*

In this context, determine whether the following constitute a patent infringement
 Patented Invention: Asquare-shaped movable steel table which can be easily assembled for use and disassembled for transportation or storage comprising of a simple and efficient device for locking the steel leg structures in a central socket.

Infringers Device: A movable wooden table with a circular surface for convenient assembly and disassembly, a central socket for locking wooden leg structures, and an attached wheel assembly for improved portability.

(10 Marks)

2. *“Normally, any unauthorized use of the copyright in any work amounts to infringement of the copyright of that work. However, some unauthorized uses of copyrighted work for certain specific reasons are allowed by the law and they are not considered as an infringement of copyright of that work.”*

In this context critically examine the fair dealing provisions under the Indian Copyright Act in the light of the *Delhi University Photocopy Case* and comment on the case against *Sci-Hub* before the Delhi High Court.

(10 marks)

3. (a) Whether an internet domain name could be said to be a word or name which was capable of distinguishing the subject matter of trade or service made available to potential users of the internet? Give cogent reasons by referring to relevant provisions and the case laws under the Trade Marks Act, 1999.

(5 marks)

- (b) Explain in brief the difference between infringement and passing off action in a trademark.

(5 marks)

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INTERPRETATION OF STATUTES

Time: 2 Hours

Maximum Marks: 30

PART - A (6 x 5 = 30 Marks)

Answer the following questions:

1. The General Clauses Act, 1897 is the 'Law of all Laws'. Comment on the aforementioned statement by critically analysing the nature of provisions under the said Act.

2. Enumerate and explain the various diseases associated with legislative drafting.

3. An excerpt from Section 3 of Prevention of Corruption Act, 1988 reads as follows.

Power to appoint special Judges.— (1) The Central Government or the State Government may, by notification in the Official Gazette, appoint as many special Judges as may be necessary for such area or areas *or* for such case or group of cases...

Identify and explain the manner in which the italicised and boldened '*or*' in the above-mentioned provision has to be interpreted with the help of rules of interpretation and relevant case law.

4. Distinguish the Golden and Mischief rule of interpretation with the help of decided case laws.

5. Section 6 of the Specific Relief Act, 1963 reads as follows:

Suit by person dispossessed of immovable property. — (1) If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person through whom he has been in possession or any

person claiming through him may, by suit, recover possession thereof, notwithstanding any other title that may be set up in such suit.

(2) No suit under this section shall be brought—

(a) after the expiry of six months from the date of dispossession; or

(b) against the Government.

(3) No appeal shall lie from any order or decree passed in any suit instituted under this section, nor shall any review of any such order or decree be allowed.

(4) Nothing in this section shall bar any person from suing to establish his title to such property and to recover possession thereof.

Enumerate and explain all the internal tools of interpretations present in the provision.

6. What are the rules of interpretation applicable in interpreting the provisions of General and Special Acts when the General Act is enacted after the Special Act? Explain with the help of decided cases.
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CORPORATE FINANCE LAW

Time: 2 Hours

Maximum Marks: 30

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
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PART - A (30 Marks)

Answer the following questions:**Read the facts below and answer all the questions that follow:**

M/s 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. M/s 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 persons. On 05.02.2023, it proposed to issue convertible debentures to the willing employees of M/s 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, M/s 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 M/s 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, M/s 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, M/s TTPL prosed to convert the said convertible debentures to equity shares. Due to technology development, M/s TTPT Pvt. Ltd., requires to invest further in order to get the latest machines used in quality checks and control. Therefore, M/s TTPT Pvt. Ltd., proposes to raise further finance to the tune of 10 crores which required urgently and another 270 crores in about 6 months' time. In this M/s regard, M/s TTPT Pvt. Ltd., requires advise on the following:

1. The available option of financing through composite issue for M/s TTPT Pvt. Ltd., and the role and obligations of different intermediaries required to be appointed for composite issue by citing the relevant provisions applicable. **(10 marks)**
2. Whether M/s TTPT Pvt. Ltd., can opt for raising the requisite capital through FDI and what are the suitable instruments of FDI having regard to the applicable regulations? **(15 marks)**
3. Write a note on perfection of charges. **(5 marks)**

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INTERNATIONAL COMMERCIAL ARBITRATION

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions:

1. Explain the Arbitrability of the following subject matters in light of International Commercial Arbitration.
 - (i) Bribery and Corruption (5 marks)
 - (ii) Corporate Governance (5 marks)
2. *"Dishwash Husbands"* is a popular Japanese Drama series. Shalimar TV, a broadcasting channel based in India approached the Producer of the Drama namely Mr. Baruto to get exclusive broadcasting rights to telecast the Drama. They entered into an agreement which stipulated that *"Shalimar TV will have exclusive broadcasting rights and it should not be given to any other broadcaster"*. On 22nd October 2023, Mr. Baruto noticed that another channel based in India namely Moon TV, started broadcasting the same Drama. Aggrieved by the same, Mr. Baruto invoked the Arbitration clause in the agreement to commence arbitration proceedings against Shalimar TV. However, the named arbitrator had caused a huge delay in constituting the Tribunal owing to his personal schedule. Examine the immediate remedy available to Mr. Baruto to stop the broadcasting of the Drama in Moon TV. Explain the nature of remedy available with relevant International conventions and Rules.
3. *"The State shall not by General or Special Legislation or by Administrative measures or by any other act whatsoever annul this Agreement. No alteration shall be made in terms of this Agreement by either the State or the Company except by a joint agreement between the State and the Company"*

Explain the nature of the above clause and its relevance in International Commercial Arbitration with the help of relevant case laws.

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LAW AND SOCIAL TRANSFORMATION

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 20 Marks)

Answer the following questions:

1. *“Public Interest Litigation, gives courts enormous procedural flexibility and essentially allows them to legislate from the bench.”–Critically comment on the above statement by tracing the evolution of Public Interest Litigation in India with relevant case laws.*
2. *“Dance was presented as an important aspect of Indian heritage, and devadasis were projected as the torch bearers of such an ancient Art” – Does abolition of devadasi system has transformed the women of the devadasi community? Critically comment on devadasi system.*
3. *“The Kudankulam movement unlike those in some other parts of India where plants were being set up was not of the “not in my backyard” type but represented a total rejection everywhere of the nuclear energy programme.” – Critically comment on people’s protest as a path of social transformation by analysing the Kudankulam movement.*

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CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions with your own words:

1. "The judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence, He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to 'the primordial necessity of order in the social life. Wide enough in all conscience is the, field of discretion that remains.'" -**Benjamin Cardozo**

In the light of above statement examine the discretionary power exercised by Judges in India.

2. Mr. Manoj ran a media company. Ms. Maria was an actress from Kerela who aspired to be in television. After Ms. Maria relocated to Mumbai, she became friends with Mr. Manoj, and the two quickly developed a close bond. But Ms. Maria began to question if Ms. Manoj was sincere about advancing her professional standing. On May 8, 2021, Ms. Maria spoke with Mr. Edward, her fiancé, and that's when the plan to murder Mr. Manoj was devised. On May 10, 2021, Mr. Manoj was murdered and his body was broken up by Mr. Edward and Ms. Maria.

In the light of above mentioned case study, identify the victim and support your answer with the help of theories of Victimology.

3. Define alternatives to imprisonment and explain the best practices around the world. Give your justification for inclusion of Community Service as a mode of alternative to imprisonment as proposed in Bharatiya Nyaya Sanhita Bill, 2023.
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CYBER LAW

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)**Answer the following questions:**

1. Alex (14 years) and Alexa (16 years) are siblings who love to play video games on the mobile devices used by their parents at home. Alex initiated playing a game 'Robofight' by accepting one of the terms and conditions that the *'creator of the games is not responsible for any physical or mental consequences faced by the users..'* In the said game, few of the players were seen as obscene and he brought the same to the knowledge of his sister. Alexa started playing the game along with her brother and they clicked a malicious link directing them to a porn website and they provided all the mandatory credentials required. In a day's time, they received video calls/videos during their playtime which showed pornography. As they were scared to reveal the same to the parents, they deleted the videos periodically.
Eventually, on receiving a deep nude video of herself in Alexa's 'Pinsta' account, she conveyed it to her parents. Alex transferred a few of the child porn videos to his tablet device and showed them to a neighbour's minor girl 'Lia' who is 10 years old. Lia's parents filed a police complaint over the same.
Parents of Alex and Alexa, being lawyers, filed a Public Interest Litigation against all gaming companies and social media platforms in India to strictly restrict users above 18 years of age to protect the children from all kinds of social-media abuses and cyber crimes. In addition, they require Artificial Intelligence (AI) enabled security measures to be adopted to prevent child pornography. The defendants in the case alleged that the website had been hacked on the dark web and they duly followed due diligence.

Substantiate the issues in the given case and critically analyse the cyber crimes against minors. Comment on the role of social media and gaming platforms in protecting minors.

(Note: Cite required case laws and authorities.)

2. Digital evidence was provided in a case where a domain name dispute was raised alleging a website mimicking 'Bosch' company as 'Boschee' website. The website defended its passive functions in cyber space as they do not possess enough subscribers and neither qualifies 'social media intermediary' nor 'significant social media intermediary' definitions under the IT (Intermediary guidelines and Digital Media Ethics Code) Rules, 2021. In addition, the website argued against the admissibility of the digital evidence. Decide.
3. 'Cyber Crime Cell' in a District Commissioner's office received a complaint on an online financial fraud where a man of 55 years lost Rs. 1 Lakh from his bank account. On investigation, the IP address of the cyber criminal was traced to 'Australia'. Australian Government requested the Indian Government to proceed with the case through an online dispute resolution platform. Analyse the given hypothetical situation through the lens of the Budapest Convention and the UN draft comprehensive international convention on countering the use of ICTs for criminal purposes.

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COMPETITION LAW

Time: 2 Hours

Maximum Marks: 30

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 (3 x 10 = 30 Marks)

Answer the following questions:

- 1 With respect to the doctrine of 'separation of powers', what is the primary function of the *Competition Commission of India (CCI)*? List down at least two provisions each from the *Competition Act, 2002* as examples for executive, legislative and judicial powers exercised by the CCI. Explain in detail about the administrative powers and functions of the CCI by quoting relevant provisions and case laws.
- 2 Define the term 'enterprise' by comparing the provisions of the *Competition Act, 2002* and the *Monopolies and Restrictive Trade Practices (MRTP) Act, 1969*. Critically analyse in detail the following questions by comparing the Indian legal position with that of the European Union:
 - 2.1 Whether the activities of the *Public Works Department (PWD)* in a State Government can be treated as an 'enterprise' activity?
 - 2.2 Whether statutory professional regulators like the *Bar Council of India (BCI)* can be considered as an 'enterprise'?

- 3 It has become a common story in the Indian *Information Technology (IT)* sector that employees who gain special knowledge by working in one Company often jump to a competitor Company, since the latter offers them a relatively higher pay package and incentives. Since the advent of the COVID – 19 pandemic, ‘*moonlighting*’ is another problem which is plaguing the IT sector nowadays, whereby employee’s misuse the ‘*work from home option*’. Under the guise of exercising this option, some full time employees work part time in other horizontal or vertical organisations without obtaining prior permission from their employer. Hence, draft a comprehensive ‘*non – compete policy*’ addressing the above problems by complying with the provisions of the *Competition Act, 2002* and the *Indian Contract Act, 1872*. Opine as to whether such policy can affect competition in the employment market and can it infringe Sections 3 or 4 of the Competition Act?
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HUMAN RIGHTS LAW

Time: 2 Hours

Maximum Marks: 30

PART - A (1 x 10 = 10 Marks)

Answer the following questions:

1. What are Paris Principles? Critically Analyze the functioning of the Human Rights Commissions in India in accordance with the Paris Principles with suitable illustrations.

PART - B (4 x 5 = 20 Marks)

Answer the following questions:

2. Why do Authoritarian and Liberal Democratic states enter and comply with Human Rights Treaties? Explain with suitable examples.
3. The African Regional Approach to Human Rights has a very distinctive feature compared to the other Regional Approaches to Human Rights. Identify the same and explain the African Approach to Human Rights and compare it with the Asian Pacific Regional Approach to Human Rights.
4. The advancement of technology is seen as the major development in mankind. The same has also led to various new concerns in Human Rights. Discuss how the advancement of technology has opened a new way for various human rights violations with suitable examples.
5. Poverty, Development and Caste are the factors of Human Rights Violations which are inter-connected and lead to a series of Human Rights Violations. These inturn are again interlinked to each other. Critically analyze the above statement with suitable examples.

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CLINICAL – III (Professional Ethics and Professional Accounting System)

Time: 2 Hours**Maximum Marks: 30****PART - A (30 Marks)****Answer the following questions.**

1. The following is an excerpt from Jonathan Swift's famous book "Gulliver's Travels" -
I said, 'there was a society of men among us, bred up from their youth in the art of proving, by words multiplied for the purpose, that white is black, and black is white, according as they are paid. To this society all the rest of the people are slaves. For example, if my neighbour has a mind to my cow, he has a lawyer to prove that he ought to have my cow from me. I must then hire another to defend my right, it being against all rules of law that any man should be allowed to speak for himself. Now, in this case, I, who am the right owner, lie under two great disadvantages: first, my lawyer, being practised almost from his cradle in defending falsehood, is quite out of his element when he would be an advocate for justice, which is an unnatural office he always attempts with great awkwardness, if not with ill-will. The second disadvantage is, that my lawyer must proceed with great caution, or else he will be reprimanded by the judges, and abhorred by his brethren, as one that would lessen the practice of the law. And therefore I have but two methods to preserve my cow. The first is, to gain over my adversary's lawyer with a double fee, who will then betray his client by insinuating that he hath justice on his side. The second way is for my lawyer to make my cause appear as unjust as he can, by allowing the cow to belong to my adversary: and this, if it be skilfully done, will certainly bespeak the favour of the bench. Now your honour is to know, that these judges are persons appointed to decide all controversies of property, as well as for the trial of criminals, and picked out from the most dexterous lawyers, who are grown old or lazy; and having been biassed all their lives against truth and equity, lie under such a fatal necessity of favouring fraud, perjury, and oppression, that I have known some of them refuse a large bribe from the side where justice lay, rather than injure the faculty, by doing any thing unbecoming their nature or their office.

'It is a maxim among these lawyers that whatever has been done before, may legally be done again: and therefore they take special care to record all the decisions formerly

made against common justice, and the general reason of mankind. These, under the name of precedents, they produce as authorities to justify the most iniquitous opinions; and the judges never fail of directing accordingly.

'In pleading, they studiously avoid entering into the merits of the cause; but are loud, violent, and tedious, in dwelling upon all circumstances which are not to the purpose. For instance, in the case already mentioned; they never desire to know what claim or title my adversary has to my cow; but whether the said cow were red or black; her horns long or short; whether the field I graze her in be round or square; whether she was milked at home or abroad; what diseases she is subject to, and the like; after which they consult precedents, adjourn the cause from time to time, and in ten, twenty, or thirty years, come to an issue.

'It is likewise to be observed, that this society has a peculiar cant and jargon of their own, that no other mortal can understand, and wherein all their laws are written, which they take special care to multiply; whereby they have wholly confounded the very essence of truth and falsehood, of right and wrong; so that it will take thirty years to decide, whether the field left me by my ancestors for six generations belongs to me, or to a stranger three hundred miles off.

'In the trial of persons accused for crimes against the state, the method is much more short and commendable: the judge first sends to sound the disposition of those in power, after which he can easily hang or save a criminal, strictly preserving all due forms of law.'

Here my master interposing, said, 'it was a pity, that creatures endowed with such prodigious abilities of mind, as these lawyers, by the description I gave of them, must certainly be, were not rather encouraged to be instructors of others in wisdom and knowledge.' In answer to which I assured his honour, 'that in all points out of their own trade, they were usually the most ignorant and stupid generation among us, the most despicable in common conversation, avowed enemies to all knowledge and learning, and equally disposed to pervert the general reason of mankind in every other subject of discourse as in that of their own profession.'

(a) Critically analyse the sentiment reflected in the above passage, penned about 300 years ago in the early 1720s, and comment on how much of this is true or relevant about lawyers, judges and legal ethics in an adversarial legal system in 2023!

(20 marks)

(b) Substantiate your answer with appropriate legislations and judicial pronouncements discussed in class, including those from foreign jurisdiction, as and where applicable.

(10 marks)

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
V Year B.A. LL.B. (Hons.) & B.Com. LL.B. (Hons.) Degree Programmes
End Semester (Odd-Semester) Examinations, November 2023

LAW OF INDIRECT TAXATION

Time: 2 Hours

Maximum Marks: 30

PART - A (30 Marks)

Answer the following questions:

1. Input Tax Credit (ITC) imposes a one-sided obligation on the recipient to ensure the supplier has discharged his burden by paying the tax to the Government without any mechanism to ascertain the same which squarely turns to stand against the objective and the intention of the legislature. Despite various High Courts identifying the hardships, there has been no change in the position and the executive is continuing to shift their role to the shoulders of the taxpayer. In this premise, analyse the impact of denial of ITC to the taxpayers and businesses in India and also critically examine the constitutionality of such provisions under the existing law with the help of decided case laws.

(10 Marks)

2. a) M/s. Onyx Traders, a registered person, issued tax invoice to another registered person M/s. SAM Enterprises without any underlying supply of goods or services or both. M/s. SAM Enterprises avails Input Tax Credit (ITC) on the basis of the said tax invoice and further passes on the said ITC to another registered person M/s. JDR Stores by issuing invoices without underlying supply of goods or services or both.

The Proper officer served Show Cause Notice to M/s. SAM Enterprises demanding tax payment and ordered for the recovery of the said ITC along with penal actions under Section 74 of the CGST Act, 2017. Is the action of the proper Officer Valid? Explain.

(5 Marks)

- b) M/s. Power Electricals Ltd., a registered supplier of air conditioners, is required to send from Mumbai, a consignment of parts of air-conditioner to be replaced under

warranty at various client locations in Gujarat. The value of the Consignment declared in delivery challan accompanying the goods is Rs. 70,000. M/s Power Electricals Ltd., Claims that since movement of goods to Gujarat is caused due to reasons other than supply, e-way bill is not mandatorily required to be generated in this case. Examine the technical veracity of the claim made by the M/s Power Electricals Ltd.

(5 Marks)

3. a) M/s. Krishna Motors is a car dealer selling cars of an international car company having seating capacity of 7 persons (excluding driver). It also provides maintenance and repair services of the car sold by it as also of other cars. Krishna Motors seeks your advice on availability of Input Tax Credit (ITC) in respect of the following expenses incurred by it during the course of its business operations:

(i) Cars purchased from the manufacturer for making further supply of such cars. Two of such cars are destroyed in accidents while being used for test drive by potential customers.

(3 Marks)

(ii) Works contract services availed for constructing a car washing shed in its premises.

(2 Marks)

- b) Explain how the packing materials will be classified as per Rule 5 of the General Rules for the Interpretation of the First Schedule to the Customs Tariff Act, 1975.

(5 Marks)

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LAW, BUSINESS AND HUMAN RIGHTS

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions:

1. *“Facial recognition is too dangerous to be used right now for law enforcement purposes”* – Critically comment on the Clear view AI law suit.
2. *“It is currently vital to implement restrictive regulations in the textile sector so that a truly responsible industry can emerge and contribute to the development of textile producing countries while respecting human rights.”* - Comment on the statement by analyzing the Rana Plaza tragedy.
3. *“Given the power of TNCs in today's globalized world, the expectation that domestic law would be sufficient to impose human rights-related obligations and to hold TNCs accountable for abuses is simply unrealistic.”* – Does extra territorial jurisdiction of home countries do good in combating human rights violations caused by TNCs in the host countries? Elaborate with an example.

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LAW OF INTERNATIONAL ORGANISATIONS

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions:

1. Equitaria is a small landlocked territory in the globe south. Equitaria had a peaceful existence for many years but has recently found itself involved in a territorial dispute with its neighbour, "Montania," a larger and more politically influential country. In the midst of this dispute, Equitaria has decided to seek recourse through the International Court of Justice (ICJ). The case revolves around the demarcation of the border and access to valuable natural resources that both countries claim. Equitaria believes that a fair and impartial resolution can be achieved through the ICJ.

Equitaria's legal team is preparing to present its case before the ICJ, and the government is concerned about the outcome of the case. They want to ensure that the judges presiding over the case are impartial and do not have any apparent biases or connections to Montania, which they perceive as a more influential state within the international community. The legal team approached you for your advice for the following:

Explain the process of selecting judges to the ICJ, including the role of the United Nations General Assembly and the United Nations Security Council.

Examine the potential challenges related to the selection of judges and provide your recommendations for impartial and sustainable settlement of the dispute.

2. You are appointed as the legal advisor for the Global Health Association, which is an intergovernmental organisation in the global south focusing on protection of global health and environment. The recent assembly of GHA decided to take stringent measures against the threat of antimicrobial resistance. They asked you advice for effectively combat antimicrobial resistance.

Describe legal policies and frameworks existing at international level to address the issue of antimicrobial resistance. Provide your recommendations for GHA to implement stronger measures against antimicrobial resistance.

3. The Harmonia has been in an internal conflict with RIZZ, a group of violent militants for several years. This has resulted in human rights abuses and destabilisation of political and economic conditions in the region. The international community including the United Nations is considering various measures to tackle this issue.

Describe the role of the United Nations in authorising and overseeing peacekeeping operations. What are the key legal mechanisms involved? What are your recommendations to tackle the challenges of United Nations peacekeeping operations?

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LAW OF INTERNATIONAL CARRIAGE OF GOODS BY SEA

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

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

1. In June 2023, M/s. Vaersk Shipping Co. time chartered a vessel *MV Midnight Flower* from Floyd Fleet Inc. The charter party specified the trading limits of the vessel that it can only be employed to trade to ports or places in the Mediterranean Sea region. In October 2023, there was increasing conflict between Israel and the Gaza Strip leading to bombings in Gaza, which continues till date. *MV Midnight Flower* has a route from Athens to Rhodes to Tyre Port to Port Said to Malta. On 2 November, 2023, M/s. Vaersk Shipping Co. orders the vessel to go to Port Said to partly discharge cargo. The master of the vessel refuses to go to the port citing safety concerns and directly went to Malta and discharged all of the cargo there. **Determine the validity of the master's refusal and explain the consequences of the same on M/s. Vaersk Shipping Co. and Floyd Fleet Inc.**



2. The cargo vessel *MV. Stargazia* was owned by a Swedish company, M/s. Northern Shipping Co. It was a one-ship company. It was beneficially owned by Star group owned by two brothers named Terry and Ross who belonged to Norway. The vessel was insured under a war risks policy for total losses only. *MV Stargazia* was completely destroyed due to a bombing during her voyage. Northern Shipping Co. claims upon the war risks policy. The insurers are refusing to pay for the claim on the grounds that the company did not disclose criminal allegations of fraud against Terry and Ross in Norway. They were held not guilty under the criminal proceedings in Norway. **Decide the insurance claim.**

3. The vessel *M V Nautik* owned by M/s. Wave Shipping Co. was voyage chartered to Western Shippers Co. using the standard form contract GENCON 2022. Western Shippers have breached the charterparty terms on grounds of non-payment of freight and demurrage and carriage of cargo not permitted under the charterparty. Wave Shipping Co. sent multiple notices seeking the freight and demurrage amount and the compensation for breach of contract. However, Western Shippers have not responded to any of the notices. **Explain how M/s. Wave Shipping Co. can enforce their rights under the charter party.**

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INVESTMENT MANAGEMENT

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions:

1. *“Fundamental Analysis is a method of finding out the future price of a stock which an investor wishes to buy.” – Examine in detail.*
2. *“Portfolio management consists of all the processes involved in the creation and maintenance of investment portfolio.”- Critically examine this statement.*
3. *“CAPM provide the mechanism whereby investors can assess the impact of a proposed security on their portfolio’s risk and return.” - Elucidate in detail.*

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INTERNATIONAL HUMANITARIAN LAW

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions:

1. ICTY and ICTR are the two important International Tribunals which set the base for the permanent International Criminal Court. They also played an important part in the development of 2 important and essential International Criminal Law jurisprudence. Identify the two jurisprudence developed by them and discuss them through relevant provisions and the case laws. Also, discuss and distinguish the subject matter jurisdiction of ICTY and ICTR.
2. International Humanitarian Law Protects both the people involved and away from the hostilities. What are the various protections given to a civilian and the Hors de Combatant under International Humanitarian Law during and post the Armed Conflict?

PART - B (2 x 5 = 10 Marks)

3. What is reparation? Explain the different forms and the means of reparation available to a state and an individual with relevant rules and Examples.
4. What is reprisal? Explain the legitimacy of reprisal in an International Armed Conflict and a Non- international Armed Conflict.

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INTERNATIONAL CRIMINAL LAW

Time: 2 Hours

Maximum Marks: 30

PART - A (2 x 15 = 30 Marks)

Answer the following questions:

1. Critically examine the specific offences that constitute war crimes under Statutes of ICTY, ICTR and ICC. What amounts to Internal Armed Conflict for the purposes of War Crimes? How to distinguish Internal Armed Conflict from International Armed Conflict? Support your answer with relevant case laws.

2. (a) One of the possible obstacles to international prosecution for international crimes may be constituted by rules intended to protect the person accused and grant him immunity from prosecution. Analyse how far immunity is applied in International Criminal Law with relevant judicial decisions.

(5 marks)
- (b) The President of Country 'X' is alleged to have committed War crimes. An arrest warrant was issued by the Prosecutor of ICC. When he visited Country 'Y' a state party to the Rome statute, a request for his surrender was made by the Prosecutor. However, Country 'Y' refused to surrender. Whether Country 'Y' can refuse to do it and what will be the next course of action by ICC. Explain the legal provisions with regard to arrest and surrender implications that might arise in the above facts.

(5 marks)
- (c) The principle of complementarity and admissibility are inter-related to each other. Comment.

(5 marks)

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ADVANCED COURSE ON PATENT LAW

Time: 2 Hours

Maximum Marks: 30

PART - A (3 x 10 = 30 Marks)

Answer the following questions:

1. "Access to treatment for diseases in developing countries is problematic either because the medicines are unaffordable, have become ineffective due to resistance, or are not sufficiently adapted to specific local conditions and constraints" – Elucidate this statement with special reference to following two cases along with the steps taken under the Doha Declaration.
 - (i) *Big Pharma v. Nelson Mandela*: Trade Dispute in South Africa and
 - (ii) *United States v. Brazil*: The Brazilian AIDS Programme
2. Mr. A, the Plaintiff filed a suit for injunction against Mr. B, the Defendant restraining him from infringing the patent granted in favour of Mr. A. The patent granted in favour of Mr. A was a device that is useful for manually hauling agricultural produce. During the trial, Mr. A contended that he developed the device over a period of time and applied for the grant of a patent and the patent was granted in favour of him. The Defendant contended that the Plaintiff had fraudulently obtained the patent and the patent was wrongly granted to him, and further he alleged that there is no novelty or invention in the patent granted and it was the imitation of the century-old device originally made of bamboo.

In light of the above facts, appreciate the rival contentions of the parties and decide whether the Plaintiff is entitled to relief of injunction and also examine the

guiding principles with regard to the grant of injunction, with the decided case laws if any.

3. (i) Do you agree with the view that the Budapest Treaty eliminates the need to deposit the microorganisms in each country where the patent protection is sought? – Briefly Explain **(5 Marks)**
- (ii) Write a short note on "*Strasbourg Agreement*". **(5 Marks)**
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