



TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS



REPEAT (ODD-SEMESTER) EXAMINATIONS,
JANUARY-2022

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022
ECONOMICS – I (Principles of Economics)

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. Consider a competitive market for which the quantities demanded and supplied (per year) at various prices are given as follows:

Price (Rupees)	Demand (Qty in millions)	Supply (Qty in millions)
60	22	14
80	20	16
100	18	18
120	16	20

- a. Calculate the price elasticity of demand when the price is ₹80 and when the price is ₹100.
 - b. Calculate the price elasticity of supply when the price is ₹80 and when the price is ₹100.
 - c. What are the equilibrium price and quantity?
 - d. Suppose the government sets a price ceiling of ₹80. Will there be a shortage, and if so, how large will it be?
2. The Director of a theatre company in a small college town is considering changing the way he prices tickets. He has hired an economic consulting firm to estimate the demand for tickets. The firm has classified people who go to the theatre into two groups and has come up with two demand functions. The demand curves for the general public (Q_{gp}) and students (Q_s) are given below:
- $Q_{gp} = 500 - 5P$
 $Q_s = 200 - 4P$
- a. Graph the two demand curves on one graph, with P on the vertical axis and Q on the horizontal axis. If the current price of tickets is ₹35, identify the quantity demanded by each group.
 - b. Find the price elasticity of demand for each group at the current price and quantity.
 - c. Is the director maximizing the revenue he collects from ticket sales by charging ₹35 for each ticket? Explain.

- d. What price should he charge each group if he wants to maximize revenue collected from ticket sales?
3. Suppose that a paving company produces paved parking spaces (q) using a fixed quantity of land (T) and variable quantities of cement (C) and labor (L). The firm is currently paving 1000 parking spaces. The firm's cost of cement is ₹4,000 per acre covered, and its cost of labor is ₹12/hour. For the quantities of C and L that the firm has chosen, $MPC = 50$ and $MPL = 4$.
- Is this firm minimizing its cost of producing parking spaces? How do you know?
 - If the firm is not cost-minimizing, how must it alter its choices of C and L in order to decrease cost?
4. Suppose the market for widgets can be described by the following equations:
 Demand: $P = 10 - Q$
 Supply: $P = Q - 4$
 Where P is the price in dollars per unit and Q is the quantity in thousands of units. Then:
- What is the equilibrium price and quantity?
 - Suppose the government imposes a tax of ₹1 per unit to reduce widget consumption and raise government revenues. What will the new equilibrium quantity be? What price will the buyer pay? What amount per unit will the seller receive?
 - Suppose the government has a change of heart about the importance of widgets to the happiness of the American public. The tax is removed and a subsidy of ₹1 per unit granted to widget producers. What will the equilibrium quantity be? What price will the buyer pay? What amount per unit (including the subsidy) will the seller receive? What will be the total cost to the government?
5. Why can asymmetric information between buyers and sellers lead to market failure when a market is otherwise perfectly competitive?

PART – B (2 x 10 =20 Marks)

Answer the following questions:

- Will an increase in the demand for a monopolist's product always result in a higher price? Explain. Will an increase in the supply facing a monopsonist buyer always result in a lower price? Explain.
- A monopolist firm faces a demand with constant elasticity of -2.0. It has a constant marginal cost of \$20 per unit and sets a price to maximize profit. If marginal cost should increase by 25 percent, would the price charged also rise by 25 percent?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

SOCIOLOGY – I (A Critical Introduction)

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. Critically evaluate the Social Process of Cooperation in family with examples.
2. Analyse the evolution of various Schools of Sociology established in 20th century India, and explain the methodological discourses undertaken by respective schools of Sociology in studying social realities like Caste, gender, agrarian social structure etc.,
3. Explain the different stages of Socialization with appropriate examples from your community experiences.
4. What is “Looking Glass Self” theory? How will you justify that Mind is a Social? Illustrate your understanding.
5. How are fetishism and totemism different from Magic? Explain with examples.

PART – B (2 X 10 =20 Marks)

Answer the following questions:

6. How do you understand the term community? What are its characteristics and is it different from Caste? How?
7. Analyse the process of Acculturation and Assimilation in India, with examples from the community.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme
 Repeat (Odd-Semester) Examinations, January 2022

POLITICAL SCIENCE – I (Political Theory and Organisation)

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 = 50 Marks)

Answer the following questions: Each Answer should not be less than 400 Words.

1. “Political Science is a historical investigation of what the State has been, an analytical Study of what the State is and a politico-ethical discussion of what the State should be”- Analyse the statement of Gettell.
2. “State is an artificial contrivance of course, but it is based not one the will or consent of the people. It should be regarded as the product of a kind of social contract made by the ideally reasonable people to terminate the State of Nature.” – Critically analyse the statement.
3. Liberty is a bundle of rights. It lives with restraints. The negative view of liberty, as taken by Mill and Hayek, takes restraints as a ‘necessary evil’ and so it justifies the case of minimum possible interference of State in the liberty of the individual. On the other side, the positive view, as taken by Green, Laski, Barker and Hobhouse, appreciates the network of restraints imposed by the State in the Public interest – Analyse the statement.
4. Opposed to the theory of individualism stands a group of doctrines that favours collective control and a wide expression of public activities. While believing in individual freedom, the supporters of these theories hold that it can be better secured under social regulation than by unrestricted individual competition. They believe that the instruments of production should be owned and operated and their products distributed by the organised community – Analyse
5. ‘A Constitution is a make as well as a growth’- In the light of this statement examine the factors which play their part in the development of a constitutional system.

PART – B (2 x 10 = 20 Marks)

Answer the following questions: Each Answer should not be less than 400 Words.

6. “There are different modes of the composition of Legislature. So their functions are different which range from the making of laws to control over administration and finance, even adjudication in certain cases.”- Analyse the modes of the Composition of the Legislature and arguments in their favour.
 7. “Public opinion has its own significance in a democratic system. It is created by many agencies. A strong opinion makes democracy strong”- In the light of the statement give an analysis of the public opinion formulation in India and what are the agencies effectively working in moulding public opinion in India and how far the conditions that are necessary for the formulation of Public opinion prevails in India.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

ECONOMICS - II

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. The following table shows the average retail price of butter and the Consumer Price Index from 1990 to 2020, scaled so that the CPI = 100 in 1990.

Particulars	1990	2000	2010	2020
CPI	100	158.56	208.98	218.06
Retail price of butter (Salted, Grade aa, per kg.)	₹18.8	₹19.9	₹25.2	₹28.8

- Calculate the real price of butter in 1990 rupees. Has the real price increased/decreased/stayed the same from 1990 to 2010? From 1990 to 2020?
 - What is the percentage change in the real price (1990 rupees) from 1990 to 2010? From 1990 to 2020?
 - Convert the CPI into 2000 = 100 and determine the real price of butter in 2000 rupees.
 - What is the percentage change in real price (2000 rupees) from 1990 to 2010? Compare this with your answer in (b). What do you notice? Explain.
2. Suppose that country A and country B both produce wine and cheese. Country A has 800 units of available labor, while country B has 600 units. Prior to trade, country A consumes 40 pounds of cheese and 8 bottles of wine, and country B consumes 30 pounds of cheese and 10 bottles of wine.

Particulars	Country A	Country B
labor per kg cheese	10	10
labor per bottle wine	50	30

- a. Which country has a comparative advantage in the production of each good? Explain.
 - b. Determine the production possibilities curve for each country, both graphically and algebraically. (Label the pre-trade production point PT and the post-trade point P.)
 - c. Given that 36 pounds of cheese and 9 bottles of wine are traded, label the post-trade consumption point C.
 - d. Prove that both countries have gained from trade.
 - e. What is the slope of the price line at which trade occurs?
3. Suppose that actual output is ₹120 billion and potential (full-employment) output is ₹156 billion. What is an output gap in this hypothetical economy? Based on your estimate of the output gap, would you expect the unemployment level to be higher or lower than usual?
4. The following is information from the national income accounts for a hypothetical country:

GDP	₹ 6,000
Gross investment	₹ 800
Net investment	₹ 200
Consumption	₹ 4,000
Government purchases of goods and services	₹ 1,100
Government budget surplus	₹ 30

Calculate

- a. NDP?
 - b. Net exports?
 - c. Government taxes minus transfers?
 - d. Disposable personal income?
 - e. Personal saving?
5. The following information is to be used for calculations of the unemployment rate: Suppose there are two major groups, adults and teenagers, with adults divided into men and women. Teenagers account for 10 percent of the labor force; adults account for 90 percent. Women make up 35 percent of the adult labor force. Suppose also that the unemployment rates for these groups are as follows: teenagers, 19 percent; men, 7 percent; women, 6 percent.
- a. Calculate the aggregate unemployment rate.
 - b. What if the share of teenagers in the labor force increases from 10 to 15 percent? How will this affect the aggregate unemployment rate?

PART – B (2 x 10 =20 Marks)

Answer the following questions

6. Your country is in recession. You feel that a policy of exchange rate depreciation will stimulate aggregate demand and bring the country out of the recession.
 - a. What can be done to trigger this depreciation?
 - b. How might other countries react?
 - c. When would this be a beggar-thy-neighbor policy?

 7. It is sometimes said that a central bank is a necessary element for a balance-of-payments deficit. What is the explanation for this argument?
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Repeat (Odd-Semester) Examinations, January 2022

LEGAL METHODS

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer all the following Questions:

- Five people were stranded on a boat in the middle of nowhere, with no food or water for 10 days. Desperate, they decided to sacrifice and eat the oldest of the crew, an 85-year-old man, who had fallen sick from drinking seawater. A mere day after the four people had eaten their crewmate, they were rescued and are now on trial for murder. The law on murder states as follows:
S.499: Whoever shall willfully take the life of another, is said to commit murder and shall be punishable with life in imprisonment.
 When the four people are brought before you, you see that no precedent fits the facts of this case. As the judge, would you acquit or convict the accused? Answer in the context of the distinction between natural law and positive law.
- Maneka Gandhi v. Union of India* is often used as an example to show how it is necessary to read morality into the law. At present, there are a growing number of cases of human rights violation by the state,
 In this context, do you believe that all morality should become the subject of law? Please explain your position using examples.
- Precedents bring flexibility to law. Judges in giving their decisions are influenced by social, economic and many other values of their age. They mold and shape the law according to the changed conditions and thus bring flexibility to law. In light of this statement comment on the significance of Judicial Precedents, the ratio of the case and *obiter-dicta* with leading case law references.
- Explain the Lawmaking process by the Union Legislature in India.
 What are the different stages a Bill goes through before becoming an Act?
- The Offences against the Person Act 1861 makes it an offence for any person to carry out an abortion. The Abortion Act 1967 provided that it would be an absolute defence

for a medically registered practitioner (i.e. a doctor) to carry out abortions provided certain conditions were satisfied.

Within the Act, the nurses were also allowed to carry out the abortion. As per the given law in force, the abortions which are offensive were still carried out with the help of registered nurses within the close veil.

In light of the facts above, explain the relevant rule of interpretation to fill the gap of the law.

Note – Object of the Abortion Act, 1967 is to amend and clarify the law relating to termination of pregnancy by registered medical practitioners.

PART – B (2 X 10 =20 Marks)

Answer all the following Questions:

6. Analyse the relationship between Constitutionalism and Separation of Power.
 7. The difference between the role of a Judge in Civil Law System and Common Law System.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat (Odd-Semester) Examinations, January 2022

HISTORY - III

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer the following Questions:

1. “In contemporary historiographical assessment, (K.A. Nilakanta) Sastri’s work is traditional/conventional and ranks along with the works of T.V. Mahalingam, C. Minakshi, and N. Venkataramanayya....” Do you agree? Provide reasons and examples for proving your stand.
2. Literature is greatly helpful to understand the society, economy and polity of the Sangam Age than the other sources such as archaeology. As per the literary sources available for the Sangam Age what was the nature of the polity during this period?
3. Historical evidence for the development of the devadasi system as a socio-religious institution can be traced to the time of the Pallavas. During the same period the Bhakti movement also came into being. Do you see any relationship between the Bhakti movement and the institutionalization of the devadasi tradition? Support your ideas with adequate evidence.
4. The rulers of the Vijayanagar kingdom believed that protecting the rights of each and every varna was an important duty. Analyze the sources that helped the Vijayanagar rulers in the administration of justice.
5. Differentiate between the judicial systems of the French East India Company in Pondicherry and the English East India Company in Madras. How and why were the two systems so different?

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

1. The establishment of the Pallava Kingdom at Kanchipuram marked a shift in the Tamil society in many aspects. What was this shift? Analyse the reasons for these social and religious changes under the Pallavas.

2. The agrarian structure of Tamilaham under the Imperial Cholas was not the same as that of their predecessors and witnessed many changes in terms of State's control, landownership, taxation, irrigation and so on. Analyse the nature of the agrarian relations under the Cholas.
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LEGAL HISTORY

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer the following Questions:

1. Even though the English East India Company reached the Indian sub-continent later than the other European companies it managed to establish its settlements and obtained territories and power through unconventional methods. What were these unconventional methods and analyse why they succeeded?
2. “The issue of Charters containing legal provisions to the great trading companies, was the primary means of establishing the common law in the various colonies from the seventeenth to the mid-nineteenth centuries.” Examine the statement by analysing the Charters issued by the British Crown to the East India Company.
3. The English were not comfortable with their trade dealings under the traditional legal arrangements of the Indian Subcontinent. Therefore, they got special permission from the local rulers to follow the English laws in their factory premises. At the same time, they also administered Adalat Courts for settling the issues among the native population. This resulted the emergence of dual courts under the Company administration. Analyse the problems that emanated from such an arrangement and how were they resolved?
4. The Establishment of the Recorders’ Courts and Supreme Courts in the three presidency towns provided the initial stimulus for the advent of professional lawyers in colonial India. However, the legal profession began to develop in Independent India in which the Advocates Act of 1961 played a very important role. Analyse the reasons for the changes to the Legal Profession brought about by the Advocates Act 1961 and also examine to what extent it has contributed to improvement of the legal profession.
5. “Of all the national movements in colonial countries, the Indian national movement was the most deeply and firmly rooted in an understanding of the nature and character of colonial economic domination and exploitation. Its early leaders, known as Moderates, were the first in the 19th century to develop an economic critique of

colonialism.” In the light of this statement analyse the objectives and methods employed by the early nationalists. Can we say that they aimed to gain independence from the British rule? Answer with the help of examples.

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

6. When legal studies began to emerge as a separate academic discipline in the nineteenth century legal history was not a part of it. Gradually, it was recognized that legal history also helps law students to understand socio-economic context of law. Among others, Sir Henry Maine and Fredric William Maitland played important roles in establishing the importance of the subject in legal studies. Examine the relevance and importance of including legal history as a course for undergraduate legal studies and analyze the contribution of Maine and Maitland to legal history.
 7. In the late eighteenth and the early nineteenth centuries, England was dominated by ideologues belonging to evangelicalism, liberalism and utilitarianism. They greatly influenced the administrative and legal changes introduced in British India. Analyse the policies of the East India Company and the British in India in the 19th century as also the Charters of 1833 and 1853 in the light of the above statements.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat (Odd-Semester) Examinations, January 2022

FINANCIAL SERVICES AND MARKETS

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. The SEBI has imposed a penalty of Rs. 7,269.5 crore on Pearls Agrotech Corporation Limited (PACL) and its four directors- Tarlochan Singh, Sukhdev Singh, Gurmeet Singh and Subrata Bhattacharya who had mobilised funds from the general public through illegal collective investment schemes in the name of purchase and development of agriculture land. While imposing the penalty, the biggest in its history, Securities and Exchange Board of India (SEBI) said the company deserved “maximum penalty” for duping the common man. Its Prevention of Fraudulent and Unfair Trade Practices Regulations provides for “severe to severe penalties” for dealing with such violations. As per SEBI norms, it can impose a penalty of Rs. 25 crore or three times of the profit made by indulging in fraudulent and unfair trade practices and in the present case, the regulator has imposed a fine equivalent to three times of the illicit gains. In the context of the above case:
 - Analyse the objectives for setting up SEBI.
 - Identify the type of function performed by SEBI by quoting lines from the paragraph. And explain how meaningful this has been in keeping with the objectives.
2. Make Good Technologies Ltd. is one of the top suppliers of security software products and solutions in India with a market share of over 20% in the retail segment. Its customers include people all sections of the society i.e. both households and corporates. Its unique threat detection system works to detect security threats including virus attacks in real time to protect users’ IT assets across varied platforms and devices. The company has an established track record of growth and financial performance. At present the company operates only through its website. The company now intends to launch a range of computer accessories and plans to market it by opening its own retail outlets. So, the board

of directors of the company have decided to only raise capital for the first time through an issue of shares, but at the same time they do not wish to get into the hassles of launching a public issue of shares.

In context of the above case:

- (i) Name and explain the way through which a company can raise finance by allotting securities to selective individuals and institutions only.
 - (ii) Can the company also raise capital through a right issue? Why or why not? Give reasons to justify your answer.
3. These days, the development of a country is also judged by its system of transferring finance from the sector where it is in surplus to the sector where it is needed the most. To give strength to the economy, SEBI is undertaking measures to develop the capital market. In addition to this, there is another market in which unsecured and short-term debt instruments are actively traded every day. These markets together help the savers and investors in directing the available funds into their most productive investment opportunity.
- (i) Name the function being performed by the market in the above case.
 - (ii) Name the market segment other than the capital market segment in which unsecured and short-term debt instrument are traded. Also, give any three points of difference between the two.
4. Mission Coach Ltd. is a large creditworthy company that manufactures coaches for the Indian Railways. It now plans to export these coaches to other countries and decides to invest in new hi-tech machines. Since the investment is large, it requires long-term finance. It decides to raise funds by issuing equity shares. The issue of equity shares involves huge floatation cost. To meet the expenses of floatation cost, the company decides to tap the money market.
- (i) Name and explain the money-market instrument the company can use for the above purpose.
 - (ii) What is the duration for which the company can get funds through this instrument?
 - (iii) State any other purpose for which this instrument can be used.
5. Harsh works as a manager in a software company. He opened a Demat account with a broking house in order to trade in securities with the money he received as his first performance bonus. Since then he has been very active in stock trading under the guidance of a stock broker. However, when he was hospitalised for a few days this year, his wife received several calls from his stock broker for permission to transact on Harsh's behalf. Though she told him to wait till her husband recovered, the stock broker went ahead and executed the transactions. When Harsh got home from hospital, he discovered that the unauthorised

transactions had led to a loss for him. Harsh complained to the broking house, but they claimed that he had authorised the transactions. Keeping in view, the guidelines issued by the National Stock Exchange that he had read in the national newspaper Harsh demanded proof and threatened to file a complaint. Since, the broking house had no evidence that the deals had been authorised, they made good the loss that Harsh had incurred due to the transactions.

In the context of the above case:

- i. What is a Demat account?
- ii. Who is acting as the depository participant for Harsh?
- iii. Name the document that is legally enforceable and helps to settle the claims between the investor and the broker.

PART – B (2 X 10 =20 Marks)

Answer the following questions:

6. The Bombay Stock Exchange (BSE) is Asia's first stock exchange and the world's 11th largest stock exchange. It became the first stock exchange to be recognized by the Indian Government under the Securities Contracts Regulation Act. Its automated, screen-based trading platform called BSE On-Line Trading (BOLT) had a capacity of 8 million orders per day. The BSE has also introduced a centralised exchange-based internet trading system, BSEWEBx.co.in to enable investors anywhere in the world to trade on the BSE platform.

In context of the above case:

- (i) Name the organisation that regulates the working of stock exchanges in India.
 - (ii) Explain the functions performed by stock exchanges.
 - (iii) Give the advantages of screen-based trading.
7. Raju Dairy Ltd., is one of the leading manufacturers and marketers of dairy-based branded foods in India. In the initial years, its operations were restricted only to collection and distribution of milk. But, over the years it has gained a reasonable market share by offering a diverse range of dairy based products including fresh milk, flavored yogurt, ice creams, butter milk, cheese, ghee, milk powders etc. In order to raise capital to finance its expansion plans, Raju Dairy Ltd. has decided to approach capital market through a mix of Offer for sale of Rs. 4 crore shares and a public issue of Rs. 2 crore shares.

In context of the above case:

- (i) Name and explain the segment of capital market being approached by the company.
- (ii) Identify the methods of floatation used by the company to raise the required capital. Give the difference between them.

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LAW OF CONTRACTS - II

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer the following Questions:

1. *“Although bailment has often been said to arise only through a contract, the modern definition does not require that there be an agreement. One widely quoted definition holds that a bailment is “the rightful possession of goods by one who is not the owner””.* Critically comment on the statement in the perspective of the Indian Contract Act, 1872 with decided case laws.
2. RK Agro Ltd. a company which predominately deals with the exports of agricultural produce took on lease an agriculture land owned by Mr. Shana to commercially exploit the agricultural produce from the land. Lease term is for two years but it can be terminated by a six months’ notice prior to the expiry of the term. JJ Crops Ltd., a competitor of RK Agro Ltd., found the agriculture land owned by Mr. Shana to be highly productive and felt that it will help their business to make more profits. JJ Crops Ltd. issued a letter to RK Agro Ltd. asking them to vacate the agriculture land within six months, on behalf of Mr. Shana, without authorization. Later, Mr. Shana ratified the conduct of JJ Crops Ltd. Whether the ratification by Mr. Shana is binding? Decide with suitable case laws.
3. *“Limited Liability Partnership (LLP) is a hybrid vehicle”* trace the historical aspect of LLP and critically examine the objectives and effectiveness of the enactment of the Limited Liability Act, 2008 in India.
4. *Nina* was shopping in ‘DOMA’ super market which is a self-service super market, *Nina* picked up a glass cookware from a rack and was admiring the design of the glass cookware. While doing so, one of the sharp edges of the glass cookware injured her palm by which the glass cookware slipped off her hand and broke. *Nina* sued both the management of DOMA and the company of the glass cookware to recover damages for breach of condition arising from the Sale of Good. Will she succeed? Explain with decided case laws.

5. "When one surety has paid any part of the debt, he shall have a right to call on his co-surety or co-sureties to bear a proportion of the burden, or, when he has paid more than his share, he shall have a right to be reimbursed whatever he has paid beyond it" – Critically evaluate the liability of co-sureties under the Indian Contract Act with decided case laws.

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

6. Ms. Zubeda decided to design a wooden sofa with an exclusive art work by *P.G. Furnitures*. Zubeda decided to visit *P.G. Furnitures* every day and watch the carpenter making the wooden sofa until it was completed. *P.G. Furnitures* has given the key of the room where the sofa is being made to Zubeda. Every morning Zubeda goes to the shop opens the door of the room and lets the carpenter inside the room and every day evening she locks the door and has the key in her possession. One day when she came to the shop, it is found that the room was left open and the wooden sofa was stolen. Zubeda sued the Carpenter and *P.G. Furnitures* alleging that they failed in their duty of reasonable care for the properties kept with them. Advise the carpenter and *P.G. Furnitures* with decided case laws.
7. Mr. Rana is a real estate property consultant. Mr. Kola approached Mr. Rana and employed him to sell his warehouse which is in a prime location of the city. Mr. Rana is a reputed consultant and has many high-profile clients. He brought many parties who were interested in the warehouse, however Mr. Kola was not happy with the deal for the purchase. Later without the knowledge of Mr. Rana, Mr. Kola entered into a contract with one of those purchasers who had been introduced by Mr. Rana. Later Mr. Rana came to know about the sale, and he claimed commission for the sale of the warehouse. Mr. Kola contended that the sale was completed directly with the purchaser and the contractual relationship with Mr. Rana was impliedly revoked before the sale. So, he is not entitled to the commission. Decide with relevant case laws.
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Repeat (Odd-Semester) Examinations, January 2022

FAMILY LAW - II

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer all the following questions referring to relevant provisions of the law/s and judicial pronouncements:

- In the year 2010, Mr. Guna (Mitakshara Hindu) dies leaving behind two wives (married prior to 1955), 2 sons and 1 daughter. The family decides to partition the Joint Family property among themselves after a few months of Mr. Guna's death.
 - As a family advocate of Mr. Guna, calculate the share that each of the existing members in the Joint Family shall obtain at the end of the partition. Comment on the Widow's rights in Partition.
 - In the same year, if the partition happened prior to the death of Mr. Guna, what will be the shares for individual persons in the Joint Family? In this situation, consider that one of the sons of Mr. Guna is a separated son from the Joint Family.
- Mr. Hasim, a Sunni Muslim, bequeathed Rs. 10,000/- to his friend by writing a will in the year 2018. In 2020, Mr. Hasim died due to illness, when he was under treatment in a private hospital the medical expenses for the treatment which was to be paid after his death was Rs. 20,000. Funeral expenses for Mr. Hasim cost Rs. 10,000. At the time of the death of Mr. Hasim, he leaves behind his wife, 1 son, 1 daughter and 1 full brother. Mr. Hasim leaves behind Rs.3 Lakhs as his separate property. Calculate the shares of all the heirs after succession.
- Mr. Mathew is an Indian Christian. He died in the year 2021, leaving behind the following heirs. Calculate their respective shares:
 - When he dies leaving behind wife, 2 sons, 1 half-sister and 2 full brothers.
 - When he dies leaving behind Mother, 1 full brother and one child of predeceased sister.

4. Critically compare the Alienation power of a Karta in the Joint Family Property and the alienation power of undivided interest of Coparcener in the Joint Family Property under Mitakshara Hindu Law.
5. Critically comment on the inheritance rights of Stepchildren of the Mitakshara Hindu Female who dies intestate. (Note: Consider the situation happening in the year 2006)

PART – B (2 X 10 =20 Marks)

Critically analyse the following questions:

6. A Mitakshara Hindu Male and Female enter into a live-in relationship in the year 2020. Critically comment on the 'inheritance rights of the partners' in a live-in relationship.
 7. Critically compare and comment on Hiba and Gift made under the Transfer of Property Act, with the aid of judicial pronouncements.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

CONSTITUTIONAL LAW - I

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer all the questions:

1. Marianna has a written Constitution much like that of India. The Government of Marianna, which is extremely popular, believes that the original Constitution does not reflect the aspirations of the people today. It therefore makes significant decisions on civil and political rights, sometimes curtailing them, or even on passing enactments or orders, without following the procedures for doing so. Most of these decisions are largely supported by the people of the State. What implications, if any, do you think are there for Constitutionalism in the State of Marianna?
2. Tired of accusations that the Constitution of India is “borrowed”, that it has no identity of its own, that it was drafted by an unrepresentative Constituent Assembly, and is instead a tribute to the western powers that held India captive for so long, the government of India is considering rewriting the Constitution to bring India back to her true roots. The government comes to you for guidance on understanding the Constitution and for advice on its next step forward.
3. Indiana, a post-colonial nation, has a cultural and political history much like India’s. While it was colonised by Britania, Indiana’s army was constantly used by the imperial powers to fight wars around the world. However, the army was never allowed to own its weapons. This was precisely because Britania feared that allowing Indiana to have its own weapons would equip Indiana to revolt against the empire. With no option for the use of force against Britania, after decades of struggle, Indiana was finally able to wrest its freedom from Britania through largely peaceful but powerful movements of civil disobedience.
 When Indiana finally gained independence, while drafting their Fundamental Rights, the Constituent Assembly looked to several Bills of Rights versions across jurisdictions. Of particular interest to the Assembly was the Second Amendment to the United States Constitution which reads:

"A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Drawing on their history and experience with Britania, Indiana decided to borrow the right and inserted it into their Constitution as Article IV, a part of the Fundamental Rights. Article IV reads as under:

"A well-regulated armed force, being necessary to the security of a free State, the right to keep and bear arms shall not be infringed."

Only months after the Constitution was adopted and a new government had been formed, citizens of Indiana began to claim a personal right to buy and carry guns. They based their demand on a reading of Article IV of the Constitution. The Government of Indiana approaches the Supreme Court under their Advisory jurisdiction and asks for an interpretation of Article IV and whether it envisages a private right of the people to carry guns.

As a judge of the Supreme Court, investigate the different ways in which you can interpret Article IV.

4. Does the 103rd Amendment's reservation for Economically Weaker Sections have an implication for the Basic Structure Doctrine? Answer with special focus on landmark judgments on Articles 13, 14, 15 and 16.
5. In 1971, the Dhyan Chand Hockey Board (DCHB) was set up under the ABC Societies Registration Act 1952. Before DCHB, fragmented associations dealt with single hockey tournaments on different scales and selected several "Indianan" teams. DCHB aimed to consolidate the selection process to have one Indianan team that would represent Indiana internationally and play every tournament. Along with this, its objective was also to overtake cricket as the most popular sport in the country of Indiana.

The Government of Indiana recognised the need for such consolidation and when approached by the DCHB agreed to provide an initial aid of 10 lakhs. The Board often sits down with members of the Union Government to discuss funding for players' kits, allowances and for the permissions required for organising tournaments and sending the team out for international ones. DCHB became the only body to officially represent Indiana internationally, the only body through which players were recruited to the national hockey team, and the only body to regulate player's contracts through a code of conduct for players. It continues to receive government aid; however, the sum is now nominal because of the high volume of private funding it receives.

Decide if the DCHB is the "State" under article 12 as a part of a nine-judge bench constituted to look into the matter and review the case law.

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

6. While engaging with relevant case law, evaluate the relationship between Articles 14, 19 and 21? Does the law on Sedition - Section 124A of the Indian Penal Code, implicate these three articles?
 7. Analyse the relationship between any TWO of the following:
 - a. Citizenship and Domicile
 - b. Freedom of Speech and Expression and Overbreadth Analysis
 - c. Article 21 and Unenumerated Fundamental Rights
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat (Odd-Semester) Examinations, January 2022

LAW OF CRIMES – I (Indian Penal Code)

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer the following questions with your own words.

1. Critically analyse the role of the Indian Constitution in ensuring a principled criminalisation process in India with the help of recent case laws.
2. In light of judicial precedents and recent amendments, critically analyse the law related to the offence of rape in India.
3. Mr. Bali was a 40 year old man. He and his wife went to a wedding reception party. Mr. Bali drank quite a few glasses of wine at the party and thereafter was inebriated. He saw a man named Zen talking to his wife and got agitated. He went up to Zen and punched him in the stomach twice due to which Zen was rendered unconscious. Mr. Bali thereafter tried to leave the venue when he was stopped by other guests. Zen was taken to the hospital and thereafter he was discharged after two days of treatment. Now, Zen wants to prosecute Mr. Bali.

In light of the above facts, determine the liability of Mr. Bali under the provisions of the Indian Penal Code, 1860. Support your answer with relevant case laws.

4. Roli, a 28-year-old married woman was living with her husband, two children, 7 year old Munu and 4 year old Bheeni and her mother-in-law in Pathroli Village. Roli had frequently faced abuse from her husband and mother-in-law and was in a state of trauma. On 24th December, 2021, Roli was physically abused by her mother-in-law and she lost her composure and ran out of the house along with her children to a nearby well. She threw her children inside the well and was about to jump into the well herself when the villagers came and stopped her. Thereafter, the villagers tried to rescue the children from the well. Unfortunately, Munu died due to drowning but Bheeni survived and recovered after treatment in a hospital.

In light of the given facts, determine the liability of Roli under various provisions of the Indian Penal Code, 1860 and support your answer with the help of relevant case laws.

5. Xavie was a drugs smuggler. He was travelling from Nepal to India by flight and was under the assumption that the briefcase he was carrying contained drugs. On landing in India, his briefcase was confiscated by the custom officials and later on it was discovered that the content in the briefcase was not actually drugs but only harmless vegetable matter.

In light of the given facts, can Xavie be held liable for any criminal offence? Support your answer with the help of legal provisions and relevant case laws.

PART – B (2 X 10 =20 Marks)

Answer the following questions in your own words:

6. Ms. Apple is a 17 year old girl. She went to coaching classes for mathematics and there she met Mr. Orange, an 18 year old boy. Ms. Apple and Mr. Orange developed liking for each other and spent a lot of time together. Ms. Apple's family found out about the same and did not approve of the relationship. They locked Ms. Apple in her room. Ms. Apple called Mr. Orange and asked him to meet her outside their coaching institute. Ms. Apple escaped from her house through the window and went to the coaching institute. Thereafter Ms. Apple and Mr. Orange eloped together to a different city. When Ms. Apple's parents found out, they lodged a police complaint that Mr. Orange has kidnapped their minor daughter.

In light of the given facts, determine whether Mr. Orange has committed the offence of kidnapping? Support your answer with case laws.

7. Rain and Summer are both 20 years old and are friends. Rain used to visit Summer's house often. During one such visit, Summer showed Rain an expensive diamond ring that was gifted to Summer by her father. Rain was tempted by the ring and wished for a similar ring for herself. She noticed where Summer kept the ring and thereafter left Summer's house. After a couple of days, Rain visited Summer again and during her visit, she hid Summer's diamond ring in an old container in Summer's room with the hope that once everyone forgets about the loss, she will take the ring to her house. Summer and her family realised that the ring was missing and searched rigorously and thereafter, they found the ring. Summer's mother suspected Rain and lodged a police complaint.

In light of the given facts, determine the liability of Rain under the Indian Penal Code, 1860. Support your answers with relevant case laws.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

POLITICAL SCIENCE – III (International Relations)

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer all the questions: Each Answer should not be less than 400 Words.

1. "To understand the global future, one must examine the ways in which the contemporary international system has changed and the ways in which fundamental characteristics have resisted change." What are the reasons for the changes in the International system? Why is it that the fundamental characteristics have 'resisted changes'?
2. Causal factors operating at the individual level of analysis explain international events by focusing on the personal characteristics of humans; those at the State level, by looking at the national attributes of States; and those at the systemic level, by concentrating on the structure and processes of the global system as a whole – Analyse the statement with examples.
3. "The international system is anarchic. Without the support and protection of a higher authority, States strive for autarchy and engage in self-help. Under such conditions, international politics is a struggle for power "a war of all against all", as the sixteenth-century English philosopher Thomas Hobbes put it. The primary obligation of every State in this environment – the goal to which all other objectives should be subordinated – is to follow its "national interest" defined in terms of acquiring power"- Critically analyse the statement.
4. Between the fifteenth and twentieth centuries, two waves of European imperialism resulted in the colonization of the Global South. Decolonization began in earnest after World War II and is now complete. For the most part, it was not only extraordinarily rapid but also remarkably peaceful. Still, the vestiges of colonialism remain, and they have important consequences for the shape of the global future – Comment.

5. Every State decides its own course of action in international relations in the light of its means and ends. On the whole it can be said that foreign policies are strategies devised by governments to guide their actions in the international arena. Examine in detail the major instrument of a State in executing its foreign policy. Use examples to illustrate.

PART – B (2 x 10 =20 Marks)

Answer all the questions: Each Answer should not be less than 400 Words.

1. “The UN faces a range of important challenges and pressures for reform. These include those generated by the changing location of global power in an increasingly multi-polar world, those associated with criticism of the composition and powers of the Security Council, and those related to the UN’s finances and organization.” Analyze the statement.
2. “The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.”- Give an analysis of a couple of Cases in which the members of the League have failed to perform their obligation as it was mentioned in the above statement and how the Council of the League have failed in guiding the members of the League in the performance of such obligation.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

CORPORATE ACCOUNTING

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer All the Questions:

- Green Ltd. invited application for 10,000 shares of Rs.100/- each at a premium of Rs.5/- per share and payable as follows – On Application - Rs.25/- On Allotment - Rs.35/- On Final Call - Rs.45/- Applications were received for 20,000 shares and 5,000 applications were rejected and rest of the applications were accepted under pro-rata allotment. Miss Queen holding 500 shares failed to pay the share final call money. Her shares were Forfeited. Show the entries in the books of the company.
- A public Limited company wishes to issue redeemable preferential shares. What would be your suggestion with regard to issue the redeemable preferential shares?
- Prepare a balance sheet in as at 31st March, 2019 from the following information of XYZ Limited as required under Companies Act 2013.

Term loan	10, 00,000
Sundry creditors	11, 45,000
Advances	3, 72,000
Cash and bank balance	2, 75,000
Staff advances	55,000
Provision for taxation	1, 70,000
Securities premium	4, 75,000
Loose tools	50,000
Investments	2, 25,000
Loss for the year	3, 00,000
Sundry debtors	12, 25,000
Miscellaneous expenses	58,000
Loans from debtors	2, 00,000
Provision for doubtful debts	20,200
Stores	4, 00,000
Fixed assets (W D V)	51, 50,000
Finished goods	7, 50,000
General reserve	20, 50,000
Capital work in progress	2, 00,000

Additional information:

- a) Share capital consists of: i) 30,000 equity shares of Rs. 100 each fully paid up.
ii) 10,000 10% redeemable preference shares of Rs.100 each fully paid up.
- b) Term loans are secured.
- c) Depreciation on assets Rs. 5, 00,000.

4. The followings are the Balance Sheet of H Ltd and S Ltd as on 31.3.2021

Liabilities	H Ltd.	S Ltd.	Assets	H Ltd.	S Ltd.
Share Capital @ Rs. 100 each	2,50,000	1,00,000	Machinery	1,20,000	54,700
General Reserve	1,20,000	60,000	Building	75,000	90,000
Profit & Loss A/c	28,600	18,000	Investments in S Ltd. shares	1,70,000	-
Bank Over Draft	50,000	-	Stocks	70,000	18,000
Creditors	-	4,500	Debtors	22,000	20,000
Bills Payable	23,550	4,200	Bills Receivable	7,900	-
			Bank Balance	7,250	4,000
	4,72,150	1,86,700		4,72,150	1,86,700

H Ltd purchased 800 equity shares of S Ltd on 1st October, 2020. Prepare a consolidated Balance sheet as on 31st March 2021 after considering the following adjustment;

- i) General Reserve created out of current year profit Prepare a Consolidated Balance Sheet

5. A Ltd and B Ltd agreed to amalgamate and form a new company C Ltd. which will take over all the assets and liabilities of the two companies.

The assets and liabilities of A Ltd. are to be taken over at a book value for shares in C Ltd. At the rate of 5 shares in C Ltd. at 10% premium (i.e. Rs. 11 per share) for every four shares in A Ltd.

In the case of B Ltd.

- a) The debentures of B Ltd. would be paid off by the issue of an equal no. of debentures in C Ltd.
- b) The 11.5% Preference Shareholders of B Ltd. would be allotted four 12% Preferences of Rs 100 each in C Ltd. for every five Preference shares in B Ltd.
- c) Sufficient shares of C Ltd would be allotted to the equity shareholders to cover the balance on their account after adjusting asset values by reducing Plant and Machinery by 10% and providing 5% on sundry debtors. The summarized Balance Sheets of the two companies just prior to amalgamation were as follows:

Liabilities	A Ltd.	B Ltd.	Assets	A Ltd.	B Ltd.
Issued Capital					
Equity Capital of Rs. 10 each	4,00,000	5,00,000	Plant & Equipment's	8,00,000	8,00,000
11.5% Preference Shares of Rs. 100 each	-	3,00,000	Stock	65,000	60,000
12% Debentures	-	2,00,000	Profit & Loss A/c	-	1,40,000
Profit & Loss A/c	5,00,000	-	Sundry Debtors	95,000	50,000
Sundry Creditors	75,000	90,000	Bank	65,000	40,000
Contingency Reserve	50,000	-			
	10,25,000	10,90,000		10,25,000	10,90,000

Calculate Purchase consideration for A Ltd and B Ltd and also prepare Realization Account in the books of A Ltd and B Ltd.

PART – B (2 x 10 =20 Marks)

Answer All the Questions:

6. From the following details, prepare the profit and loss account of PQRS Bank Ltd. for the Year ended 31st March, 2019 :

Interest paid on deposits, borrowings, etc Rs.79, 26,660

Interest and discount Rs. 183, 74,725

Rentals received Rs.78,000

Net profit on sale of investments Rs.2, 27,000

Salaries, allowances, bonus and provident fund Rs.97, 79,925 (Including remuneration of the Chairman and Managing Director)

Commission, brokerage and exchange Rs.42, 00,000

Law charges Rs.72,000

Rates and taxes Rs.46,300

Postage and telegrams Rs.3, 26,070

Audit fees Rs.60,000

Directors fees Rs.36,000

Printing and stationery Rs.2, 92,000

Depreciation on. Bank's property Rs.8, 20,000

Miscellaneous receipts Rs.40,006

Miscellaneous expenditure Rs.1, 65,406

Repairs to property Rs.32,400

Telephones and stamps Rs.4, 83,200

Advertisement Rs.2,76,000

7. White Ltd started its trading activities on 1.1.2021, but it was incorporated on 30.06.2021. The company wishes to split its profits between pre and post incorporation period. How would you help them?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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CORPORATE LAWS - I

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. (i) Four persons are the only members of a private company. The said four persons go for a trip together and unfortunately their plane crashed and all of them died. Does the private company exist? **(5marks)**
- (ii) “Members of a Limited Company may nevertheless have unlimited liability.” Comment. **(5marks)**
2. “Doctrines of Ultra Vires, Constructive Notice and Indoor Management combined render the path for an effective Corporate Governance”. Argue.
3. (i) Explain how members of a Company limited by shares and a Company limited by guarantee are differently liable for the liabilities of the company. **(5 marks)**
- (ii) Compare and Contrast Public Issue and Private Placement under Indian Corporate Law Regime. **(5marks)**
4. Mr. Sakthivel, an advocate was asked by Mariam & Co. to prepare the Memorandum and Articles of Association for the company. The Company is yet to be incorporated. Mr. Sakthivel not only prepared the Memorandum and Articles of Association but further involved himself in the incorporation process and incurred personal expenses for registration of the company. He requires payment of fees and expenses incurred.

Based on the above paragraph, answer the following:

- (i) What is the legal position of Promoters in a company? **(3 marks)**
- (ii) Whom should Mr. Sakthivel recover his fees and expenses from? **(3marks)**

(iii) Whether Mr. Sakthivel is eligible to become the Promoter of the Company? Justify your answer. (4marks)

5. In the middle of the 19th Century, Limited Liability as a concept was mooted as it was on the lines of gambling. But today Limited Liability has become a vital player in global economic development. Critically analyse the concept of Limited liability while tracing its evolution in England and India.

PART – B (2 x 10 =20 Marks)

Answer the Following Questions:

6. Compare and Contrast Transfer and Transmission of shares. Explain the consequences of transfer of shares to a minor and the consequences of a forged transfer.
7. What is a charge? Explain the types of charges and the consequences of crystallisation of floating charge with relevant provisions of law and decided case laws.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat (Odd-Semester) Examinations, January 2022

LABOUR LAW - I

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

Cite legal provisions and judicial decisions wherever necessary.

1. A workman while performing the duty assigned by the employer died due to an accident. It was proved that at the time of the accident the workman was intoxicated. Decide whether the employer is liable to pay compensation?
2. Employees of Raj Bhavan apply for registration of trade union. The same was rejected by the Registrar of trade unions. Decide.
3. Critically examine the law relating to 'Strikes' in India. Examine whether an 'illegal strike' can be justified and the workmen would be entitled to wages during the period of 'illegal strike'?
4. A worker working in ABC industries located in Anna Nagar (Chennai) is laid off by his employer. He was provided with an alternative employment in another establishment located in Thiruvananthapuram which also belongs to ABC industries. The worker refuses to accept the same and wants to claim lay off compensation. Decide whether he will succeed?
5. Critically examine the position of hospitals and educational institutions as 'industry' in the light of decided case laws.

PART – B (2 x 10 =20 Marks)

Answer the following questions:

Cite legal provisions and judicial decisions wherever necessary.

6. 'The employer and workmen cannot enter into a contract overriding the statutory contract as embodied in the certified standing order'. Critically analyse the statement with exceptions if any.

 7. "The test for a trade union is its object and not its personnel. But that does not imply that persons who are not workmen in an industry can form a trade union at all." Examine with reference to the latest judicial decisions.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat (Odd-Semester) Examinations, January 2022

PUBLIC INTERNATIONAL LAW

Time: 3 ¾ Hours

Maximum Marks: 70

Instructions:

- Answers should not be less than 500 words
- Relevant Provisions from International Legal documents and decided cases must be cited

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. A conjoint reading of Articles 38 and 59 of the Statute of International Court of Justice will communicate the fact that, though judicial decisions are considered as sources of International law, the Judicial decisions do not have binding force except between the parties. If so, comment on the legitimacy of considering judicial decisions as the source of International Law in the first place. What, if any, are the problems arising from this?
2. The principle of non-refoulement as recognized in the Refugee Convention, 1951 has attained the status of *jus cogens*. But India has neither signed nor ratified the Refugee Convention, 1951. As stated by Article 34 of the Vienna Convention on the Law of Treaties, "A treaty does not create either obligations or rights for a third State without its consent." In this backdrop, analyse the possibility of applying the Refugee Convention, 1951 to the Indian context within the framework of Vienna Convention on the Law of Treaties using the real examples of refugees who are in India today.
3. On August 15, 2021 the then Republic of Afghanistan was taken over by the Taliban. Examining this issue through the lens of International Law and specifically from principles/theories/doctrines surrounding State Recognition, critically evaluate as to whether legitimacy can be afforded to the now Islamic Emirate of Afghanistan under the new Taliban regime.

4. Article 2 of the UN Charter clearly underscores the fact that, the United Nations Organization is founded on the principle of Sovereign equality of all members. But how does this provision cooperate or contradict Article 27 of the UN Charter that affords special privileges to permanent members that too on 'other matters' i.e., the substantive matters that fall under purview of the Security Council?
5. Space tourism as an industry has begun to emerge out of the shadows. This can result in the increased movement of space vehicles, which can eventually lead to one pertinent issue i.e., management of space debris. Critically evaluate the existing framework in Public International Law relating to Space, as to its adequacy or inadequacy in dealing with the contemporary challenges in the outer Space.

PART – B (2 x 10 =20 Marks)

Answer the Following Questions:

6. In the *M/V Saiga* (1999) case as decided by International Tribunal for Law of Sea (ITLOS), the Tribunal in para 155 remarked like this, 'Considerations of humanity must apply in the law of the sea, as they do in other areas of international law.' From the perspective of United Nations Convention on Law of Sea, what 'considerations of humanity' are available under its provisions?
 7. A diplomat was employed at the embassy of State X (sending State), which was situated in State Y (receiving State). In State Y, the diplomat (representing State X) was held responsible for spying on the official communications of State Y. What are the available options before State Y and State X concerning the diplomat, under the provisions of Vienna Conventions on Diplomatic Relations?
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Repeat (Odd-Semester) Examinations, January 2022

LAW OF DIRECT TAXATION

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer the following Questions:

1. ABC LTD is a Company incorporated outside India.

The total number of employees in the month of March during the Previous year 2020-21 is 500 out of which 300 were employed in India. The total number of employees during December of the same Finance year is 700, out of which 350 were employed within India,

The total income of the Company during the Finance year 2020-21 is 50 crores.

Out of this the following Income 1st from India

- a) Income from business - 24 crores
- b) Income from royalty - 10 crores
- c) Rental income - 5crores

The total salary paid during the Finance year 2020-21 is 20 crores. Out of this, 7 crores as wages, 2 crores as gratuity and one crore as gratuity is paid in India. Determine the place of effective management of the Company,

2. A is an employee of the Govt. of India. His monthly salary is as follows

Basic Pay Rs. 40000/

Dearness Allowance Rs.12000/

House Rent allowance Rs. 6000/

City Compensatory Allowance Rs.3000/

His expenditure for the month is as follows

Insurance Premium Rs. 6000/

Prime Minister's Relief Fund Rs.3000/

Provident fund Rs.5000/

Compute the total income for the previous year 2020-21 which is more beneficial to him.

3. X is the owner of five houses situated in Chennai. Two houses are let out houses. Three are not let out houses.

The particulars of the rental income of one of the houses let out for a month in the previous year 2021-20 is as follows

- a) Actual rent received - Rs. 20000/
- b) Standard Rent - Rs, 30000/
- c) Fair rent - Rs.25000/
- d) Municipal value Rs. 20000/-

The particulars of the another house which is not let out is as follows

- a) Standard rent Rs.30000/
- b) Fair rent Rs.25000/
- c) Municipal value Rs. 28000/

Compute the annual value of both the houses.

4. X purchased a house in Chennai during the previous year 2001-2002 for Rs. 50 lakhs. He made improvements in the said house during the previous year 2005-06 for Rs. 15 lakhs. He sold the house during the previous year 2020-21 for Rs. 1.5 crores. Compute the tax payable by him.
5. ABC Ltd was an automobile manufacturing unit in India. It was to sent the engines to XYZ Ltd France for impact assessment to ascertain the strength of the materials used which is essential to fix them in the automobiles. XYZ Ltd Charged Rs. 6 crores for the impact assessment. ABCD while paying the amount from India, it is to withhold 10% of the amount as expected income tax. Now ABCD Ltd claims that it is to withhold only when the amount is given to XYZ Ltd for technical service. Impact assessment is not a technical service the Income Tax authorities claims that impact assessment is a technical service and thereby 10 % of the amount paid must be withheld. This is denied by the ABCD Ltd. Discuss the liability of ABCD Ltd to withhold the tax - Discuss the specify provisions, decided case laws and the interpretation of technical services. Also distinguish between tax deduction and withholding tax.

PART – B (2 x 10 =20 Marks)

Answer the following Questions:

6. Shell companies are primarily incorporated for the purpose of avoiding income tax in International Taxation - Discuss with specific reference to Vodafone case and the subsequent amendment to the Income tax Act 1961.
7. Each kind of assessment is important for the purpose of assessment of tax. Do you agree? Answer by providing reasons with examples.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

LAW OF EVIDENCE

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. Ashok, a friend of an accused promised the accused that he would not reveal the story behind the murder he committed. Believing Ashok's words, the accused admitted every single thing about the murder to Ashok. Ashok recorded the statements and submitted the same before the Police department and the Court. Analyse, the admission and confession statements in light of the Indian Evidence Act and the above- stated situation.
2. A ward-boy of a government hospital recorded a dying declaration considering the emergency situation of a declarant. The court duly denied the veracity of the evidence submitted by the ward-boy. Having the principles of the Indian Evidence Act in mind, critically comment on the dying declaration and the practice of the courts in the admissibility of the dying declaration.
3. "Mr. Shunvanth, while lecturing on the 'Art of Advocacy' implored the audience to do pro-bono work, take up the issues of the people who cannot afford to pay for the services and always give back to the society. He also stressed on the importance of being courageous, knowledgeable..." Explain the art of advocacy having the 'Examination of witnesses' provided in the Indian Evidence Act.
4. Maali, a young man of 20 years died in an accident after he was hit by a car. It was found later by the Police department that he was wearing a virtual reality glass and playing the game 'Lucky man Go'. The car driver (accused) claimed that the young man was seen crossing the road wearing black spectacles holding a mobile phone in his hand. The same incident was also captured in a CCTV nearby. Identify the digital evidence and the role played by the expert opinion in India.
5. "*Relevancy of the bad character evidence in criminal proceedings is inadmissible*" - Comment

PART – B (2 x 10 =20 Marks)

Answer the following questions:

6. Ajo, a 70 years old man was not heard from for the past 6 years and his heirs filed a partition suit claiming him to be legally dead. Seetha, wife of Ajo claimed he was seen alive by one of her close relatives 2 years ago. As a counsel, advise the legal heirs on how to proceed further in advancing the presumption of life and presumption of death argument.

 7. Create a chart to understand the privileged communication as provided in the Indian Evidence Act.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022
HUMAN RESOURCE MANAGEMENT

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. "Human resource management is a proactive approach and personnel management is a relative approach to perform the same set of functions related to managing human resource"- Do you agree with this statement? Provide reasons for justifying your answer.
2. In spite of a good compensation package, a high employee turnover in the IT industry is a matter of concern for the employers. What are the reasons for this? How does such attrition affect the industry? What would you suggest to motivate the employees to stay on?
3. You are a HR manager of a textile company. How would you use the 360-degree feedback technique in your organization?
4. Critically evaluate the impact of Covid 19 on the Indian Human Resource Industry.
5. How would you design a suitable training programme for the newly recruited technicians to a construction company?

PART – B (2 x 10 =20 Marks)

Answer the following questions:

6. You are appointed as a HR manager to an outsourcing company. Your boss is asking you to design the recruitment & training policy for the organization. How would you design the policy?
7. How are careers changing? Why do you believe this is happening? What further changes do you believe will occur over the next 20 years?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

INTELLECTUAL PROPERTY LAW

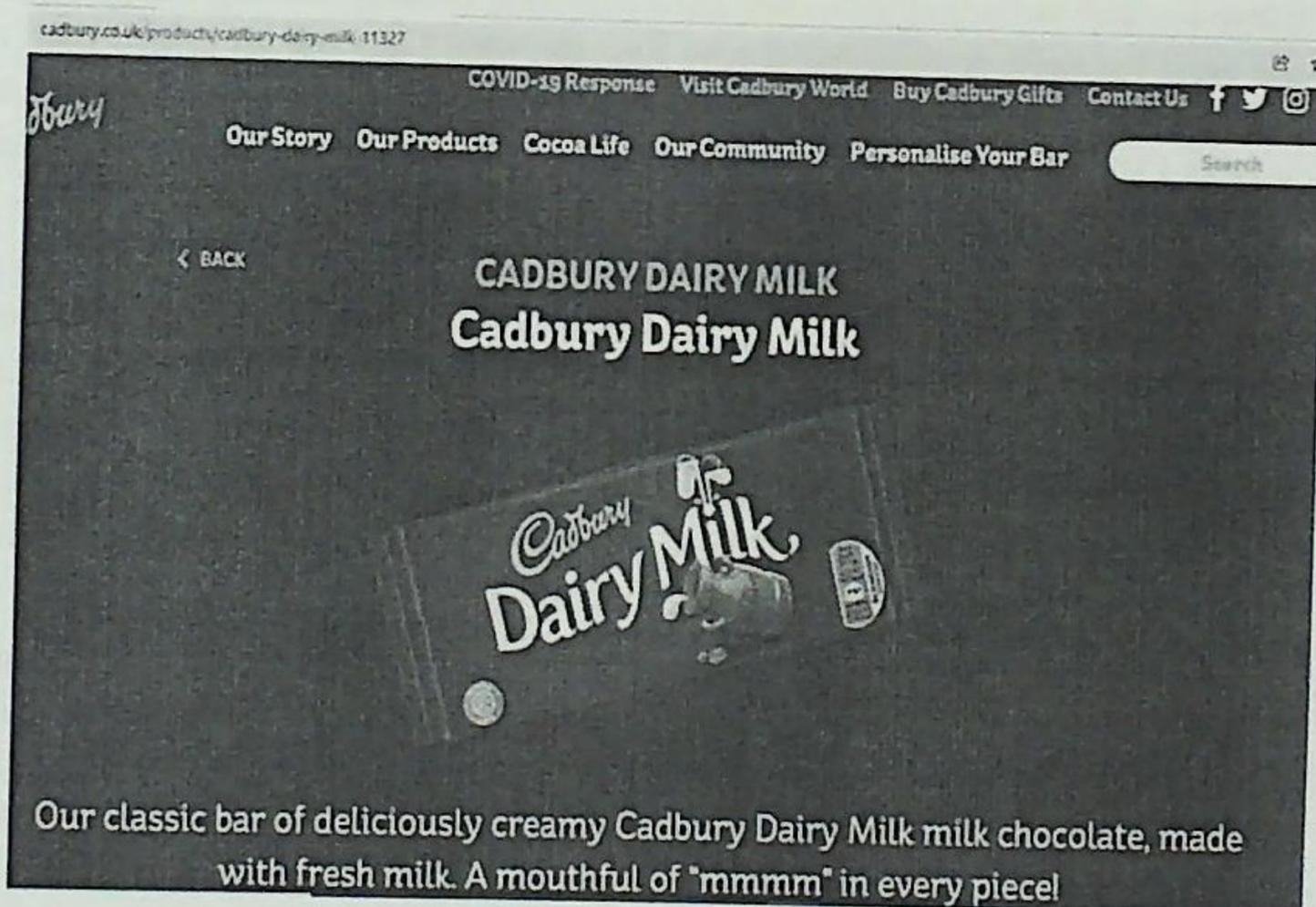
Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions and state relevant case laws, legal provisions and principles where ever necessary.

1. Identify and give a short description about each identified Intellectual Property Rights from the image given below.



2. On 21st October 2016 there was a boat race in Kolkata as a part of Kali festival in the shallow waters of river Sabarmati. Ram a young boy aged 16 years created a small sailboat and participated in the competition. He got 2nd place in the competition. His small sail boat was admired by the viewers as it was faster than other sailboats. In the interview he stated that he created the boat with the help of his father who was a fisherman. This news was published in the Bengali Newspaper. After the news was published on 23rd November 2016 DR vloggers met the boy and created a YouTube video titled "The making of Ram's sailboat blessed by Kali". On 29th December 2021 "TAMPA" a Indian Boat Manufacturing Company from Chennai created a "Z ship" based on the sail boat model. TAMPA filed for patent at Chennai patent office. TAMPA advertised about the "Z ship" with the tag that patent is pending and priced it at 255 crores. On seeing the advertisement Ram approaches you for legal advice.
3. Javeda is a college student pursuing fine arts in Stella Maris College Chennai. She was an excellent lyricist, piano player and singer and used to sing in the yearly fests. In the yearly annual fest she used to win prizes. Due to the pandemic, the 2021 December annual fine arts fest was conducted through WebEx platform. Javeda sung a song for which she wrote the lyrics, created the music and the background score was played by her family members during the performance in the Online Platform. She was adjudged as the winner in 2022 January. During Pongal festival she sung the same song in her family function which she shared in her YouTube channel. The song became a sensational hit over night. On January 19th 2022 RAVI VARMAN a famous producer approached her for music rights. Javeda approaches you to be her legal adviser and seeks to know about her rights. Advise.
4. "Manglio" was a reputed Malasiyan Company involved in Manufacturing Iron and steel since 2000. The company acquired fame and reputation within 10 years of its production. They expanded their business to India in 2010 and manufactured scales and springs made of Iron under the Name A-one TATA from 2017. They applied for Trade Mark in India and Malaysia in 2019. But it was objected by TATA. Manglio wants to Register their Trade Mark in India and approach you for legal advice based on Trade Mark Act, 1999 (India).
5. Kariamangalam village in the foot hills of Palani Hills is famous for its wide spread traditional herbs. RAJATHI was a tribal woman, who used to work with her father and husband and learned about the medicinal plants in the Palani Hills. 2 foreigners (REV & DIA) from Germany were introduced to her by RATHNAM the village head. RATHNAM instructed RAJATHI to teach them about traditional medicine and traditional herbs. RAJATHI took the two foreigners to the hills and helped them identify the herbs. One such herb was "ARANYAM MADUVATHI" which was used to treat elephant foot disease. These foreigners obtained the seeds for growing the herbs and returned to Germany in 2015 January. The seeds they planted in Germany germinated and they tried creating medicines for treating elephant foot

disease with other herbs available in Germany. They returned to India in 2020 February to conduct experiments and scientific study about the herb "ARANYAM MADUVATHI". REV & DIA also applied for patent in Germany for the formulation which they created using ARANYAM MADUVATHI for curing elephant foot disease, and it was granted to them in 2020 January. To commercially create the medicine, they entered into an agreement with the village chief to export the herb to Germany for 5 years and paid Rs. 2 lakhs to him.

PROVIDE LEGAL OPINION ON THE FOLLOWING ISSUES:

- (a) State whether foreigners can conduct scientific experimental study on Indian flora in India?
- (b) Can patent granted in Germany be revoked based on traditional medicinal practices followed in India?

PART – B (2 X 10 =20 Marks)

Answer the following questions:

6. State the difference between Idea and Expression and analyse the significance of Idea and Expression in granting Intellectual property rights.
 7. Identify any two Philosophical Justifications that you think is the most relevant justifications to grant protection for Trade Secrets.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

BANKING LAW

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer all questions. Cite legal provisions and judicial decisions wherever necessary.

1. The ECO Bank located in Trichy was inspected by the Reserve Bank periodically and had been cautioned that the way its business was carried out was harmful to the depositors. Subsequently there was another inspection at all the branches of the Bank and the Reserve Bank decided that the ECO bank was not in a position to repay its depositors and allowing the Bank to continue will be against the interest of the depositors. An application was filed by the Reserve Bank in the High Court under s.38(3)(b)(iii) of the Banking Companies Act, 1949, read with the Companies Act, 1956, for the winding up of the ECO Bank. After the hearing of the application was allowed by the High Court an appeal was filed by the ECO Bank contending that S. 38(3)(b)(iii) is violative of Article 14 and Articles 19(1)(f) & (g) of the Constitution of India. Decide.
2. A cheque was issued by M/s. Shiker tiles to M/s. XYZ towards the balance of payment in relation to a sale that happened between them. The said cheque was presented by M/s XYZ through their bank for collection. However, the same was dishonoured on the ground that the account on which the cheque was drawn had been closed. M/s. XYZ issued a notice to M/s. Shiker tiles under Section 138 of the Negotiable Instruments Act and received no reply. Hence a criminal complaint under Section 138 of the Act was filed against M/s. Shiker tiles. Will M/s XYZ succeed?
3. Are the following promissory notes signed by Mr. A valid? Decide with the help of case laws.
 - a. I promise to pay Rs. 3000 on demand at my convenience.
 - b. I promise to pay D's Son Rs. 6000 for the value received. (D has 3 sons)
 - c. I have received Rs. 5,000 which I borrowed of you and I have to be accountable to you for the same with interest.

4. Mr. X & Mr. Y had cordial relations and were acquainted with each other. Mr. X therefore wanted to deposit his savings with Mr. Y and accordingly deposited a sum of Rs. 50,000/- on 12.12.2000, Rs. 10,000/- on 4.1.2001, Rs. 28,000/- on 12.2.2001 and Rs. 12,000/- on 5.4.2001. Mr. X was in need of money and, therefore demanded its return in the month of March, 2006. Since the amount deposited with Mr. Y was to bear interest and he represented to Mr. X that he will be able to refund the amount only in December, 2006, Mr. X accepted cheque No. 1234 dated 5.12.2006 issued by Mr. Y for a sum of Rs. 2,22,000/- drawn on XYZ Bank Limited. Mr. X presented the cheque in the Bank and he was informed that the cheque was dishonoured. Mr. X therefore sent a notice to Mr. Y calling upon him to pay the amount due under the cheque within 15 days of receipt of the notice. This notice was duly received by Mr. Y but he did not make the payment within the stipulated time. On the contrary Mr. Y sent a reply raising false defence. Mr. X has filed a criminal complaint against Mr. Y under the Negotiable Instruments Act. Decide with relevant cases.
5. Mr. Ram maintains an account with IBIBI Bank in his sole name and enjoys an overdraft on the same which he does not repay despite repeated demands. The IBIBI Bank adjusts the overdraft from the credit balance held in the account jointly in the names of Mr. Ram and Mr. Roy. Mr. Roy challenges it and demands restoration of amount from the banker. Will Mr. Roy succeed? Elucidate with relevant provisions and cases.

PART – B (2 X 10 =20 Marks)

Answer all questions. Cite legal provisions and judicial decisions wherever necessary.

6. Banker's obligation to maintain the secrecy of the customer's account is not absolute. Critically analyse this.
7. It is known that 'Banking Ombudsman' was created to redress grievances in a quick and effective manner. But in reality, is it advantageous to the society and does it act as a tool to create a healthier and ethical customer relationship? Discuss with decided cases.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat (Odd-Semester) Examinations, January 2022

CYBER LAW

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. "Pegasus, a spying software has violated the right to privacy of the targeted people and threatened democracy as a whole. Why is the Government playing a hide and seek game against people?? Is the judiciary on the right track in judging the Pegasus issue?" Having the above headlines of a popular newspaper in mind, critically analyse the right to privacy available in cyberspace.
2. "The efficient role played by the digital and electronic signature in the growth of Information technology is remarkable. Nowadays, the cyber contraventions on the digital and electronic signature are on the rise..." Elucidate on the emergence and the growth of the Information technology sector in India by analysing the cyber contraventions happening in India through electronic and digital signatures.
3. Create a chart to understand the different phases of Online Dispute Resolution (ODR) in cyberspace.
4. In India, pornography (including child pornography) is treated as a serious crime under the IT Act, 2000. Comment on the Indian legislative frameworks to protect women and children from being exploited as pornography target groups.
(Write on the contemporary issues and case laws, wherever applicable)
5. "Dr. Stephen Thaler, filed parallel patent applications in various jurisdictions across the world, in which he listed an AI-machine called "DABUS" (short for Device for the Autonomous Bootstrapping of Unified Sentience) as an inventor. It was further stated that DABUS had "identified the novelty of its own idea before a natural person did" and therefore should be recognized as the inventor. Amongst various jurisdictions in which the DABUS-invented applications were filed, thus far the South African patent office and the Federal Court of Australia have accepted DABUS as an inventor..." Having the above-stated news in mind, critically analyse the Patent issues in Cyberspace.

PART – B (2 x 10 =20 Marks)

Answer the following questions:

6. Alex, uploaded a child porn video from a cyber café in Australia. Raj, downloaded the video content in India and illegally disseminated to all the Government websites through hacking. Discuss the jurisdictional aspects in extraditing Alex to punish him in India. Further, state how Raj can be punished under the provisions of the Information Technology Act, 2000?
 7. Apply the International and national E-commerce regulatory framework and write on the cybercrimes against E-commerce users in India.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

ELECTION LAW

Time: 3 ¼ Hours

Maximum Marks: 70

Instructions:

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

PART – A (5 x 10 =50 Marks)

Answer the Following Questions

1. “Around the world, including in the *United States of America* (USA), millions of people have braved violence, intimidation and other obstacles to demand the right to express their will through the ballot box. Often, students and youth have played leading roles in this worldwide struggle for right to vote, such as the, ‘*Otpor Movement*’ in Serbia, which helped to overthrow the dictator Slobodan Milosevic in 2000 or the ‘*Iranian Green Movement*’, which protested the stealing of elections in 2009.”

From the above passage, when we look at India, do you agree that ‘*free, fair and regular elections*’ constitute the basic foundation of constitutional democracy. Decide the precision of the above quoted statement by drawing all possible instances from Indian judicial pronouncements in this regard. Also cite constitutional, legal or international law provisions to elucidate your answer.

2. Mr. ABC, the Petitioner is making a complaint of epidemic caused by vires of illegal acts of the Election Officers and Returning Officers. The Petitioner's case in different petitions are as follows with following set of allegations:

- That nominations have been illegally rejected.
- That names of the voters have not been included in the list and
- After publication of the final list, the names of the voters have been deleted from the electoral roll.

Now regarding the above issues, Mr. ABC files an Election Petition (EP) in the High Court pleading that when illegality is writ large, the violation of the rules, regulations and law is manifest and the arbitrariness, whims and caprices of the Officers is floating on the surface of the record, the High Court to maintain the purity of the elections and to put a control over the Returning/Election Officers must exercise its jurisdiction in these election matters irrespective of Article 329 of the Indian Constitution.

(a) How would you handle the above case, if you are the advocate for the Petitioner? also suggest a remedy to Mr. ABC.

(b) Do a constitutional and legal analysis of the above set of facts and also sum up your opinion on the said matter?

3. Mr. ABC is the Chief Minister (CM) of the State of Pradesh. One year after assuming office, dissidence developed in the ruling party's MLAs camp, as the CM could not satisfy some of the MLAs who were aspiring for Ministerial posts. Mr. XYZ, one of the dissident MLA's constantly criticized the CM and the policies adopted by his Government. He publicly supported the Opposition Leader (OP) and used to attend opposition party leader's meetings and functions. Hence, CM wrote an email to the Speaker of the House to disqualify XYZ on the inference that his conduct amounts to voluntarily giving up the membership of the political party to which he belongs. The Speaker conducted an enquiry and disqualified XYZ. The disqualified MLA has now approached the High Court of Pradesh on the ground that he has a fundamental right to switch political affiliations. He also contended that the disqualification order is a gross misuse of the anti-defection law and the Speaker of the House who is also a ruling party MLA has acted in a biased manner. However, the Speaker contends that his decision is final and is not subject to any scrutiny by Courts. Decide.

4. Comment on each of the following statements about the Election Commission of India (ECI) whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by quoting relevant legal provisions and judgments:

a) In ECI, the decisions of the Chief Election Commissioner (CEC) can prevail over the decisions taken by Other Election Commissioners (OEC).

b) Only Indian Administrative Service (IAS) cadre officers shall be appointed to the post of the Chief Election Commissioner (CEC), while anyone can be appointed to the post of Other Election Commissioners (OEC).

5. Pradesh is one of the States in the Indian Union. In 2021, when ABC Party came to power in the State of Pradesh, it appointed 20 of its Members of Legislative Assemblies (MLAs) as Parliamentary Secretaries (PS). The Opposition Parties (OP) called for disqualification of these MLAs by the Governor of Pradesh under the relevant provisions of the Indian Constitution on the ground that holding the post of PS is akin to holding an office of profit. When the Governor sought the opinion of the Election Commission of India (ECI), the ECI opined that the 20 MLAs have incurred disqualification by holding the post of PS.

When the matter was pending consideration before the Governor, the State Government passed the Pradesh Member of Legislative Assembly (Removal of Disqualification) Amendment Act, 2021 (hereinafter, 'Removal of Disqualification Act, 2021') to exclude Parliamentary Secretaries from the ambit of office of profit. The Opposition Parties have now approached the High Court of Pradesh to disqualify the 20 MLAs for holding office of profit by challenging the constitutionality of the Removal of Disqualification Act, 2021. Decide this case with the help of decided cases and relevant provisions from the Indian Constitution and other allied laws relating to the concept of office of profit.

PART – B (2 x 10 =20 Marks)

Answer the Following Questions

6. What is an '*election symbol*'? Explain the grounds for recognition of a political party as a '*state party*' by the Election Commission of India (ECI)? Why are only recognised political parties allotted reserved election symbols in India? What is the consequence of such a practice?
7. Comment on each of the following statements about the ECI's power to regulate political parties in India, whether they are 'correct' or 'incorrect'. Substantiate your answer with detailed and cogent reasons by quoting relevant legal provisions and decided cases:
- Party manifestos can be censored and vetted by the ECI and actions can be taken against the political parties for any unenforceable or outlandish promises.
 - The Representation of the Peoples Act, 1951 confers the ECI with the power to de-register political parties in India.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

ADVANCED COURSE ON PATENT LAW

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 x 10 =50 Marks)

Answer the following the questions:

1. The full stop, comma, exclamation mark, question mark, the colon, the semicolon, quotation mark, apostrophe, hyphen and dash, parenthesis and brackets are all marks of punctuation. Of these, the most commonly used in claims are the full stop, comma, and the semicolon – Elucidate this statement in the light of patent claim drafting by giving a suitable illustration. Also, briefly explain the various kinds of claims.
2. Compulsory licensing can be classified under the four theories namely, the adequacy of supply theory, the public interest theory, the worked in the country theory, and the interdependence of the patent theory. Explain each theory by referring the relevant provisions under the Patents Act 1970. Also examine the relevant provision referring to the TRIPS Agreement.
3. Mr Arun is developing a machine which is new, novel and non-obvious to any person skilled in the art and is liable to be protected under the Patents Act, 1970. Since it is in the stages of developing, Mr Arun filed a provisional patent application before the Controller of Patent on 31st December, 2019 to claim the priority. But unfortunately, Mr Arun is unable to complete the work (machine) and he is unable to file the completed patent application (complete specification) by 30th December 2020. Hence, he approaches you to advise him in this regard. Advise him.
4. Mr. A filed a patent application seeking a grant of patent for a method and devise for accessing information sources and services on the web. The Patent Office raised the objection as to lack of novelty and patentability under the Patents Act, 1970 particularly in view of Section 3 (k) of the Act. Lastly, the application was rejected on the ground that the application did not disclose any technical effect. Critically examine the latest decision of the High Court on Section 3 (k) of the Patents Act, 1970 and also briefly examine the relevant guidelines in this regard.

5. Do you agree that Section 108 of the Patents Act, 1970 is inclusive and therefore, other than injunctions, damages or accounts of profits, other remedies that a Civil Court can otherwise grant may be pursued? Elucidate your answer in the light of various remedies available to a patent holder in case of infringement of patent.

PART – B (2 x 10 =20 Marks)

Answer the following Questions:

6. A foreign company invented a medical device and applied for a patent in Indian Patent Office. The Indian Patent Office after adhering the procedural formalities granted the patent to the medical device but did not use them in India for a period of more than 10 years from the date of granting the patent. Hence, an Indian company started to use the patented device. The foreign company filed an application before Indian courts seeking injunction against the Indian company. Will the foreign company succeed in the case? Decide in detail by referring the relevant provisions under the Patents Act, 1970.
7. The Patent Cooperation Treaty system requires that the patent application must pass through two phases. Explain in detail the two phases of the application including its various stages and also list out any five items that are not required to be searched by the International Searching Authority.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Repeat (Odd-Semester) Examinations, January 2022

INTERNATIONAL TRADE LAW

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer all the questions:

1. The Theory of Mercantilism facilitates that the trading partners have better and sustainable economic targets. Do you agree? Analyse and evaluate the different theories of international trade and their relevance in the era of Liberalisation, Privatisation and Globalisation.
2. National Treatment under the international trade regime applies once a product, service or item of Intellectual Property Rights. Critically evaluate this statement referring to Most Favoured Nation Clause and its exceptions under the General Agreement on Tariff and Trade.
3. *The role of the World Trade Organisation (WTO) is not only aiding policy formulations and the traditional job of facilitating trade growth but also a decision on achieving greater coherence in global economic policy-making.* Evaluate this statement referring to the contribution of the Ministerial Declaration on environmental and health related issues in international trade.
4. *Nationalisation refers to the massive scale of takings of private property in all economic sectors and Prompt, Adequate and Effective Compensation are the only remedies against nationalisation.* Do you agree? Critically evaluate this statement referring to the kinds of expropriation and procedural safeguards for awarding compensation in international investment.
5. Contracting parties to the World Trade Organisation have the sovereign right to take trade action to protect the environment including human, animal or plant life and health. Critically evaluate this statement referring to the contribution of the World Trade Organisation Dispute Settlement Understanding (WTO-DSU) in *Import Prohibition of Certain Shrimp and Shrimp Products and Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products* case.

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

6. What do you mean by covered agreements and evaluate the role and applicability of covered agreements in resolving trade and environmental controversy.
 7. International Centre for Settlement of Investment Disputes is an independent and cost-effective dispute settlement by providing confidence in the dispute settlement process. Analyse this statement referring to the jurisdiction, immunities and privileges of the ICSID.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022
REGULATION OF THE PROFESSIONAL SPORTS IN INDIA

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 =50 Marks)**Answer the following the questions:**

1. The risk of injury is always there in sports and the players have accepted the inherent risk involved in playing their particular sport. If a player is getting injured while playing, to what extent can it be assumed that the player has given consent for the injury. Examine the doctrine of *volenti nonfit injuria* in sport as defence and its limitations in determining civil liability.
2. Ms. Tanya Taneja won the silver medal in the Tokyo Olympics in the Women's wrestling event. In order to encash her popularity, many companies started giving offers in her name and giving congratulatory messages on online public platforms. Ms. Tanya has approached you for better protection of her rights. What will be your advice to her and what action can she take against the companies who are using her name?
3. Critically analyse the regulation of Doping in Sports. Kindly give your opinion on whether the violation of the principle of natural justice and the right to privacy of Sportspersons in regulating doping in Sports is justified?
4. Critically evaluate the role of the State and judicial intervention in the governance of Sports in India. To what extent judicial intervention should be allowed in sports? Opine, with the help of case laws.
5. At present, a larger part of revenue in sports is coming from the live broadcasting of sports events. There is a conflict of interest with the owner of the broadcasting right and freedom of expression.

In the light of the above, respond to the following:

In the live broadcasting of a sports event, what are the rights available to the broadcaster? What are the limitations over its right? To what extent, news reporting and sports reporting can use an excerpt of a live broadcast of a sports event? What are the defences available to news reporters? Explain them along with case laws?

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Repeat (Odd-Semester) Examinations, January 2022

LAW OF INTERNATIONAL ORGANISATIONS

Time: 3 ¼Hours

Maximum Marks: 50

PART – A (5 x 10 =50 Marks)

Answer the following questions:

1. Reporting the UNCIO from San Francisco, the Hindu Newspaper correspondent commented on 27 June 1945 that "India has been a good little boy among the 45 [delegations], never saying an important thing likely to offend Britain and the other Big Four, meek and content to stand and wait, because that, too, is service. She has lost an opportunity which will never come again". Comment on this statement?
2. The Security Council is striving to find a methodology of work and an effective supervisory mechanism to follow up on the implementation of its anti-terror resolutions by Member States. Critically analyze the counter terror measures undertaken by Security Council.
3. There are various specialized agencies in economic, social, cultural, educational, health, and related fields. Their contributions are essential for the international community. Does the United Nations recognize these agencies? Where do they get power to function in these specialized areas? How effective have they been?
4. Supranational Organizations (SNOs) are a functional reality rather than legal fiction. Analyse this statement highlighting the features of SNOs. Do you think that SNOs can be effective in certain fields such as environment? Explain.
5. Introduction of PCIJ or ICJ never diminished the importance of Permanent Court of International Arbitration (PCIA). Critically comment on the above statement highlighting differences in the various modes of international dispute settlement mechanisms?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

LAW AND PRACTICE OF SHAREHOLDERS AGREEMENT

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 =50 Marks)

Answer the Following Questions:

1. The following is an excerpt from the Articles of the Association of the Rushabh Infosoft Ltd. (RIL) :

Article 19 -

- (a) No transfer of shares shall be made or registered unless it be between the joint shareholders inter se without the previous sanction of the Directors who may in their absolute and unrestricted discretion without assigning any reason, decline to give any such sanction, subject to provisions of the Companies Act, 2013.
- (b) A member intending to sell any share or shares shall give notice of her intention to the Directors, who shall offer any such shares to all the members and may thereupon find one or more members willing to purchase the same. This shall be done within one month of receipt of such notice.
- (c) In case there is more than one purchaser, each shall be entitled to purchase the shares in proportion to their respective holding in the Company on the date of such notice.
- (d) In case the Directors fail to find a purchaser within the period specified in sub-clause (b) above the member intending to sell her shares shall be at liberty to do so on such price as she considers proper and the Directors shall, subject to their right to decline such registration under sub-clause (a) above, register transfer of such shares.
- (e) The right of pre-emption set out in clauses (b) to (d) of this Article shall not be enforced in case of transmission or transfer of shares in favour of the heirs of a member or mother, father, brother, sister, or daughter-in-law of a member, but shall apply if the transmission is in favour of third parties.

Two members of RIL have entered into a shareholders agreement agreeing that neither party would transfer the shares to anyone outside of the company without the consent of the other party. Later one of the parties to this agreement sought sanction of the board of directors for transferring of shares to outsider not being a member of

RIL. The other party claims that such sanction cannot be granted by the board of directors as the proposed transfer is in breach of the said shareholders agreement. You are required to advise the board of directors.

2. Article 20 of the Articles of the Association of the Rushabh Infosoft Ltd. (RIL) states that the price payable for the purchase of shares under Article 19 (Kindly refer to question number 1 above for this article) shall be their fair value. This value will be determined by the Board of Directors.

A group of 6 members of RIL are in the process of finalizing a shareholders agreement. They seek your advice for inclusion of appropriate clauses relating to valuation in the shareholders agreement. You are required to advise them.

3. A major pharma research and development company is intending to infuse additional funds through private placement. You are required to supply a draft terms sheet for the consideration of the company.
4. 2 friends intend to start agricultural export and are in the process of incorporating a company. They are interested to have a shareholders agreement in place and organise the venture as a MSME under the extent law. You are required to draft a term sheet.
5. SSL India Pvt. Ltd., is a 50:50 joint venture registered under the Companies Act, 2013. You are required to advise the members of the company in dealing with possible dead locks and draft necessary clauses for inclusion in a shareholders agreement.

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Repeat (Odd-Semester) Examinations, January 2022

CLINICAL – III (Professional Ethics and Professional Accounting System)

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer the following Questions:

1. Principle 22 of the United Nations Basic Principles on the Role of Lawyers (1990) mandates that “Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.” What laws does India have to ensure this? Are there any exceptions?
2. What distinguishes senior advocates from other advocates in India? Discuss the key changes brought about in the system of designation of senior advocates pursuant to the Apex Court’s decision *Indira Jaising v. Supreme Court of India Through Secretary General and Ors.*, AIR 2017 SC 5017.
3. Is it acceptable to ask the client “leading questions” during the initial client interview? If yes, why and if not, why not? What other methods of questioning can be used during such interviews?
4. What are the existing guidelines on management of client money by a legal professional? Can they bill their client solely depending on the success of the case?
5. Can a judge be charged with the offence of Contempt of Court? If yes, is the procedure same or different from charging a common man with the same offence? Analyse with reference to applicable laws and cases.

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

6. Nizamuddin got evicted from his ancestral house by his elder brother Naimuddin, since he could no longer contribute towards the household expenses after he lost his job as a factory worker in April 2020. As of January 2022, all his pleas for reconciliation have fallen on deaf ears and a legal battle seems to be the only way out

now. However, owing to his financial condition, Nizamuddin cannot afford to hire an advocate to represent him in Court. Considering that he received formal education only up to Class VIII, is it possible for him to proceed on his own? Illustrate your answer with suitable reference to the Advocates Act and any other applicable law(s).

7. Mr. J. Sitharaman is an advocate practicing in the Tiruchirappalli District Court for over 20 years. Ms. Nancy Thomas approached him on 8 December 2021 for advice on her wrongful termination of employment and Mr. Sitharaman agreed to take it up further. Two Skype meetings were successfully conducted thereafter, on 13 and 21 December, and things seemed to progress smoothly. However, on 7 January 2022, Ms. Thomas wrote an email to Mr. Sitharaman, saying that she would no longer be needing his services as her former employer has reinstated her in her former position at the office with an unconditional apology. In reply, Mr. Sitharaman sent a note of congratulations along with an invoice for Rs. 6500/- for the hours spent on the case so far. Ms. Thomas refused payment, arguing that Mr. Sitharaman's services were immaterial for the end result and conducting virtual meetings does not cost anyone anything anyway. What can Mr. Sitharaman do to realise his pending fees? Is it acceptable if he retains the case documents of Ms. Thomas until payment has been made in full? Elaborate your answer with suitable reference to the Bar Council of India Rules.
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Repeat (Odd-Semester) Examinations, January 2022

INTERPRETATION OF STATUTES

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

All questions are compulsory and write complete answers for all the questions

1. Do you agree that the interpretation of the legal instruments such as statute, regulations, rules, etc. by the constitutional courts have influenced the legal system and that the duty to interpret the law is not limited to constitutional courts? Explain with reasons.
2. The State Legislature enacts the Criminal Procedure Code and the same is found to be inconsistent with the Penal Code enacted by the Union Legislature. As a judge, interpreting the questions of inconsistency, decide and explain the principles and techniques of interpretation to be used in this case.
3. Section 55 (1) of the Land Acquisition Act provides that
 the [appropriate Government] shall have the power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made:
 [Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and the State Governments:
 Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, [before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so

however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule :]

[Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.]

Explain the role of the Proviso(s) in general and in particular reference to Section 55 (1) of the Land Acquisition Act.

4. How to define 'anomaly' in the statute? What tests do judges apply to remedy the anomaly from the provisions of a statute? Explain with illustrations.
5. Whether the question of when to use a specific external aid is left to a judge to decide? If not, what are the principles associated with the practices of selecting and using an appropriate external aid in a given case?

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

6. Section 1 of the Consumer Protection Act, 2019 states the following:

- 1) This Act may be called the Consumer Protection Act, 2019.
- 2) It extends to the whole of India except the State of Jammu and Kashmir.
- 3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different States and different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.
- 4) Save as otherwise expressly provided by the Central Government, by notification, this Act shall apply to all goods and services.

Explain the purpose and significance of sub-sections (3) & (4) of Section 1.

7. Section 2 (7) of the Consumer Protection Act, 2019 defines the expression consumer as follows:

"Consumer" means any person who—

- (i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment, when such use is made with the approval of such person but does not include a person who obtains such goods for resale or any commercial purpose; or
- (ii) hires or avails of any service for a consideration which has been paid or promised or partly paid and partly promised, or under any system of

deferred payment and includes any beneficiary of such service other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first-mentioned person, but does not include a person who avails of such service for any commercial purpose.

- (iii) Explanation—For this clause, (a) the expression "commercial purpose" does not include use by a person of goods bought and used by him exclusively to earn his livelihood, using self-employment; (b) the expressions "buy any goods" and "hires or avails any services" includes offline or online transactions through electronic means or by teleshopping or direct selling or multi-level marketing

Describe the role of the explanation clause attached to the definition clause and explain the differences between the explanation clause and a definition clause.

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Repeat (Odd-Semester) Examinations, January 2022

COMPETITION LAW

Time: 3 ¾ Hours

Maximum Marks: 70

Instructions:

- ❖ The problem based questions should be preferably answered in the IRAC Method by quoting relevant judicial precedents.
- ❖ All the questions should be answered by quoting at least three relevant precedents and/or illustrations.
- ❖ All questions are compulsory. You are strictly directed to follow the Question Number as given in the Question Paper.

PART – A (5 x 10 =50 Marks)

Answer the Following Questions

1. *“Agreements which may otherwise be lawful and enforceable under the general law – such as the Indian Contract Act, 1872 – may still be anti-competitive and fall foul of Section 3 of the Competition Act, 2002. Similarly, a practice or conduct which may be considered as an abuse under Section 4 of the Competition Act may otherwise, but for the said provision be legitimate under the general law. Equally, mergers and amalgamations that are permissible under the general law may result in aggregation of market power that may not be permitted under the Competition Act.”* (emphasis added). In light of these observations by the Delhi High Court in *Telefonaktiebolaget LM Ericsson vs. CCI and Another*,
 - (a) Briefly explain the interplay between CCI and other sectoral regulators;
 - (b) What happens when there is a conflict between the provisions of the *Competition Act, 2002* and any other legislation?
2. Critically analyse the following cases by comparing the relevant provisions of the *Competition Act, 2002* and the *Monopolies and Restrictive Trade Practices (MRTP) Act, 1969*. In addition to the Indian cases, substantiate your answer by explaining how the term ‘undertaking’ has been interpreted by the foreign competition authorities:

(a) Whether the *Institute of Company Secretaries of India (ICSI)* can be considered as an 'enterprise'?

(b) Whether *Public Works Department (PWD)* in a State Government can be considered as an 'enterprise'?

3. *Vijay Coolers Pvt. Ltd.*, (hereinafter 'Seller'), manufacturer of sunglasses entered into an Agreement with *Ajith Optical Traders* (hereinafter 'Purchaser') for sale of its products. The Agreement includes, among others, the following clauses:

a. "That the 'Purchaser' shall not deal with goods, products, articles, by whatever name called, manufactured by any person other than that of the 'Seller'.

b. That the 'Purchaser' may sell the goods manufactured by the 'Seller' at the price as embossed on the price label of the sunglasses. The 'Purchaser' is also allowed to sell the sunglasses at prices lower than those embossed on the price label."

Are the above conditions anti-competitive? Examine the validity of the clauses in the Agreement by quoting relevant provisions from the *Competition Act, 2002*.

4. CCI received complaints from two passengers that the *Indian Railway Catering and Tourism Corporation (IRCTC) Ltd.*, has been abusing its dominant position in the railway industry. The complaints *inter alia* allege the following unfair and restrictive practices followed by the *IRCTC*:

a. *unfair/discriminatory conditions in connection with the online passenger reservation system;*

b. *the compulsory provision of food on special trains like Rajdhani and Shatabdi;*

c. *monopoly on food courts at large railway stations; and*

d. *restrictions against private players providing meals through e-catering in trains with no pantry facility.*

Explain in detail the procedure to be followed and the various factors that will be considered by the CCI to ascertain whether *IRCTC* enjoys a dominant position in the railway industry. What orders can the CCI pass on completion of the inquiry?

5. Write short notes on:

a. Whether cartelists can be prosecuted in the absence of direct evidence of their cartel behaviour in India? (5 marks)

b. Can parties approach High Courts against orders rendered by CCI? (5 marks)

PART – B (2 x 10 =20 Marks)

Answer the Following Questions

6. An advertisement was published in the Trichy Times in December 2021 by Volkswagen Cars India (hereinafter 'Volkswagen'), with the caption: "Prices starting Rs. 7.49 lakhs, lowest interest rate – 8.9 %". The advertisement showed the logo and picture of the new "New Volkswagen NXT", but carried the specifications of 'Old Volkswagen' models. When Mr. Crower approached the authorized Volkswagen dealers mentioned in the advertisement, he was informed that the bargain price was not for the NXT, but for the old model of Volkswagen, which was phased out earlier that year. Since nowhere in the advertisement did this fact come up, Mr. Crower wants to file a complaint against Volkswagen under the Competition Act, 2002 and Consumer Protection Act, 2019. Advise him.
7. Explain with reference to relevant provisions of the Consumer Protection Act, 2019 and the Competition Act, 2002 the following questions:
- "The provisions of Consumer Protection Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force." Comment.
 - Distinguish between 'Commercial Purpose' and 'Self Help Purpose'.
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Repeat (Odd-Semester) Examinations, January 2022

CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer all the following questions:

1. Some criminologists have found the legal definition of crime to be inadequate and have discarded it in favour of the social definition, while others consider only legal definition to be suitable for scientific criminological research. Explain the problem of definition giving your own preference. Do you agree that crime is a tool in the hands of the ruling class to be used for protection of its own interest?
2. Do you think there is a need for victim oriented Criminal Justice? Evaluate this referring to the present legislative positions.
3. *“The growing policy-reform movement is a broad church. It includes everyone from ganja-smoking Rastafarians to free-market fundamentalists and all in between. There are socialists who think the drug war hurts the poor, capitalists who see a business opportunity, liberals who defend the right to choose, and fiscal conservatives who complain America is spending \$40 billion a year on the War on Drugs rather than making a few billion taxing it. The movement can't agree on much other than that the present policy doesn't work. People disagree on whether legalized drugs should be controlled by the state, by corporations, by small businessmen, or by grow-your-own farmers, and on whether they should be advertised, taxed, or just handed out free in white boxes to addicts.”- Ioan Grillo, El Narco: Inside Mexico's Criminal Insurgency. Are you in favour of decriminalization in some areas of Criminality? Give your views by using suitable illustrations.*
4. *“Crime takes place when there are inadequate legitimate possibilities for people to accomplish the standard success goals of a society and in that situation, there is an imbalance between the goals and the means to accomplish those goals and some people are forced into crime in order to attain the success they desire”. Analyse the statement with the help of the Theories of Criminology.*

5. *“Prisons do not disappear social problems, they disappear human beings. Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages.” - Angela Davis.* Critically analyse the statement with the help of the theories of punishment.

PART – B (2 X 10 =20 Marks)

Answer the following questions:

6. Critically analyse the need for differential treatment of Juvenile Offenders?
7. Critically examine various thoughts on Criminology at different stages of history.
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LAW OF INSURANCE

Time: 3 ¾ Hours

Maximum Marks: 70

Instructions:

- All questions are compulsory. You are strictly directed to follow the Question Number as given in the Question Paper.

PART – A (5 x 10 =50 Marks)

Answer the Following Questions

1. The Government of India has mandated Insurer Companies to provide comprehensive insurance policy towards coverage of COVID-19 related treatment and hospital care. You work for an Insurance firm as a Legal Manager and you have been asked to draft such a policy for your company by adhering to the directions issued by the Government. While drafting such policy, you have also been asked to underwrite the risks involved in introducing such a policy. What would be your key considerations while launching such a policy? Devise the relevant parameters to be taken into consideration.
2. Mrs. ABC, aged 75 years, bought a new microwave which was sold to her with a Microwave Insurance for a premium of Rs. 1,500/- and total coverage of Rs. 25,000/-. Mrs. ABC was decided to bake a choco lava cake in it. She made the batter, poured it in a cake form and kept it inside the microwave and checked the microwave manual for temperature setting. As per the manual, she had to bake it in 100% high power for 5-7 minutes then let it allow in the microwave for another 2-3 minutes. She really wanted a moist cake with a nice crispy brown colour. So, she decided to bake the cake for 10 minutes in 100% power.

Suddenly, the microwave stopped working half way. Mrs. ABC checked the microwave and found that there was a power cut. Meanwhile, she received a call on her mobile phone and went to answer the same. After few minutes, she got the smell of something burning and so she checked her kitchen. She found the microwave was

overheated and the smoke was coming from the same, as the power was back by then. In panic, she took two big bowls full of water and poured it over the microwave and then switched off the main power supply.

Later, when she checked her microwave, she found that the microwave had stopped functioning. She went to her shopkeeper to check about the same and he informed her that the microwave needs a small repair due to short circuit problem. A certain coil needs to be replaced, which would cost around Rs. 5,000/-. Mrs. ABC decides to use her Microwave Insurance, but the Insurance firm refused her claim by relying upon the following clause in their policy document:

“..... 2.3. *No Coverage: The insurance does not cover –*

- a) *Loss caused by internal stress, by loosening of a seal or by fluid pressure,*
- b) *Loss caused by any abnormal use or negligence,*
- c) *Loss caused by pixilation, gas discharge, re-gassing or image burn on any surface or screen unless the reason for the same was exceptional arising suddenly and unforeseeably....”*

Decide whether the rejection of claim by the Insurance Company is valid or not? Justify your answer with the help of principles of construction of an Insurance Contract.

3. You are the legal adviser for ABCD General Insurance Services Co. Ltd. Your company wants to move towards completely paperless insurance format. Advice,
 - a) Whether it is allowed under the Indian law?
 - b) What are the necessary Insurance Regulatory and Development Authority of India (IRDAI) regulations and other laws and policies which might come into play to make this transition towards paperless transaction?
 - c) What would be the merits of having a paperless insurance policy?
 - d) What are the risks faced by the Insurance firms and customers while using a digital policy?
4. Mr. XYZ, a lawyer by profession, had bought a new model sports bike for himself worth Rs. 5 lakhs. He was concerned about the safety of his new costly bike. Hence, he decided to insure it against accident, theft and loss. He approached ABCD Car Insurance Co. for a bike insurance policy. In the proposal form, there were two questions inter alia –
 - a) *“Has the vehicle been previously insured under any other policy? If yes, please fill the details of the policy like the coverage, premium, details of Insurer and the duration”.*
 - b) *Is the place of residence of the insured prone to recurrent attacks of burglary or theft or loss of property due to riots, etc.?”*

To the first question, Mr. XYZ answered 'No'. For the second question, he answered 'Not recurrently.' The place where Mr. XYZ reside is in a residential colony, where lots of thefts have happened in the recent past. In fact, in one instance, there was an attempt to steal from Mr. XYZ's house itself. Examine whether Mr. XYZ had breached the principle of '*uberrima fides*' in insurance contracts. If so, what are the consequences of the same? Further, if the answers to the questions raised in the proposal formed a part of the '*basis of contract*' clause, will the consequences change?

5. Mr. ABC had taken an insurance against fire for his whole residence which is a 2 BHK flat with attached garage from the Sun General Insurance, UK. The whole policy was for a worth of £5000. On 13th May 2021, Mr. ABC had decided to repaint his house, as his daughter's wedding was scheduled in June 1st week. For the purposes of repainting the furniture and woods, few tins of 2 litres of varnish (highly flammable) were kept inside the house. The painters had taken the varnish tins and kept them open on the dining table, where the microwave oven was kept temporarily as the kitchen was being painted.

Mr. ABC's nephew, aged about 10 years had bought pizza and wanted to reheat it for dinner. He found the microwave on the dining table and proceeded to connect it to the nearby plug point. In this process, he had dragged the dining table and connected the microwave and kept the pizza for 8 minutes by increasing power to 70%. He really liked to eat pizza with crispy edges, so he decided to leave the microwave for extra few minutes than the required time for reheating pizza.

While waiting for his pizza to be heated crisply, he fell asleep on the nearby couch. He was woken up by a blast from the microwave and saw that the whole dining table was on fire due to the spilled varnish. Moreover, the whole curtain nearby was also on fire which was actually very near the dining table and tapestry worth some £152 was also on fire. Before anyone could come and stop the fire, the dining table worth £550 was partially destroyed along with the fully destroyed microwave, curtains and tapestry. The total destruction was valued at £900. As Mr. ABC's legal advisor:

- 5.1 Explain whether Mr. ABC will or will not be able to proceed to claim insurance money using the Insurance Policy for Fire.
- 5.2 Identify the '*causa proxima*' in this case and explain if it can be covered under the policy or not.
- 5.3 What are the essential warranties and conditions to be followed to enforce this claim?

PART – B (2 X 10 =20 Marks)

Answer the Following Questions

6. In the U.K. case of *Castellain v. Preston*, 1883, QB Bowen LJ commented that:

“... the doctrine of subrogation does not arise upon any terms of the contract of Insurance, it is only the other proposition, which has been adopted for the purpose of carrying out the fundamental rule i.e. indemnity. Subrogation is introduced in favour of the underwriters or insurers, in order to prevent the insured from recovering more than a full indemnity...”

With reference to the above judgement, explain the concept of subrogation by quoting the relevant provisions under the Indian law. In your opinion, how is the right of subrogation influenced by the principle of indemnity under insurance laws? Further, opine whether subrogation and contribution can be considered as complementary rights to each other.

7. Answer the following:

7.1 When is the rule of ‘*contra preferentum*’ applicable in insurance contracts?

(5 marks)

7.2 Comment on the compulsory Insurance of Motor Vehicles in India. (5 marks)

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Repeat (Odd-Semester) Examinations, January 2022

LAW OF INDIRECT TAXATION

Time: 3 ¼ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer the following Questions:

1. ABC Ltd. company is a marble mining company. The company cut out marble blocks from the earth. Made them into slabs and sent the same to different parts of the country. The central excise authorities assessed them for central excise duty stating that cutting the marble blocks into slabs would amount to manufacture. The assessee, ABC Ltd denies the same. Decide with relevant provisions of law and case laws.
2. XYZ Ltd., is a supplier of shuttering to the ABCD construction company. The shuttering would be returned to XYZ after use. The supply was made from Karnataka to Tamil Nadu. The transaction took place in 2007. Tax authorities claim that it was a sale under the Central Sales Tax Act and therefore liable for Central Sales Tax. They also claim that it is a service under the Finance Act 2006 and hence liable for Service Tax. Analyse with relevant provisions of law by distinguishing between sale and service.
3. A was the owner of a land having an area of 5 acres. XYZ a construction company entered into an agreement with A by which XYZ was to develop that area. The company agreed to give two flats to A in consideration of the area transferred to XYZ. The authorities claimed it as a supply under the Goods and Services Tax Act and demanded GST. The transferor and transferee claim that it is not supplied and not liable to pay GST. Decide.
4. ABACO Co. supplies ice cream, chocolate, ice-cream cakes, burgers to the customers. Moreover, it offers a well-furnished place for consuming these varieties of items. The tax on the supply of ice cream is 3% which is the lowest. ABACO claims that since the supply of all the items is made from a particular place and offered from a particular place, the supply is a composite supply in which the ice cream is the principal supply and all are liable to be taxed at 3%. Decide.

5. A big ship carrying merchandise and stores enters the territorial waters of India. But it cannot enter the port. In order to unload the merchandise, lighter ships are employed. Stores are consumed onboard the ship as well as by the small ships. Customs authorities claim that such consumption of stores attracts customs duty since consumption of stores amount to import of goods. Decide by quoting relevant sections and case laws.

PART – B (2 X 10 =20 Marks)

Answer the following Questions:

6. *“Place of supply is so essential for the levy of GST”*. Explain in the context of integrated GST Act.
7. *Invoice is an important document for the input tax credit*. Do you agree? Explain the importance of invoice in input tax credit.
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Repeat (Odd-Semester) Examinations, January 2022

CORPORATE FINANCE LAW

Time: 3 ¾ Hours

Maximum Marks: 70

PART – A (5 X 10 =50 Marks)

Answer all the following questions:

- AGP India Ltd (AGPIL) offered securities to the public during the month of March 2019. Until January 2019, DDC Ltd., a public unlisted company registered in India held 10% stake in AGP. In view of the said 10% stake DDC qualified as one of the persons acting in concert in relation to AGP. In February 2019, DDC sold 7% stake in AGP to DCD Pvt. Ltd. The Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeover) Regulations are complied with. AGPIL proposes to place 100 crores of securities privately and you are required to draft a suitable clause, if any, in the private placement memorandum cum application as regards the above transaction.
- R-ZAC Ltd. raised 100 crores of capital from qualified institutional buyers. In total 3 applications were received as per the details below:
 HKQ venture capital fund – securities worth 60 crores
 Trans India alternative investment fund – securities worth 30 crores
 Life Insurance Corporation of India - securities worth 10 crores
 HKQ Venture Capital Fund's application for registration with SEBI under the relevant regulations is pending as on date.
 You are required to advice R-ZAC regarding the allotment of securities to the above-mentioned applicants and the quantum of securities to be allotted to each of them.
- MNL India Ltd. proposes to raise 200 crores of capital. In the general meeting of the company a member owning 7 lakhs fully paid up shares demanded that the MNL shall offer for sale about 5 lakh shares out of the said 7 lakh shares. These 7 lakh shares were allotted to the said member on 06.05.2019. MNL requires the draft offer document to be filed with the SEBI on 25.03.2022. Can MNL propose offer for sale of the shares held by the said member? Kindly advice MNL.

4. Mr. Fazulla Khan and his 2 children (Ms. Nazma Khan and Mr. Faizulla Khan) along with other family members incorporated 2 companies, viz. Khan Manufacturers Ltd and Khan Dairy Ltd. On 11.09.2018, Khan Dairy Ltd. raised a sum of 100 crores through public offer. Mr. Fazulla, Ms. Nazma and Mr. Faizulla have 20%, 15% and 15% shares respectively in Khan Manufacturers Ltd. Mr. Fazulla, Ms. Nazma and Mr. Faizulla have subscribed for 10%, 20% and 20% shares respectively in Khan Dairy Ltd.'s public offer. Both these companies are listed in NSE Ltd. Now, they are rearranging their business and Mr. Fazulla wants to transfer the shares held by him to his children. They seek your advice to plan and execute the transfer of shares in Khan Dairy Ltd. Kindly advice them regarding the extent of transfer by Mr. Fazulla Khan possible under the extent ICDR and other Regulations, if any.
5. NM Ltd. seeks listing of its specified securities worth 1000 crores by way of a public offer on BSE or NSE. NM Ltd. has finalised the draft offer document in terms of SEBI ICDR Regulations, 2018. It seeks your advice on the fees to be paid for the purpose of filing the draft offer document. Kindly state the fees, if any, payable by NM Ltd. to the SEBI, BSE, NSE or any of them.

PART – B (2 X 10 =20 Marks)

Answer all the following questions:

6. Assume that *Walford and Another v. Miles and Another*, [1992] 2 AC 128 was decided by the High Court of Madras, Chennai. Write an opinion on behalf of Walford and Another regarding grounds of appeal, if any, before the Supreme Court of India.
 7. Write a brief note on changes, if any, in the Regulations applicable to raising of finance due to Covid19 pandemic in India.
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Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

COMPARATIVE CONSTITUTIONAL LAW

Time: 3 ¼ Hours

Maximum Marks: 70

Instructions:

- ❖ Write complete answers for all the questions

PART – A (5 x 10 =50 Marks)

Answer the Following Questions

1. Explain how the use of comparative methods and interdisciplinary perspectives in learning constitutional law has benefitted you.
2. Analyse the sources, scope and limitations of comparative constitutional law.
3. Whether the doctrine of separation of power and checks and balances are to be envisaged as essential for constitutional designing and functioning? Comment.
4. Whether decentralization can resolve ethnic tensions in a pluralistic society? How can the potential benefits of decentralization in pluralistic societies be maximized while minimizing the disadvantages?
5. Why is the practice of docket control significant in the working of constitutional courts? Explain with reasons.

PART – B (2 X 10 =20 Marks)

Answer the Following Questions

6. Do you recommend that India must borrow principles of fiscal federalism from any other jurisdiction? Does doing so aid in strengthening the existing centre-state relations? Comment with the help of supporting arguments and suitable illustrations.
7. How is the constitutionally established relationship between 'State' and 'Religion' in India and Pakistan work towards safeguarding the rights of the religious minorities? Comment.

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) and B.Com. LL.B. (Hons) Degree Programme
Repeat (Odd-Semester) Examinations, January 2022

LAW ON SECURITIES

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10 =50 Marks)

Answer all the following Questions:

1. Investigate the need for Regulation of Securities by a sovereign nation from the perspectives of:
 - a) Incorporated Organisations (3 Marks)
 - b) Investors (3 Marks)
 - c) Sovereign Nation (4 Marks)

2. *“SEBI’s powers and functions are open-ended, and it may lead to regulatory overreach at times.”* Critically analyse the above statement by dissecting the SEBI’s measures to regulate the securities market.

3. Mr. Bernard is a 30-year Indian with a Bachelor’s degree in Economics and has been an investor in various Securities in Indian Market for the past 10 years. He has spent a lot of time in understanding the Indian Securities Market in the last decade. Now he decides to invest his knowledge by becoming a stockbroker.
Mr. Bernard approaches you to understand the various rules, regulations and registration procedure one must comply to become a Stockbroker. Kindly advise.

4. What is the significance of mandating Corporatization and Demutualization of Stock Exchanges? Back your arguments by tracing the evolution of stock exchange regulations in India.

5. Ms. Surya, a farmer, owns a 5-acre wheat field. Before sowing her field in the year of 2022, she decides to protect future produce by entering a Derivative Contract. She approaches you for advice.
Kindly help her understand the various forms of Derivative Contracts and provide suggestions to her as to what Derivative she should opt for with reasons.