



**TAMIL NADU NATIONAL LAW UNIVERSITY**

**QUESTION PAPERS**

**END SEMESTER EXAMINATIONS**

**(ODD SEMESTER)**

**JANUARY 2019**

Name : Register No.: 

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

First Year - First Semester, End-Semester Examinations (Odd-Semester), January 2019

## ENGLISH-I / BUSINESS ENGLISH-I

Time: 2½ Hours

Maximum Marks: 50

## PART – A (5 X 1 = 5 Marks)

Answer ALL the following questions:

1. They *while* away their evenings with books and games. (Name the part of speech of italicized word)
2. Man has no more right to say uncivil thing than to act. (Insert articles where necessary)
3. She jumped off the bus while it ..... (Choose the correct alternative from the given option: *moved, had moved, was moving*)
4. Who directed the movie *To Kill the Mocking Bird*?
5. Who wrote the classical work *Of Poetics*?



## PART – B (5 X 2 = 10 Marks)

Answer any FIVE of the following questions:

6. Distinguish between non-verbal and verbal communication.
7. Describe any two Discourse types in written communication
8. What is *Kafkaesque*?
9. What is "encoding" in communication?
10. Explain the Cultural Barrier in communication.
11. What are the different types of communication?
12. What is Renaissance Humanism?

PART – C

Answer ALL the following questions:

13. You are an anchor, of a TV channel, hoisting an interview with a prominent lawyer. How will you introduce him to the audience? Write down the script of your introduction.

[5 Marks]

14. Your class is conducting a debate on the topic “Should students study ethics in College?” Write a short draft for supporting the motion.

[5 Marks]

15. Describe the representation of the trial scene in *To Kill a Mocking Bird*.

[5 Marks]

16. Josef K in *The Trial* is an embodiment of the fragmented man thought. Illustrate the point with the features of Modernism.

[10 Marks]

17. “Law and literature could be inescapably entangled to create a new literary taste”. Substantiate this view with special reference to any literary text familiar to you.

[10 Marks]



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SOCIOLOGY-I (A CRITICAL INTRODUCTION)

Time: 2½ Hours

Maximum Marks: 50

Part – A (10 X 1 = 10 Marks)

Answer any TEN of the following questions. Each question carries 1 mark:

1. Radcliff Brown is associated with the study of which tribal group?
2. A state of unclear, conflicting and un-integrated norms is referred as \_\_\_\_\_.
3. Define Indology according to Muller.
4. The Folkways that take on philosophy of right living and a life policy of welfare, they are called as \_\_\_\_\_.
5. Linton refers to culture as \_\_\_\_\_.
6. McDougall states that Man is a Social Animal because of his \_\_\_\_\_ instinct?
7. What are the four types of Conflict identified by George Simmel?
8. The Sociologist who proposed the theory of Power Elite is?
9. Emile Durkheim, Herbert Spencer and Claude Levi Strauss are associated with \_\_\_\_\_ framework/methodology in Sociology.
10. Name the Sociologist who formulated the concept of ‘Social System’ in Sociology in the middle of 18<sup>th</sup> century.
11. The type of Suicide that results out of excessive regulations and oppressive discipline is referred as \_\_\_\_\_.
12. The type of Cooperation also known as accommodation which is found between bigger groups/parties to defeat a third group/party is referred as \_\_\_\_\_.

**Part – B (4 X 10 = 40 Marks)**

Answer any FOUR of the following questions. Each question carries 10 marks:

13. Explain the August Comte's Law of three stages and Hierarchy of Sciences.
14. Discuss C.H Cooley's and Freud's theories of Socialization.
15. Explain Weber's Protestant Ethics and Spirit of Capitalism.
16. Define Association, Community and Institution. Discuss the characteristics of each and illustrate the difference between Community and Association.
17. Define Socialization and explain the stages of Socialization with suitable examples.

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**B.A. LL.B. (Hons) Degree Programme**

First Year-First Semester, End-Semester Examinations (Odd-Semester), January 2019

**POLITICAL SCIENCE –I (POLITICAL THEORY AND ORGANIZATIONS)**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (5 X 6 = 30 Marks)**

Answer any FIVE of the following questions. All questions carry equal marks. Answer to each question should not be less than 300 words:

1. "State is a Divine Institution created by God and King is God's Representative" – Critically analyze the statement.
2. Critically examine Austin's Theory of Sovereignty.
3. "Liberty is an invaluable asset to the individual and has to be defended at all times" – Explain the ways by which liberty can be defended.
4. Bring out the differences between State and Government.
5. Explain the ideas of Prominent Anarchists and distinguish between Anarchism and Communism.
6. What is a Federation? What are the important features of a Federal form of Government?

**Part – B (2 X 10 = 20 Marks)**

Answer any TWO of the following questions. All questions carry equal marks. Answer to each question should not be less than 500 words:

7. Critically examine the basic principles of Karl Marx.
8. Explain the functions of Judiciary and factors which influence the independence of Judiciary.
9. What is Public Opinion and explain how various agencies mould Public Opinion in modern times.

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First Year - First Semester, End-Semester Examinations (Odd-Semester), January 2019

**FINANCIAL ACCOUNTING AND PRACTICAL AUDITING**

Time: 2½ Hours

Maximum Marks: 40

**Part – A (2 X 5 = 10 Marks)****Answer any TWO of the following questions. Each question carries 5 marks:**

1. Auditor is Watchdog, not a Blood Hound – Discuss within 250 words.
2. Describe different methods in preparation of Cash Book.
3. How will you prepare Accounts for Law office and what are the legal aspects will you consider for the account preparation.

**Part – B (3 X 10 = 30 Marks)****Answer any THREE of the following questions. Each question carries 10 marks:**

4. Following is the Receipt and Payment Account of Indian Sports Club, prepared Income and Expenditure Account, Balance Sheet as on December 31, 2017:

**Receipt and Payment Account for the year ending December 31, 2017**

Receipts	Amount (Rs.)	Payments	Amount (Rs.)
Balance b/d	7,890	Salary	11,000
Subscriptions	52,000	Electric charges	5,500
Life member ship fee	2,200	Billiard Table	17,500
Entrance fee	9,200	Office expenses	4,100
Tournament Income	20,000	Printing & Stationery	2,300
Locker Rent	1,250	Tournament expenses	18,500
Miscellaneous		Repair of ground	2,000
Receipt	2,500	Furniture purchased	7,700

Receipts	Amount (Rs.)	Payments	Amount (Rs.)
Sale of old newspaper	750	Sports equipments	12,000
Donations	37,500	Cash in hand	12,690
		Cash at bank	10,000
		Fixed deposit	30,000
	<b>1,33,290</b>		<b>1,33,290</b>

**Other Information:**

Subscription outstanding was on December 31, 2016 Rs.1,200 and Rs.3,200 on December 31, 2017. Locker rent outstanding on December 31, 2017 Rs.250. Salary outstanding on December 31, 2017 Rs.1,000. Subscription received in advanced was on December 31, 2017 Rs.500

On January 1, 2017, club has Building Rs.36,000, furniture Rs.12,000, Sports equipments Rs.17,500. Depreciation charged on these items @ 10% (including Purchase).

5. Prepare Trading, Profit and Loss A/c and Balance Sheet as on 31.3.2018 from the following Trial Balance of Mr. Vandhiyan:

Particulars	Debit Rs.	Credit Rs.
Capital		1,50,000
Bank Overdraft		25,200
Sales		9,03,000
Furniture	30,600	
Business Premises	1,20,000	
Creditors		79,800
Opening Stock	1,32,000	
Debtors	1,08,000	
Rent		6,000
Purchases	6,60,000	
Discount		2,400
Insurance	16,000	
Wages	24,000	
Salaries	54,000	
Advertisement	13,200	

Particulars	Debit Rs.	Credit Rs.
Carriage on Purchases	10,800	
Provision for bad and doubtful debts		7,000
Bad debts	800	
Income tax	4,000	
	<b>11,73,400</b>	<b>11,73,400</b>

**Adjustments:**

- Closing Stock on 31.03.2018 was Rs.1,20,000.
- Make a provision of 5% on Sundry debtors for bad and doubtful debts. 2% for provision for Discount of debtors and further bad debts is Rs.600.
- Rent received in advance Rs.2,000 and salaries outstanding Rs.6,000.
- Provide 10% depreciation on Furniture and Business Premises.
- Hero and Honda are partners, who share profit in the ratio of 3:2. Following is the balance sheet as on March 31, 2015.

**Balance Sheet of Hero and Honda as on March 31, 2015**

Liabilities	Amount (Rs.)	Assets	Amount (Rs.)
Hero's Capital	65,000	Cash and Bank	81,000
Honda's Capital	23,000	Stock	15,000
Sundry Creditors	96,000	Sundry debtors	43,000
Reserve fund	27,000	Less: Provision for doubtful debts	1,000
		Fixed Assets	73,000
	<b>2,11,000</b>		<b>2,11,000</b>

The firm was dissolved on March 31, 2015. Close the books of the firm with the following information:

- Debtors realised at a discount of 5%,
- Stock realised at Rs.14,000,
- Fixed assets realised at Rs.84,000,
- Realisation expenses of Rs.1,000,
- Creditors are paid in full.

**Prepare necessary ledger accounts.**

7. Mrs. Earth purchased a car on hire-purchase system from Mr. Sun. The total cash price of the car is Rs.1, 75,000 payable Rs.25, 000 down and three equal annual instalments Rs. 50,000 each. Interest is charged at 10% p.a.

You are required to give journal entries and ledger accounts in the books of the both the parties and charge 12% depreciation on car under straight line method.

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First Year - First Semester, End-Semester Examinations (Odd-Semester), January 2019

PRINCIPLES OF ECONOMICS

Time: 2½ Hours

Maximum Marks: 50

Part – A (5 Questions X 10 Marks = 50 Marks)

Answer any FIVE of the following questions not more than 300 Words:

1. In the light of rivalry and excludability how the global goods and services are being divided?
2. Elucidate the different types of demand curves and supply curves on the basis of their elasticity through diagrammatic representation.
3. Describe the shape of the perfectly competitive firm's supply and demand curve. Explain along with its characteristic features.
4. Why a monopoly or monopolistic competitive firm can't sell the additional unit of output without reducing their price per unit of output? Explain along with their distinguishing characteristic features.
5. List and describe any four determinants of productivity.
6. Prove  $C + I + G + NX = Y$  is an identity.

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First Year - First Semester, End-Semester Examinations (Odd-Semester), January 2019

**BUSINESS ORGANIZATION AND MANAGEMENT**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (5 X 3 = 15 Marks)****Answer any FIVE of the following questions:****1. Write short notes on:**

- a) Company Limited by Shares
- b) Partner in Profits
- c) Joint Sector Undertakings

**2. What is Span of Control?****3. What is Standing or Multiuse Plan?****4. Write short notes on:**

- a) Management by Objective
- b) Forecasting
- c) Business Process Reengineering

**5. What is Human Resource Planning?****6. Write short notes on:**

- a) Job Description
- b) Performance Appraisal
- c) Compensation Management

**7. What is Learning Organization?****8. What is Competency Mapping?**



Part – B (3 X 5 = 15 Marks)

Answer any THREE of the following questions:

9. Explain the Functions of Management.
10. Discuss the Recent Trends in Business World.
11. Explain the characteristics of Human Resource Planning.
12. Explain the various methods of providing Training to Employees.
13. Explain the Process of Motivation.

Part – C (2 X 10 = 20 Marks)

Answer any TWO of the following questions:

14. Explain the Henry Fayol's Principles of Management.
15. Explain the Challenges for Indian Business in New Millennium.
16. Discuss briefly the various approaches to the study of Management.
17. Explain the Emerging Human Resource Techniques.

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First Year - First Semester, End-Semester Examinations (Odd-Semester), January 2019

LEGAL METHODS

Time: 2½ Hours

Maximum Marks: 50

PART - A (5 Marks)

1. Answer the following questions:

a) *Maneka Gandhi vs. Union of India, 1978 AIR 591*

Identify the following: [1 Mark]

- (i) Petitioner
- (ii) Respondent
- (iii) Expand AIR

b) *Jones vs. Kernott, [2011] UKSC 53, 2012 (1) AC 776*

The above citation is in Bluebook Style except it is incorrect. Identify the mistake(s) and re-write the citation correctly. [1 Mark]

c) Man Yee Karen Lee wrote an article titled "Universal Human Dignity: Some reflections in the Asian Context" which was published in 2008 in the second volume of the Asian Journal of Comparative Law from pages 1-33. It was, later, published online on April 16, 2015 and could be accessed on <<https://doi.org/10.1017/S2194607800000211>>. Assuming that you have accessed this article today:

- (i) Cite this article in OSCOLA format as an offline source; [1 Mark]
- (ii) Cite this article in Bluebook format as online source: [1 Mark]

d) *Ninja vs. Noddy [2008] SC 13, [2008] 1 SCC 834.*

Identify the style of citation of the aforementioned. [1 Mark]

**PART - B (3 Questions X 10 Marks = 30 Marks)**

Answer any **THREE** of the following questions in not more than 500 words each

2. "Santhara" is a Jain practice in which a follower completely abstains from food and water in order to wait for death. Following Santhara is said to purify practitioners of their sins and lead to salvation. A person is allowed to take up Santhara only in case of old age or if he or she is suffering from an incurable illness.

The democratically elected government of State of Nadia, concerned that the practice of Santhara was leading to several citizens committing suicide, passed a law banning Santhara.

Tejashvi is a Jain monk, who has withdrawn from public life and has started Santhara. He has not voted in any election in Nadia, nor does he take the benefit of public facilities such as schools or hospitals.

Do you think Tejashvi has a *Moral obligation* to break his fast due to the law? (10 Marks)

3. In the state of Kratos, the Government has enacted a Statute, The Land Acquisition Act, 2013 which enables government for compulsory acquisition of private land for Public Purpose.

For the development of a Metro Rail the Government has acquired the cultivation land of a villager named Venkatesh, which was 200 meters from his residence. The government has provided the same area of land to Venkatesh in a different village which is seventy five kilometer far from his residence and the land is without irrigation facility.

The villagers in the area are protesting against the Metro Rail Project and acquisition of land by the government. Venkatesh has decided to file a case in Supreme Court of Kratos saying that his land which has been acquired by the government is unjust.

Do you think the compensation given by government to Venkatesh is justified? What will be justice to Venkatesh in your opinion?

The Laws of Kratos are *parimateria* to India. (10 Marks)

4. The advent of the civil law system is credited to the Roman Empire. What are the features of this kind of legal system? How is a civil law system different from a common law system? Is India a common law country? If yes, justify. A number of personal laws are governed by religious tenets, in India. Based on

this statement, would you say that Religion qualifies as a legal system in itself? Justify your opinion. (10 Marks)

5. In the past decade the states of Punjab and Bihar have witnessed a major loss of human lives owing to the consumption of poisonous liquor. A majority of the deceased individuals were males between the age of 19 and 35. The respective State Governments imposed various legislations and bye-laws regulating the manufacturing, distribution and consumption of liquor. But much like any other statutory ban on liquor, imposed anywhere in the world, this was an unsuccessful endeavour. Since the affected age-group included youth, the State Governments decided to constitute a policy group including academicians, scientists and students from the field of social sciences. The group is required to analyse the problem from a socio-legal perspective and draft policies which could be implemented centrally, regulating the manufacturing, consumption and distribution of alcohol in all the states. As one of the youngest and brightest members of this group, you have been assigned the task of determining the issues, identifying the resources which could be used to facilitate policy-drafting, etc. As a researcher, what kind of methodology would you use to analyse this issue? (10 Marks)

**PART - C (3 Questions X 5 Marks = 15 Marks)**

6. Write short notes on any **THREE** of the following in not more than 200 words:

- (a) Define and distinguish between *Ratio Decidendi* and *Obiter Dicta*
- (b) Various types of Constitution as discussed in class
- (c) Primary sources of law
- (d) Define and distinguish between Municipal and International Law
- (e) Heydon's Rule of Interpretation

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First Year - First Semester, End-Semester Examinations (Odd-Semester), January 2019

**LAW OF TORTS**

Time: 2½ Hours

Maximum Marks: 50

**PART - A (4 X 5 = 20 Marks)****[Short Answer type Questions]****Answer any FOUR of the following Questions:**

1. "If tort is committed by servant in course of employment, master is liable. Master is also liable if he directs his servant to commit a specific tort." In light of the given lines, discuss the liability of master in the given two instances.
2. "Every person is entitled to protect his body and property. But he cannot for this purpose do an act which is injurious to his neighbour." Given line refers to a justification of torts, name and explain the same. Also explain who are the neighbours mentioned in the given line?
3. Discuss the personal capacity of Minor and Lunatic in Law of Torts.
4. Explain 'no fault liability' in light of the relevant case laws.
5. Discuss tort of negligence. Also mention the rule and applicability of contributory negligence.
6. Explain the meaning of and difference between Malice in law and Malice in fact.

**PART - B (2 X 5 = 10 Marks)****[Problem based Questions]****Answer any TWO of the following Questions:**

7. P has a savings account in ABC bank, she used to hand over some cash money to Q by visiting him at his house. Q is P's neighbour and is also cashier in a bank, who is entrusted with depositing cash in account. She asks Q to deposit the money in P's account in the bank. Instead of depositing the money, Y misappropriates it. Explain the liability of Q and ABC bank.

8. A and B were in a love relationship for past 3 years which broke up just recently. Few days hence, while roaming in a mall B spotted A with her new partner. A approached B and her partner and shouted, "I will see both of you. A has made my life hell. I will not leave any of you... dare you meet me next time."

A wants to bring an action against B under law of torts, explain if B's act will fall in any of the tortious acts.

9. A, who was living adjacent to B's house was carrying a general merchant shop. During winter, A also started selling hot beverages including tea, coffee and hot milk. Due to the sales of these hot beverages many customers used to flock at B's house gate. This irritated B and he brought an action for nuisance against A. Discuss if B will be successful in the suit.

**PART - C (2 X 10 = 20 Marks)**

[Essay type Questions]

Answer any TWO of the following Questions:

10. Write a short note on any TWO of the following:

- Injunction
- Battery
- Fraud

11. "The right to reputation is acknowledged as an inherent personal right of every person as part of the right of personal security.....law of defamation like many other branches of the law of torts provides for balancing of interests." Discuss ingredients and defences for law of defamation under torts. How and why does law of defamation provides for balancing of interests?

12. Write in detail about the following:-

- Liability of State under law of torts
- Cyber torts and tort of passing off

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**B.Com. LL.B. (Hons) Degree Programme**

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), January 2019

**FINANCIAL SERVICES AND MARKETS**

Time: 2½ Hours

Maximum Marks: 50

**Part - A (5 X 3 = 15 Marks)**

Answer any FIVE of the following questions:

- What is Call Money Market?
- What is Due Diligence?
- Write short notes on:**
  - Over The Counter Exchange of India (OTCEI)
  - Qualified Institutional Buyers
  - Off- Balance Sheet Financing
- What is Stock-Invest?
- What is Hire Purchase-Instalment System?
- Write short notes on:**
  - Consumer Finance
  - Cross Border Leasing
  - Management Buy-Out in Venture Capital
- What is Merchant Banking?
- Write short notes on Gold ETF in Mutual fund?

**Part – B (3 X 5 = 15 Marks)**

**Answer any THREE of the following questions:**

9. Explain the objectives of Financial Services.
10. Explain the functions of Stock Exchange.
11. Explain the features of Credit Rating.
12. Explain the various types of Consumer Finance.
13. Explain the characteristics of Leasing.

**Part – C (2 X 10 = 20 Marks)**

**Answer any TWO of the following questions:**

14. Discuss the Role of SEBI in Primary and Secondary Market.
  15. Enumerate the classification of Mutual Fund Schemes.
  16. Explain the various functions of Merchant Banking.
  17. Distinguish between Factoring and Forfaiting.
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**B.A. LL.B. (Hons) Degree Programme**

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), January 2019

**INDIAN ECONOMY**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (5 X 10 = 50 Marks)**

**Answer any FIVE of the following questions not more than 300 Words:**

1. Critically evaluate Green Revolution in India.
  2. Elucidate the Fiscal and Monetary Tools used in India to control Inflation.
  3. Gold Standard, Bimetallic Standard, Reserve Currency Standard and Gold Exchange Standard.
  4. Prove  $S = I + NCO$  in an Open Economy.
  5. Explain how Purchasing – Power Parity becomes a first theory of Exchange Rate Determination.
  6. What are the Economic Effects of Deficits and Surpluses?
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Second Year - Third Semester, End-Semester Examinations (Odd-Semester), January 2019

## LEGAL HISTORY

Time: 2½ Hours

Maximum Marks: 50

## Part – A (10 X 1 = 10 Marks)

Answer ALL the following questions:

Choose the Correct answer of the following:

1. The Greek Goddess of justice is known as
  - a. *Mithra*
  - b. *Themis*
  - c. *Elohay*
  - d. *Justitia*
2. *Selden Society* was founded by
  - a. Henry Maine
  - b. Frederick William
  - c. H Baker
  - d. Hegel
3. The *Choultry* Court existed in Madras to decide the cases upto the value of
  - a. 10 *pagodas*
  - b. 20 *pagodas*
  - c. 30 *pagodas*
  - d. 40 *pagodas*
4. Which among the Charter was responsible to establish a Municipal Corporation in Madras?
  - a. 1662
  - b. 1685
  - c. 1687
  - d. 1726

5. Who among the following does not involve in the Patna Case 1777-1779

- a. Bahadur Beg
- b. Alum Beg
- c. Naylor Khan
- d. KojahZeharia

6. The term *Curia Regis* which means King's Council is derived from

- a. Latin term
- b. Greek term
- c. Persian term
- d. Portuguese term

7. Non-licensed lower grade of legal practitioners were called as

- a. *Munshiefs*
- b. *Vakils*
- c. *Mukhtars*
- d. *Muftis*

8. The Supreme Court was established at Madras in

- a. 1801
- b. 1803
- c. 1823
- d. 1833

9. The status of five Lieutenant Governors and the Chief Commissioners were raised to that of Governor in Council was under

- a. The Indian Councils Act, 1861
- b. The Indian Council Act of 1892
- c. The Government of India Act, 1919
- d. The Government of India Act, 1935

10. The idea of D P S P in Indian Constitution was borrowed from

- a. USA Constitution
- b. England Constitution
- c. Canadian Constitution
- d. Irish Constitution

**Part – B (5 X 4 = 20 Marks)**

Answer any FIVE of the following questions in 250 Words each:

- 11. State the importance of learning Legal History by the Law students.
- 12. Bring out the importance of Roman Law.

13. List out the jurisdictions of the Admiralty Court in Madras, 1686.

14. State the role of the Law Commission under the Charter Act of 1833.

15. Compare Cornwallis' plan of 1787 with Warren Hasting's plan of 1781-1781.

16. Trace out the features of Legal Practitioners (Women) Act of 1923.

17. Bring out the composition and features of All India Bar Committee of 1951.

18. List out the objectives and defects of Indian Council Act of 1909.

**Part – C (2 X 10 = 20 Marks)**

Answer the following question in detail:

19. Throw light on the Trial of Raja Nanda Kumar and Patna case.

[OR]

Analyze the Jurisdiction of Indian High Court Act, 1861 with a special reference to the advantages of the unification of Supreme Courts and *Sadr Adalats*.

20. Discuss the History and Basic Aims of Legal Education in India.

[OR]

Give an account on the role of the Drafting Committee in framing Indian Constitution a special reference to its salient features.

Name : Register No.: 

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Second Year - Third Semester, End-Semester Examinations (Odd-Semester), January 2019

## LAW OF CONTRACTS-II (SPECIAL PRINCIPLES OF CONTRACT)

Time: 2½ Hours

Maximum Marks: 50

## PART - A (3 X 7 = 21 Marks)

Answer any THREE of the following problems from this part in not more than 400 words:

1. Ram & Company Limited, a dealer in Television sets, sells to Geetha a Television Set for Rs. 80,000/-, the terms being that Rs. 2,000/- is to be paid initially and the balance to be paid in 13 equal monthly instalments at the rate of Rs. 6,000/- towards each instalment. Geetha paid for a total 10 instalments and committed default thereafter. Is it open for the dealer to take back the Television set sold to Geetha?
2. Vidya bought a bun at a baker's and confectionary shop. The bun contained a stone which broke one of Vidya's teeth. On what grounds Vidya will be entitled to claim damages from the owner of the bakery?
3. Charles enters into a partnership with Michael, a minor for the benefits of Michael. Decide the validity of this partnership.
4. Kumar and Sunder are partners in a Cloth business. Kumar orders in firm's name and the firm's letter-head to be supplied with 2 bags of wheat at his residence. Is the firm liable to pay the debt?

## PART - B (3 X 7 = 21 Marks)

Answer any THREE questions from this part in not more than 400 words.

5. Section 4 (1) of the Sale of Goods Act, 1930 defines a contract of sale of goods as 'a contract whereby the seller transfers or agrees to transfer the property in the goods for a price'. Analyze this section and substantiate the valid elements of a sale.



6. "Nemo Dat Quod non Habet" is the maxim around which the transfer of property in goods revolves around. However, to enable the mercantile community to carry on their trade and fulfil their needs the Act has created exceptions to this principle. Explain the significance of the rule and bring out the various exceptions.
7. Section 5 of The Partnership Act, 1932 expressly provides that "the relation of partnership arises from contract and not out of status" Elucidate this statement in the light of the ingredients set out to form a partnership in Section 4 of the Act.
8. "The law of partnership ensures registration of a Firm, though it is not compulsory". Explain the meaning of this statement with special reference to Section 69 of The Partnership Act, 1932.

**PART - C (4 X 2 = 8 Marks)**

Answer any FOUR questions from this part in not more than 50 words.

- 9.
- Bailment and Pledge
  - Sub-agent and Substituted agent
  - Consideration for Guarantee
  - Conditions and warranties
  - Rights of stoppage in transit
  - Partnership 'At Will'
  - Features of a LLP

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Name :

Register No.:

**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), January 2019

**FAMILY LAW-II**

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

- No bare Act or study materials are allowed except the Table of Inheritance provided with the Question Paper.
- All the answers in the Part B shall be answered preferably in IRAC method; and at least one case law must be necessarily referred.
- The answer in the Part C needs to be answered using the relevant provisions and case laws.

**PART - A (2 Questions X 10 Marks = 20 Marks)**

**I. Answer any TWO of the following Questions:**

**1. Write short notes on the following:**

- Position of Illegitimate children with regard to succession. **(3 Marks)**
- Significance of "Mary Roy v. State of Kerala, AIR 1986 SC 1011". **(3 Marks)**
- Concept of Marz-ul-Maut under Muslim law and gifts made during this period. **(4 Marks)**

- Define "probate" and "executor". Explain the role of executor with regard to probate of wills.
- Through Waqf Act, 1995 as amended in 2013, explain the regulations of waqf in India.
- Describe the different scheme of intestate succession of non-coparcenary property of Hindu male under Ss. 8-13 and Hindu female under Ss. 14-17. Comment whether this distinction is desirable.

**PART - B (3 Questions X 8 Marks = 24 Marks)**

**II. Answer any THREE of the following Questions:**

5. Mrs. Neethu Johnson, a Christian woman by religion, hails from Karnataka. She and her husband – Mr. Johnson live with their eldest son-Ross, who is still unmarried. Their daughter Jessie resides in USA with her husband and two children. Mrs. Neethu Johnson also has two brothers who reside in Karnataka with their families. In July 2018, Mrs. Neethu Johnson passes away suddenly due to cardiac arrest. Thereafter, Mr. Johnson also passes away within 3 months due to ill age. *Decide who all will inherit the properties of both Mr. and Mrs. Johnson.*
6. Rafeeq is a Shia Mohammedan. He is married to Khathija for past 30 years. They have 4 children- 3 daughters and 1 son. Rafeeq's father and Khathija's maternal great grandmother lives with them. Rafeeq's eldest son – Firoz with his friends goes for ship cruise. The ship cruise turns tragic when the pirates capture the ship and kill everyone including Firoz while looting the ship. This shook the whole family. Firoz's marriage was fixed with Sahiba and their nikah nama was already signed. But official reception was decided to be held only after his return. *As their advocate, explain how Firoz's properties will be divided as per the Muslim law.*
7. Fayyuzee is a Sunni Muslim married to Sulman, a film maker. They live in 'Sulman Mahal'-Sulman's ancestral home. Fayyuzee and Sulman have a daughter, Zubei, who is eager to act in one of her father's movies. Sulman does not like his daughter acting in movies and hence, marries her off to Saif. Zubei and Saif have a son. Later, Sulman develops a discord with Saif's father which led to Zubei's and Saif's divorce. A depressed Zubei fell in love with a friend who is not a Muslim and married him under Hindu Marriage Act, 1955 by converting herself to Hinduism. Zubei's son is taken care of by Fayyuzee and Sulman. Fayyuzee has a full sister who also lives in Sulman Mahal. *On Sulman's death, who all will inherit 'Sulman Mahal', Sulman's sole property and how much will they inherit?*
8. Madhura and Mohan got married in 1980. Madhura is an ardent supporter of various dance forms. She hosts many dancers in one of Mohan's bungalows 'Nirthya'. In the year, 1990 Mohan writes a will stating very clearly that his beloved wife will have all rights for maintaining herself and her love for dance forms from 'Nirthya'. The will further states that after Madhura's death, all his properties including Nirthya will go to Mohan's brother Mr. Varun. Madhura

in 2000 makes a gift deed to Madras Dance Lovers Society gifting the society 'Nirthya'. The witness to the gift deed is the President of Madras Dance Lover's Society. Till her death in 2008, Madhura lives in Nirthya. Post her death, Mr. Varun and Madras Dance Lover's Society claims rights over 'Nirthya'. *Using relevant legal provisions, write a legal opinion on who is entitled to receive ownership of 'Nirthya'.*

**PART - C (1 Question X 6 Marks = 6 Marks)**

**III. This is a compulsory question. Please answer using the relevant provisions from ISA, 1925:**

9. Mrs. Veena hails from the southern part of Kerala. She is from Nair community which follows Marumakkathayam system of succession. She lives along with her big family consisting of her maternal grandmother who is 90 years old and the Karnavati of the family, her 3 uncles, their families and her both parents and her own family. Their family property is still undivided and continues to be in joint possession as well as ownership. Her grandmother – Mrs. Lalithambika Thirunal, is a woman of substance and continued the family tradition very ardently. She had made sure that all her children had 'sambhandam/marriages' with in Nair community only. She has been in bed rest for past 3 years due to old age. However, she used to make decisions of her own and directs her children in carrying on their family business and managing the family properties. On 20.10.2018, she called her favourite granddaughter- Mrs. Veena (being the only granddaughter in the family and called by various names by everyone in the family) and started talking about how she would like to divide her properties among all her 10 grandchildren. She also mentions that the property which is in the eastern part of their 'Tarawad', which is an agricultural land of 200 acres of paddy land and an adjacent 2 acres of coconut orchid altogether worth 1 crore (as per current Market Price) called as "Kezhakke Nilam( Eastern Land)" will be given to her. Mrs. Veena politely rejects the same but her grandmother keeps on insisting that after her death it should definitely belong to her. After their conversation, her grandmother become quite ill and eventually dies on 23.10.2018. After her death, Mrs. Veena's mother and her uncles' decided to go for partition. They found an old will dated way back in 1970 wrote and signed by Mrs. Lalithambika Thirunal and two witnesses- her husband and elder son, which reads as follows-

*"...I am Lalithambika Thirunal, aged 48 years, daughter of Narayini Thirunal belonging to the Thambathuran Kovilakavam, married to Mr. Velumani Thirunal.... This is my last and final testament wrote with conscious mind.*

I have inherited immense amount of properties after my mother's death and I, through this testament would like to bequeath all my properties to all of my legal heirs both, male and female. The lists of properties which are in my knowledge are herein attached as Annexure 1, 2, 3, 4 and 5 respectively. Moreover, it is to be noted that in Annexure 6, the details regarding the Taravad is attached.

Through this will, I am bequeathing to my three sons each as-

1. Manikandan Thirunal- Property in Annexure 1: "Shop and Arecanut plantation"
2. Sivandhan Thirunal- Property in Annexure 2: "Factory and Banana plantation"
3. Kumaradhan Thirunal- Property in Annexure 3: "Tea estate", respectively and in absolute

It is to be noted that the property mentioned in Annexure 4: "Ammi Jewelleries" shall belong to my only daughter - Karthiyani Thirunal absolutely....

However, it is to be noted the property mentioned in Annexure 5 (called the "Thekke Nilam (Southern land): Paddy Fields and Coconut Orchard") shall be bequeathed to my favourite granddaughter, my sweet little "Meenu"...

Finally, the property in Annexure 6: "Rest of the properties" shall be divided among all my grandchildren born legitimately out of all my 4 children equally. However, this particular property shall be enjoyed by me or my husband till our death, in full, whatever is the case..."

Decide the validity of the will. If the will is valid, how should you interpret the will to bequeath the property?

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

collective share is always divided equally among those to whom it is allotted.

Ahomedan can have as many as four wives at a time.

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

## TABLE OF SHARERS—SHIA LAW [§90]

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

Sharers	Normal share		Conditions under which the share is inherited	Share as varied by special circumstances
	of one	of two or more collectively		
1. Husband	1/4	..	When there is a lineal descendant.	1/2 when no descendant.
2. Wife	1/8	1/8	When there is a lineal descendant.	1/4 when no descendant
3. Father <sup>2</sup>	1/6	..	When there is a lineal descendant	[If there be no lineal descendant, father inherits as residuary.]
4. Mother	1/6	..	(a) When there is a lineal descendant; or (b) When there are two or more full or consanguine brothers, or one such brother and two such sisters, or four such sisters, with the father.	1/3 in other cases
5. Daughter	1/2	2/3	When no son	[With the son takes as a residuary]
6. Uterine brother 7. or sister	1/6	1/3	When no parent, or lineal descendant. (see §88)	
8. Full sister	1/2	2/3	When no parent, or lineal descendant, or full brother, or father's father. (see §88, 101)	[The full sister takes as a residuary, the full brother also with the father. (see §101)]
9. Consanguine sister	1/2	2/3	When no parent, or lineal descendant, or full brother or sister, or consanguine brother or father's father. (see §88, 101)	[The consanguine sister takes as a residuary with the consanguine brother and also the father's father. (see §101.)]

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## TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

## B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), January 2019

## CONSTITUTIONAL LAW-I

Time: 2½ Hours

Maximum Marks: 50

## PART - A (2 Questions X 7½ Marks = 15 Marks)

Answer any TWO of the following Questions:

1. The concept of constitutionalism visualizes a polity, governed by or under a constitution that ordains essentially limited government opposed to arbitrary authoritarian or totalitarian rule. Identify the elements of constitutionalism in Indian Constitution and in its practice.
2. In exercise of judicial function, courts may have to determine the scope of fundamental rights, vis-à-vis legislative or executive actions. While determining that, the court may make a wrong determination. Will such a wrong determination be construed as a violation of fundamental rights by the court? Explain.
3. Bhagwati, J. in *Maneka Gandhi v Union of India* [AIR 1978 SC 597] stated that what the courts must consider is the direct and inevitable consequence of the state action while determining whether a fundamental right is violated. Explain the test in the light of any of the decided case/s.

## PART - B (1 X 10 = 10 Marks)

Answer any ONE of the following Questions:

4. The position of constitutional amendments became an issue of contest at the beginning of the life of the constitution itself.
  - (a) Trace the background of the issue and track the development through judicial pronouncements.
  - (b) Explain and critically evaluate the position of constitutional amendment vis-a-vis Art. 13.

5. The principles of natural justice have enriched law and the constitutions world over. Though the Indian Constitution does not use the expression natural justice, the concept is firmly grounded in the provisions of the constitution. With the help of decided cases, explain the instances where such provisions have been invoked to protect the individuals from the violation of the principles of natural justice.

6. "Equality of opportunity is not simply a matter of legal equality. The guarantee of equality before the law or the equal opportunity in matters of employment is a guarantee of something more than what is required by formal equality. It implies differential treatment of persons who are unequal. Egalitarian principle has therefore enhanced the growing belief that government has an affirmative duty to eliminate inequalities and to provide opportunities for the exercise of human rights and claims." [State of Kerala v N M Thomas AIR 1976 SC 490].

- (a) Discuss the constitutional position in achieving equality in the context of the above statements.
- (b) Track the major judicial conversation on 'backward class'.

#### PART - C (2 X 12½ = 25 Marks)

Answer any TWO of the following Questions:

7. The constitution bench of the Supreme Court had struck down the Bombay Prevention of Excommunication Act, 1949, in its decision of 1962 in *Sarda Syedna Taher Saifuddin v State of Bombay* [AIR 1962 SC 853], on the ground that it violated the rights guaranteed in the constitution. Presently, a petition is filed before the Supreme Court to review and overrule its decision. The relevant part of the Act is summarized herewith. Decide.

The preamble to the Act stated that its objective was to put a stop to the practice of excommunication that was prevailing in certain communities, since its effect was to deprive members of their legitimate rights and privileges. It also mentioned in the preamble that the Act it is expedient to stop the practice, keeping with the spirit of changing times and in the public interest. To this effect, Section 2 of the Act defined excommunication as 'the expulsion of a person from any community of which he is member depriving him of rights and privileges which are legally enforceable by a suit of civil nature...'. Section 3 of the Act invalidated any excommunication, and provided for penal sanctions for the same.

8. An accused person approaches you, a legal counsel, with an issue that he has been asked to undergo certain scientific forensic tests. He knows that specifically two tests are involved; a lie-detector test and a narco-analysis test, rest of it he is not sure but apprehends that there could be more. You have decided to approach the court to defend his rights. Give your client a clear picture as how you could defend him.

9. Carol and Susan, a lesbian couple in India, decided to celebrate the occasion of their engagement to marry by making the event a public function and also to raise sensitivity of the community about diversity in sexual orientations. They preferred to use the panchayat community hall as venue. Their application was denied citing a rule that enables the panchayat authority to deny the permission to use the hall on the following grounds.

- (i) Illegal or immoral purposes;
- (ii) Community health, peace and good order;
- (iii) Applicants have to be born within the geographical limits of the panchayat.

Meanwhile parents of Susan filed a habeas corpus petition before the high court alleging that Carol has wrongfully confined Susan. The court ordered Susan to be sent to a care home despite she being a major and her clear preference to stay with Carol, stating that though a major, she would need the help and support of her parents or the court to take wise decisions about her life. The court also stated that she should rather be completing her education than contemplating marriage or dwelling too much about sexual orientation.

The couple wishes to know about the fundamental rights violations involved in the above circumstances. Also the relevant judicial decisions with their reasonings so that they can assess their potential to succeed in the event they choose to approach the court for the violation of their rights. Specifically, they want to know whether the right to choose a life partner is a fundamental right. Advice.



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**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), January 2019

**LAW OF CRIMES-I (INDIAN PENAL CODE)**

Time: 2½ Hours

Maximum Marks: 50

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

**[Short Answer type Questions]**

**Answer any FOUR of the following Questions:**

1. What is the position of attempt in Indian Criminal Law?
2. Explain Voyeurism and Sexual Harassment as Sexual Offence under IPC.
3. Explain Negligence and Recklessness as *mens rea* under Criminal Law.
4. Differentiate between Criminal Breach of Trust and Misappropriation of Property.
5. Discuss the Penalization of Unnatural Expression of Sex.
6. Discuss exclusion of *mens rea* in statutory offences.

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

**[Problem based Questions]**

**Answer any TWO of the following Questions:**

7. Ms. Suma went to Omen Mall to purchase dress for her birth day. After selecting the dress she visited the trial room to verify the fitting. Ms. Suma purchased the dress. On her birth day one of her friend informed that, she has seen her half nude photograph in his brother's mobile. During the investigation she came to know that her photograph was clicked when she was changing the dress in the trial room at Omen Mall. Mr. Vaman had arranged a CCTV in the trial room. Case was filed against Mr. Varnan for circulating the photo on mobile. For what offence is he liable under IPC, 1860.
8. Ms. Nandini has an inkpot with her. Ms. Priya wants to fill her pen from that inkpot. Ms. Nandini doesn't allow filling her pen. Anyhow Ms. Priya managed to fill her pen from the same inkpot. Has Ms. Nandini committed any offence?

9. Ms.Naina, early in the morning went to get water from village well. At that time Mr.Mohan caught her hand and dragged her towards him. Ms.Naina's bangles broke and injured her hand. She screamed and shouted for help. Mr.Mohan ran away from that place immediately. Case was filed against Mohan. Discuss for what offence Mr.Mohan is liable under the Penal Code.

**PART - C (2 X 10 = 20 Marks)**  
**[Essay type Questions]**

Answer any TWO of the following Questions:

10. Differentiate between Culpable Homicide and Murder.  
11. Describe Robbery. When robbery does become dacoity?  
12. Define rape as amended by Criminal Amendment Act, 2013.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.Com. LL.B. (Hons) Degree Programme**

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), January 2019

**HUMAN RESOURCE MANAGEMENT**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (5 X 2 = 10 Marks)**

**Write a short note on ALL questions:**

1. Collective Bargaining
2. Career Development
3. Outsourcing
4. Downsizing
5. Job Description

**Part – B (5 X 8 = 40 Marks)**

**Answer any FIVE of the following questions:**

6. Explain the importance of HRM in the emerging scenario.
7. Discuss the external sources of recruitment that are commonly used by the big enterprises with its merits and demerits of external sources of recruitment.
8. Describe the purposes of training with suitable illustrations from your real-life experience.
9. What are the performance appraisals methods can be used to appraise the performance of employees of manufacturing company and IT company and evaluate the reasons for success/failures in the respective organization.
10. Define compensation. What are the factors and theories will you consider while framing the compensation policy in your organization.

11. Akshay Motors Private Limited was established in 1982 by Akshay Mishra to manufacture passenger cars at Mandideep. Two years later, a small subunit for prototype designing and testing was set up at a distance of 4.5 km from the main plant. Both the plants had separate unions. In the small plant there were just 55-60 people who had better interactions among themselves. On the other hand, main plant had a strong union of 300 employees. In the small plant, a variable environment existed due to flexibility in work, whereas in the mother plant such flexibility did not exist due to highly structured jobs. Whenever there would be any negotiation with the workers of the company it was first negotiated at the small plant and whatever the outcome, had to be agreed upon by the main plant union. The management would make the main plant workers agree on the pretext that there had to be uniformity in both the units of the plant.

In 1998, the workers in the small plant demanded a hike of 15 per cent of the basic salary, to which the management did not agree. They wanted to give a hike of 5 per cent only since the plant could not generate much revenue out of its activities. And moreover, the activities of this plant were not quantifiable as the outcome of designs could be assessed only after 3-4 years. Many rounds of negotiations took place, but neither the management nor the union representatives could arrive at a solution. As a result, the member lost faith in the union and nobody to take over union responsibilities. In due course, of time the demand of the workers fizzled out.

Meanwhile, the union at the main plant took up the issue of hike in pay with the management. They were demanding a hike of 20 per cent of the basic salary. After few rounds of negotiations, the management agreed to give rise on the basis of variable income scheme, which meant, the hike would be proportionate to the individual's output. To this, the union did not agree in the first few rounds of negotiations. But later, keeping in mind the fate of the workers at the smaller unit, the union agreed. Once the settlement at the main plant was implemented, the unrest among the workers in the small plant started. In the absence of any union, every worker approached Raman Kumar, the HR Manager. Anticipating problems from the workers at the small plant; he gave them an assurance that he would communicate it to the top management. The expectations of the workers started rising. A suggestion from the workers came that all of them should give an undertaking that they would abide by the decision of the top management and would not involve themselves in the unionized activities. There was a strong belief among the workers that management would give them the hike similar to that of main plant since there had always been parity in the two

units in the past whenever such occasions had come. Even after a long wait of two years, nothing substantial emerged despite occasional assurance from Raman Kumar. In October 10, 1999 the new executive director, Hritik Ranade, took over. The day he joined, the workers showed their resentment by not eating food in the canteen. Ranade immediately walked into the canteen, to sort out the matter and assured them of an early settlement. He thought that demands of the workers were genuine, but at the same time their output could not be quantified as compared to the workers of the main unit. After a period of three months, the workers came to know through grapevine that management was planning to give a pay hike of Rs.150 irrespective of the basic salary.

One fine morning, the workers were communicated that there would be a 8 per cent raise for everybody irrespective of the level. Since then, there had been no negotiations for the salary, and it was fixed by the top management.

#### Questions:

1. Was it ethical for the management to have different rates of pay hike at two units?
2. Would the pay hike of 8 per cent satisfy the workers? Discuss
3. How far do you think that an organization can encash on the strategy of feeding lower figures of pay hike in the grapevine and then giving slightly higher figures in reality?
4. Do you think that the workers in the design unit were not contributing to the revenues generated by the organization?



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**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), January 2019

**CORPORATE LAWS-I**

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

This Examination is a closed book examination. Hence, only the Bare Act is allowed in the Examination Hall.

**Answer the following questions:**

1. What is a prospectus? Is the issue of a prospectus compulsory? If yes, why and when is the said issue mandatory? If no, why the said issue is not mandatory? (10 Marks)

[OR]

Critically comment on *M C Mehta v. Union of India* (Oleum gas leak case), 1987 (1) 819. (10 Marks)

2. Define and explain the term share. What are the different classes of shares which a company may issue? Can rights of class of shares be varied? (10 Marks)
3. Explain membership rights and powers of NCLT relating to mismanagement? (10 Marks)
4. What do you mean by Charges? Whose rights are protected by creation of Charge? (10 Marks)
5. Write an essay on refusal of registration of transferred shares by a company. (10 Marks)

[OR]

Write short notes on any TWO of the following: (2 X 5 Marks)

- 5.1. Forfeiture of shares
- 5.2. Information Memorandum
- 5.3. Limited Liability Partnership

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), January 2019

**PROPERTY LAW**

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

- No Bare Act or study materials are allowed
- Support your answer with case laws wherever necessary

**Part – A (2 Questions X 10 Marks = 20 Marks)**

**Answer any TWO of the following questions, each question carries 10 Marks:**

**1. Answer the following:**

- (a) Define the term gift. What are the different types of gift? (3 Marks)
- (b) Describe the grounds on which a transfer of gift can be challenged? (3 Marks)
- (c) Whether a transfer of 'gift' can be made reserving possession for the lifetime of the donor? (4 Marks)

**2. Answer the following:**

- (a) What is the presumption as to the term of building leases? (4 Marks)
- (b) What is the difference between a lease and a licence? Explain whether exclusive possession is the sole indicia to distinguish a lease from a licence? (6 Marks)

**3. Mortgage is the transfer of any interest on an immovable property from the mortgagor to the mortgagee. Explain the following:**

- (a) What is the interest that is transferred in different kinds of mortgages? (3 Marks)
- (b) What is right of redemption? What is clog on the right of redemption? (5 Marks)
- (c) What is right of subrogation? (2 Marks)

(2 Marks)

4. On 14<sup>th</sup> November 2017, 'A' and 'B' enter into a contract for sale of A's land. 'B' pays 2 lakh as earnest money and agrees to pay the rest of consideration of rupees 15 lakhs on registration of the sale deed by January 2018. 'B', further makes an inquiry about the property from distant family relatives who told him that 'A' obtained the land as a gift from his aunt who only had a life estate in the property. They also told him that A's land is notified to be acquired under Land Acquisition Act.

(a) What are the remedies available to 'B' to know about the truth about these rumours? (4 Marks)

(b) What is earnest money? (2 Marks)

(c) If the only concern that now remains is that of land acquisition, and the notification of which came in 1990, will 'A' win a suit for specific performance of the contract? Explain with the concept of 'marketable title'. (4 Marks)

#### Part - B (2 Questions X 12 Marks = 24 Marks)

Answer any TWO of the following questions:

5. Mathai is the only son of Paulose. Mathai is spearheading a campaign called the 'Save the Reef' to protect the corals of the Manar Reef Reserve from industrial pollution. Mathai meets Urmees Thampaan to mortgage Manar house for raising fund for the campaign. Urmees, knowing that Paulose is the owner of the house, tells Mathai that he should execute a simple mortgage of Manar house and the mortgage money should be paid back within one year. Mathai executes simple mortgage of the house through a registered deed. A month later, the protests of the campaign turned violent as police opened fire and Mathai is arrested. Paulose dies hearing the news. Urmees wanted to take advantage of the situation to get the Manar house and files a suit to enforce the security immediately after one year. Mathai is furious and wants to challenge the foreclosure suit:

(a) Elaborate two arguments that in favour of Mathai. (6 Marks)

(b) Are the arguments sustainable? (6 Marks)

6. Before death, Maquintosh validly executes a will, whereby both his properties 'Cadbury Estate' and 'Lindt Park' of value of 80 lakh each are bequeathed to his elder son, Cadbury. But the will places a charge of Rs. 50 lakh on the Lindt Park in favour of Maquintosh's younger son, Kitkat. Cadbury, for starting a chocolate factory, mortgages Cadbury Estate and Lindt Park to Bank

Parotaa through a valid mortgage deed. He also submits the will, tax receipts and other receipts before executing the mortgage. The Bank gives mortgage money of 50 lakh for construction of factory. Cadbury defaults. Bank files a suit for enforcing mortgage, and sues for payment of mortgage money of 70 lakhs and advertises in the newspaper for sale of Cadbury estate and Kitkat.

(a) What are rules that Kitkat make use of in a petition for establishing her rights? (6 Marks)

(b) Equitably resolve the conflict (6 Marks)

7. 'A' has a plot of land. He intends to build there a gaming centre with all facilities. The price of the land and gaming centre is estimated at 70 lakh. 'A' started the construction but could not finish it. But enters into a registered contract with 'B' for sale of the land along with gaming centre within one year. 'B' gives a consideration of 20 lakhs and hence, 'A' lets 'B' occupy the land. Thereafter, 'A' meets 'C' who is willing to purchase the land in its current condition for 90 lakh rupees. A transfers the property to 'C' through a registered sale deed.

(a) If 'C' files a suit for eviction of 'B', what is the remedy available with 'B'? (6 Marks)

(b) Can 'B' file a suit for invalidating the transfer? (6 Marks)

8. Yazhini, an unemployed IT engineer is forced to move to a low cost housing colony. Her neighbour is Kathiravan. Yazhini and Kathiravan, later becomes really good friends as they share the common corridor and common stairs. Yazhini gets a good job and moves out of the house. Kathiravan also finds a job in a petrol bunk. Yazhini and Kathiravan purchase their respective flats from the owners who are brothers who received the house through a partition arbitral award. In the partition award, the following is recited:

*"We further find and report with the consent of and approval of the parties that each party shall have the right of pre-emption between each other".*

The deed further recites: *"The clauses shall be binding on the heirs, heirs- in-succession, assignees and any third person in whose favour the property is transferred"*

Due to financial constraints Kathiravan sells his flat to Ratnam, a friend. Yazhini could not buy the property since she also had no money at that time. Later, Ratnam sells the flat to Balamanickam. Yazhini who then had money, goes to court to challenge the sale to Balamanickam on the ground that her right of pre-emption was violated.

Decide the suit with the support of case law and by using Section 1 (rule against perpetuity) and Section 40 (covenants) of the Transfer of Property Act, 1882. (12 Marks)

**Part C - Compulsory question (6 Marks)**

9. Construe the deed to ascertain whether the transfer is 'sale with the condition of re-purchase' or 'mortgage by conditional sale'

*"Conditional sale-deed of cinema hall in Trichy city for Rs. 30, 00,000 (30 lakh) dated 3<sup>rd</sup> November, 2014.*

*I, AVM owner of several cinema halls at Trichy district, received rupees 10,00,000 (Rs. Ten lakh only) on 15th October 2014 from you, Yash Raj Films. I will receive Rs.10,00,000 (Ten lakh rupees) on registration before the Sub-Registrar, Karumandapam. A total of Rs. 10,00,000 (ten lakh) was received for construction of cinema theatre and purchase of project and other equipments on July 2014. In exchange thereof, the cinema hall which was purchased by me is without any encumbrance, the land on which it was constructed and the things appurtenant thereto is sold to you conditionally for five years. The same has been given completely in your possession. Hence within the stipulated limit you should pay the municipal tax and enjoy the property within that period I will repurchase the property after making payment. If the amount is not paid within stipulated period this deed will be treated as permanent sale deed. Therefore you should enjoy the property forever so that myself and my successors will not claim any ownership."*

LABL1-18

Name :

Register No.:

**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), January 2019

**LABOUR LAW-I**

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

- Kindly use relevant cases and statutory provisions in support of your answers.
- In case of any gap or omission in facts (provided for a question) that prevents you from forming a conclusive opinion, please state so in your answer.
- Students are allowed to consult Bare Acts of Industrial Disputes Act 1947, Trade Union Act 1926, Industrial Employment Standing Orders Act, and the Employee's Compensation Act, 1923.

**PART-A (30 Marks)**

**Answer ALL the following questions:**

1. Raveena Paul, has been hired as a 'Laboratory Instructor' in a private educational institution, Anupama University that offers post graduate courses in Physics. The University also has a 'Research Assistance Wing' that helps post-doctoral researchers in Medicine with their research work.

**Raveena's activities in the Research Assistance Wing are:**

- To prepare the laboratory for experiments as per the researcher's schedule.
- To monitor the experiments overnights and record observations in the absence of the concerned researcher.
- Communicate between the researcher and the University containing
- Report to the University if it comes to her notice that any researcher is engaging in practices that tamper with results of experiments.

However, she also performs certain teaching duties at the University, as many courses on Experimental Physics contain lectures by her as a 'Guest Faculty'. Due to her duties in the lab she has significantly lesser teaching hours in comparison to regular faculty, but on average, she has at least one hour of lectures a day.

In 2017, the management of the university decides to separate the Research Assistance Wing into an independent entity and shuts down the Wing and terminates Raveena's employment.

The workers of the Research Assistance Wing who are 10 in number, are members of a Trade Union called Amba University Worker's Union express their interest to raise an industrial dispute on behalf of Raveena, and 9 other workers who lost their job. According to the Trade Union, the orders of termination of Raveena and others are not valid because it amounted to retrenchment and no compensation was given to them.

- a) Is it possible for Amba University Workers' Union to raise an industrial dispute on behalf of Raveena Paul? (5 Marks)
- b) If the Union decides not to raise an industrial dispute on Raveena's behalf, what options are available to her under the Industrial Disputes Act, 1947? (5 Marks)
- c) Does Raveena's termination amount to retrenchment? What is the relevance of the payment of compensation with respect to her order of termination? (5 Marks)

The University and the Trade Union enter into negotiations in order to resolve this issue. They arrive at a settlement where they agree to pay an amount equal to retrenchment compensation to all the workers whose employment was terminated and to rehire them at any new facility that the University may start in the future.

- d) If Raveena is not happy with this arrangement, can she refuse to be bound by this settlement? Why or why not? (5 Marks)

The University subsequently rehires Raveena Paul, when the Research Assistance Wing is started under the name 'India Research Help'. India Research Wing now specialises only in conducting experiments of fundamental laws of physics. Currently, it is undertaking a project for the Central Government on quantum mechanics. India Research Wing no longer conducts any courses for students on Physics or any other discipline, so Raveena no longer has teaching duties.

- e) Is 'India Research Help' an 'industry'? Explain using the 'Triple test' evolved in the Bangalore Water Supply case. (5 Marks)

2. Who are 'protected workmen' under the Industrial Disputes Act, 1947? (5 Marks)

### PART-B (2 Questions X 10 Marks = 20 Marks)

Answer any TWO of the following questions:

3. "An award of an arbitrator under the Industrial Disputes Act is not subject to judicial review in so far as such arbitrator cannot be equated with a Tribunal". Comment with the help of relevant statutory provisions and case law. (10 Marks)
4. Explain the need for 'Standing Orders' in establishments. (10 Marks)
5. Ashok is a clerk at the 'Vishwanathan Estate' a plantation in Yercaud, Tamil Nadu. One day on the way back from work on his motorcycle, he gets into an accident with a car. Although nobody was hurt, the driver and Ashok exchange unpleasant words. On returning to work the next day he is informed by the manager that his employment was being terminated as it turns out that the driver of the car the previous day was the son of the owner of the plantation. Agitated, Ashok immediately gathers members from the Trade Union and starts protesting at the plantation owner's residence.
  - a) In the above fact situation are there instances that amount to an 'Unfair Labour Practice'? What are the remedies available to workers/employers in such a case? (5 Marks)
  - b) Explain the need for having provisions regarding the 'Unfair Labour Practices' in the Industrial Disputes Act, 1947. How is the concept of 'Unfair Labour Practices' in India distinct from other jurisdictions that use similar regulations? (5 Marks)

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**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), January 2019

**ADMINISTRATIVE LAW**

Time: 2½ Hours

Maximum Marks: 50

**PART - A (5 X 10 = 50 Marks)**

**Answer the following questions:**

1. Explain Conditional Legislation and Sub-Delegation. Distinguish between Conditional Legislation and Delegated Legislation.
2. What is meant by Ombudsman? Explain the position of Ombudsman in India.
3. Examine the nature and scope of State's Liability in India for Tortious Acts committed its servants by analyzing relevant constitutional provisions and judicial pronouncements.
4. "Democracy expects openness and openness is concomitant of a free society and sunlight is the best disinfectant" observed Supreme Court in *Dinesh Trivedi M.P. and Others v. Union of India and Others* [(1997) 4 SCC 306]. In this context, discuss the importance of Right to Information Act, 2005 with the help of relevant case laws.
5. Critically examine the concept of Rule of Law.

**(OR)**

Mr. A was a member of the Departmental Promotion Committee for selection to the 2 posts for Assistant Director. Mr. A was also a candidate for the aforementioned post alongside Mr. B, Miss C, Mr. D and Mr. E. Mr. A actively took part in the selection procedure, however, withdrew himself from the Committee when his name was being considered for promotion.

When the Final Results were declared Mr. A secured first position in the list of selected candidates, followed by Mr. B. Aggrieved by the decision of the Selection Committee, Miss C, Mr. D and Mr. E filed a petition challenging the manner of selection.

Discuss and decide with the help of relevant case laws, if any. Please follow IRAC Method while answering this question.

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**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Third Year - Fifth Semester, End-Semester Examinations (Odd-Semester), January 2019

**INTERPRETATION OF STATUTES**

Time: 2½ Hours

Maximum Marks: 50

**Note:**

State the relevant legal provisions and its interpretation while answering to the questions

**Answer the following questions:-**

1.

a) What are the factors deciding the need for Interpretation of Statutes? And what is the institutional role for the Judiciary in interpreting Statutes?

**(4 Marks)**

b) The role of judiciary has always been under attack, majorly from the legislators, which feels that the courts are crossing their power and have become an extra-constitutional law making body. Elucidate this statement in the light of Judicial Activism and Judicial Overreach with judicial decisions

**(4 Marks)**

c) Difference between Interpretation and Construction **(2 Marks)**

2. "The application of the mischief rule gives the judge more discretion than the literal and golden rule as it allows him to effectively decide on Parliament's intent." Examine this statement with the help of Judicial decisions. **(8 Marks)**

3. The Doctrine of Harmonious Construction and Beneficial Construction are considered as the two important rules of Interpretation of Statutes. Mention its conditions of applicability and the limitations of its use with the help of judicial decisions. **(8 Marks)**

4. "May" and "Shall" are generally used in contradistinction to each other and normally should be given their natural meaning especially when they occur in the same section - Examine this statement in the light of decided cases.

**(5 Marks)**

5. Write briefly on any FIVE of the following: (5 Questions X 3 Marks = 15 Marks)

- Non-application of the *ejusdem generis* principle
- noscitur a sociis*
- reddendo singula singulis*
- ut res magis valeat quam pereat*
- Rule of last antecedent
- Doctrine of pith and substance
- Mohammad Shabbir Vs State of Maharashtra*

6. Match the following: (One Mark)

Legal Maxim	Cases
a <i>generalia specialibus non derogant</i>	i <i>State of Tamil Nadu Vs K.Selvaraj</i>
b <i>non-obstante clause</i>	ii <i>Anand Nivas (P) Ltd. Vs Anandji Kalyanji</i>
c <i>same word same meaning</i>	iii <i>Maharashtra Tubes Ltd Vs SIC Maharashtra</i>
d <i>ejusdem generis</i>	iv <i>R.S.Raghnath Vs State of Karnataka &amp; An</i>

Code:

	a	b	c	d
A	iii	iv	i	ii
B	iv	iii	ii	i
C	iii	iv	ii	i
D	ii	i	iv	iii

7. Match the following: (One Mark)

a <i>Ejusdem generis</i>	i	Effectiveness Rule
b <i>Ut res magis valeat quam pereat</i>	ii	Literal Rule
c <i>R Vs Heydon</i>	iii	Lord Tenterden Rule
d <i>Fisher Vs Bell</i>	iv	Mischief Rule

Code:

	a	b	c	d
A	ii	iv	i	iii
B	iii	i	iv	ii
C	iii	i	ii	iv
D	ii	iv	iii	i

8. 'verbis legis non est recedendum' means \_\_\_\_\_ (One Mark)

9. State the two conditions of the application of the maxim *generalia specialibus non derogant*. (One Mark)

LDT-18

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Forth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), January 2019

LAW OF DIRECT TAXATION

Time: 2½ Hours

Maximum Marks: 50

Instructions:

- You are allowed to use the Income Tax Act, 1961, without any comments or markings for this examination. No other material is allowed.
- You are allowed to use a calculator for this examination.
- You will not be allowed to borrow the bare act or calculator from any other student.
- All questions are compulsory.

PART-A (5 Questions X 4 Marks = 20 Marks)

Answer the following questions in 8 sentences or less:

- Asha is a partner of Pythagoras, a LLP registered in India. The other two partners at Pythagoras are her husband Bunty and her son Chintu. The primary business of Pythagoras is running the family hotel. The partners each take a salary of Rs. 500000 per year. Asha has a BA in Literature and works at the hotel front desk for 6 hours a day, Bunty has a diploma in engineering and works at the hotel front desk for 5 hours a day. Chintu, aged 14, works on the front desk for 1 hour a day. Assuming they earn no other income, which partner of the firm has to pay the highest amount of tax? Give reasons for your answer.
- Mylas Ltd is a company which has trading business in India and Singapore. In AY 17-18. Mylas earns Rs. 500000 from trading business and Rs. 400000 from rent in Singapore. Mylas has 5 employees in India and 6 employees in Singapore, each earning Rs.40000 a month. Mylas has 12 crores of assets in India and 14 crores of assets in Singapore. In the previous year, three board meetings took place in India, two took place in Singapore and one took place in Malaysia. Mylas's CEO is based in India, but takes decision via Video Conference. Assuming no DTAA applies between India and Singapore, what is the total income of Mylas in India?



3. The Tamil Nadu Government enacts the Tamil Nadu Agricultural Income Tax Act, which taxes all agricultural income in India. It defines "agricultural income" to include the capital gains from sale of any land which is marked as agricultural land in the state registry. The centre challenged the act on the ground that the legislative competence to tax capital gains is with the centre under Entry 97. The State however argues that Entry 97 is not applicable, since "tax on agricultural income" lay in the state list. In the light of existing jurisprudence, which argument do you think is sustainable?
4. Manik gets an income of Rs. 1000000 as salary per annum. However, under a decree of the court, he has to pay Rs.400000 of this as maintenance to his wife. Under the decree, he also had to transfer 50% share of his house. The house is given for rent and he receives Rs.100000 as rent from it. No rent is due or transferred to his wife. In AY 18-19, what is the tax payable by Manik? Give reasons for your answer.
5. What are the circumstances in which "best-judgement assessment" and "income-escaping assessment" can be applied by the revenue? Support your answer with relevant case laws.

**PART-B (2 Questions X 7½ Marks = 15 Marks)**

Answer the following questions in 12 sentences or less:

6. Phantom LLP (hereinafter the firm) is a private equity firm registered in Canada, which invests in promising start-ups worldwide. It makes its investments through Phantom Cayman Ltd, a 99% subsidiary situated in the Cayman Islands. One of the start-ups that the firm was interested in acquiring was Bhakti Pvt. Ltd, an Indian e-commerce software.

In order to fund the acquisition, Parabola, a 100% subsidiary of Phantom Cayman was registered in Mauritius. Parabola purchased 51% of Bhakti's 100 shares at the price of Rs. 1000 per share from its 2 founders. The founders themselves had bought the share at their face value - Rs. 100 per share. After two years, in 2009, Phantom Cayman Ltd exited the Indian market by selling all shares of Parabola to Tiger Investments, a China based firm, for Rs. 5000000. Assume tiger investments is given a Show Cause Notice from the revenue for non-deduction of TDS under Section 195. As an advocate for Tiger Investments in 2010, what arguments would you forward in order to minimise payment of tax? Support your advice with relevant legal authorities.

7. As per the Kyoto Protocol, to which India is a signatory, each organisation can only emit a standard quota of Greenhouse Gas (GHG). In pursuance to the protocol, India passes a law which states that Power companies in India can only emit 20000 tonnes of GHG in a year. In case a power company does not

fulfill their full quota of carbon emissions, the company can sell this excess as Certified Emission Reductions (CERs) or "carbon credits" to another power company. For example, If Company A only emits 10000 tonnes of GHG, it can sell the remaining 10000 tonne capacity as carbon credits to Company B, whose quota will then increase to 30000 tonnes. This transfer can also happen across countries.

MMP Power Ltd is a power company which buys carbon credits from Ansari Power, a non-resident Wind Power company. It then uses these credits to produce excess power in its power plants in Tonk, Rajasthan and distributes it to various industries for profit. In 2016-2017, MMP Power bought Rs.30 crore worth carbon credit from Ansari Power. MMP Power claimed the 30 crore as a deduction from their total profits for the purpose of tax. The Assessment Officer(AO) however denied the deduction in toto.

The AO also issued a show cause notice on Ansari Power, alleging that 30 crores obtained from the sale of carbon credits were profits gained from India, and demanding tax on the same. Is the AO right in issuing the Show Cause Notice to both companies? Give reasons for your answer.

**PART-C (1 Question X 15 Marks = 15 Marks)**

Answer the following question:

8. Markus, aged 49, is an Indian citizen who stays in Nepal. He however comes to India for 110 days every financial year for business and work. In the financial year 2017-2018, he earns the following income:
  - a. Income from Salary paid to him by MMO Ltd for work done in India - Rs. 100000
  - b. Income from Salary paid to him by MMO Ltd work done in Nepal - Rs. 600000
  - c. Income from Diwali Bonus paid to him by MMO in Nepal - Rs. 100000
  - d. Rent from residential house A in Bombay - Rs. 10000/month
  - e. Income from Noodle Business in Nepal - Rs. 200000
  - f. Receipts from Sale of Property C bought in March, 2008- Rs. 300000
  - g. Receipts from Shares of F company bought this financial year (STT paid)- Rs. 40000
  - h. Receipts from selling gold bought in June, 2008 - Rs. 40000
  - i. Income from playing in Casino - Rs. 50000
  - j. Rent from cultivated agricultural land- Rs. 2000/month

- k. Income from sale of cultivated produce from agricultural land - Rs. 5000
- l. Income from Dividends of J, an Indian Company (DDT paid under Section 115O) - Rs. 4000
- m. Income from Bank Interest - Rs. 20000

He also gives you the following information about his financial affairs:

- (i) He took a loan for the construction of the residential house A, for which he paid interest of Rs. 50000 this financial year. He had an unpaid interest of Rs. 40000 last financial year for the same loan.
- (ii) The municipal value of House A is Rs. 200000, Fair Rent is Rs. 240000 and Rent Control Value is Rs. 180000. He also has another house in Bombay, House B whose municipal value is Rs. 100000, fair value is Rs. 90000 and rent control value is Rs. 80000. Markus stays in House B everytime he is in India, but in the previous year let it out for 30 days when he was in Nepal. He paid municipal taxes of Rs. 1000 for both houses.
- (iii) Markus tried to start a Noodle business in India which had a loss of Rs. 300000.
- (iv) The shares of F Company were bought for Rs. 30000. The gold was bought for Rs. 10000 and the property was bought for Rs. 300000.
- (v) He lost Rs. 40000 in playing in a Casino in Nepal
- (vi) Markus had invested 100000 Rs. in the Public Provident Fund Scheme. He had also donated Rs. 30000 to the Prime minister's relief fund and Rs. 20000 to a local charity registered under 12A.
- (vii) He had carried forward losses of Rs. 100000 under the head of Long Term Capital Gains from last assessment year.
- (viii) MMO Ltd had deducted 5% of his total salary as TDS in AY18-19.

Calculate the total income of Markus for AY 18-19. How much income tax does Markus have to pay? Calculate the losses which can be carried forward and state till when the losses can be carried forward. Which returns does Markus have to file, and when does he have to file it?

As per Notification no. So 1790(e)[no. 44/2017 (f. No. 370142/11/2017-tp)], dated 5-6-2017, following table should be used for the Cost Inflation Index :-

	Financial Year	Cost Inflation Index
1	2001-02	100
2	2002-03	105
3	2003-04	109
4	2004-05	113
5	2005-06	117
6	2006-07	122
7	2007-08	129
8	2008-09	137
9	2009-10	148
10	2010-11	167
11	2011-12	184
12	2012-13	200
13	2013-14	220
14	2014-15	240
15	2015-16	254
16	2016-17	264
17	2017-18	272
18	2018-19	280

Income Tax Slab Rate for AY 2018-19 for Individuals:

1.1 Individual (resident or non-resident), who is of the age of less than 60 years on the last day of the relevant previous year:

Taxable income	Tax Rate
Up to Rs. 2,50,000	Nil
Rs. 2,50,000 to Rs. 5,00,000	5%
Rs. 5,00,000 to Rs. 10,00,000	20%
Above Rs. 10,00,000	30%

- k. Income from sale of cultivated produce from agricultural land - Rs. 5000
- l. Income from Dividends of J, an Indian Company (DDT paid under Section 115O) - Rs. 4000
- m. Income from Bank Interest - Rs. 20000

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Above Rs. 10,00,000	30%

Name :

Register No.:

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), January 2019

**LAW OF CRIMES-II (CODE OF CRIMINAL PROCEDURE)**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (3 X 8 = 24 Marks)**

**Answer any THREE of the following questions:**

1. “For every distinct offence of which any person is accused there shall be a separate charge and every charge shall be tried separately”. Discuss.
2. Explain the term Judgment. What are the essentials particular of a Judgment? Can a Judgment be altered after its pronouncement?
3. Explain briefly the Power of a Court of Revision and General Principles to be followed while exercising these Powers.
4. Summons Cases are tried with much less formalities than Warrant Cases and the manner of the trial is less elaborate. Discuss.
5. “Appeal from acquittal is not recognized by any Civilized Country”. Discuss how far this statement is applicable in India.

**Part – B (4 X 6½ = 26 Marks)**

**Answer any FOUR of the following questions with appropriate legal provisions and cases.**

6. A Judicial Magistrate conducting summary trial of an offence punishable with 3 years imprisonment. The Magistrate finds him guilty and imposes six months imprisonment. Decide the legality of the Judgment.
7. In one year period, Raman committed the offence of theft in two different houses belonging to two different persons on two different dates. He was charged separately and tried at one trial for two theft committed by him. Discuss the legality of the trial.

8. Madhav given a cut wound to Sambu by a knife and tried for causing grievous hurt and convicted. Afterwards, Sambu died because of that wound. Can Madhav will be tried again for culpable homicide for the same offence? Decide the case with the light of double jeopardy.

9. In a Murder Case, the Session Judge of Trichy after taking cognizance directed the Public Prosecutor to read and explain the charge to the accused. Discuss the validity of such direction by Session Judge of Trichy.

10. A Murder Case was tried in the Court of Assistant Session Judge of Madurai. After the charge framed, the accused pleaded guilty and the Assistant Session Judge awarded him life imprisonment and record the reason for that. Is the procedure followed by the Assistant Session Judge is legally valid?

11. Mr. Sharma, a Police Officer during the course of an investigation of a murder case recorded statement from five witnesses who were acquainted with the facts and circumstances of the case. After recording the statements, he asked (without compulsion) all the witnesses to sign in the paper. Can the statements be used as an evidence before the Court?

CPC-18

Name :

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fourth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), January 2019

CIVIL PROCEDURE CODE

Time: 2½ Hours

Maximum Marks: 50

PART - A (3 X 10 = 30 Marks)

Answer any THREE of the following questions in about 500 words each. The first principles made out are to be substantiated with judicial pronouncements:

1. 'The sole object of the pleadings is to ascertain the real disputes between the parties, to narrow down the area of conflict and to see where the two sides differ, to preclude one party from taking the other by surprise and to prevent miscarriage of justice'. Analyse this statement and bring out the significance of pleading as enshrined in Order VI of Code.
2. "A written statement is the pleading of the defendant wherein he deals with every material fact alleged by the plaintiff in his plaint and also states any new facts in his favour or takes legal objections against the claims of the plaintiff". Explain this statement with reference to the particulars to be stated in the written statement and in the same vein bring out the amendment made to Order VIII, Rules 1 and 10 of the Code in relation to Act of 2015.
3. A person suing in a court of law is bound to pay court fees prescribed under the Court Fees Act at the time of presentation of the plaint. But the provisions contained in Order XXXIII make a departure in certain cases but at the same ensures the fulfilment of the object of the Court Fees Act. Examine this statement by pointing out the rules under this Order.
4. The Law Commission in its Fifty-fourth Report observed: 'An unqualified right of first appeal may be necessary for the satisfaction of the decretal litigant, but a wide right of second is more in the nature of a luxury'. Elucidate this statement in the context of the implementation of filing a Second Appeal as stated in Section 100 of the Code.

PART - B (4 X 5 = 20 Marks)

Answer any *FOUR* of the following in about 150 words each, citing judicial decisions wherever necessary:

- 5.
- Substituted service of Summons
  - Pre-institution Mediation under the Commercial Courts, Act of 2015
  - Counter claim and set-off
  - Rejection of a plaint
  - Joinder of Causes of action

GJF-18

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Forth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), January 2019

GENDER JUSTICE AND FEMINISM

Time: 2½ Hours

Maximum Marks: 50

PART-I (5 X 4 = 20 Marks)

Answer any FIVE of the following as short notes:

- Anti-Essentialist Feminism
- Separation of Property Model
- Motherhood Penalty
- Rape Shield Laws in India
- Forced Pregnancy as Crime against Humanity
- Section 10 of the Indian Divorce Act, 1869
- 'Asking the woman question' as a Feminist Legal Method

PART-II (2 X 8 = 16 Marks)

Answer any TWO of the following as essays:

8. "The biological sex of a person has the tendency to augment, though not determine, the appropriate gender identity for that sex... However, a person's gender identity is primarily a result of post-natal psychological influences. These psychological influences on gender identity...can completely override the biological fact of a person's sex and result in, for example, the situation of a transsexual".

Do you agree with this statement? What is its relevance in the discussion of de-gendering proposal?

9. Socio-economic rights must be engendered with substantive gender equality. Is this approach necessary to address the gendered nature of social institutions and structures? How does this approach aid in effective interpretation of human rights instruments?

10. "We do not mean to universalise or dogmatise that men and women are equal in all occupations and all situations and do not exclude the need to pragmatise where the requirements of particular employment, the sensitivities of sex or the peculiarities of societal sectors or the handicaps of either sex may complicate selectivity. But save where the differentiation is demonstrable, the rule of equality must govern."

This excerpt is from one of J. V.R. Krishna Iyer's judgements. Evaluate the same in light of various cases and examples discussed.

### PART-III (14 Marks)

Answer the following Questions:

11. You are a member of a Parliamentary Committee working to amend the Indecent Representation of Women (Prohibition) Act, 1986. You are asked to

- Redraft Section 2(c) of the Act and
- Give reasons for changes made to Section 2 (c)

(2 + 2 = 4 Marks)

12. Ami is a 16 years old aspiring Bollywood actor. She has already made her appearance as a child actor in couple of tele-series. Abraham is the son of an influential Bollywood producer. Abraham had directed two movies by the age of 17. He won critics' choice award for both. Abraham hoped to pursue his studies in the Institute of Film Studies (IFS), Nagpur, which is one of the top film schools in India.

Abraham was a year older than Ami and they both attended the same school. They had a few mutual friends. However, they did not know each other well in person. One of their mutual friends insisted Ami should create better rapport with Abraham to improve her career prospects. He also insisted that Ami should join them for Abraham's 18<sup>th</sup> birthday party at Abraham's father's Bungalow in Juhu. Ami thought it would be an excellent networking opportunity. To Ami's surprise, the party was not as extravagant as she had expected. It hardly had thirty people and mostly students from their own school. She was also surprised when Abraham came over and greeted her with a hug. Abraham was charismatic and they talked a lot about the film industry. They appeared to have a great time. Ami even gave a peck on Abraham's cheek while there were students around.

The next day, while talking about the party hosted by Abraham, some of the students from their school stated that they witnessed Abraham and Ami being physically intimate in private later that evening. Some of them noted that Ami was just being opportunistic in luring Abraham. Responding to such

statements as false, Ami updated her Facebook status with a #METOO. She noted she was 'scared and intimidated' when she was alone with Abraham and that Abraham took advantage of her vulnerability. She noted she did not refuse when Abraham approached her and that it did not mean giving consent to sex. She did not deny giving a peck on Abraham's cheek. She said that it was only a friendly gesture and that she was not enticing him. Ami noted that Abraham was a Wolf in Sheep's clothing and that he did not deserve anybody's sympathy. Abraham did not put out a public statement in response to these allegations. However, when he spoke to his friends, he confided that whatever happened was only consensual.

The Women's Initiative for Safety of Women in Cinema (WISWC) took up the matter and noted in a press conference that the film industry does not have a safe working environment, especially for young women. They noted that the industry must follow standards to create a better and safe working environment for women. Following this, there were also student protests in IFS Nagpur demanding that Abraham may not be accepted to the film school. Abraham's father believes it is best to consult a criminal lawyer before things get out of hand.

- You are Abraham's lawyer. Advise Abraham on the legal consequences of the allegation and the best solution available for him. (4 Marks)
- You are one of the advisors to WISWC. Explain to its members what are the standards to be followed in creating a safe working environment within the film industry. (4 Marks)
- You are the Director of IFS, Nagpur. Should Abraham's film school application be rejected in light of these allegation and protests? Decide and state reasons. (2 Marks)

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) Degree Programme**

Fourth Year - Seventh Semester, End-Semester Examinations (Odd-Semester), January 2019

**INTERNATIONAL ECONOMICS**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (5 Questions X 10 Marks = 50 Marks)****Answer any FIVE of the following questions not more than 300 Words:**

1. What are the different types of exchange rate system?
  2. Explain the International factor movements and the Economics of Multinational firms.
  3. Elucidate Economies of Scale, Imperfect Competition and International Trade.
  4. Explain the Economics of the instruments of trade policy.
  5. Standard Trade Model.
  6. Ricardian Model of Comparative Advantage.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Forth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), January 2019

**SOCIO ECONOMIC OFFENCES**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (4 X 8 = 32 Marks)**

**Answer any FOUR of the following questions:**

1. Socio Economic Crimes are sometime described as “Public Welfare Offence”. - Explain.
2. Critically analyze the efficacy of India’s ‘Anti Money Laundering Laws’.
3. “The Essential Commodities Act’ is a beneficial legislation to control hoarding and black marketing in India”. - Comment.
4. “The Immoral Traffic (Prevention) Act, 1956 intends to combat trafficking and sexual exploitation for commercial purposes”. Justify the statement with the help of legal provisions under the Act.
5. “Punishment for Offences under Narcotic Drugs and Psychotropic Substance Act views drug offences very seriously”. - Comment.

**Part – B (3 X 6 = 18 Marks)**

**Answer any THREE of the following questions:**

6. Rajeev a Member of Legislative Assembly approached Bijay to give 10 Lakhs Rupees and assured that he (Rajeev) as a MLA can influence the Chief Minister and by that he can help Bijay to get a Contract. Has Rajeev committed any offence under the Prevention of Corruption Act, 1988? Support your answer with Legal Principles and Case Laws.
7. Manu works as a LIC agent. He influences some people and starts collecting huge amount of money from them by telling that he is going to deposit that amount as a premium. He deposited that money in a bank and requested the

banker for not disclosing the amount he has deposited. The banker acted as per his request. Discuss the liabilities of both Manu and Banker under Prevention of Money Laundering Act, 2002.

8. Babu, an owner of a grocery shop in a small town. He possessed 10 quintals of Rice in his shop. After getting the news of famine he shifted the grains to his house and sold it in very high price after one month. After getting information the District Collector ordered for the seizure of the grain immediately. Discuss the criminal liability of Babu if any.
9. Pandu aged 17 years is a resident of a small town named Daringbadi. On getting secret information that he was selling charas, the area was raided and charas was recovered from his possession. The Police Inspector who conducted the search did not say in evidence that he had informed the accused about his right to opt for his search in presence of a Magistrate or Gazetted Officer. Discuss the criminal liability of Pandu with the help of decided cases.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2018

BANKING LAW

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

- All the questions should be answered by quoting relevant legislative provisions and at least two relevant judicial precedents and suitable illustrations.
- The problem based questions should be preferably answered in the *IRAC Method*.
- Bare Acts are not allowed; Electronic gadgets are prohibited.
- You are strictly directed to follow the Question Number as given in the Question Paper.

**PART – A (4 X 10 = 40 Marks)**

**Answer any FOUR of the following questions:**

- Ms. Suchi*, a Law Professor has an overdraft facility arrangement with *Gringotts Bank*, Tiruchirappalli. She gave a cheque to *Ms. Beepa*, another Law Professor from Chennai for Rs. 5,000/- drawn on *Gringotts Bank*. When the cheque was duly presented for payment by *Beepa*, it was returned by the Bank with the comment '*not sufficient*'. As a matter of fact, the available balance in the account of *Suchi* at the time of encashment of cheque was only Rs. 4,950/-. However, the officials of *Gringotts Bank* have overlooked the overdraft arrangement between them and *Suchi*. Now *Suchi* wants to file a case against *Gringotts Bank* claiming substantial damages to the tune of Rs. 5,00,000/- for wrongful dishonour of cheque and for maligning her credit reputation. Is *Gringotts Bank* liable? Would the case be decided any differently, if *Ms. Suchi* was appropriator of a Law Books Publishing Company instead of a Law Professor?
- A cheque payable to a bearer is subjected to general crossing and is also marked '*not negotiable*'. The said bearer cheque is drawn upon from the *Bank of Madras*. Subsequently, the cheque is lost or stolen. Eventually, the cheque comes into the possession of one *Mr. Khaitan* who takes it in good faith and for

Page 1 of 3

a valuable consideration. Consequently, *Mr. Khaitan* deposits the cheque in his own bank (the *Bank of Tiruchirappalli*) and his banker duly presents it and obtains payment for its customer from the bank upon which it is drawn, i.e., the *Bank of Madras*. Now the true owner of the cheque *Mr. Jubong* claims refund of the amount of the cheque from *Mr. Khaitan*. Decide the case by explaining the rights and liabilities of a drawer, paying banker, collecting banker and holder.

3. One of the branches of the *Dubakoor Bank* situated at Tiruchirappalli receives a garnishment order attaching all sums owed by the Bank towards its customer *Mr. Rawgul*. At the time of the receipt of the order, *Mr. Rawgul* has a joint account standing in the names of 'Mr. and Mrs. Rawgul' with a balance of Rs. 10,000/-. There is also a current account in name of *Mr. Rawgul* in his capacity as a Trustee of a Corporation by name IPC-TNLS with a balance of Rs. 20,000/-. As a Legal Officer of the *Dubakoor Bank*, advise the Bank on how it should respond to the garnishment order. Is the Bank entitled to exercise its right of set off before complying with the garnishment order?
4. "Any modification which alters the legal character of a negotiable instrument to a substantial extent shall be construed as material alteration." Comment on this statement and explain what kind of alterations are authorised or permitted by the *Negotiable Instruments Act, 1881* itself? Further, state whether the following alterations are material alterations which may render the instrument void?
  - 4.1 In a printed promissory note, all the columns were filled, except the interest rate column. The payee entered the figure of 20% per annum without informing the maker.
  - 4.2 A bill is accepted payable at the State Bank of India, Chennai, Tamil Nadu. However, the holder without the consent of the acceptor scores out Chennai and inserts Tiruchirappalli instead.
  - 4.3 The holder adds the words "non-negotiable" to a specially crossed cheque.
5. What are the essential elements of a promissory note? List down any three differences between a bill of exchange and a promissory note. Explain, by giving cogent reasons, whether the following instruments are valid promissory notes:
  - 5.1 I promise to pay to XYZ, Rs. 5,000, if XYZ secures 70% marks in Banking Laws Examination.
  - 5.2 *Mr. Sreerum* promises to pay *Ms. Richa*, by a promissory note, Rs. 999 and all other sums, which shall be due.
  - 5.3 I promise to pay *Ms. S* Rs. 1,000 two days after my marriage with *Ms. J*.

## PART – B (10 Marks)

Write short notes (Question No. 6 is Compulsory; Chose any "TWO" out of the remaining questions)

6. Can an individual invoke the jurisdiction of DRT's? Further, what sort of debts can be recovered by Banks under the RDDBFI Act, 1993? (4 Marks)
7. Every cheque is a bill of exchange, but every bill of exchange is not a cheque. (3 Marks)
8. Role of RBI as Banker to the Government. (3 Marks)
9. Do you have a right to get refund for your mutilated and soiled notes from the Banks? (3 Marks)

Name :

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2018

**MEDIA LAW**

Time: 2½ Hours

Maximum Marks: 50

**Answer the following questions:**

1. Discuss in detail the significance of the Official Secrets Act, 1923?  
[5 Marks]
2. Pre-censorship is valid for films but not for press. Explain the nature and scope of censorship under the Cinematograph Act, 1952 with the help of relevant case laws.  
[10 Marks]
3. Discuss the importance of Right to Information Act, 2005 with the help of relevant case laws.  
[10 Marks]
4. *Padmavat*, a movie released in 2018, was initially banned in Haryana, Gujarat, Madhya Pradesh by the respective State Governments. The Central Board of Film Certification, however, had already approved the film for public exhibition with only a few changes (including changing the name of the film from '*Padmavati*' to *Padmavat*). Were the State Governments justified in preventing the film from screening in their respective states? Discuss.  
[5 Marks]
5. In your opinion, is literary merit important for determining whether a piece of literature is 'obscene' or not? Explain your answer using decided cases on obscenity as a restriction on right to freedom of speech and expression.  
[5 Marks]
6. In Kerala, during the time of elections, an article about Damodaran, a candidate from the constituency of Nemom, came in the newspaper "Keralavani". The article mentioned that Damodaran came from

very humble backgrounds and lived in a 2 room house with his wife and children. However, it comes to light that Damodaran had paid a newspaper some money and it was alleged that this had prompted the newspaper to print such a story. Would you consider this as amounting to 'paid news'? Please discuss any provisions in the law that could be invoked to prevent such practices?

[5 Marks]

7. Does the majority judgment in *Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal* (1995) lay down that private broadcasters in India have a fundamental right to broadcasting? According to the judgment, what is the scope and extent of the right to broadcasting in India?

[10 Marks]

ITL-18

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2018

INTERNATIONAL TRADE LAW

Time: 2½ Hours

Maximum Marks: 50

PART – A (8 X 1 = 8 Marks)

Answer ALL Questions. Each Question carries equal marks.

1. [A] Amongst the following which is one of the conclusions of New Trade Theory of International Trade Law:

- a) A country may export or import a specified good but not both.
- b) Countries may gain from international trade
- c) Consumers gain from the increased variety of goods that trade makes available
- d) A country can only hurt itself by using government policies to promote exports.

[B] Theory of Absolute Advantage has been propounded by -----

[C] State and mention the two outcomes of the Bretton Woods conference

a) ----- b) -----

[D] Match of the following:

- |                  |           |
|------------------|-----------|
| a) Geneva Round  | 1973-1979 |
| b) Dillon Round  | 1962-1967 |
| c) Kennedy Round | 1955-1956 |
| d) Tokyo Round   | 1960-1962 |

[E] Amongst the following which is correct with respect to Dumping

- a) Buying goods at low prices abroad and selling at higher prices locally
- b) Expensive goods selling for low prices
- c) Reducing Tariffs
- d) Sale of goods abroad at low price, below their cost and price in home market

[F] Amongst the following which is the underlying characteristics of the WTO?

- a) It facilitates economic co-operation between different countries.
- b) It encourages more trade and economic development in developing and least developed countries

- c) It acts as an umbrella institution that regulates the agreements concluded at the Uruguay round and promotes of free international trade
- d) It resolves disputes between economic trade blocks

[G] Arrange the following Ministerial Declaration in order, using the codes given below:

- (i) Singapore Ministerial Declaration  
 (ii) Doha Ministerial Declaration  
 (iii) Cancun Summit  
 (iv) Bali Summit

Codes:

- a) (i), (ii), (iii), (iv)                      b) (i), (iii), (ii), (iv)  
 c) (i), (iv), (ii), (iii)                      d) (ii), (i), (iii), (iv)

[H] Assertion (A): The World Trade Organisation Dispute Settlement Understanding is expected to preserve the rights and obligations of the contracting states of the covered agreements.

Reason (R): Covered agreements of the World Trade Organisation are the only source for World Trade Organisation Dispute Settlement Understanding.

Codes:

- a) Both (A) and (R) are true, and (R) is the correct explanation of (A)  
 b) Both (A) and (R) are true, but (R) is not correct explanation of (A)  
 c) (A) is true, but (R) is false  
 d) (A) is false, but (R) is true

#### PART – B (2 X 6 = 12 Marks)

Answer any TWO of the following in not exceeding 400 words each:

2. Legal services are listed under the first provision of Services Sectoral Classification list of General Agreement of Trade in Services (GATS). The members of the BRICS adopted a policy restricting the entry of foreign law firms do to business in their states. All the BRICS members are contracting parties to the World Trade Organisation. The Regulatory Body of the Legal Profession in the BRICS are not allowing the foreign law firms as well as their own member states' law firms. Is it sustainable? Justify the actions of the member states by referring the relevant provisions of the GATS.

3. Appreciating the initiative of Directorate General of Trade Remedies (DGTR), the Government of India has notified that 25 per cent safeguard duty on solar panels cells imported from China and Malaysia has had both domestic manufacturers of cells and solar energy companies. It was also asserted that imposition of 25 per cent safeguard duty is hardly a protection and will provide the required boost to solar cells and module manufacturers and will help achieve the required energy security in the country, and motivate players to become active partners, as India transitions towards becoming a renewable energy reliant country.

The United States of America has brought a complaint before the WTO arguing that the domestic content requirement imposed under India's national solar programme is unfavourably discriminating against imported solar cells and modules which were otherwise identical on the basis of the national origin, it is in violation of its national treatment obligation. The United States further contended that if the government wants to encourage domestic manufacturing, it could consider giving tax breaks and cheaper capital for attract investment.

India responded that the measure was justified under the general exceptions since it was necessary to secure compliance with its domestic and international law obligations relating to ecologically sustainability and climate change. This proposal will also rise in cost due to any duty can be passed on to the buyer - therefore, it is not going to stop the energy company from importing. The general refrain among manufacturers is that the duty is not going to protect the domestic industry. The current proposal from the DGTR comes as a relief and further strengthens our faith in the Government's support towards Indian manufacturers.

From the above passages, answer the following questions:

- a) Whether the Government of India is authorized to confer any subsidy to the domestic manufactures of solar cells and modules? Justify your answer with relevant provisions of the General Agreement on Tariff and Trade. (2 Marks)
- b) Whether the Government of India is authorized to initiate any trade measures as security exceptions? Justify your answer with relevant provisions of the General Agreement on Tariff and Trade. (2 Marks)
- c) Specify the interface between trade restrictions through energy security and climate change? (2 Marks)
4. a) Comment upon *US- Orange Juice*, WT/DS382/R. (3 Marks)  
 b) Comment upon *Reliance Industries Ltd., v. Designated Authority*, 2001 (127) ELT 99. (3 Marks)

**PART - C (3 X 8 = 24 Marks)**

Answer any **THREE** of the following in not exceeding **800 words each**:

5. Analyse the essential elements of Factor Endowment Theory. The Fundamental elements of the Factor Endowment Theory are no more relevant in the era of Liberalisation, Privatisation and Globalisation. Do you agree? Critically Examine.
6. Explain the Objectives of the General Agreement on Tariff and Trade and point to the contributions made by the Uruguay round of World Trade Organisation to achieve the objectives of the General Agreement on Tariff and Trade.
7. "The key concept of Environmental Sustainability is widely used as a foundation to resolve trade, development and environmental controversies both in the GATT and WTO era". Do you agree? Examine this statement by referring various judicial decisions before and after the formation of the World Trade Organisation Dispute Settlement Understanding (WTO-DSU).
8. State and mention the various stages of the Dispute Settlement Understanding of the World Trade Organisation also point out the limitations of the each stages of the Dispute Settlement Understanding by referring various provisions of the Agreement on Dispute Settlement Understanding.

**PART - D (3 X 2 = 6 Marks)**

Answer any **THREE** of the following in not exceeding **150 words each**:

9. [A] Product Cycle Theory  
[B] Distinguish Tariff and Quota  
[C] Director General of Anti-Dumping and Allied Duties  
[D] United Nations Committee on Trade and Environment [UNCTE]  
[E] International Centre for Settlement of Investment Disputes [ICSID]

INO-18

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Fifth Year - Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

**INTERNATIONAL ORGANISATIONS**

Time: **2½ Hours**

Maximum Marks: **50**

**PART - A (3 X 10 = 30 Marks)**

Answer any **THREE** of the following questions. Each Question carries **10 Marks**:

1. The body of Global Administrative Law (GAL) is at present not unified but is increasingly affecting the patterns of global governance in a range of policy areas, from international trade to environmental protection and banking and financial regulation to labour standards. Discuss the institutional mechanisms for the application and development of Global Administrative Law. Do you see globalized interdependency as the primary reason for transgovernmental regulation and administration in major areas of policymaking? What implications does the growing body of GAL have for domestic institutions in nation-states?
2. Constitutionalization in public international law has limited, in some instance undermined, state sovereignty like a constitutional order. Do you support the constitutional doctrine in public international law scholarship that tries to put public international law on constitutional foundation? The implications for allowing the same on state sovereignty are huge. Comment.
3. A trend has lately been observed in many policy fields that an ever-increasing number of international organizations are increasingly playing an active and crucial role in decision-making and policy implementation at domestic level, sometimes even affecting individuals. In public law, unilateral authority is the greatest challenge to the basic principle of individual freedom. Discuss the issue in light of growing publicness of public international law which is impinging on individual freedom and privacy.
4. Decision making power of IOs is a direct consequence of their legal personality. However, increasingly we are witnessing that IOs are exercising their power unchecked and there is little or no judicial review of their decisions at international courts. In instances where domestic courts have taken

PART - C (3 X 8 = 24 Marks)

Answer any THREE of the following in not exceeding 800 words each:

5. Analyse the essential elements of Factor Endowment Theory. The Fundamental elements of the Factor Endowment Theory are no more relevant in the era of Liberalisation, Privatisation and Globalisation. Do you agree? Critically Examine.
6. Explain the Objectives of the General Agreement on Tariff and Trade and point to the contributions made by the Uruguay round of World Trade Organisation to achieve the objectives of the General Agreement on Tariff and Trade.
7. "The key concept of Environmental Sustainability is widely used as a foundation to resolve trade, development and environmental controversies both in the GATT and WTO era". Do you agree? Examine this statement by referring various judicial decisions before and after the formation of the World Trade Organisation Dispute Settlement Understanding (WTO-DSU).
8. State and mention the various stages of the Dispute Settlement Understanding of the World Trade Organisation also point out the limitations of the each stages of the Dispute Settlement Understanding by referring various provisions of the Agreement on Dispute Settlement Understanding.

PART - D (3 X 2 = 6 Marks)

Answer any THREE of the following in not exceeding 150 words each:

9. [A] Product Cycle Theory  
[B] Distinguish Tariff and Quota  
[C] Director General of Anti-Dumping and Allied Duties  
[D] United Nations Committee on Trade and Environment [UNCTE]  
[E] International Centre for Settlement of Investment Disputes [ICSID]

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Name :   
Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year - Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

INTERNATIONAL ORGANISATIONS

Time: 2½ Hours

Maximum Marks: 50

PART - A (3 X 10 = 30 Marks)

Answer any THREE of the following questions. Each Question carries 10 Marks:

1. The body of Global Administrative Law (GAL) is at present not unified but is increasingly affecting the patterns of global governance in a range of policy areas, from international trade to environmental protection and banking and financial regulation to labour standards. Discuss the institutional mechanisms for the application and development of Global Administrative Law. Do you see globalized interdependency as the primary reason for transgovernmental regulation and administration in major areas of policymaking? What implications does the growing body of GAL have for domestic institutions in nation-states?
2. Constitutionalization in public international law has limited, in some instance undermined, state sovereignty like a constitutional order. Do you support the constitutional doctrine in public international law scholarship that tries to put public international law on constitutional foundation? The implications for allowing the same on state sovereignty are huge. Comment.
3. A trend has lately been observed in many policy fields that an ever-increasing number of international organizations are increasingly playing an active and crucial role in decision-making and policy implementation at domestic level, sometimes even affecting individuals. In public law, unilateral authority is the greatest challenge to the basic principle of individual freedom. Discuss the issue in light of growing publicness of public international law which is impinging on individual freedom and privacy.
4. Decision making power of IOs is a direct consequence of their legal personality. However, increasingly we are witnessing that IOs are exercising their power unchecked and there is little or no judicial review of their decisions at international courts. In instances where domestic courts have taken



cognizance of their administrative overreach, it creates a crisis. Discuss this situation with special reference to the elaborative system of judicial review in the European Community (Article 230 TEC).

**PART – B (4 X 5 = 20 Marks)**

Answer any FOUR of the following questions. Each Question carries 5 Marks:

5. Is NATO a relevant security organization in 21<sup>st</sup> century? Have the changing security dynamics in the post-Cold War era rendered NATO less relevant for the Security of Europe?
6. The ICRC has a legal mandate through the Geneva Conventions to organize humanitarian activities during armed conflicts. Write an essay on the role ICRC has played in the development and implementation of international humanitarian law.
7. What are the principle issues in outer space governance? What steps are the international organizations taking to regulate the long-term sustainability of outer space activities by public and private corporations?
8. Write a brief essay on EU's journey from Maastricht Treaty to the Treaty of Lisbon. Do you agree that EU's shift in some policy areas from unanimity to qualified majority voting has created disgruntlement in the continent?
9. Analyze the growth of ASEAN in the last five decades. Do you see ASEAN as a potent and capable institution to keep engaging the community of Southeast Asian nations together in the times to come?
10. Why did OAU fail to deliver on its promise? Do you see African Union (AU) as a responsible and potent successor of AU? Does the AU have the democratic legitimacy that the OAU always lacked?
11. Analyze the problems that SAARC is facing right from start and whether BIMSTEC can be a potential alternative to fulfill India's aspirations in the South Asian region. Discuss the challenges that BIMSTEC has to overcome to gain legitimacy from states in the Bay of Bengal region.

LINDT-18

Name :   
Register No.:

**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

**LAW OF INDIRECT TAXATION**

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

1. You are allowed to use the Central Goods and Services Act, 2017, Central Goods and Services Rules, 2017, Integrated Goods and Services Act, 2017, the Customs Act 1982 and the Customs Valuation (Determination of Value of Export Goods) Rules 2007 without any comments or markings for this examination. No other material is allowed.
2. If your answers are based on certain factual assumptions, state those assumptions clearly.
3. You are allowed to carry a calculator to the examination.
4. You will not be allowed to borrow material or the calculator from any other student.
5. All questions are compulsory.

**PART-A [4 Questions X 5 Marks = 20 Marks]**

Answer ALL the following questions in 8 sentences or less:

1. P is an expert watchmaker in China, famous all over the world for her watch making skills. On 12th August, 2018, A, a resident of India sends P a damaged watch vide courier to repair. The customs officer clears the watch for export on 14th August, 2018. P tries to repair the watch, but fails to do so and sends the watch back through courier. A pays Rs. 200 directly to P as reimbursement of courier charges. The watch is cleared for import 21st May, 2018. On 28th October, 2020, the customs officer issues a show cause notice to A under Section 28 demanding customs duty on the 200 Rs paid from A to P. On 29th December 2022, the IGST officer issues a show cause notice to A under Section 74 demanding IGST on 200 Rs. for import of service. Can any of the two demands be sustained? Give reasons for your answer.

2. Sinus is a solar power manufacturer in China. Due to overproduction and market glut, Sinus sells its solar panels for Rs. 5000 in the Chinese market. This is 1000 Rs. less than the production cost of the solar panels. Sensing an opportunity Surya, a Indian player with 55% share in the domestic market, imports the panels from Sinus to India. Surya imports 10000 solar panels at a transaction rate of Rs.5000. After paying the requisite customs duty (Assume Customs Duty = 10%, SWC= 1% & IGST= 5%), it sells the panels for Rs. 6000 in the domestic market. Suny, another domestic player with 45% of the share, produces a similar solar panel at the cost of Rs. 6500 per panel, which it sells for Rs.7000 in the domestic market. After Surya starts importing the panel, Suny loses its entire market share. Suny lodges a complaint with the Directorate General of Trade Remedies against the import of panels. Can Anti Dumping Duty be imposed on the import of solar panels? Give reasons for your answer.

3. In 2010, Quantum, an internet broadband company, started offering data services to Bharath Motors in Bangalore. For this service, Quantum charged Bharath 10 lakh rupees including 1.2 lakhs as service tax. The state government of Karnataka issued a notice to Quantum demanding the payment of VAT on the entire 10 lakhs. The notice argued that since data services are offered through an optical fibre line which is leased, it included the "right to use" the line and was thus a deemed sale. Does the State have legislative competence to tax this transaction? Give reasons for your answer.

4. Femor Incorporated is a event management company based in Bangalore which organises comedy shows across India. One such event was the comedy tour of Manas Bihari. Manas was set to perform in Mumbai on 28th June 2017, in Bangalore on 31st June 2017 and in Trichy on 6th July, 2017. Each ticket for all the shows was priced at Rs. 400 (inclusive of all taxes) and were sold off by 30th May, 2017. Femor transferred the entire service tax collected to the government on 4th May, 2017. However, due to the death of a prominent state leader, the show in Mumbai was rescheduled to 12th July 2017. People who bought tickets to the Mumbai show had the option of getting a refund or attending the rescheduled show. 50% of the buyers opted to get a refund. These seats were reopened and sold on 1st July 2018 for Rs. 350(inclusive of all taxes). For which of the above transactions would Femor have to pay IGST? Give reasons for your answer.

**PART-B [2 Questions X 9 Marks = 18 Marks]**

Answer ALL the following questions:

5. Parag Chemicals is a chemical factory which sells several chemicals. From 1st July,2017 to 31st July, 2017, Parag chemicals received Rs. 10000 from the sale of chemical A which was exempted from GST, Rs. 10000 for the sale of Chemical B for which they collected additional GST at 5% and Rs. 10000 from sale of Chemical C for which they collected additional GST at 12%.(GST= CGST+SGST) They had the following input supplies during this period:

S. No	Supply Type	Supply Exclusively Used for	Value	GST Rate
1.	Chemical D	Chemical A	1000	12%
2.	Chemical E	Chemical B	1000	Nil
3.	Chemical F	Chemical C	2000	5%
4.	Heavy Water	Chemical B+ Chemical C	2000	5%
5.	Chemical Machine A	Common	100000	18%
6.	Leasing of Passenger Cars	Common	20000	12%
7.	Food and Beverages for Employees	Chemical A	10000	18%
8.	Personal Party Expenses	Personal	1000	28%

a. What is the total GST payable by Parag Chemicals? How much of this can be paid by the accumulated input supply credit?

b. Would it be better for Parag Chemical to opt for the composition scheme (Assume composition rate for manufactures is 1% GST)?

6. In 1987, a child artist who lived in an orphanage named Edwara drew a picture for a competition. This picture called "Horizons", was printed on a postcard by an NGO and distributed amongst its patrons. Horizons later started having a cult following, due to its unique history and style. Collectors started vying for the postcards, of which there were only a limited quality. The last seen Horizons Postcard was sold for Rs. 100000 at an auction in France in 2008.

Manik, a resident of Mumbai, is a collector of rare art items. On one morning in 2018, he gets a call from his brother Shahnawaz, who excitedly tells him that he saw an unstamped Horizon Postcard in a flea market in Dubai and bought it for Rs.500. Manik requests his brother to send him the postcard immediately through the next flight from Dubai to Mumbai. He also agrees to reimburse all expenses made by Shahnawaz. Upon verification from an expert appraiser, if the card is found to be genuine, Manik also agrees to pay Shahnawaz Rs. 20000 for 50% ownership of the card. Shahnawaz sends the postcard and Manik pays him Rs.500 as reimbursement for the postcard, Rs.10000 as reimbursement for the flight charges, Rs.4000 as reimbursement for the insurance and Rs.5000 as reimbursement for the transport of the postcard from Mumbai airport to his house. What is the total customs duty payable by Manik for the photograph?

**PART-C [1 Question X 12 Marks = 12 Marks]**

**Answer ALL the following questions:**

7. On 1st July, 2017, Deliance telecom, which was registered for Service Tax in its headquarters in Delhi, launched "Dio", a sim which gives VoLTE (Voice over Long Term Evolution) services to customers. This is a new technology which allows users to make calls to other mobiles using mobile internet. The Dio sim connection is priced at Rs. 100 which is taken as "registration charges". Deliance says that the charge is for "sim activation and administrative expenses" and the service comes with "free" access to "Dio Prime" till 30th July, 2017. After 3 days, the 100 Rs. cash back is credited to the bank account of each customer who activates the sim. The box which contains the sim reads "the sim and its firmware is the sole property of reliance industries". Dio prime allows customers free calls and sms' to any other mobile phone. It also gives access to DioMusic and DioTV, two value added services that allow users to listen to music and watch movies respectively. Spairtel, a competitor, argues that this is predatory pricing, considering that each sim card costs Deliance Rs. 150 to produce, each call costs Deliance Rs.10 per hour in spectrum charges and it costs Rs.300 per month to offer music as well as video services for each customer. Spairtel offers its customers the same services for Rs.400 per month. By the end of its launch month, Deliance gains 10000 subscribers in New Delhi.

Deliance does not collect any VAT, Service Tax and GST along with the registration fees or Dio prime subscription fees.

- a. Assume you are the assessing officer for IGST in New Delhi. Draft a Show Cause Notice to Deliance for the period 1st July, 2017 to 31st July 2017 which can maximise tax revenues for the department. Give arguments and reasons justifying your demand of tax. **(Max 2 sides)**
- b. Assume you are the advocate for Deliance. Draft a reply to the Show Cause Notice that you have drafted above in (a) which minimises your tax liability. Give arguments and reasons justifying your position. **(Max 2 sides)**

**ANNEXURE I**  
**Relevant Tariff Extracts for Question 6**

Chapter 49: Printed Books, Newspapers, Pictures and Other Products of the Printing Industry: Manuscripts, Typescripts and Plans

Notes.

1. This chapter does not cover:

....  
(d) Original engravings, prints or lithographs (heading 9702) postage or revenue stamps, stamp-postmarks, first-day covers, postal stationary or the like heading 9704, antiques of an age exceeding one hundred years or other articles of Chapter 97

2. For the purpose of Chapter 49, the term "printed" also means reproduced by means of a duplicating machine, produced under the control of an automatic data processing machine, embossed, photographed, photocopied, thermo copied or typewritten.

....

HS Codes	Products Description	BCD	IGST	SWS	Total
4909	Printed or illustrated postcards: Printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings				
49090090	-Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, with or without envelopes or trimmings	10	0	1	11
4911	Other printed matter, including printed pictures and photographs				
4911 91 00	Printed Cards with pictures, designs or photographs	10	12	1	24.31

Chapter 97: Works of Art, Collectors' Pieces and Antiques

Notes.

1. This chapter does not cover:

(a) Unused postage or revenue stamps, postal stationary (stamped paper) or the like, of heading 4907

....  
2. For the purpose of heading 9702, the expression "original engravings, prints and lithographs" means impressions produced directly, in black and white, or in colour, of one or of several plates wholly executed by hand by the artist, irrespective of the process or of the material employed by him, but not including any mechanical or photomechanical process.

4. Subject to Notes 1 to 3 above, articles of this Chapter are to be classified in this chapter and not in any other Chapter of this schedule.

....

HS Codes	Products Description	BCD	IGST	SWS	Total
9702	Original engravings, prints and lithographs	10	18	1	30 98
9704	Postage or revenue stamps, stamp post-marks, first-day covers, postal stationary (stamped paper), and the like used or unused, other than those of heading 49.07				
97040090	Others	0	5	0	5

**ANNEXURE II**  
**Relevant Tariff Extracts for Question 7**

Chapter 82: Electrical Machinery and Equipment Etc.  
No relevant Chapter Note.

HS Codes	Products Description	SGST	CGST	IGST
8523	Discs, tapes, solid-state non volatile storage devices, "smart cards" and other media for recording of sound or of other phenomena whether or not recorded including matrices and masters for the production of discs, but excluding products of Chapter 37			
85235210	-semi conductor media: --Solid-state non-volatile storage devices ---SIM cards	9%	9%	18%

Chapter 99: Services  
No relevant Chapter Note.

HS Codes	Products Description	SGST	CGST	IGST
9972	Leasing or Rental Services with or without operator: classification of Services			
9973	(i) Temporary or Permanent transfer or permitting the use or enjoyment of intellectual property right in respect of goods other than Information Technology Software	6%	6%	12%
9973	(ii) Temporary or Permanent transfer or permitting the use or enjoyment of intellectual property right in respect of goods other than Information Technology Software	9%	9%	18%
997316	Leasing or rental services concerning telecommunication equipment with or without operator	2.5%	2.5%	5%
9984	Telecommunications, broadcasting and information supply services	9%	9%	18%
99841	Telephony and other telecommunication Services	9%	9%	18%
998413	Mobile Telecommunication Services	9%	9%	18%
998414	Private Network Services	14%	14%	28%
99843	On-line content services			
998432	On-line audio content	2.5%	2.5%	5%
998433	On-line video content	6%	6%	12%

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

**LAW ON SECURITIES**

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

- All the questions should be answered by quoting relevant legislative provisions and at least two relevant judicial precedents and suitable illustrations.
- The problem based questions should be preferably answered in the *IRAC Method*.
- Bare Acts are not allowed; Electronic gadgets are prohibited.
- You are strictly directed to follow the Question Number as given in the Question Paper.

**Part – A (4 Questions X 8 Marks = 32 Marks)**

**Essay and Problem Solving Questions (Question No. 5 is Compulsory; Chose any “THREE” out of the remaining questions):**

- Briefly explain the objectives and scope of the following enactments and regulations dealing with the securities market transactions:
  - Securities Contract (Regulation) Act, 1956.*
  - SEBI (Mutual Funds) Regulations, 1996.*
  - SEBI (Foreign Portfolio Investors) Regulations, 2014.*
- “Some years ago, shares in the Indian Capital Market were traded in the physical mode because of which the market suffered from various difficulties such as forgery and theft of share certificates. Further, dealing of securities in the physical form had its own limitations which inhibited the growth of the Capital Market in India. To address these concerns, the Parliament has enacted the Depositories Act, 1996.” In light of this statement, explain the following:

- 2.1 What is a Depository and how is it different from a Depository Participant?
- 2.2 Define Dematerialisation and Rematerialisation of Securities.
- 2.3 How does the *Depositories Act, 1996* facilitate electronic trading in India?

3 Assume yourself as a Member of the *Securities and Exchange Board of India (SEBI)*. If you are confronted with a case relating to Insider Trading, what issues will be framed by you in order to determine an offence of Insider Trading? Explain in detail the relevant statutes, rules and regulations you will look at and legal interpretation required for determining each issue by citing appropriate and relevant judicial precedents on Prohibition of Insider Trading in the Securities Market.

4 What do you understand by the phrase "*listing and delisting of securities*" and what are its objectives? Critically examine the various legislative and regulatory provisions which governs listing and delisting of securities from stock exchanges in India. What is the procedure for delisting and what are its types?

5 A *Writ Petition (WP)* was filed before the Bombay High Court by an auditing firm *Price Waterhouse & Co. (PWC)* challenging a show cause notice issued to them by SEBI. This pertains to PWC's audit of *Satyam Computers Services Ltd. (Satyam Computers)* and their alleged failure to detect financial wrongdoing within the company of significant magnitude that in turn resulted in severe losses to Satyam shareholders. This financial wrongdoing which was publicly known as '*Satyam Scam*' included overstatement of cash and bank balances, non-existent accrued interest, overstated debtor position *et.al.* SEBI's show cause notice sought to initiate action against PWC under the relevant provisions of the *SEBI Act, 1992* and *SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Markets) Regulations, 2003*.

PWC contends that SEBI does not have the requisite jurisdiction to initiate action against their auditors who are discharging their duties as professionals. According to PWC, any action against auditors for their alleged role in the scam can only be taken by the *Institute of Chartered Accountants of India (ICAI)*.

In any event, PWC argues that its failure to detect the scam while auditing the books of Satyam Computers can at best be considered as mere omissions without any *mens rea*. As SEBI's prosecution is largely based on inferences, PWC contends that the show cause notice is liable to be quashed for want of evidence. Decide.

### Part – B (1 Question X 2 Marks = 2 Marks)

Choose the most suitable answer from the given options for the following question and substantiate your choice with brief and cogent reasons:

- 6 The Capital Market consists of the Primary Capital Market and the Secondary Capital Market. Which of the following statements is "TRUE" regarding the differences between these two markets?
- (a) Existing securities are traded in the Primary Market, while new issues are distributed to the investors in the Secondary Market.
  - (b) Existing securities are distributed to the investors in the Primary Market, while new issues are traded in the Secondary Market.
  - (c) New issues are distributed to the investors in the Primary Market, while existing securities are traded in the Secondary Market.
  - (d) Stocks are traded for the first time in the Secondary Market, while already traded stocks are subject to further trading in the Primary Market.

### Part – C (2 Questions X 4 Marks = 8 Marks)

Distinguish any "TWO" of the following:

- 7 Bullish Strategy and Bearish Strategy.
- 8 Algorithmic Trading and Manual Trading with respect to Self-Trading.
- 9 'Issuer Pays' Model vs. 'Investor Pays' Model in Credit Rating Agencies.

### Part – D (2 Questions X 4 Marks = 8 Marks)

Write Short Notes on any "TWO" of the following:

- 10 Circular Trading.
- 11 Book Building Process.
- 12 *SEBI vs. Gaurav Varshney and Another*, Supreme Court Judgement dated 15<sup>th</sup> July, 2016.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

ADVANCE COURSE ON PATENT LAW

Time: 2½ Hours

Maximum Marks: 50

**Instructions:**

- Support your answers with suitable legal provisions and relevant case laws.
- Use IRAC/IRAD method for solving the problem question.
- Answers without the question number shall be marked as zero.

**PART – A (2 X 10 = 20 Marks)**

Answer any TWO of the following *in not less than 800 words*:

1. *“Foreign Patents grant no monopolies in India, nor do Indian patents grant any monopolies in foreign countries. A patent is granted by a sovereign power and its rights, privileges and obligations begin and end with the country that issues it.”* In this context, critically analyse the territorial character of patents and comment on the harmonization of patent law through international conventions and agreements.
2. What are ‘utility patents’ or ‘petty patents’? State the differences between patents and utility model. Do you think that India needs a utility model framework? If so, enumerate the points to be considered for its protection in India.
3. *“Increased patent protection leads to higher drug prices. The number of new essential drugs under patent protection will increase but the drugs will remain out of reach to people in developing countries because of high prices. As a result, the access gap between developed and developing countries will widen”* In this context, critically examine the TRIPS flexibilities on access to affordable medicines under the Indian Patent Act, 1970.
4. What acts constitute an infringement of a patent? How are suits concerning the infringement of patents instituted? Explain in detail the different modes of determination of infringement?

**PART – B (2 X 10 = 20 Marks)**

**(All the questions are compulsory)**

**Answer the following questions:**

5. 'Demonte' is an American multinational agrochemical and agricultural biotechnology corporation. It has a US Patent on Bt Cotton technology. It applies for Indian Patent under the title '*Methods for transforming plants to express Bacillus thuringiensis delta-endotoxins*'. The alleged invention is a Bt cotton crop resistant to pests and doesn't need any external conventional pesticides. By genetic engineering, the *Bacillus thuringiensis (bt)* gene is inserted into the cotton seed which offers resistance against insects. The claim covers a selected genetic sequence from a particular bacteria/micro-organism called *Bacillus thuringiensis (bt)* which when modified and inserted into a plant cell would produce a toxin that would repel pests. The Patent Office rejected the application on the ground that the application of patent is for a transgenic plant and as per the Indian Patents Act, 1970, plants and seeds are not patentable. Demonte contends that it seeks a patent over the identification of the place in the genetic sequence of the DNA in the plant cell and not on the plant itself. It also adds that micro-organisms are patentable under the Indian Patent Act, 1970, therefore, this invention involving *Bacillus thuringiensis (bt)* which is a micro-organism is a patentable subject matter. On appeal to IPAB, the tribunal observed that the alleged invention involves insertion of the genetic sequence of a micro-organism to a specific location in the genome of the cotton plant which is available in the form of a seed. Demonte added that Article 27.3 of the TRIPS Agreement requires all contracting parties to grant patents for micro-organisms and microbiological processes. A rejection would be a violation of the TRIPS Agreement. But IPAB rejects the appeal by 'Demonte' on the ground that the applicant tries to patent a transgenic plant through a micro-organism and declared the entire process to be an "*essentially biological process*". Demonte preferred an appeal before the High Court. Decide
6. 'Mike India Limited' (hereinafter Mike) is a distributor of shoes in India marketed under the brand 'Tricker'. M/s Sports Flex, an international reputed company in manufacturing shoes having its headquarters in Germany is the owner of the brand 'Tricker'. The insole of the 'Tricker' shoe was patented in Germany. Through PCT the said patent application was filed in India and it is pending. Mike issued a legal notice to 'Beta India Private Limited' an Indian shoe manufacturing company who manufacture shoes under the tradename 'beta' claiming that the shoes manufactured under the tradename 'Beta' are infringing the patent of 'Tricker' shoes especially the configuration of 'five pressure point'. Beta states that their shoes are manufactured with 'six

pressure point' of superior quality and points out that, PCT application for 'Tricker' claims only the material and thickness of the insole and doesn't claim anything on the configuration of pressure points. Following which, Mike has given an advertisement in a newspaper as to their patent on 'five pressure points' with a general warning to infringers. Aggrieved by the activities of Mike, Beta seeks your legal opinion. Advise

**PART – C (2 X 5 = 10 Marks)**

**Answer any TWO of the following in not less than 350 words:**

7. Patent Opposition
8. Novelty and Anticipation
9. Working of Patents Requirement
10. National Pharmaceutical Pricing Authority (NPPA)



Name : Register No.: 

## TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

## B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

## ADVANCE COURSE ON COPYRIGHT LAW

Time: 2½ Hours

Maximum Marks: 50

## PART-A (6 Questions X 1 Mark = 6 Marks)

Answer the following questions:

1. Copyright in photographs belong to
  - a) The person who takes a photograph in all the circumstances.
  - b) The person who poses for the photograph in all the circumstances.
  - c) Generally to a person who takes the photograph but in case of Hired photographer the copyright belongs to the person who commissioned the work.
  - d) It belongs to the employer if the photograph is taken in the course of employment.

i) a,d      ii) a,c,d      iii) a,b,c      iv) c,d
2. The term for copyright Protection is longest in
  - a) India      b) U.S      c) E.U      d) Australia
3. Fair dealing exception for copyright infringements relating to computer programmes are granted in India under the Indian Copyright Act 1957 only when,
  - a) The programmes is interoperable
  - b) The copyright protection is claimed only for the computer programme.
  - c) The copies are made from legally obtained copies.
  - d) Backup copies, transient storage or storage of copies for academic purposes in a computer are obtained through any means.

i) a,b,c      ii) a,c,d      iii) a,b,c      iv) b,c,d
4. What is an infringing copy?
5. Can a Design copyright lose its copyright protection?
6. What is Fixation?

**PART-B (4 Questions X 2½ Marks = 10 Marks)**

**Answer ALL the following questions (Short Notes):**

7. Remake and Dubbing of films amount to copyright infringement - comment.
8. Who is a Broadcaster? What are the special rights available to a Broadcasting Organisation?
9. "Ownership of Copyright always vests with the creator" - Justify the statement with reasons.
10. Is Digital Rights Management essential in the tech savvy world?

**PART-C (3 Questions X 8 Marks = 24 Marks)**

**Answer the following questions in not less than 500 words:**

11. TRIPS plus agreements were drafted in order to incorporate the new technological protection measures within the TRIPS framework as the Rome convention provisions were outdated.

(OR)

Define Originality and explain the test of originality?

12. Fair Use and Fair dealing Exceptions originated in order to create a balance between the rights of the copyright holder and the rights of the general public. Justify the validity of the statement.

(OR)

Moral rights are inalienable in Nature. It originates with the creation and dies with the creator - Discuss.

13. "Doctrine of Work for Hire changes the chain of title" - Explain.

(OR)

Discuss the Copyright violations in Music Industry before and after the peer to peer network revolution.

**PART-D (1 Question X 10 Marks = 10 Marks)**

**State relevant legal provisions, legal doctrines case laws were ever necessary:**

14. Swastika was a famous Novelist in United States. She was on a visit to India. She wrote a Novel titled "Swannu in Dravalha" and entered in to a contract with penguin publications to publish her Novel in India. She introduced the realm of dragons called as "Dravalha". The story revolves around "Swanu" a common shepherd girl who comes from Indiana (U.S) in search of answers for her dreams to Ahmedabad (India). While visiting the old ruins at Ellora caves swannu falls inside one of the tunnels in Ellora caves. When she wakes up she realises that she is surrounded by ancient Mythological creatures which

resembled the same in her dreams. Swannu is welcomed by a Bunny, a dog and a red and white dragon. They state that she is the lost princess who got lost in the Human realm and this is the dragon realm "Dravalha". She is the princess of Dravalha and she must save them from the evil queen "Janiveve". With the help of bunny, dog and dragons she defeats the evil queen and restores peace in the Land. The novel becomes a huge hit in India.

Penguin publications published the Novel in India. Now Walt Disney Files a Suit in U.S court for Copyright Infringement stating that the plots, characters, themes, story is 90% similar to their movie "ALICE IN WONDERLAND" which was released in 1951 and re-released in 2010 ( animation) worldwide which became a massive Hit all over the world. The change is only in the names of the character. The evil king is portrayed as evil Queen. Swastika and penguin publications deny that there was no Copyright Infringement and claim that it is Swastika's Original work. They further stated that the work is published in India and Copyright laws are territorial in Nature .Though she is a Citizen of United states she has published the work in India . Whereas the work of the plaintiff was published in U.S there is no universal Copyright Protection.

They further claimed that the Movie "Alice in Wonderland "was based on a Novel Alice's adventures in Wonderland which was published in 1865 by Lewis Carol and the Illustrations to it which were written came to public domain in 1960. It also stated that the First Movie on Alice in Wonderland was released in 1915 and it is in public Domain now. Walt Disney has created an adaptation and cannot sue penguin publications and Swastika for copyright infringement in U.S. In the Light of the above Facts answer the Following Questions.

1. Is Copyright law territorial in Nature? Can members of Berne Union file infringement suit in their own country (U.S) when the Act of infringement occurs in a member Nation (India).
2. Can works created in one country be infringed in another country? Does Copyright grant territorial protection or International protection?
3. Analyse whether the work of Walt Disney is a derivative work or an adaptation and state whether the work created by Swastika is derivative work or an adaptation.
4. State whether Swastika has committed Copyright Infringement against Walt Disney.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

LIBERTY, EQUALITY AND JUSTICE

Time: 2½ Hours

Maximum Marks: 50

**General Instructions:**

- You are allowed to use all material specified in the Liberty, Equality, Justice Syllabus without any ink markings. No other material is allowed.
- You will not be allowed to borrow material from any other student.
- All questions are compulsory.

**PART-A [5 Questions X 4 Marks = 20 Marks]**

In these set of questions, you are asked to evaluate an argument. You need to point out whether the argument is valid and sound. If the argument is invalid or unsound, you need to point to why the argument is invalid or unsound. Pointing out to specific fallacies and sharp critiques of specific premises will be viewed positively. If you think the argument is sound, respond to possible counterarguments. Choose only one point of contention - A typical answer is around 5 sentences.

**1. The Liberty as Progress Argument:**

- P.1. Status-Quo is bad for society.
- P.2. Progress is anything that is not status quo.
- C.1. Progress is good for society.
- P.3. Liberty leads to some progress.
- C.2. Liberty is good for society.
- P.4. All that is good for society is valuable.
- P.5. Liberty is valuable for society.

**2. Distributional Equality Argument**

- P.1. Distribution Legal Education should be based on just criteria.
- P.2. A Distribution is Just only if the reasons for it are rationally and operatively secure the purpose of the distribution.

- P.3. The purpose of State sponsored Legal Education is to improve the quality of the legal profession.
- P.4. The Common Law Entrance Test (CLAT) requires a keen knowledge of English.
- P.5. Knowledge of English at the point of admission does not rationally improve quality of the legal profession.
- C.1. CLAT is not a rational reason to secure the purpose of distribution.
- P.5. The Common Law Entrance Examination takes a fees of Rs.4500.
- P.6. The fees of Rs. 4500 is non operative in improving the quality of the legal profession.
- C.2. CLAT is not an operative reason to secure the purpose of distribution.
- C.3. CLAT is not a just way of distributing state sponsored legal education.

### 3. Justice as Entitlement argument

- P.1. Stopping free arrangements between persons violates freedom of contract.
- P.2. Freedom of contract is a basic right.
- P.3. Violating basic rights is not just.
- C.1. Free arrangements between persons are Just actions.
- P.3. Arranging a society based on Justice leads to a Just Society.
- P.4. A Just Society to which Just actions are added continues to be Just.
- P.5. A Person paying another for their talents is a free arrangement by persons
- P.6. Persons will want to willingly pay to benefit from other people's talents
- P.7. Persons paying another for their talents creates inequality.
- C.2. A Just Society will lead to inequality.

### 4. Substantive Equality of Opportunity Argument

- P.1. Positions that confer advantages in society are desired by all
- P.2. Getting the best qualified candidate for a position is valuable for society
- P.3. The best qualified candidate may be any person in society
- C.1. Allowing positions to be open to all persons is valuable to society
- P.4. The Best qualified candidate may not be able to apply to a position due to lack of information.
- P.5. A Position is not truly equal unless it is known to all persons.
- C.2. Information about the open position being available to all is valuable to society.
- P.6. Information may not be available to a person because they lack education.
- C.3. Educating Persons equally is valuable to society.

### 5. Liberty violates Dignity Argument

- P.1. All persons are born equal in dignity
- P.2. Any action that takes away a person's dignity is bad.
- P.3. Calling a person "Stupid" publicly takes away from their dignity.
- C.1. Calling a person a "Stupid" is bad.
- P.4. Prohibiting bad things is valuable for society.
- P.5. Liberty says calling a person "Stupid" should not be prohibited
- C.2. Liberty is not valuable for society.

### PART-B [2 Questions X 5 Marks = 10 Marks]

In these set of questions, you need to write descriptive answers about specific theories. You need to specifically mention the philosopher that you will be using, and demonstrate in your answer that you have read their work. A typical answer should not exceed 15 sentences.

6. Consider any of the arguments made above in Questions 1-5 that you have critiqued. Which scholar that you have read comes closest to offering this argument? How do you think the scholar will respond to your critique? If you had to, what changes would you make to their argument?
7. *"A cardinal scale of value, such as that given by a thermometer for temperature or by a yardstick for length, allows the evaluative difference between items to be expressed in terms of a single common unit. The lack of a cardinal scale by which two values can be measured entails that there is no unit by which both values can be measured ... If there is no cardinal scale by which two values such as pleasure and fairness can be measured, there are no interval or ratio differences between these values. We cannot say that fairness is 20 units more valuable than pleasure, or that the particular fairness of progressive taxation is three times more valuable than the particular pleasure of eating blueberry pie à la mode...if the instances of two values in a particular choice situation cannot be measured cardinally, then they cannot be compared."*

Consider the following statement about the "incommensurability thesis" made by Ruth Chang. Which theory, if any, that you have come across contests the incommensurability thesis? Describe the theory and evaluate why it does or does not make a good case against the incommensurability thesis.

### PART-C [1 Question X 6 Marks = 6 Marks]

For this question, you need to write your answer in standard argument form i.e. using premises and conclusions, such as the arguments in Section 1.

You need to ensure that your argument is both valid and sound, and ensure that it survives counterarguments. A typical answer should not exceed 10 statements of either premises or conclusions.

8. In this course, we have looked at and tried to evaluate the value of liberty, equality and justice in society. Which other virtue do you think is valuable in society? Write down an argument that proves that this virtue is valuable. The final conclusion of the argument should be in the form of "(Virtue) is valuable for society".

**PART-D [1 Question X 14 Marks = 14 Marks]**

For this question, please read the situation and answer the sub-questions below. Your answer will be graded for clarity, coherence and validity. While you do not need to mention specific philosophers, you need to demonstrate that you can effectively apply the theoretical insights gained from the course. The answer to each sub-question should not exceed 15 sentences.

9. The Career Services Office (CSO) is a student-run body in a nationally recognised law university in India. The mandate of the CSO is to assist candidates in getting jobs in both the legal as well as corporate sector. To do this the CSO often uses the assistance of the university's networks and convinces potential employers to offer jobs to students. In 2018, the university gets three employers to offer places to its students:

- Employer A, in the legal industry specialises in litigation, offers a place to 10 students. Employer A is willing to pay Rs. 2 lakhs as salary to the students per annum. It does not have any specific requirements, but requests the CSO to send its best students.
- Employer B, in the corporate sector specializes in Corporate Laws, states that it cannot offer guaranteed slots to students, but will view any recommendations by the CSO seriously for its 3 vacancies. Employer A is willing to pay Rs. 3 lakhs as salary per annum to students. Students which have experience or interest in corporate law, will have the best chance of getting into B.
- Employer C, in the legal industry specializes in research in Intellectual Property Rights(IPR), offers 2 places. It is willing to pay anywhere between Rs. 15000 to Rs. 2.5 lakhs to 10 lakhs as salary to the students depending on their capabilities. It however wants the CSO to send only male students since it believes that "female lawyers will not be able to work the long hours required for our work".

25 students have registered for the placement drive in 2018. CSO has information about the students grades, internships and publications. They also have information about the students gender, caste, area of interest and the amount of loan they have taken to study. A list of the students information is given in Annexure 1.

- Create a distributional scheme for the placement opportunities to best ensures the value of Liberty.
- Create a distributional scheme for the placement opportunities to best ensures the value of Equality.
- Create a distributional scheme for the placement opportunities to best ensures the value of Justice.
- Which distributional scheme that you have created do you think the CSO should adopt? Why?

**Annexure-I:**

Student Number	CGPA	Number of Internships	Number of Publications	Gender	Caste	Loan Amount (in lakhs)	Salary Expectation (in lakhs)	Area of Interest
1	9.4	1	0	M	G	0	5	Any
2	8.7	3	0	F	G	0	15	Any
3	8.4	5	1	F	SC	10	8	IPR
4	8.2	8	0	M	G	5	5	Corp
5	8.2	5	3	F	G	5	2	Lit
6	8.1	4	1	F	G	0	5	Any
7	7.9	3	2	M	G	2	6	Any
8	7.8	4	1	M	SC	0	5	Any
9	7.5	1	0	M	G	10	8	Lit
10	7.4	0	0	M	G	5	5	Corp
11	7.2	5	0	M	G	0	5	Any
12	7	3	0	M	ST	3	2	Any
13	7	5	1	M	G	0	1	Any
14	6.9	7	5	F	G	4	2	IPR

Student Number	CGPA	Number of Internships	Number of Publications	Gender	Caste	Loan Amount (in lakhs)	Salary Expectation (in lakhs)	Area of Interest
15	6.8	8	2	F	G	0	1	IPR
16	6.8	9	1	M	SC	6	3	Lit
17	6.8	5	1	M	SC	5	4	Any
18	6.5	8	2	F	SC	5	5	Any
19	6.4	7	0	M	G	0	4	Lit
20	6.2	4	0	F	SC	0	4	Corp
21	5.9	1	0	M	G	0	2	Any
22	5.5	2	2	M	ST	5	5	Corp
23	5.2	5	7	F	G	0	3	IPR
24	5.1	1	0	M	SC	5	2	Lit
25	3.6	0	0	M	ST	8	2	Any

G= General, SC-Scheduled Castes, ST - Scheduled Tribe, F=Female, M=Male, Lit-Litigation, IPR= Intellectual Property Rights, Corp= Corporate Law.

The higher the CGPA, the better the students have scored in their subject examinations.

PEPAS-18

Name :

Register No. :

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), November 2018

CLINICAL-III (PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM)

Time: 2½ Hours

Maximum Marks: 50

PART – A (5 X 10 = 50 Marks)

Answer any FIVE of the following Questions:

1. "The Bar and Bench are two equally important pillars and the cordial relations between the two make the functioning of the courts smooth." In the light of this statement, elucidate on the duties of bar and bench towards each other and their importance in the administration of justice.
2. "An Advocate may be a Law Teacher while practicing but a full-time Law Teacher cannot be an Advocate." Comment.
3. Can a Judge or Magistrate be charged for an act of contempt? Under the Contempt of Courts Act, 1971 and the Constitution of India, what is the authority of courts to punish contempt? State the punishments that can be awarded for causing contempt of court.
4. Advocates Bunty Singh and Bubby Singh had been practicing in the Delhi High Court for 7 years. On the morning of July 10, 2017 around 9:30 A.M. Bunty and Bubby were driving to the court when their car was interrupted by Justice Dashrath Singh's car. His Lordship's driver had to pull the emergency brakes to save a dog suddenly ran across the road moments before the traffic signal turned green. This delayed the traffic by 15 minutes. Before driver could get back in the car, Bunty stepped out and started yelling at him for causing the delay. He then stepped into his car and overtook the judge's car after repeatedly honking at it. On reaching the court, Bubby's case, which was scheduled to be heard at 10:15 A.M. got rescheduled because of her late arrival. Enraged by this, the couple went to the official residence of the judge the following day, yelled at him for his "irresponsible behavior" and blamed

him for the rescheduling of the case. They also hurled abusive words at his driver on their way out. The personal security officer of the judge made a complaint before the State Bar Council of Delhi. A three-member special committee was constituted by the Bar Council of which you are an esteemed member. With the help of decided cases, state how you would approach this complaint?

5. Define *Professional Misconduct*. Critically analyze the acts which amount to professional misconduct with the help of decided cases.
6. Discuss the functions and powers of the Bar Councils, as constituted under the provisions of the Advocates Act, 1961.
7. "The canons of ethics and propriety for the legal profession totally taboo conduct by way of soliciting, advertising, scrambling and other obnoxious practices." In the light of the fundamental right to freedom of speech and expression under the Indian Constitution, how far do you agree with this statement?

Name :   
Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Fifth Year – Ninth Semester, End-Semester Examinations (Odd-Semester), February 2019

LAW OF INSURANCE

Time: 2½ Hours

Maximum Marks: 50

PART – A (4 Questions X 5 Marks = 20 Marks)

Answer any FOUR of the following questions:

1. 'Insurance Ombudsman is a mechanism ensured to get instant and easier remedies for the policy holder'- Opine.
2. Under which provision in the Motor Vehicle Act, 1988 is the 'No Fault' Liability principle incorporated? Explain its relevance in Motor Vehicles Insurance Contract.
3. Explain the requirement of 'Premium' and 'legal objective' in an Insurance Contract?
4. Explain the difference between the 'maximum liability' and 'independent liability' approach in calculating the contribution of various Insurers in the event of a loss.
5. What is meant by assignment of Life Insurance policies? What are the major changes brought with regard to assignment by the Amendment Act of 2015 to the Insurance Act, 1938?

PART – B (15 Marks)

This is a compulsory question. Based on the Insurance Policy annexed, answer the following questions:

6. Mr. Kiran Menon owns a beautiful house in the heart of Pathanamthitta city, Kerala. He has built his house in the year 2005. It has Italian marble finishing, a nallukettu (form of Kerala architecture with long, steep sloping roof built to protect the house's walls and to withstand the heavy monsoon, normally laid with tiles or thatched labyrinth of palm leaves, supported on a roof frame made

of hard wood and timber) and all the latest designs prevalent during that period. He had insured his house in 2018 under the Burglary and Housebreaking Insurance Policy taken from the HDFC Ergo General Insurance Company Ltd, Pathanamthitta. During the Kerala Floods, in 2018 his house was also affected badly. In his 4 BHK house, the south eastern part which consisted of the kitchen in the ground floor and one of the bed rooms in the first floor was affected due to the water seeping in and the falling of 2 coconut trees. After the floods, in the month of September, he had decided to repair the damaged parts. Thus, the re-construction works began on 26.09.2018. Since the construction works was going on he had relocated his family to his brother's house in the same city. Every morning Mr. Kiran comes and supervises the progress and leaves in the evening, He had specifically asked his 2 security guards to be available 24x7 in the premises to check the activity. On 29.09.2018, the work was going on in full swing and at 10 a.m. Mr.Kiran came and did his routine check. At the same time, one of the security guards Mr. Swamy, Hindu by religion and an ardent Lord Ayyappa devotee was on duty. After staying for 1 hour, Mr. Kiran had left for some urgent work. On the way, he had witnessed a huge mob marching towards the locality where his house was situated in protest of the Supreme Court verdict on Sabarimala Temple on the previous day. Being the place where Sabarimala Temple is situated everyone including Mr. Kiran was involved in viewing the protest. He came back at around 2 p.m. post lunch to check on the progress of work. He was shocked to see that inside the house, his 75 inches L.E.D Home Theater TV worth Rs. 1,80,000/- was missing along with the microwave worth Rs.25,000/- both of which were kept in the Living room due to the construction work. He rushed to check all around his house and found that few cash amounting to Rs. 15000/- which was kept in safe custody in one of the bedroom drawer under keys were unlocked and taken. Luckily, rest of the things inside the house was left untouched and safe. He enquired about the same to Mr. Swamy and the construction workers. Mr. Swamy said that in between 12 p.m. – 1 p.m. the Protestors were marching and protesting in front of his house and he even was interested into the same but never left the premises. The Construction workers said that they had gone for lunch during that period. He was totally depressed and filed a case in the nearby police station as well as immediately reported the matter to his Insurers. In this context, answer the following –

- 6.1. Identify the proximate cause and check if it is covered under the policy. (5 Marks)
- 6.2. What is the quantum of damage that can be claimed by Mr. Kiran Menon. (3 Marks)
- 6.3. Identify the subrogation and contribution clauses and the rights under it. (3 Marks)

- 6.4. What are the essential warranties and conditions to be followed to enforce this claim? (4 Marks)

**PART – C (2 Questions X 7½ Marks = 15 Marks)**

**Answer any TWO of the following questions:**

7. Mr. Tanuj Vikram, aged 43 years had insured for a sum assured Rs. 8 lakhs under "Click 2 Protect Health" offered by the ABCD life Insurance Company which gives a comprehensive coverage on Life and health including accidental benefits based on customer choice. Mr. Tanuj is a big foodie and loves to take his family to restaurants at any time possible. He was never a health conscious person but used to maintain a well built due to his work. He effected his "Click 2 Protect Health" policy in the year 2016 and he renewed the same for the following year too. During time of effecting this policy he was diagnosed with normal urinary tract infection (UTI) and was treated with antibiotics. Doctor had indeed advised him on intake of more water. He has under taken recurrent treatments for UTI in the past and post 2016 too. On 26.12.2017, post the Christmas celebrations at his office he was returning back in his Car at around 10.30 pm. While driving the car he realized that he was feeling chills and feverish and not able to drive properly. Due to sudden shivers, he suddenly went and crashed a nearby bus stop and was badly injured in head. He was immediately rushed to the hospital and treated. Doctors found that he had been suffering from Sepsis (A life-threatening illness caused by ones body's response to an infection by formation of blood clots and eventually leading to organ failures). He was under supervision in ICU for next two days due to his high temperature as well as the head injury. Doctors tried their maximum to save but alas on 30.12.2017 he passed away. In your opinion, Justify whether his family will be benefitted by his policy "Click 2 Protect Health"?
8. Abhi is a student of B.A. Agriculture Degree program in Tiruchirappalli. His family has been into agriculture for generations. Therefore, he requested his father to give him exclusively 1 acre of Paddy fields to himself so that he can cultivate and learn farming right from his graduation. He started sowing in his land and duly took care of maintaining the crops very well. One day, he saw that his crops which were healthy hereto is been affected by a disease called Sheath blight- a fungal disease caused by *Rhizoctonia solani*. He immediately used medicines and tried to control the fungal growth. Though he tried everything, the yield was 15% less than the normal yield. He was totally depressed and discussed with his Father with respect to insuring his crops. At that time, his Father explained the various governments schemes existing with respect to the crops in India especially Pradhan Manthiri Fasal Bima



Yojana (PMFBY). Explain the salient features of this scheme and determine whether his crops can claim validly under this scheme.

9. "The Survivor" is a passenger and cargo ship set to sail from Kochi Port, Kerala to Sydney, Australia. It is to set off on sail from 19.12.2018 and should be reaching its port of destination on 20.1.2019. The ship was carrying around 200 people including the crew members and cargo worth Rs. 50 lakhs. Mr. Manikandan, is a carpenter by occupation. He had to deliver wooden furnitures worth Rs. 4 lakhs at Port of Padang, Indonesia. Henceforth, he had taken a Marine Insurance Policy worth Rs. 5 lakhs for the safe arrival of the goods. As per Mr. Manikandan's sale contract his responsibility upon the goods would end as soon as he delivers his goods to the "Carrier" and the Insurance policy associated with the goods get assigned to the Buyer. The ship started its sail on 19.12.2018 at 6 a.m. For the next 10 days the journey was going well. On the 11<sup>th</sup> day, a very bad storm hit the ship and lots of salt water started seeping into the ship. The crew did their maximum to pump out the water so that the cargos can be saved. After 2 days, the storm was at ease and the ship reached Padang. It was found that Mr. Manikandan's cargo was totally dampened in water and a foul smell was coming out of the wooden furniture. Hence, the buyer from Padang decided to enforce the Marine Policy for the loss anticipated in recovering the furniture and selling it in market. Discuss upon the right of the Buyer from Padang to enforce this insurance policy. Also will it make any different, if it was found that the "The Survivor" was actually not seaworthy to carry cargos? Discuss your answer in lieu of Marine Insurance Act, 1963.



HDFC ERGO General Insurance

### BURGLARY AND HOUSEBREAKING INSURANCE POLICY

#### PREAMBLE

WHEREAS the Insured named " Mr. Kiran Menon" hereto by a proposal and declaration which shall be the basis of this contract and is deemed to be incorporated herein has applied to HDFC ERGO GENERAL INSURANCE COMPANY LTD (hereinafter called the "Company") for the insurance hereinafter contained and has paid the premium of Rs. 1,70,392/- as consideration for such insurance.

#### OPERATIVE CLAUSE

The Company hereby agrees subject to terms, conditions and exclusions herein contained or endorsed or otherwise expressed hereon to indemnify the Insured against any loss of or damage to the:

- (a) property insured or any part thereof whilst contained in the premises of Mr. Kiran Menon, including the his house and all its parts thereof including the 4 bedrooms(both in the ground floor and first floor), living room, kitchen, work area, portico and the annexed Garage situated in the address "Kochu Veedu, House No. 213, Sree Kalyani Road, M.G. Road, Pathanamthitta, Angadical North Kerala- 689648" hereto due to Burglary and/or House-breaking (following upon an actual forcible and violent entry to and/or exit from the premises) or Hold-up,
- (b) building and/or appurtenances thereto resulting from such Burglary and/or Housebreaking or any attempt thereat,

occurring at any time during the Period of Insurance i.e., from 20.03.2018 – 19.03.2019 or during any subsequent period for which the Insured pays and the Company may accept the premium for the renewal of this Policy provided always that the liability of the Company shall in no case exceed the Sum Insured of Rs. 40,00,000/-

#### EXCLUSIONS

The Company shall not be liable in respect of:

- (i) Gold or silver articles, watches, jewellery or precious stones, medals, coins, curios, sculptures, manuscripts, rare books, plans, moulds, designs, deeds, bonds, bills of exchange, bank, treasury or promissory notes, cheques, money, securities, stamps, collections of stamps, business books or papers.
- (ii) Loss occasioned by theft not involving actual forcible and violent entry of and/or exit from the premises or in respect of mysterious disappearance, unexplained loss, loss or shortage disclosed on taking inventory.
- (iii) Loss or damage where any inmate or member of the Insured's household or of his business staff or any other person lawfully on the premises in the course of the business is involved in the actual theft or damage to any of the articles or premises or



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where such loss or damage has been expedited or in any way assisted or brought about by any such person or persons.

- (v) Loss or damage which is recoverable under any property insurance policy.
- (vi) (a) Loss or damage directly or indirectly, proximately or remotely occasioned by or which arises out of or in connection with riot or strike and malicious damage,  
  
(b) Loss or damage directly or indirectly caused by earthquake, flood, storm, cyclone or other convulsions of nature or atmospheric disturbances.  
  
(c) Loss or damage whether directly or indirectly arising from war, warlike operations, act of foreign enemy, hostilities (whether war be declared or not), civil war, revolution, insurrection, civil commotion, military or usurped power, seizure, capture, confiscation, arrests, restraints and detention by order of any governments or any other authority.
- (vii) (a) Any loss or damage to any other property whatsoever or any loss or expense whatsoever resulting or arising there from or any consequential loss and any legal liability of whatsoever nature directly or indirectly caused by or contributed to by or arising from ionizing radiations or contamination by radioactivity from any nuclear fuel or from any nuclear waste from the combustion of nuclear fuel or by any source whatsoever.  
  
(b) Any accident, loss, destruction, damage or legal liability directly or indirectly caused by or contributed to by or arising from nuclear weapons material.
- (viii) Consequential loss or legal liability of any kind.
- (ix) Loss of money and / or other property abstracted from any safe on the insured premises following the use of the key or a duplicate thereof / access code to the said safe belonging to the Insured, unless such key / duplicate thereof / access code has been obtained by assault or violence or any threat thereof.
- (x) Property kept in any yard, garden, open spaces or out-house not communicating with the main building unless specifically agreed to by the Company and incorporated in the Policy.
- (xi) The excess stated in the Policy to the Policy and subsequent endorsements.

#### DEFINITIONS

For the purposes of this Policy, the following terms shall have the meaning set forth hereunder:

"Burglary" or "Housebreaking" means any loss due to theft, destruction or damage to property insured following upon actual forcible and violent entry of and/or exit from the



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premises.

"Business Hours" or "Office Hours" means the normal trading hours or whilst the Insured or their authorised employees are on the premises for the purpose of the business.

"Hold-up" means when the Insured or its personnel is/are threatened by any weapon and there exists a possibility of actual physical threat to the person of the Insured or its personnel.

#### SPECIAL CONDITIONS

- 1) Reinstatement of Sum Insured: Immediately upon the happening of any loss or damage as described in the Policy, the total Sum Insured and the Sums Insured upon the various items of the property insured which have been lost or damaged, shall be reduced by the amount of such loss or damage and such reduced Sums Insured shall be the limit of the Company's liability during the current Period of Insurance unless the Company consents, upon payment of additional premium, to reinstate the full Sum Insured.
- 2) Maintenance of books and keys: The Insured shall keep a daily record of the amount of cash contained in the safe or strong room and such record shall be deposited in a secure place other than the said safe or strong room, and produced as documentary evidence in support of a claim under this policy. The keys of the safe or strong room shall not be left on the premises out of business hours unless the premises are occupied by the Insured or any authorized employee of the Insured in which case such keys if left on the premises shall be deposited in a secure place not in the vicinity of the safe or strong room.

#### GENERAL CONDITIONS

- 1) Notice: Every notice and communication to the Company required by this Policy shall be in writing to the office of the Company through which this Policy is obtained.
- 2) Duty of Disclosure: This Policy shall be void and all premiums paid hereon shall be forfeited to the Company in the event of misrepresentation, mis-description or non-disclosure of any material fact in the proposal form, personal statement, declaration and connected documents, or any material information having been withheld.
- 3) Reasonable care: The Insured shall take all reasonable steps to safeguard the Property Insured against accident, loss or damage that may give rise to a claim under the Policy.
- 4) This Policy shall cease to attach
  - a) if the insured premises shall have been left uninhabited by day and night for seven or more consecutive days and nights, while the said premises are left uninhabited,
  - b) if the Insured shall cause or suffer any material alteration to be made in the insured



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premises or anything to be done whereby the risk is increased,

- c) to any property the interest of the Insured in which, shall pass from the Insured otherwise than by will or operation of law,

Unless in every case, the consent of the Company to the continuance of the insurance is obtained and signified on the Policy.

- 5) Claims procedure: Upon the happening of any event giving rise or likely to give rise to a claim under this Policy:
  - a) The Insured shall give immediate notice thereof in writing to the nearest office of the Company, with a copy to the Policy-issuing office of the Company as well as lodge forthwith a complaint with the Police.
  - b) The Insured shall deliver to the Company, within 14 days of the date on which the event shall have come to his knowledge, a detailed statement in writing of the loss or damage, with an estimate of the intrinsic value of the property lost and the amount of damage sustained, respectively.
  - c) The Insured shall tender to the Company all reasonable information, assistance and proofs in connection with any claim hereunder.
- 6) Average: If the property hereby insured shall at the time of any loss or damage be collectively of greater value than the Sum Insured thereon, then the Insured shall be considered as being his own insurer for the difference, and shall bear a rateable proportion of the loss or damage accordingly. Every item, if more than one, in the Policy, shall be separately subject to this condition.
- 7) Contribution: If at the time of any loss or damage happening to any property hereby insured there be any other subsisting insurance or insurances, whether effected by the Insured or by any other person or persons covering the same property, this Company shall not be liable to pay or contribute more than its rateable proportion of such loss or damage.
- 8) Subrogation: The insured shall at the expense of the Company do and concur in doing and permit to be done all such acts and things as may be necessary or required by the Company for the purpose of enforcing any rights or remedies or of obtaining relief or indemnity from parties (other than those insured under this Policy) to which the Company shall be or would become entitled or subrogated upon their paying for or making good any loss or damage under this Policy whether such acts and things shall be or become necessary or required before or after the Insured's indemnification by the Company.
- 9) Fraud: If a claim is in any respect fraudulent, or if any false declaration is made or used in support thereof or if any fraudulent means or devices are used by the Insured or anyone acting on his behalf to obtain any benefit under this Policy, all benefits under this Policy shall be forfeited.
- 10) Cancellation: This insurance may be terminated at any time at the request of the Insured, in which case the Company will retain the premium at customary short period rate for



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#### HDFC ERGO General Insurance

the time the Policy has been in force. This insurance may also at any time be terminated at the option of the Company, on 15 days' notice to that effect being given to the Insured, in which case the Company shall be liable to repay on demand a rateable proportion of the premium for the unexpired term from the date of the cancellation.

- 11) Arbitration: If any dispute or difference shall arise as to the quantum to be paid under this Policy (liability being otherwise admitted) such difference shall independently of all other questions be referred to the decision of a sole arbitrator to be appointed in writing by the parties to or if they cannot agree upon a single arbitrator within 30 days of any party invoking arbitration, the same shall be referred to a panel of three arbitrators, comprising of two arbitrators, one to be appointed by each of the parties to the dispute/difference and the third arbitrator to be appointed by such two arbitrators and arbitration shall be conducted under and in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

It is clearly agreed and understood that no difference or dispute shall be referable to arbitration as hereinbefore provided, if the Company has disputed or not accepted liability under or in respect of this Policy.

It is hereby expressly stipulated and declared that it shall be a condition precedent to any right of action or suit upon this Policy that the award by such arbitrator/ arbitrators of the amount of the loss or damage shall be first obtained.

It is also hereby expressly agreed and declared that if the Company shall disclaim liability to the Insured for any claim hereunder and such claim shall not within 12 calendar months from the date of such disclaimer have been made the subject matter of a suit in a Court of Law, then the claim shall for all purposes be deemed to have been abandoned and shall not thereafter be recoverable hereunder.

- 12) Observance of terms and conditions: The due observance and fulfilment of the terms and conditions and endorsements of this Policy in so far as they relate to anything to be done or complied with by the Insured, shall be a condition precedent to any liability of the Company to make any payment under this Policy.

#### Grievance Redressal Procedure

If you have a grievance that you wish us to redress, you may contact us with the details of your grievance through:

Call Centre ( Toll free helpline )  
 1800 2 700 700 (accessible from any Mobile and Landline within India)  
 Emails – grievance@hdfcergo.com  
 Designated Grievance Officer in each branch.  
 Company Website – www.hdfcergo.com  
 Fax : 022 - 66383699  
 Counter : Any of our Branch office or corporate office

You may also approach the Complaint & Grievance (C&G) Cell at any of our branches with the details of your grievance during our working hours from Monday to Friday.



Take it easy!

### HDFC ERGO General Insurance

If you are not satisfied with our redressal of your grievance through one of the above methods, you may contact our Head of Customer Service at

The Complaint & Grievance Cell,  
HDFC ERGO General Insurance  
Company Ltd. 6th Floor, Leela  
Business Park,  
Andheri Kurla Road,  
Andheri, Mumbai -  
400059

In case you are not satisfied with the response / resolution given / offered by the C&G cell, then you can write to Our Principal Grievance Officer at the following address

To the Principal Grievance Officer  
HDFC ERGO General Insurance  
Company Limited 6th floor, Leela  
Business Park,  
Andheri Kurla Road,  
Andheri (E), Mumbai - 400059  
E-mail: [principalgrievanceofficer@hdfcergo.com](mailto:principalgrievanceofficer@hdfcergo.com)

You may also approach the nearest Insurance Ombudsman for resolution of your grievance. The contact details of Ombudsman offices are mentioned below if your grievance pertains to:  
Insurance claim that has been rejected or dispute of a claim on legal construction of the policy

- ☐ Delay in settlement of claim
- ☐ Dispute with regard to premium
- ☐ Non-receipt of your insurance document

### NAMES OF OMBUDSMAN AND ADDRESSES OF

OMBUDSMAN CENTRES (As on 1.1.2018)

Office Details	Jurisdiction of Office (Union Territory, District)	Date Of Taking Charge
BENGALURU - Shri. M. Parshad Office of the Insurance Ombudsman, Jeevan Soudha Building, Ground Floor, 19/19, 24th Main Road, JP Nagar, 1st Phase, Bengaluru - 560 025. Tel.: 080 - 26652048 / 26652049 Email: <a href="mailto:bimalokpal.bengaluru@gbic.co.in">bimalokpal.bengaluru@gbic.co.in</a>	Karnataka	14-08-2017
CHENNAI - Shri Virander Kumar Office of the Insurance Ombudsman, Fatma Akhtar Court, 4th Floor, 453, Anna Salai, Teynampet, CHENNAI - 600 018. Tel.: 044 - 24333668 / 24335284 Fax: 044 - 24333664 Email: <a href="mailto:bimalokpal.chennai@gbic.co.in">bimalokpal.chennai@gbic.co.in</a>	Tamil Nadu, Pondicherry Town and Karaikal (which are part of Pondicherry).	09-05-2017



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### HDFC ERGO General Insurance

DELHI - Smt. Sandhya Baliga Office of the Insurance Ombudsman, 2/2 A, Universal Insurance Building, Asaf Ali Road, New Delhi - 110 002. Tel.: 011-23234057/23232037 Fax: 011-23230858 Email: <a href="mailto:bimalokpal.delhi@gbic.co.in">bimalokpal.delhi@gbic.co.in</a>	Delhi.	15-07-2016
GUWAHATI - Sh / Smt. Office of the Insurance Ombudsman, Jeevan Nivesh, 5th Floor, Nr. Panbazar over bridge, S.S. Road, Guwahati - 781001 (ASSAM). Tel.: 0361 - 2132204 / 2132205 Fax: 0361 - 2732937 Email: <a href="mailto:bimalokpal.guwahati@gbic.co.in">bimalokpal.guwahati@gbic.co.in</a>	Assam, Meghalaya, Manipur, Mizoram, Arunachal Pradesh, Nagaland and Tripura.	13-07-2017
HYDERABAD - Shri. G. Rajeswara Rao Office of the Insurance Ombudsman, 6-2-46, 1st floor, "Moin Court", Lane Opp. Saleem Function Palace, A. C. Guards, Lakdi-Ka-Pool, Hyderabad - 500 004. Tel.: 040 - 65504123 / 23312122 Fax: 040 23376599 Email: <a href="mailto:bimalokpal.hyderabad@gbic.co.in">bimalokpal.hyderabad@gbic.co.in</a>	Andhra Pradesh, Telangana, Yanam and part of Territory of Pondicherry.	15-05-2016
ERNAKULAM - Shri. P. K. Vijayakumar Office of the Insurance Ombudsman, 2nd Floor, Pulmat Bldg., Opp. Cochin Shipyard, M. G. Road, Ernakulam - 682 015. Tel.: 0484 - 2358759 / 2359338 Fax: 0484 - 2359336 Email: <a href="mailto:bimalokpal.ernakulam@gbic.co.in">bimalokpal.ernakulam@gbic.co.in</a>	Kerala, Lakshadweep, Mahe-a part of Pondicherry.	14-07-2017
KOLKATA - Shri. K. B. Saha Office of the Insurance Ombudsman, Hindustan Bldg. Annexe, 4th Floor, 4, C.R. Avenue, KOLKATA - 700 072 Tel No. 033-22124339/22124346 Fax: 22124341 Email: <a href="mailto:bimalokpal.kolkata@gbic.co.in">bimalokpal.kolkata@gbic.co.in</a>	West Bengal, Sikkim, Andaman & Nicobar Islands.	30-07-2016
MUMBAI - Shri. A. K. Dasgupta Office of the Insurance Ombudsman, 3rd Floor, Jeevan Seva Annexe, S. V. Road, Santacruz (W), Mumbai - 400 054. Tel.: 022 - 26106552 / 26106960 Fax: 022 - 26106052 Email: <a href="mailto:bimalokpal.mumbai@gbic.co.in">bimalokpal.mumbai@gbic.co.in</a>	Goa, Mumbai Metropolitan Region excluding Navi Mumbai & Thane.	16-05-2017
PUNE - Shri. A. K. Sahoo Office of the Insurance Ombudsman, Jeevan Darshan Bldg., 3rd Floor, C.T.S. No.s 195 to 198, N.C. Kelkar Road, Narayan Peth, Pune - 411 030. Tel: 020 - 32341320 Email: <a href="mailto:bimalokpal.pune@gbic.co.in">bimalokpal.pune@gbic.co.in</a>	Maharashtra, Area of Navi Mumbai and Thane excluding Mumbai Metropolitan Region.	10-09-2014

STATUTORY NOTICE: "INSURANCE IS THE SUBJECT MATTER OF THE SOLICITATION"

Name : Register No.: 

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.A. LL.B. (Hons) Degree Programme

Second Year-Third Semester / Third Year-Fifth Semester,  
End-Semester Examinations (Odd-Semester), January 2019

POLITICAL SCIENCE – III (INTERNATIONAL RELATIONS)

Time: 2½ Hours

Maximum Marks: 50

Part – A (5 X 6 = 30 Marks)

Answer any FIVE of the following questions. All questions carry equal marks. Answer to each question should not be less than 400 words:

1. Discuss the need of Disarmament and obstacles in the way of Disarmament.
2. What is Detente? What are the causes and implications of Detente?
3. Define Diplomacy and discuss the features of Old and New Diplomacy.
4. What is Realism in International Politics? Explain the main tenets of Political Realism.
5. What is a Regional Organization? What are the objectives of SAARC and challenges before SAARC?
6. What is North-South Dialogue and What are the means through which New International Economic order can be achieved.

Part – B (2 X 10 = 20 Marks)

Answer any TWO of the following questions. All questions carry equal marks. Answer to each question should not be less than 600 words:

7. Define National Power and discuss the key elements of National Power.
8. Discuss the problem of Core, Semi-Periphery and Periphery. Give examples.
9. Enumerate the Sources of International Laws and explain how international law is in flux since the early 20<sup>th</sup> Century.

Name : Register No.: 

## TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

## B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme

Forth Year – Seventh Semester, End-Semester Examinations (Odd-Semester), February 2019

## LAW OF DIRECT TAXATION

Time: 2½ Hours

Maximum Marks: 50

## Instructions:

- 1) You are allowed to use the Income Tax Act, 1961, without any comments or markings for this examination. No other material is allowed.
- 2) You are allowed to use a calculator for this examination.
- 3) You will not be allowed to borrow the bare act or calculator from any other student.
- 4) All questions are compulsory.

## PART-A (5 Questions X 4 Marks = 20 Marks)

Answer the following questions in 8 sentences or less:

1. Raj Malhotra transfers his house in Bangalore to Sahu Jain Trust for the benefit of Mr. Srirangam till his death. This transfer was irrevocable until the death of Mr. Srirangam. In whose hands will rental income from the house be taxed? Explain giving reasons.

## 2. Argument I:

“Any matter, including tax which has not been allotted exclusively to the state legislature under List II or List III falls within List I, including entry 97 of that list read with Article 248”.

## Argument II:

“The residuary powers of the union with regard to taxation can only be invoked when all three lists are silent with regard to a specific subject matter.

Which of the argument according to you is correct? Support your point using judicial decisions which clarify the scope of fiscal federalism in India.

3. Portia Ltd is a company which has trading business in India and Singapore. In AY 17-18. Portia earns Rs.600000 from trading business and Rs.300000 from rent in Singapore. Portia has 3 employees in India and 6 employees in Singapore, each earning Rs.40000 a month. Portia has 11 Crores of assets in India and 10 Crores of assets in Singapore. In the previous year, three board

meetings took place in India, three took place in Singapore and 1 took place in Malaysia. Portia's CEO is based in Singapore, but takes decision via Video Conference. Assuming no DTAA applies between India and Singapore, what is the total income of Portia in India?

4. Manik inherits a property worth Rs.100000 after the death of his father Ronny. However, as per the Ronny's will, Manik had the obligation to pay Rs.1000 every month to his mother. Manik lets out the property for Rs.10000 a month and asks the tenant to pay his mother directly. Manik does not take any of this money back from his mother. In whose hands will the house property be taxed? Give reasons for your answer.
5. Explain the idea of "charitable purpose" in the Indian Income Tax Act. Support your answer with leading cases on the point.

**PART-B (2 Questions X 7½ Marks = 15 Marks)**

**Answer the following questions in 12 sentences or less:**

6. Canonical U.S, is a corporation registered in the United States, plans to invest in India. To do this, Canonical forms a shell company in Singapore called Canonical Asia. Canonical Asia, purchases shares of Indian companies. As per the India-Singapore DTAA, profits earned by Singapore companies from dividends are taxable in Singapore and not taxable in India.

Tax in India Trust, a NGO, files a case challenging the India-Singapore DTAA. The trust claims that the treaty leads to loss of revenue for the Indian state.

- a. Is the method used by Canonical U.S. tax planning, tax avoidance or tax evasion? Explain the difference between these terms.
  - b. What do you think will be the result of this case, given the McDowells, Azaadi Bachao and Vodafone Judgements?
7. Pallav John Pahuja and his brother in law Eddy Lala Ambuja are shareholders in M/s. LEGO Quirky Trichy Industries (Private) Ltd. Incorporated in Srirangam, Tamil Nadu, the Company went into liquidation. Pursuant to a compromise decree in litigation between Mr. John and Mr. Lala and one of their college friend Kate Winslet, who was also a shareholder in the company. the assets of the company which included agricultural lands were distributed to all three of them ( hereinafter called appellants). The appellants thereby received 220 acres of the agricultural lands in the relevant accounting year. The Income Tax Officer charged the assessee under the relevant provisions of the Income Tax Act. The appellants filed their returns but claimed an exemption as the assets transferred to them were agricultural lands. The assessing officer did

not accept the contention of the assessee appellants that in terms of the definition of 'assets' in section 2(14), agricultural lands were entitled to be excluded while computing capital gains on assets received by the shareholder from a company in liquidation. Decide whether assessee shall or shall not pay the capital gain tax under these circumstances.

**PART-C (1 Question X 15 Marks = 15 Marks)**

**Answer the following question:**

8. Daniel, aged 46, is an Indian citizen who stays in Nepal. He comes to India for 94 days every financial year for business and work. In the financial year 2017-2018, he earns the following income:
  - a. Income from Salary paid to him by MMO Ltd for work done in India - Rs.900000
  - b. Income from Salary paid to him by MMO Ltd work done in Nepal - Rs.200000
  - c. Income from Diwali Bonus paid to him by MMO in Nepal - Rs.100000
  - d. Rent from residential house A in Bombay - Rs. 15000/month
  - e. Income from Noodle Business in Nepal - Rs.100000
  - f. Receipts from Sale of Property C bought in March 2005- Rs. 200000
  - g. Receipts from Shares of F company bought this financial year (STT paid)- Rs. 40000
  - h. Receipts from selling gold bought in June, 2006 - Rs.60000
  - i. Income from playing in Casino - Rs.50000
  - j. Rent from cultivated agricultural land- Rs. 2000/month
  - k. Income from sale of trees in land - Rs.5000
  - l. Income from Dividends of J, an Indian Company (DDT paid under Section 115O) - Rs.4000
  - m. Income from Bank Interest - Rs. 6000

**He also gives you the following information about his financial affairs:**

- (i) He took a loan for the construction of the residential house A, for which he paid interest of Rs. 50000 this financial year. He had an paid interest of Rs.40000 last financial year for the same loan.
- (ii) The municipal value of House A is Rs. 300000. Fair Rent is Rs.240000 and Rent Control Value is Rs.280000. He also has another house in bombay, House B whose municipal value is Rs.100000, fair value is 90000 and rent

control value is Rs.80000. Daniel stays in House B every time he is in India, but in the previous year let it out for 100 days when he was in Nepal for Rs.200/day. He paid municipal taxes of Rs.5000 for both houses.

- (iii) Daniel tried to start a Noodle business in India which had a loss of Rs.300000.
- (iv) The shares of F Company were bought for Rs.20000. The gold was bought for Rs. 10000 and the property was bought for Rs. 200000.
- (v) He lost Rs. 40000 in playing in a Casino in Nepal
- (vi) Daniel had invested Rs.200000 in the Public Provident Fund Scheme, He had also donated Rs.20000 to the Chief Minister's relief fund and Rs.10000 to a local charity registered under 12A.
- (vii) He had carried forward losses of Rs.100000 under the head of Short Term Capital Losses from last assessment year.
- (viii) MMO Ltd had deducted 10% of his total salary as TDS in AY18-19.

Calculate the total income of Daniel for AY 18-19. How much income tax does Daniel have to pay? Calculate the losses which can be carried forward and state till when the losses can be carried forward. Which returns does Daniel have to file, and when does he have to file it?

As per Notification No. So 1790(e) [no. 44/2017 (f. No. 370142/11/2017-tpl)], dated 5-6-2017, following table should be used for the Cost Inflation Index:-

	<i>Financial Year</i>	<i>Cost Inflation Index</i>
1	2001-02	100
2	2002-03	105
3	2003-04	109
4	2004-05	113
5	2005-06	117
6	2006-07	122
7	2007-08	129
8	2008-09	137
9	2009-10	148

	<i>Financial Year</i>	<i>Cost Inflation Index</i>
10	2010-11	167
11	2011-12	184
12	2012-13	200
13	2013-14	220
14	2014-15	240
15	2015-16	254
16	2016-17	264
17	2017-18	272
18	2018-19	280

Income Tax Slab Rate for AY 2018-19 for Individuals:

**1.1 Individual (resident or non-resident), who is of the age of less than 60 years on the last day of the relevant previous year:**

<b>Taxable income</b>	<b>Tax Rate</b>
Up to Rs. 2,50,000	<i>Nil</i>
Rs. 2,50,000 to Rs. 5,00,000	5%
Rs. 5,00,000 to Rs. 10,00,000	20%
Above Rs. 10,00,000	30%



Name : Register No.: 

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

B.Com. LL.B. (Hons) Degree Programme

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), February 2019

FINANCIAL SERVICES AND MARKETS

Time: 2½ Hours

Maximum Marks: 50

Part – A (5 X 3 = 15 Marks)

Answer any FIVE of the following questions:

1. Write short notes on Money Market Instruments
2. What is DIP Guidelines ?
3. Write short notes on:
  - a) Over The Counter Exchange of India (OTCEI)
  - b) Odd- Lot Dealers in Stock exchange
  - c) Off- Balance Sheet Financing
4. Write any two features of Stock – Invest?
5. What is Instalment – Credit System?
6. Write short notes on:
  - a) Consumer Finance
  - b) Syndicate Underwriting
  - c) Management Buy – In Venture Capital
7. What is Merchant Banking?
8. Write short notes on Exit Load in Mutual fund?

**Part – B (3 X 5 = 15 Marks)**

Answer any THREE of the following questions:

9. Explain the objectives of Financial Services.
10. Explain about the participants of Secondary Market.
11. Explain the process of Securitisation.
12. Explain the features of Credit Rating.
13. Explain the characteristics of Book Building.
14. Explain the characteristics of Leasing.

**Part – C (2 X 10 = 20 Marks)**

Answer any TWO of the following questions:

15. Discuss the Regulatory Frame Work of Financial Services.
16. Explain the different stages of Venture Capital Financing.
17. Explain the various functions of Merchant Banking.
18. Explain the different types of Factoring.

Name :

Register No.:

**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**B.Com. LL.B. (Hons) Degree Programme**

Second Year - Third Semester, End-Semester Examinations (Odd-Semester), February 2019

**LEGAL HISTORY**

Time: 2½ Hours

Maximum Marks: 50

**Part – A (10 X 1 = 10 Marks)**

Answer ALL the following questions:

Choose the Correct answer of the following:

1. The Egyptian Goddess of justice is known as
  - a. *Mithra*
  - b. *Nike*
  - c. *Ma'at*
  - d. *Justitia*
2. *Essays on Popular Government* was associated with
  - a. Henry Maine
  - b. Frederick William
  - c. H Baker
  - d. Hegel
3. Which among the charter introduced the system of appeals from India to the Privy Council in England?
  - a. Charter of 1661
  - b. Charter of 1726
  - c. Charter of 1753
  - d. Charter of 1774
4. Which among the Charter was responsible to establish a Municipal Corporation in Madras?
  - a. 1662
  - b. 1685
  - c. 1687
  - d. 1726

5. *Adalat* system in Bengal was established by
- Elijah Impey
  - Reza Khan
  - Hastings
  - Cornwallis
6. The term *Curia Regis* which means King's Council is derived from
- Latin term
  - Greek term
  - Persian term
  - Portuguese term
7. The Federal Court was established in 1937 at \_\_\_\_\_ with three judges
- Delhi
  - Bombay
  - Calcutta
  - Allahabad
8. Under the provision of Legal Professionals' Act, 1879 all six categories of legal practitioners were brought under the control of
- The Supreme Court
  - The High Court
  - Federal Court
  - None of the above
9. The Government of India Act of 1919 was also known as
- Minto - Morley Reforms
  - Montague Chelmsford Reforms
  - Indian Council Act
  - Chelmsford Reforms
10. Which among the act provided for the establishment of an All India Federation?
- Indian Council act of 1909
  - The Indian Council Act of 1892
  - Government of India Act of 1919
  - Government of India Act of 1935

**Part - B (5 X 4 = 20 Marks)**

Answer any FIVE of the following questions in 100 Words each:

- Define Legal History.
- Bring out the five forms of Roman Law.

- State the composition of the Mayor's Court.
- List out the merits and demerits of the Regulating Act, 1773.
- Compare Cornwallis' plan of 1787 with Warren Hasting's plan of 1781-1781.
- Trace out the features of the Pleaders, Mukhtars and Regeneue Agents Act, 1865.
- Write a short note on the Indian Bar Council Act, 1926.
- Give an account on the salient features of the Government of India Act, 1935.

**Part - C (2 X 10 = 20 Marks)**

Answer the following questions in detail:

- Throw light on the contributions of Henry Maine towards the growth of Legal History.

[OR]

Analyze the Jurisdiction of Indian High Court Act, 1861 with a special reference to the advantages of the unification of Supreme Courts and *Sadr Adalats*.

- Discuss the History and Basic Aims of Legal Education in India.

[OR]

Give an account on the role of the Constituent Assembly in framing Indian Constitution a special reference to its salient features.