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# TAMILNADU NATIONAL LAW UNIVERSITY



## QUESTION PAPERS

**END SEMESTER (EVEN-SEMESTER)  
EXAMINATIONS,  
MAY - 2023**

Name :

Register No.:

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**I Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**ENGLISH-II / BUSINESS ENGLISH -II**

Time: 2 hours

Maximum Marks: 30

**PART - A (3x10=30 Marks)**

Answer all the questions.

1. Please read the passage thoroughly and provide a linguistic response referring to the principles and aspects of academic writing and legal English.

Ground water is no private asset to be exploited limitlessly by any individual or corporation. It is cosmic wealth to be preserved in trust beyond the power of the state to barter away.

EVERY Indian, including every inhabitant of Perumatti panchayat in Kerala's Palakkad district, has a constitutionally guaranteed right to life, which is the foremost fundamental right. Here is a wake-up call for judges sounded by a great United States Judge:

"A judge should be compounded of the faculties that are demanded of the historian and the philosopher and the prophet. The last demand upon him - to make some forecast of the consequences of his action - is perhaps the heaviest. To pierce the curtain of the future, to give shape and visage to mysteries still in the womb of time, is the gift of the imagination. It requires poetic sensibilities with which judges are rarely endowed and which their education does not normally develop. These judges must have something of the creative artist in them; they must have antennae registering feeling and judgment beyond logical, let alone quantitative, proof" (Felix Frankfurter).

"Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps" (Thomas Jefferson).

"We need judges who are trained for the job, whose conduct can be freely criticised and is subject to investigation by a Judicial Performance Commission; judges who abandon wigs, gowns, and unnecessary linguistic legalisms; judges who welcome rather than shun publicity for their activities" (David Pannick QC).

Humanism and compassion are fundamental duties that are non-negotiable since Part IV-A of the Constitution articulates it with authority. Obviously, judges, executive functionaries and social activists are expected to use their power, imagination and influence to enable people, rich and poor, to enjoy their right to air and water and other biosphere- stratosphere-linked amenities and privileges, which are components of life and liberty under Articles 14, 19 and 21 of the Constitution, read together with Articles 39, 49A and 51 A as an integral human rights project operated in holistic harmony. What is often missed, but is constitutionally crucial, is that this ownership and control of the material resources of the community are, as a top priority, so distributed as to subserve the common good (Article 39-b). Equally fundamental in the governance of the country is that the state shall never allow the economic system to operate to aggravate the concentration of wealth and the means of production to the common detriment (Article 39-c).

Ground water is a great resource of people's good, beyond private ownership, and so indubitably belongs to the community that, sans its preservation as a quintessentially social asset, the water of wells, streams, rivers and the drinking water right of common humanity will suffer grave prejudice. This is obvious to anyone with sense and sensibility, aqua-patriotism and thirst-sensitive humanism. The state is guilty of irrational, arbitrary and inhumanity if this compassionate proposition is violated by corporate avidity. The court, as the perennial sentinel of the republic and oath-bound to command compliance with the mandates of the Constitution, shall use its writ jurisdiction and breathe reality into this hallowed cosmic jurisprudence. The might and majesty of the great judicial institution shall guard even the lowliest citizen in the discharge of his

fundamental duty to protect and improve ecology and environment, which include all universal blessings of a nation such as rivers, streams, tanks and wells whose very life diminishes or perishes if the basic level of ground water sinks below safety margin or pollutes its sweet innocence. By whom? By lucre-lustful "colas", carbides and toxic "affluenza" discharged by avaricious industries with malignant technology. If corporate robbery drains our ground water the basic structure of people's right to life is breached and constitutional values buried.

"To wipe every tear from every eye is our tryst with destiny" (Jawaharlal Nehru, August 15, 1947). The state and its instrumentalities, as broadly, creatively and catalytically understood in their humanist semantic dimensions, are obligated to fulfil the essential needs of the common folk who are victims of deprivation by global gargantuan corporations, especially foreign, who use their clout and operate with toxic technology and corrupt methodology. Joseph Stiglitz, once a leading adviser inside the World Bank, exposed what he eloquently underscored as "briberisation" of the governing classes of satellite countries, which are prone to policies often described by nationalists who cherish swaraj and self-reliance as "dependencia" syndrome.

Patriotic architect Jawaharlal Nehru, authentic nation-builder Mahatma Gandhi and the socialistic republic's proud constitutional Preamble notwithstanding, America and other nations of the North have adroitly manipulated and dubiously managed to rob our resources under the guise of "development" and the illusion of advance. Union Carbide and Coca Cola et al are illustrative of this Indian vulnerability. Patriotism, in this exploitative global context, if there are patriotic politicians left, must resist this menace, which may insidiously infiltrate into the limpet media and manufacture subject minds. This exotic invasion by multinational corporations (MNCs) will spell craven cultural prostration unless we launch aggressively a Quit India movement against the stratagems of mega-corporate recolonisers. In the absence of such a militant self-defence battle, we may quail and fail as a nation, free and egalitarian.

Ecology and environment, mandatory for human survival, deserve preservation and promotion without which economic self-reliance, people's well-being and the very right to life will suffer gravely.

IT is but right to dwell upon the controversy about Coca Cola driving down to the bottom base of Plachimada, using hi-tech processes which, the local people complain, deprives them of well storage and ground water resources and other aqua potential, thereby jeopardising the necessitous right of the community to water. This fatal intimidation by an MNC has to be read imaginatively in the context of the doctrine of public trust emphatically expressed by a bench of the Supreme Court. I quote from the head-note:

"The notion that the public has a right to expect certain lands and natural areas to retain their natural characteristic is finding its way into the law of the land. The ancient Roman Empire developed a legal theory known as the 'Doctrine of the Public Trust'. The Public Trust doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. The courts in [the] United States are finally beginning to adopt this reasoning and are expanding the public trust to encompass new types of lands and waters. There is no reason why the public trust doctrine should not be expanded to include all ecosystems operating in our natural resources.

"Our legal system - based on English common law - includes the public trust doctrine as part of its jurisprudence. The state is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The state as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership. Thus the Public Trust doctrine is a part of the law of the land" (1997 Supreme Court Cases 388).

Ground water is no private asset to be exploited limitlessly by any individual or corporation. It is cosmic wealth to be preserved in trust beyond the power of the state to barter away. The paramountcy of public rights in universal

property is a basic feature of public law too deeply entrenched in the divine dimensions of progressive jurisprudence that jejune judicialese cannot whittle it down. Nor shall judges blink at these timeless principles of vintage jurisprudence or allow it to wither away. The apex court, in a case of broadcasting claims of a cricket tournament, ruled that air waves have a cosmic dimension beyond private purchase by giant oligopolies at the expense of smaller claimants who have equal rights. Being a perennial reservoir of a socially indispensable source of human survival, none - not even the State - shall sap ground water since vintage human rights will then be mere mirage. Public rights and public law with infinite potential are a rare class of jurisprudence with a vision too sublime for manky legalists and moron jurists to interpret myopically, ignoring "earth democracy".

Carbide, Cola and mega-magnates cannot and shall not buy or bend our holistic and hallowed rule of law. "Small is beautiful", and when billion strong and boundless in resources, India shall not buckle under pressure from Big Business. That is India, that is Bharat and that is the meaning of meanings which the little Indian understands as democracy, not oligarchy in power through the incompetent many. The rule of law must run in aid of the rule of life and the judicature shall hold the human rights barricade to protect the least and the last no less than the billionaire barbarians who possess the money power to buy the biosphere.

THE conquest of Bharat through recolonisation using the GATT (General Agreement on Tariffs and Trade) is a dark plot of the West developed after the Second World War. Raeganomics is the American strategy of disguised robbery by the disingenuous operations of the World Bank and the International Monetary Fund (IMF). They operate through the fraudulent philanthropy of loans, aids and investments et al and the facilitatory mantras of globalisation, liberalisation, privatisation and marketisation. Money matters, man does not. Briberisation buys, self-reliance surrenders. America Inc., with its hidden agendas, corrupts, Indian tycoons collaborates. Stiglitz explained this global plot and won a Nobel Prize. I quote at length from a 1970 piece, which has burning relevance now: **The law locks up both man and woman who steals the goose from off the common, But lets the greater felon loose Who steals the common from the goose.- Anonymous**

2. Examine any literary texts/prose/poem you are already familiar with to substantiate traits like individualism, absurdity, fragmentation, polyphony, and non-linear narratives present in the text, along with the reading strategies you employed on such texts.
  3. Have you found it helpful to use Roman Jakobson and John Dryden's translation principles as a guide for translating? What are your thoughts on the various ideas surrounding the act of translation and its role in communication?
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**I Year B.A. LL.B. (Hons.) Degree Programme**  
**End Semester (Even-Semester) Examinations, May 2023**

**SOCIOLOGY – II (Indian Society)**

Time: 2 Hours

Maximum Marks: 30

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

**Answer all the questions between 1000-1200 words with appropriate examples.**

1. Discuss the term 'Tribe' and 'Aboriginals' in Indian Anthropological and Sociological discourse. What are post-Independence developments and what are the sociological gaps?
  2. How do you understand Indian Villages? What are the different types, and how is this represented in Indian Census?
  3. Discuss Mythology as a basic structure of religion. What are the Myths that you have encountered in your life and what symbolic truth has it taught you?
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**I Year - B.A. LL.B. (Hons.) Degree Programme**  
**End Semester (Even-Semester) Examinations, May 2023**

**HISTORY - I (History of Indian Subcontinent)**

Time: 2 Hours

Maximum Marks: 30

**Answer all the questions. All questions carry equal marks.**

1. The establishment of the Mauryan Empire could be viewed as the culmination or the consolidation of the material culture that came into being in the closing decades of the post Vedic period. Substantiate the statement by giving examples from the society, economy and polity of the Mauryan time.
2. Though some historians of medieval India treat the Bhakti Movements of South India and North India as if they were the same and assert that both were reform movements, the Bhakti Movement of South India was fundamentally different from those of North India. Analyze the statement by utilizing the scholarly works on the subject.
3. The Chola Empire is considered the Golden Age of medieval south India for its achievements in the fields of temple construction, literary productions and village assemblies. However, it was not the Cholas but the Pallavas who laid the foundation for such developments in the above mentioned fields. Analyze the factors that facilitated the new beginnings during the Pallava period.

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**End Semester (Even-Semester) Examinations, May 2023**

**POLITICAL SCIENCE – II (Political Obligations)**

Time: 2 hours

Maximum Marks: 30

**All questions carry equal marks**

**Answer all the questions. Each answer should not be less than 600 Words:**

1. *“As a part of the answer to the question what are the grounds of Political Obligation, D.D. Raphael has cited the idea that as the State rests on Social Contract individual has an obligation to obey the State and the laws of the State”*- Analyze the statement. Do you agree with this statement? Give reasons for your answer.
2. Give a detailed analysis of Upendra Baxi’s ideas as to how the colonial nature of the Indian Legal System could be attributed to the Crisis of Legitimation of Law in India.
3. Give a detailed analysis of the ideas of Henry David Thoreau on the ‘Right of Revolution’ and on ‘Disobedience to Unjust Laws’. Do you agree with his ideas? What are the opposing views to these ideas?

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**I Year B. Com. LL.B. (Hons.) Degree Programme**  
**End Semester (Even-Semester) Examinations, May 2023**  
**BUSINESS ECONOMICS**

Time: 2 hours

Maximum Marks: 30

**PART - A (3 x 10 = 30 Marks)****Answer all the questions.**

1. Assume that you are one among the public policy makers, keeping in view the features of oligopoly market what measures would you suggest to your colleagues to prevent cartelization? Address the issue from a law and economics perspective with special reference to land mark cases.
  2. Keeping in view the advantages and disadvantages of information asymmetry theory advanced by George A. Akerloff, discuss how does information asymmetry lead to adverse selection and moral hazard, suggest measures to achieve market efficiency.
  3. Banks are the most important sources of loanable fund market, keeping in view the determinates of supply and demand for loanable fund create in the market, determine the interest rates in the market and establish an equilibrium, explain it with the help of a graph and illustrate it to a person who has no knowledge of loanable funds with suitable examples.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**I Year B.Com. LL.B. (Hons.) Degree Programme**  
**End Semester(Even-Semester) Examinations, May 2023**

**MARKETING MANAGEMENT**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions. All questions carry equal marks.**

1. Select any three products, which are in the Introduction, Growth and Maturity stages of their life cycles and analyse the marketing strategy that is being adopted by the respective companies.
  2. You're a marketer of a bath soap. You want to introduce a new bath soap in the existing product line. How can you design the advertisement in the light of the 5 Ms strategy of Philip Kotler?
  3. Some marketers feel that the image of the channel doesn't matter - all that matters is that the right customers shop there and the product is displayed in the right way - comment.
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**I Year - B.Com. LL.B. (Hons.) Degree Programme**  
**End Semester (Even-Semester) Examinations, May 2023**

**RESEARCH TOOLS FOR BUSINESS DECISION MAKING**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions:**

1. "A secondary source of data is not as reliable as a primary source of data in research". Analyse this statement in detail with the help of examples.
2. Two samples are drawn from Normal Populations. From the following data test whether the two samples have the same variance at 5% level using F test. (Given that the Table value of F at 5% level of significance for degree of freedom(9,7) is 3.68)

<b>Sample 1</b>	60	75	71	74	76	82	85	87		
<b>Sample 2</b>	61	66	67	85	78	63	85	86	88	91

3. The following table gives the number of refrigerators sold by 4 salesmen in three months May, June and July: Perform a Two – way ANOVA on the data given below:

Month	Salesmen			
	A	B	C	D
May	50	40	48	39
June	46	48	50	45
July	39	44	40	39

Test whether there is significant difference in the sales made by the four salesmen? and test whether there is significant difference in the sales made during different months? [Given that the table value of F at 5 % level of significance for (3,6) degree of freedom is 4.76 (Table value) and for (2,6) degree of freedom is 5.14 (Table Value)].

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**End Semester (Even-Semester) Examinations, May 2023**

**FAMILY LAW - I**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions. All questions carry equal marks:**

1. According to the Holy Quran,

*“Man was created weak, to mean that his decisions are vulnerable. The very concept of institutionalizing marriage in Islam through a contract is to remind that the parties to the marriage may err in their decision and they may fall apart in conflict to remain as united. Marriage as a contract guarantees both parties permanent rights and obligations. The Holy Quran, therefore, recognizes the right to divorce equally for both men and women.”*

In this context, consider the following situations:

- a. On a hot summer day, Sultana Begum waits for her turn at Sakshi, an NGO. Covered in a *burqa*, her fists are clenched as first aid was being provided to her. Her husband had poured boiling milk on her. She refused to lodge a complaint with the police but approached the organisation to help her get a divorce. The abuse started in 2020, two-and-a-half-years after she got married, and a year after triple *talaq* was banned. Sultana’s husband wants to marry another woman and hence has started pushing Sultana to file a *Khula*.
- b. Nazeeni is not happy with her married life. Her husband who is a workaholic hardly spends any time with her or even acknowledges her existence. Having lost interest in their relationship, Nazeeni initiates *Khula*. Though her husband is ready to accept, he decided to make the most of the situation. He demands money to sign

the *Khula* papers. Nazeeni approaches the personal law board, and she is informed the below:

“*Khula* is dependent on both husband and wife agreeing to end marriage after a woman initiates the proposal. The husband reserves the right to accept or reject her demand for *Khula*.”

Now critically analyse the following:

- i. Is *Khula* initiated by the wife at her free will in all cases?
  - ii. Can *Khula* be invoked by the wife without the cooperation/consent of the husband?
  
2. Charu and John were working in ABC Technology Pvt. Ltd. In December 2012 they were put on the same team and had to work on the same project. During this time, they spent a lot of time together and understood that both had a similar perspective regarding lot of things. They liked each other and decided to move in together, since they did not believe in the institution of marriage as such. Initially it was all fine. They together invested in a plot of land.  
In 2018 there was a huge layoff in their company and Charu lost her job. John had to support both of them. Charu kept attending interviews desperately trying to get a job. On one such day while on her way for the interview Charu met with an accident and had to be hospitalised. John did not want to bear the financial burden anymore and decided to move out. Charu tried convincing him to stay back but failed miserably. Unable to maintain herself, Charu filed for maintenance under Section 125 Cr.P.C. Will she succeed? Decide with relevant judgements.  
Will the decision be different if it was a same-sex couple.
  
3. “Whenever a question arises before a court pertaining to the custody of a minor child, the matter is to be decided not on considerations of the legal rights of the parties but on the sole and predominant criterion of what would best serve the interest and welfare of the minor”- Analyse the statement with relevant provisions under Guardians and Wards Act, 1890 and decided cases.



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**End Semester (Even-Semester) Examinations, May 2023**

**LAW OF CONTRACTS - I**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions. All questions carry equal marks.**

1. K & D Books entered into a contract with Ms. Devasree Patnaik, a novelist to publish her new novel with the 'Bhopal Gas Tragedy' as the background. The contract stated that they would release and publish 1000 copies of the novel on 21st March 2023. K & D Books will pay an amount of Rs.50,000/- for the first edition and thereafter 25% profits of each further set of prints.

Ms. Devasree Patnaik made the final draft and sent it to K & D Books on 15th March 2023. As per their advice, Ms. Devasree engaged Evergreen Event Management to make arrangements for the book release function. The Evergreen Event Management invited and blocked the date of Chander Kapoor, a superstar of Bollywood to release the book.

K & D Books refused to publish the final draft, received from Ms. Devasree, on 18th March 2023. Ms. Devasree was approached by Aswathy Publications who made an offer of Rs. 35,000/- for the First edition and 15% of profits for each further set of editions. Ms. Devasree accepted the offer from Aswathy Publications. Aswathy Publications agreed to organise the book release function on 21st March 2023 but not through Evergreen Event Management Company and with another chief guest. Chander Kapoor's office sent a notice to K & D Books to claim the cost of air tickets and hotel charges he had incurred for the release event. Decide.

2. Shine & company owned a very vast area of land in Chennai. In order to develop the land and make it fit for residential purposes, the company decided to divide the land

into small plots and sell them. The company made certain agreements for the sale of plots with various purchasers and received deposits of money for the same.

As per the agreement, the company took the responsibility of constructing all the necessities for residential purpose such as roads/ drainage system and no time limit was specified for it. After all such construction was done, the company shall receive the complete payment from the buyers of the plot and convey the land to the respective buyers.

Ms. Ganga, one of the purchasers, gave the advance money deposit of Rs 1000/- on 15<sup>th</sup> August 2010 and entered into an agreement with Shine & Co. Subsequently in 2013, Metro rail project was announced by the government in the vicinity of the land belonging to Shine & Co., and the Government decided to take over the land for setting up temporary tents for the workers involved.

As a result of this development, Shine & Company decided to treat the contract with the purchasers as cancelled due to the impossibility of further construction and sale. And they communicated it to the purchasers.

Two options were put forth by the company to the purchasers:

1. To take back the earnest money or
2. To pay the entire consideration amount to the company and once the Government vacates the land, the company would finish its construction work.

Ms. Ganga refused both the available options and decided to file a suit on 20 January 2015 against the company, claiming that there is no impossibility of performance in the instant case and the company is bound to perform the contract as per the terms. Decide the case with relevant provisions under the Indian Contract Act and case laws.

3. "It is not in every case in which a man has benefitted by the money of another that an obligation to repay that money arises. The question is not to be determined by nice considerations of what may be fair or proper according to the highest morality. To support such a suit there must be an obligation express or implied to repay" – Analyse the statement with relevant provisions under the Indian Contract Act, 1872 and decided cases.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**II Year B.A. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**HISTORY – II (History of Colonialism, Nationalism and Communalism in India)**

Time: 2 Hours

Maximum Marks: 30

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

**Answer all the questions:**

1. The English East India Company struggled hard to establish trading centers in the heartland of the Indian subcontinent during the 17<sup>th</sup> century and it succeeded in not simply establishing its trading centers but also succeeded in eliminating its European counterparts, such as the Danes and the French, in the eighteenth century. Thus, a powerful military and political rule was established by a modern trading company. Why and how did the British East India Company succeed where the French, Dutch and Dane East India Companies failed? Substantiate your answer with examples.
2. 19<sup>th</sup> century British India witnessed emergence of quite a few social and religious reform movements that questioned some of the social and religious practices which these reformers found to be unscientific and irrational in the light of European rationalism and humanitarian principles. After the Indian National Congress was established some nationalist leaders like Bal Gangadhar Tilak claimed that the social reform ideas were a product of colonial conspiracy. What prompted people like Tilak to oppose the social reform agenda and how do you see the relationship between social reform and the Indian National Congress?
3. "The history of the Indian national movement, unfortunately, was also a history of communalization of Indian society" asserts K.N. Panikkar, historian of Modern India. Do you see any rationale behind the statement? Substantiate your answer with suitable examples.

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

**SOCIOLOGY – III (Sociology of Law)**

Time: 2 Hours

Maximum Marks: 30

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

**Answer all the questions between 1000-1200 words with appropriate examples.**

1. Explain the five building blocks of ideology and its contradictions, according to Marx. Do you agree with Marx's analysis of ideology?
  2. How have the Human Sciences redefined 'Power' in the modern State? Give examples.
  3. How do you experience the process of Rationalization and four types of Rationality in your everyday life?
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**End Semester (Even-Semester) Examinations, May 2023**  
**POLITICAL SCIENCE (Political Theory and Organizations)**

Time: 2 Hours

Maximum Marks: 30

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

**Answer all the questions. Each Answer should not be less than 600 Words.**

1. "Anarchism regards political authority, in any of its forms, as unnecessary and undesirable" – Critically analyze the statement.
2. Marxian Theory sanctions the case of political non-obligation in the pre-revolutionary stage, total political obligation in the revolutionary stage and its eventual conversion into social obligation in the post-revolutionary stage of social development. Critically analyze the statement.
3. "Political thinkers have no unanimity of opinion in answering the question whether to make the laws should there be two chambers or one chamber is sufficient"- Analyze this statement and discuss critically the arguments in support of Bicameralism.

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**II Year B.Com. LL.B. (Hons.) Degree Programme**  
**End Semester (Even-Semester) Examinations, May 2023**  
**COST AND MANAGEMENT ACCOUNTING**

Time: 2 Hours

Maximum Marks: 30

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

Answer all the questions.

1. "Management Accounting is the presentation of accounting information in such a way as to assist the management in the creation of policy and in the day-to-day operations of the undertaking" – Elucidate the above statement giving suitable illustrations.
2. The following is the Balance Sheet of Dhoni Ltd. as on 31<sup>st</sup> March 2008.

**Balance Sheet of Dhoni Ltd. as on 31<sup>st</sup> December**

<i>Liabilities</i>	<i>Rs.</i>	<i>Assets</i>	<i>Rs.</i>
Equity Share Capital	1,20,000	Fixed Assets	3,80,000
7 % Preference Share Capital	30,000	Less: Depreciation	1,00,000
Reserves and Surplus	85,000		2,80,000
6 % Mortgage Debentures	1,50,000	<b>Current Assets:</b>	
<b>Current Liabilities:</b>		Cash	20,000
Creditors	14,000	Investments	40,000
Bills Payable	22,000	[Govt. Securities @ 10% interest]	
Outstanding expenses	3,000	Sundry Debtors	44,000
Taxation Provision	30,000	Stock	70,000
	<b>4,54,000</b>		<b>4,54,000</b>

Other Information:

[1] Net Sales	Rs.6,50,000
[2] Cost of Goods Sold	Rs.5,36,000
[3] Net Income before Tax	Rs.50,000
[4] Net Income after Tax	Rs.25,000

Calculate the following ratios from the given information 1. Current Ratio 2. Liquid Ratio 3. Proprietary Ratio 4. Debt Equity Ratio 5. Ratio of Fixed assets to Proprietors Funds 6. Interest Coverage Ratio 7. Gross Profit Ratio 8. Net Profit Ratio 9. Return on Shareholder's Fund 10. Return on Capital Employed.

3. From the following Balance Sheet of Mr. Williams prepare a Cash Flow Statement

<i>Liabilities</i>	<i>2012</i>	<i>2013</i>	<i>Assets</i>	<i>2012</i>	<i>2013</i>
Capital	5,00,000	6,12,000	Land & Building	3,00,000	4,40,000
Sundry Creditors	1,60,000	1,76,000	Plant & Machinery	3,20,000	2,20,000
Mr. Williams' Loans	1,00,000	-	Stock	1,40,000	1,00,000
Loan from Bank	1,60,000	2,00,000	Sundry Debtors	1,20,000	2,00,000
			Cash	40,000	28,000
	<b>9,20,000</b>	<b>9,88,000</b>		<b>9,20,000</b>	<b>9,88,000</b>

#### **Additional Information**

A machine costing Rs. 40,000 (accumulated depreciation Rs.12,000/-) was sold for Rs.20,000/-. The provision for depreciation on 31.12.2012 was Rs. 1,00,000/- and on 31.12.2013 Rs.1,60,000/-. The net profit for the year 2013 was Rs.1,80,000/-.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**II Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**CONSTITUTIONAL LAW - II**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions. All Questions carry equal marks.**

1. In the Country of Indica, a controversial bill has been introduced in the legislative assembly and has generated significant public opposition. The controversial bill introduced in the legislative assembly by the ruling party, the Indica National Congress (INC), is called the Indica State Reservation (Amendment) Bill, 2023. The bill seeks to amend the existing reservation policy in the state to provide additional quotas for a particular community that has been demanding inclusion in the list of reserved categories for several years.

However, the bill has been criticized by various opposition parties, civil society groups, and activists, who argue that it is unconstitutional and discriminatory. The opposition parties have also accused the ruling party of playing vote bank politics and pandering to a particular community at the cost of the larger public interest. The controversy surrounding the bill has generated significant public attention and media coverage, with various stakeholders expressing their opinions and concerns.

The ruling party in the state, the Indica National Congress (INC), issues a whip to all its members directing them to vote in favour of the bill. However, one member of the INC, Mr. Balakrishnan, who belongs to a dominant community in the Country, decides to vote against the bill, citing pressure from his community members.

In response, the party initiates disciplinary action against Mr. Balakrishnan for violating the party whip. Mr. Balakrishnan argues that he was exercising his right to vote based on the interests of his constituents, which is protected by parliamentary privileges. The



Speaker of the legislative assembly, Mr. Kumar, initiates proceedings to disqualify Mr. Balakrishnan under the anti-defection law, which prohibits members from voting against their party's official position. Amidst these discussions, some of the INC members decided to leave the party by claiming that they were the founding and the original members of the party and their intention only was the true intention of the party, which in brief, was against the Bill.

Determine whether Mr. Balakrishnan's actions were protected by parliamentary privileges or whether he violated the anti-defection law, in light of the relevant provisions in the Constitution of India relating to parliamentary privileges and anti-defection law, and the decided cases?

*Note: The Constitution of India is parimateria with the Constitution of India, 1950.*

2. India is a Union of States and Texa is one of the States in India. Texa has its own State legislative assembly, wherein the people are elected by the domiciles of the State and thus, the legislative assembly takes all the pertinent decisions concerning the administration in the State. The relations between the Centre and the State are governed by the Constitution of India and the relevant provisions therein. However, a clear demarcation of the subject-matter jurisdiction of the State legislative assembly and that of the Parliament of India is done in Schedule VII of the Constitution in the form of 3 lists.

In the present case, your friend, Shrikant enrolled himself in the First Year Law Course at St. Xavier's University located in State Texa, in the year 2021. He was admitted to the class where the instruction was given in English. After successfully completing the first year of the Course, he was required to fill in a separate form for admission to the 2nd Year.

However, at the time of filing the form, the Principal of the College informed Shrikant that, post the amendment in the Texa Universities Act, 1949 by the State Government, all the English medium classes have been cancelled and all the students are compulsorily required to attend classes only in the regional language (Texon) of the State Texa.

Consequently, Mr. Vijay Kamal, Shrikant's father, petitioned the University's Vice Chancellor for permission to enroll Shrikant in "English medium studies" at St. Xavier's Law College. However, the same was denied and Shrikant was "permitted to maintain

English as a medium of examination only” and not for instruction. Aggrieved by this, Mr. Vijay Kamal filed a writ petition under Article 226, challenging the writs requiring the University and the Principal of the College not to enforce the provisions requiring mandatory teaching in regional language, as introduced in the University Act by way of an amendment by the State Legislative Assembly.

While challenging the amendment, Mr. Vijay Kamal relied on the following entries from Schedule VII and contended that the State Government does not have the power to legislate on the matters such as, an exclusive language:

*List I, Entry 66 - Co-ordination and determination of standards in the institutions for higher education or research and scientific and technical institutions.*

*List II, Entry 11- Education including universities, subject to the provisions of entries 63, 64, 65, and 66 of List I and entry 25 of List III.*

*List I, Entry 63 – The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University, and the 1[Delhi University; the University established in pursuance of article 371E;] any other institution declared by Parliament by law to be an institution of national importance.*

*List I, Entry 64 – Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.*

*List I, Entry 65 – Union agencies and institutions for—*

- (a) professional, vocational, or technical training, including the training of police officers; or*
- (b) the promotion of special studies or research; or*
- (c) scientific or technical assistance in the investigation or detection of crime.*

*List III, Entry 25 - Education, including technical education, medical education, and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.*

After perusing the aforementioned Entries, the High Court of the State of Texa concluded that Item 11 of List II vests only in the States the authority to legislate in matters of basic

or secondary education, and that power to legislate on the medium of instruction in institutions of primary or secondary education must thus lie with the State Legislatures.

The authority to legislate on the medium of instruction is not a separate legislative head; it is vested in the State Legislatures that have the ability to legislate on education unless it is taken away by required intention to the contrary. The authority to legislate in respect of the medium of instruction shall be regarded to vest in the Union under Entries 63 to 65, taking into account the breadth of those entries.

Entry 66 of List I declares that the Union has the power to legislate with regard to the medium of instruction insofar as it has a direct bearing and impact on the legislative head of coordination and determination of standards in institutions of higher education, research, and scientific and technical institutions.

The State has the authority to establish curricula and courses of study at the institutions listed in Entry 66 (but not those listed in Entries 63 to 65), as well as to specify the medium in which instruction shall be delivered. However, the Union Parliament has overriding legislative authority to guarantee that the syllabi and courses of study mandated, as well as the medium chosen, do not degrade educational standards or make coordination of such standards impossible or difficult, whether on an all-India or other basis.

Although the Union's and States' powers are listed separately in the Exclusive Lists, some overlap is unavoidable. It is impossible to devise a universal test that would provide an answer to every issue that may arise on this subject. On the one hand, it is unquestionably within the State Legislature's purview to establish syllabi and courses of study, as well as to specify the medium or media of teaching.

On the other hand, the Union has the ability to legislate with regard to the medium of instruction in order to guarantee coordination and determination of standards, i.e., to ensure that standards are maintained or improved.

The fact that the Union has not legislated to the full extent of its powers, or has abstained from doing so, does not give the State the ability to legislate on a topic designated to the Union by the Constitution. It does not follow, however, that there will not be legislative provisions in enactments establishing each in furtherance of separate exclusive and different authorities that may clash even within the authorised relative domains. Then

there's the issue of repugnancy and paramountcy, which would have to be decided using the challenged enactment's "doctrine of pith and substance."

Thus, the High Court concluded that the University was well within its rights in mandating the use of the regional language as a medium of teaching to gradually supplant English. Aggrieved by this decision of the High Court, Mr. Vijay Kamal files an appeal before the Hon'ble Supreme Court of Indica.

In light of the aforementioned factual matrix, decide the appeal preferred by Mr. Vijay Kamal against High Court applying relevant doctrines and case laws.

*Note: The Constitution of Indica is parimateria with the Constitution of India, 1950.*

3. Indica is a Union of States and thus, has a Central Government, in the capital of the Country. The Central Government consists of the majority of representatives from the Indica Janta Party (IJP), which is known to be a right-wing party in the Country.

Senior Advocate Mr. Ventakesh is a practicing advocate in the Supreme Court of Indica. He is a very famous advocate in the country and has been the mind behind various judgments including recent landmark judgments in the country on the rights of women, acid attack survivors, adultery as an offence, and the right of the LGBTQ+ community. He has also been representing the Union of Indica in various cases in foreign courts and has helped millions of people get justice in his 40 years of vast career. Mr. Ventakesh is a strong believer in the communist ideology and has always strived to secure social equality in the nation.

Considering his distinguished contribution to Indica's legal system, the Supreme Court collegium recommended Mr. Ventakesh's name for appointment as the next judge in the Supreme Court of Indica to the Central Government. The Central Government, then as a part of the general procedure, gave Mr. Ventakesh's name to the Intelligence Bureau (IB) to conduct certain background checks. The IB after conducting the background check found that Mr. Ventakesh is an openly gay individual and his partner is a Pakistani national and therefore, citing security reasons the Central Government, requests the Supreme Court collegium to reconsider its recommendation. In addition to the aforementioned, the Central Government also cited Mr. Ventakesh's openness about his sexual orientation as a ground for reconsideration, with the rationale that the same will create a bad precedent in the Country of Indica and will outrage the public morals which are against homosexual relationships.

The Law Minister further stated that,

*Even though homosexuality has been de-criminalized in India, same-sex marriage still remains bereft of recognition either in the codified statutory law or uncodified personal law in India.*

*Moreover, the candidate's ardent involvement and passionate attachment to the cause of gay rights, would not rule out the possibility of bias and prejudice.*

Upon receiving the reply from the Central Government, the Supreme Court collegium first expresses its disappointment about the unnecessary delay being caused in the appointment of such a meritorious individual and then replies to both the objections so raised by the Central Government as follows:

*As regards the first objection, the communications of IB do not reflect any apprehension in regard to the individual conduct or behaviour of the partner of Mr. Ventakesh having a bearing on national security. Further, many persons in high positions including present and past holders of constitutional offices have and have had spouses who are foreign Nationals. Hence, as a matter of principle, there can be no objection to the candidature on the ground that his partner is a Foreign National.*

*As regards the second objection, it needs to be noted that the decisions of the Constitution Bench of this Court have established the constitutional position that every individual is entitled to maintain their own dignity and individuality, based on sexual orientation. The fact that Mr. Ventakesh has been open about his orientation is a matter which goes to his credit.*

*As a prospective candidate for the judgeship, he has not been surreptitious about his orientation. In view of the constitutionally recognized rights which the candidate espouses, it would be manifestly contrary to the constitutional principles laid down by the Supreme Court to reject his candidature on that ground.*

*Mr. Ventakesh possesses competence, integrity, and intellect. His appointment will add value to the Bench of the Supreme Court and provide inclusion and diversity. His conduct and behaviour have been above board. It may have been advisable for the candidate not to speak to the Press concerning the reasons which may have weighed in the recommendation of the Collegium being sent back for reconsideration. However, this*

*aspect should not be considered a negative feature, particularly since the name has remained pending for over five years.*

*The overwhelmingly positive aspects of the candidature of Mr. Ventakesh must, therefore, weigh in the balance. In this backdrop, the Collegium resolves to reiterate its recommendation for the appointment of Mr. Ventakesh as a Judge of the Supreme Court which needs to be processed expeditiously.*

Despite this response, the IB and the Central Government, stood strong on their decision and recommended the Collegium to reconsider their decision again.

In this backdrop:

1. Trace the evolution of the appointment procedure of Judicial Officers in the Country. List down and explain the essential elements that should be considered before appointing one as a Judge.
2. Critique the existing system of judicial appointment in the Country. Whether the existing system of judicial appointment in the country should be revisited? If yes, what are the alternatives available?
3. Decide, in light of the legal provisions, principles, and decided case laws, whether Mr. Ventakesh should be appointed as a Judge in the Supreme Court.

*Note: The Constitution of Indica is parimateria with the Constitution of India, 1950.*

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**II Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**JURISPRUDENCE**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions. All questions carry equal marks.**

1. Lit-am Duan is a state in the country of Aidin. Yanaikattu is a traditional elephant-taming sport practised for centuries in the state of Lit-am Duan. The practice is believed to have originated as a way for young men to display their courage and strength, as well as to select the best elephants for breeding purposes. Elephants are considered a symbol of wealth and prosperity in Lit-am Duan, and owning a strong Elephant was seen as a mark of prestige. In 2014, the Apex Court of Aidin banned the conduct of Yanaikattu as it violates Aidin's law on animal cruelty which was passed in 1960. The people of Lit-am Duan started a protest against the decision. Subsequently, in 2016, the state legislature of Lit-am Duan prepared an ordinance to bring in a state amendment to the 1960 Act to facilitate the organization of Yanaikattu in Lit-am Duan.

Based on the above facts, critically analyse the legal claim and legal burden that exists between the following parties while delineating the Hohfeldian analysis of legal rights.

- i. People of Lit-am Duan and the Apex Court of Aidin.
- ii. State Legislature of Lit-am Duan and the Apex Court of Aidin
- iii. People of Lit-am Duan and the Elephants.

Note:

- *The laws of Lit-am Duan and Aidin are parimateria with the laws of Tamil Nadu and India respectively.*
- *Prevention of Cruelty to Animals falls under the Concurrent List of Schedule 7 of the Indian Constitution.*

2. Panem is a Union of States. It is a diverse country with people following different religions, customs and traditions. The Supreme Court of Panem decriminalised homosexual sexual intercourse by striking down Section 377 of the Panem Penal Code in 2018.

Following this decision by the Supreme Court, the Parliament of the country proposed the following law:

*'Homosexual couples shall not be allowed to register their marriage under the laws of Panem and they are devoid of any rights that arise out of the institution of marriage including the right to succession, inheritance, restitution, alimony, maintenance, etc.'*

The aforementioned law led to a hue and cry in the country, especially by the members belonging to the LGBTQIA+ community, stating that their Constitutional rights of equality and liberty were violated.

However, the State justified the law on the following grounds:

- *That the State has the authority to regulate the institution of marriage.*
- *Legalising homosexual marriages would impact more than 160 provisions under various legislations which are currently in force.*
- *The State further highlighted that a majority of Panem's citizens do not support homosexual marriages, rendering nominal recognition meaningless without societal validation or legitimacy.*

Evaluate the law and the justifications advanced by the State from the perspective of the Positivist, Historical and Realist schools of thought.

*Note: Panem is a country which has similar legal, historical and sociological features as India.*

3. Mr. Yeanthiran enrolls as a student in the Indian Robotics School in 2021. At the time of admission, he signs an undertaking for the provision of hostel rooms to the students. The form consists of a clause that reads *'the hostel rooms of the Institution shall be checked by the hostel-in-charge at 10:00 PM every day'*.



However, one day Mr. Yeanthiran refuses to let the hostel-in-charge check his hostel room. He claims that he had the right of possession over the hostel room and also the right to privacy and hence he has the right to deny entry to anyone. When reminded of his undertaking, he argues that his right to privacy and right of possession *trump* all the other rights.

The hostel-in-charge warns Mr. Yeanthiran that he will be reported to the Management of the Institution and further be removed from the said hostel room.

Based on the above situation, answer the following questions with the help of Jurisprudential arguments:

- i. Does Mr. Yeanthiran have the right of possession over the hostel room and a right to privacy to deny entry to the hostel-in-charge?
  - ii. Does the management have the right to remove Mr. Yeanthiran from the hostel?
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**II Year - B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**PROPERTY LAW**

Time: 2 hours

Maximum Marks: 30

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

**Answer all the questions:**

1. Magda mortgaged her property to Bruno. Magda also agreed in the mortgage deed that if she wants to sell the property during the subsistence of the mortgage, she shall sell it only to Bruno at a stated price. Subsequently, Magda sold the property to Weronika. Bruno filed a suit for specific performance.

**Decide with relevant case laws.**

2. Jenga makes a gift of all his properties to his friend Mikado. However he made no mention of his debts. Is any remedy available to the creditors?

**Decide with relevant case laws.**

3. Mr. Daly and Mr. White entered into a rent agreement whereby Mr. Daly agreed to give his house on rent to Mr. White for a period of ten years and for a monthly rent of Rs 25,000/-. In furtherance of the same, a registered lease deed was executed between Mr. Daly and Mr. White. The lease deed specified that the rent shall be paid by Mr. White on the tenth day of every month to Mr. Daly and in the event of failure to pay rent for three consecutive months, the lease shall stand terminated. Mr. White failed to pay rent for three months and Mr. Daly filed a suit for eviction against Mr. White.

**In the light of the given facts, decide whether Mr. Daly can succeed in a court of law. Also, discuss the measures Mr. White can take to avoid eviction from the house.**

4. Riam executed a sale deed on 15.02.23 to transfer his flat in Mumbai in favour of Siam for a consideration of Rs. 50 lakhs. The sale deed was registered on 25.02.23. The sale deed did not specify any condition upon fulfillment of which transfer of title would have taken place. Siam paid Rs. 25 lakhs as part of the consideration on 01.03.23 and the remaining amount was to be paid before 31.03.23. However, till 20.05.23, the remaining 25 lakhs of the consideration was not paid by Siam to Riam.

**In the light of the given circumstances, decide whether there has been a transfer of title in favour of Siam. What remedy can Riam have against Siam for non-payment of the remaining consideration amount?**

**PART – B (2 x 5 = 10 Marks)**

**5. COMMENT ON THE FOLLOWING:**

- a. Doctrine of Part Performance
  - b. Doctrine of Lis Pendens
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
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**End Semester (Even-Semester) Examinations, May 2023**

**ADMINISTRATIVE LAW**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions:**

1. The Country of Naznia faced severe drought due to which farmers were heavily affected. Hence, the Central Government of Naznia set up the Naznian Board of Farmers Rehabilitation to help farmers overcome the financial strain. The employees of the Board were appointed by the Central Government, i.e the Ministry of Agriculture and Farming of Naznia. Meera was one such appointed employee in the Naznian Board of Farmers Rehabilitation. The Board held a Bank Account at the State Bank of Naznia where the funds to be used to rehabilitate the farmers were deposited as per the grant from Central Government. Meera was the employee who was given access to the Bank Account. In this situation, after three months of the functioning of the Board, it was noted that there was discrepancies between the accounts maintained and the actual amount spent on rehabilitation. Kannan, another employee of the Board being suspicious of Meera, complained to the Chairman stating that Meera was misappropriating funds from the Board's Bank Account. Kannan also informed that he will post a testimony against Meera and requested that quick action must be taken or else Meera will take away more funds. On hearing this, the Chairman immediately contacted the State Bank of Naznia to remove Meera's access to the account. However, the bank required a documented communication and hence, the Chairman issued an order dismissing Meera as an employee. The dismissal order was sent to the bank as well as to Meera. Meera was shocked to find such a dismissal order issued to her. After two days of passing the order, Meera was issued a

notice to attend disciplinary proceedings. Substantiate with case laws (case laws of Naznia are in pari materia to case laws of India) as to

- (i) Whether right to fair hearing is observed in this case on hand and whether the authority is justified in holding a post decisional hearing? **(5 marks)**
- (ii) Whether Meera should be allowed to cross examine Kannan in the disciplinary proceedings? **(2 marks)**
- (iii) Whether Meera can have a right to request Legal Representation provided that no lawyer or legal practitioner is going to appear on the other side? **(3 marks)**

2. Decide the following questions in the positive or negative, substantiating with relevant concepts and case laws if any.

- (i) The Chief Minister of a state undertook a proposal to nationalize certain bus routes so that he could take revenge on the private bus operators on those routes who belonged to his political opponents. Whether the Chief Minister has abused his discretion? **(3 Marks)**
- (ii) The Principal of a nursing college denied appointment to a candidate most qualified for the post and gave appointment to the 3rd most qualified person because the 3rd most qualified person wore the most beautiful saree out of all the candidates. Whether the Principal has abused her discretion? **(3 Marks)**
- (iii) The Code of Conduct rules of the State Bank states that a bank manager can be issued a warning memo against, to the minimum and can be dismissed from service, to the maximum, as a punishment for indiscipline in the office. Mr. Harish, one day, slept during an important meeting and for the same was dismissed from service. Whether Mr. Harish can argue against his dismissal order? **(4 Marks)**

3. The Classification of function into sovereign and non-sovereign is of no significance, nowadays, to claim damages. Comment. **(10 Marks)**

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
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**End Semester (Even-Semester) Examinations, May 2023**  
**ECONOMICS - III (Law and Economics)**

Time: 2 hours

Maximum Marks: 30

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

**Answer all the questions.**

1. Assume that a new firm wants to produce in your state, you being an attorney of this state and having clear understanding of features and characteristics of Solomon's Knot, how will you resolve double trust dilemma among new investors in your state in the context of Law and Economics. Elucidate with suitable examples in the context of property rights.
2. "A contract, being an origin of a correlative set of rights and obligations for the parties, would be of no value, if there are no remedies to enforce the rights arising there under." How will you assign remedies for breach of contract? Explain from a law and economics perspective.
3. Economic theory of Criminal Law consists of positive and normative approaches, Becker developed his model based upon the economic cost of crime from the Presidents Commission Report 1967, he further states, "crime is an economically important activity or industry, neglected mostly by economists", describe his model from a cost perspective and give suitable examples.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**III Year B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**  
**FINANCIAL MANAGEMENT**

Time: 2 hours

Maximum Marks: 30

**PART - A (30 Marks)**

**Answer all the questions**

1. On 1<sup>st</sup> January the Board of Directors of ABC Ltd. Wish to know the amount of Working Capital that will be required to meet the programme they have planned for the year. From the following information prepare a Working Capital forecast and a forecast Profit and Loss Account and Balance Sheet: **(14 Marks)**

Issued Share Capital	Rs.2,00,000
5% Debentures (secured on assets)	Rs.50,000
Fixed assets on 1 <sup>st</sup> January	Rs.1,25,000
Production during the previous year	60,000 Units
<b>The Expected ratios of cost to Selling price:</b>	
Raw Materials	60%
Direct Wages	10%
Overheads	20%

**Other Information:**

- Same level of production is expected to be maintained during the present year.
- Raw Materials are expected to remain in stores for an average of two months before issue to production.
- Each unit of production is expected to be in process for one month. Finished goods will stay in the warehouse awaiting dispatch to customers approximately three month.
- Credit allowed by creditors is two months from the date of delivery of raw materials.

5. Credit given to debtors is three months from the date of dispatch.
6. Selling price is Rs. 5 per unit.

There is regular production and sales cycle, work-in-process may be assumed to be 100% complete in regard to materials and 50% complete in wages and Overheads.

2. The earnings per share of company are Rs.8 and the rate of capitalization applicable to the company is 10%. The company has before it an option of adopting a payout ratio of 25% or 50% or 75%. Using Walter's model of dividend payout, compute the market value of the company's share if the  $r$  is (i) 15% (ii) 10% and (iii) 5%. Do you agree with Walter's view on Dividend policy? If so, give your comment on the calculated market value of the company. **(6 Marks)**
3. The capital structure of S&Co. comprising of 12% debenture, 9% preference shares and equity shares of Rs.100 each is in the proportion of 30%, 20% and 50%.

The company is contemplating to introduce further capital to meet the expansion needs by seeking 14% term loan from financial institutions. As a result of this proposal, the proportion of debentures, preference shares and equity would be 25%, 15% and 40% respectively.

In the light of above proposal, calculate the impact on weighted average cost of capital assuming expected dividend of Rs.9 per share at the end of the year and growth rate of dividends 5%. No change in the dividend, dividend growth rate and market price of share is expected after availing the proposed term loan. **(10 Marks)**



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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
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**End Semester (Even-Semester) Examinations, May 2023**

**CORPORATE LAWS – II**

Time: 2 hours

Maximum Marks: 30

**Instructions to the candidates:**

1. Candidates are allowed to carry the Corporate Laws Manual or any of the Bare Acts found in the Corporate Laws Manual, Rules, and Regulations framed under these Acts only. No other reference materials, text books or other materials can be taken inside the examination hall.
2. Answer all the questions.

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**PART - A (3x10=30 Marks)**

1. Explain the rights of minority shareholders in the process of Mergers and Acquisitions. Support your answer with relevant provisions of Companies Act, 2013 and case laws.
2. The Tiruchirappalli Transnational Group is a large industrial, manufacturing, cargo moving and infrastructure development giant in India with subsidiaries in 11 countries in Europe, the Americas and all SAARC countries. More subsidiaries are likely to be incorporated in the near future. Having regard to the size and diversified nature of the businesses, the Tiruchirappalli Transnational Holdings Ltd. (TTHL), having its registered office in Chennai and corporate office in the Tiruchirappalli Special Economic Zone intends to appoint 6 directors (including 2 women directors) who will join the group of 11 existing directors on the Board of Directors of TTHL. As a law officer of TTHL, you are required to give legal opinion about the proposed appointment of directors and the procedure to comply with the rules in appointing these directors.

3. M/s. Ono Pvt. Ltd. is a newly incorporated company under the Companies Act, 2013. M/s. Ono Pvt. Ltd. appointed M/s. Thrice Peter House as its audit firm in its first annual general meeting.

(i) Advise M/s. Ono Pvt. Ltd., regarding the term and tenure of M/s. Thrice Peter House and their remuneration. **(4 marks)**

(ii) Discuss the roles and responsibilities of M/s. Thrice Peter House citing relevant provisions of the Companies Act, 2013 and case laws. **(6 marks)**

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
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**End Semester (Even-Semester) Examinations, May 2023**

**CIVIL PROCEDURE CODE**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions**

1. Plaintiff Mr. A borrowed a sum of Rs. 1,00,000/- under a registered deed executed by him in favour of the late Mr. B, Mr. C, and Mr. D. Mrs. E is the wife of the late Mr. B and Mr. B is the father of Mr. C and Mr. D. In the plaint, Mr. A alleged that several payments were made towards the repayment of the debt and the balance due is only Rs. 75,000/-. Subsequently, Mr. C also died leaving behind him two sons, *namely*, Mr. F and Mr. G. Now, Mr. D sent a legal notice to Mr. A stating that Mr. A has to pay the balance amount of Rs. 75,000/- to him only, while, subsequently Mrs. E also sent a legal notice informing Mr. A that Mrs. E and Mr. D including the legal heirs of Mr. C are entitled to an amount of Rs. 1,00,000 advanced instead of Rs. 75,000. After receiving the notice, Mr. A approaches you for legal advice as he is ready to pay the remaining amount to the real claimant.

- (i) Advise him on the remedy available to him by referring to the relevant provisions of the CPC and decided cases if any.
- (ii) Also decide if Mr. A decides to file a suit under the suitable provisions of CPC, is it maintainable since there is a dispute relating to the payment of the amount?

**(10 Marks)**

2. i. *“Jurisdiction at the High Court is Consultative in nature”* – Shed light on this statement by referring to the relevant provisions of the Code of Civil Procedure, 1908. **(5marks)**
- ii. Mr. Ragubalan borrowed a sum of Rs. 50,000/- on a promissory note from Mr. Ravichandran. The promissory note was executed on 20.01.2023. Mr. Ravichandran died on 29.03.2023 leaving behind his minor son Mr. Raja aged about 15 years. Now Mr. Raja wants to file a case against Mr. Ragubalan. Advise him and decide whether Mr. Raja can recover the amount from Mr. Ragubalan. Give cogent reasons by referring to the relevant provisions of the CPC. **(5 Marks)**
3. (i) Explain the statement using examples, *“when once time has begun to run, no subsequent disability or inability to institute a suit or to make an application stops it”*. **(5 Marks)**
- (ii) Mr. A advanced a sum Rs. 50,000/- to Mr. B on the execution of a promissory note. The note was executed on 20.01.2017. As a part of the discharge of his liability, Mr. B repaid a sum of Rs. 10, 000/- on 31.05.2019 and an endorsement was made behind the said promissory note. After that Mr. B did not take any steps to repay the remaining amount. Therefore, Mr. A filed a suit, on 31.05.2022 for the recovery of the money. Decide whether the suit is maintainable. Refer to the relevant provisions under the Limitation Act, 1963 and give cogent reasons. **(5 Marks)**
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**LABOUR LAW - II**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions:**

- (a) Define and differentiate wages from Salary. Explain the different methods used to fix the minimum wages.

(b) What is a claim? Elucidate the procedure for claim under the Payment of Wages Act, 1936.

**(10 Marks)**

- Ramesh works as a skilled worker at ABC Company. The company is involved in the processing of raw cotton balls into thread and transports the same to the mills in the nearby cities. Ramesh has been in employment for the past 10 years. He is also employed on certain machines as a replacement for some of the workers. He is paid a sum of Rs.20,000/- monthly for all the work done. On 14.12.2021 when he was working on one of the machines, he pressed some of the buttons which caused the complete malfunction of the machine which resulted in damage to the cotton balls inside the machine. For this act, Mr Ramesh was fined Rs. 1000 for causing loss to the production of the company. The fine amount was deducted from his salary as a one-time measure. On 03.01.2022, he was given an increment as a part of the company's policy and with this, his salary was increased from Rs.20000 to 21000. In the month of May 2022, all the employees were given a customary bonus of Rs. 200. In the month of December 2022 the employees requested a bonus from the employer which they refused to pay.

**In the light of the above facts answer the following questions.**

- i. Can ABC be considered a factory under the Factories Act, 1948?  
(2 Marks)
- ii. Assuming that ABC is a factory, under what conditions can Ramesh be employed to work on the machinery?  
(2 Marks)
- iii. Is the fine and the deduction of the same from Ramesh's salary valid as per the laws?  
(2 Marks)
- iv. Can the employer deny paying bonus to the employees? How much bonus is Mr Ramesh entitled to as per the facts of the case?  
(4 Marks)

3. Ms Sunaina is a Domestic Worker who is employed in four houses for household work. She has a family consisting of a father, a mother and a brother. She earns Rs.5000/- from each employment. She is also sometimes asked to clean the workplace of one of her employers.

One fine day when she was working in an employer's workplace she was subjected to sexual harassment by an employee of that workplace. She went to her employer and complained about the incident but the employer failed to take action and in turn, removed her from the work.

Aggrieved by the whole incident she approaches her other employer who is a lawyer.

- a. Assuming you are that lawyer advise Ms Sunaina regarding the further course of action in this case.
- b. What are the various applicable laws which Ms Sunaina can use to claim her entitlements to meet her livelihood as a domestic worker?

**(10 Marks)**

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

Time: 2 hours

Maximum Marks: 30

Answer all the questions

(4 x 7.5 = 30 Marks)

1. Chinu and Bunu were quarrelling with each other. Suddenly, Chinu picked up a rice pounder and hit Bunu with force which caused a fracture of the skull with heavy bleeding. The Investigating officer from the nearest Police Station immediately rushed to the spot and arrested Chinu for attempt to Murder which is punishable with up to 10 years imprisonment or life imprisonment in case of causing hurt under Section 307 IPC. After conducting investigation, the Police submitted the Charge Sheet to the court and Summons was issued by the Magistrate to Chinu under section 204(1) (a) of Cr.P.C., 1973 in furtherance of which he appeared before the Court. Instead of framing the charge, the Magistrate explained the charge to the accused and asked whether he wanted to plead guilty. The accused Chinu did not plead guilty so the Magistrate proceeded to hear the prosecution and take all such evidence as was produced in support of the prosecution, and also proceeded to hear the accused and take all such evidence as he produced in his defence and convicted him accordingly.

**Discuss the legality of the procedure followed in the above mentioned case.**

2. Jhankudu, Pettu, Riku and Rummu are habitual offenders and committed robbery in four different places i.e. Vellore, Coimbatore. Trichy and Madurai .The property they robbed in these places was sold in Chennai. In these cases the FIR was lodged in the nearest Police Stations of the respective places and investigation was started by the Officer-in-charge of the Police Stations accordingly.

**In the light of above mentioned facts, decide the place of trial for the offences committed. Cite relevant case laws to support your answer.**

3. Zila and Romish are final year students in an engineering college. They were in a relationship for two years and thereafter, the relationship turned sour. Zila made allegations that Romish had committed the offence of rape against her and lodged a F.I.R in the nearest police station. The police investigated the matter and arrested Romish. The trial was conducted in the Sessions Court and the Sessions Judge

acquitted the accused citing lack of conclusive evidence against Romish. Zila was aggrieved by the judgment and decided to prefer an appeal to the High Court. The High Court rejected the appeal citing that no leave of the High Court was sought and that it is necessary for an appeal against acquittal.

**In the light of the given facts, discuss whether Zila has a right of appeal under the Code of Criminal Procedure, 1973. Whether the leave of the High Court was necessary in the given case? Discuss in light of relevant case laws.**

4. Popsy worked in the house of Bluto for ten years. Considering the long association with Popsy, Bluto had given keys of the house to Popsy when he went on a business trip. When Bluto returned, he found many valuables in the house missing. Popsy stopped reporting to work and did not respond to phone calls. In this context, a case was instituted against Popsy on the basis of a police report in the court of the Judicial Magistrate First Class. Considering the facts, there was a doubt whether to frame the charge for theft by a servant under S. 381 I.P.C or for criminal breach of trust by a servant under S.408 I.P.C. The court framed charge for criminal breach of trust by a servant but after conducting the trial and receiving evidence on record, the court convicted Popsy for theft by a servant.

**In the light of the given facts, discuss what should be the content of a charge framed for an offence of criminal breach of trust by a servant. Also, discuss the legality of framing a charge under S. 408 I.P.C and conviction under S. 381 I.P.C by the magistrate.**



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**ENVIRONMENTAL LAW**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions:**

1. In April 2023, various Indian cities recorded extreme heat waves and the State Governments reported heat stroke deaths. Meanwhile, the CPCB has documented that various cities including Punjab caused severe air pollution due to stubble burning. 'Gramalaya' NGO from Punjab filed a Public Interest Litigation also added SPCB, CPCB and NGT as parties for changing climate and failure to provide clean air. The NGO submitted a piece of documentary evidence to the court which was jointly reported by the PCBs and NGT in 2019. The report made it very clear that the Punjab people have started developing lung cancer from 2013-2018 because of the presence of arsenic, chromium, nickel, asbestos, dioxins in the air. The NGO further submitted evidence on "*Paani Bachao, Paisa Kamao*" (Save Water, Earn Money) scheme which incentivizes farmers to reduce groundwater usage, and demands the photos of Punjab farmers posing on their agricultural land. The photos shared were substantive evidence showing the stubble burning in the background. This has treated stubble burning as an isolated issue. The NGT and PCBs have defended that stubble burning alone cannot be considered as the sole cause of lung cancer. The defendants claimed that climate change is a global issue and not a region-specific issue. As an environmental law counsel, advise both the parties referring to the relevant provisions of law and applicable doctrines in India.
2. A group of tourists executed a trekking plan in a sanctuary and at the same time, a group of researchers investigating the wildlife species arrived at the sanctuary, both of

which happened with prior approval from the Chief Wildlife Warden. Upon successful completion, both the parties planned to depart from the protected area but they were arrested on the grounds of the death of a huge Tusker and its missing trophies. In furtherance, NGOs in the locality approached the SPCB, initiated appropriate actions against them for poisoning a water body in the protected area. Besides, killing the wild animal, the poisoned water body had also killed 10 tribals living in the forest and domestic animals living near the forest. As an Environmental law counsel, substantiate the arguments to defend the actions of the authorities under Wild Life Protection Act, 1972 and Water (Prevention and Control of Pollution) Act, 1974.

3. (a) Define forest and analyse why the Indian States have flouted the Supreme Court directions to identify 'forest areas' issued in the 1995 *TN Godavarman Thirumulkpad v. Union of India* case. **(5 Marks)**
- (b) Comment on the *suo motu* jurisdiction of the National Green Tribunal in cases involving substantial question of law and analyse the applicable limitation period to file a complaint. **(5 Marks)**
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**CLINICAL - II (DRAFTING, PLEADING AND CONVEYANCE)**

Time: 2 hours

Maximum Marks: 30

**PART - A (3x10=30 Marks)**

**Answer all the questions**

- Justice Sir James Fitzjames Stephen, the author of the Indian Evidence Act (1872), once remarked "*It is not enough [for the drafter] to attain to a degree of precision which a person reading in good faith can understand; but it is necessary to attain if possible to a degree of precision which a person reading in bad faith cannot misunderstand. It is all the better if he cannot pretend to misunderstand it.*" Critically discuss ANY FIVE techniques of "plain language drafting" by which such degree of precision may be achieved.
- Radhika is a stand-up comedian whose shows are famous for taking a dig on the current socio-political status of the country. On one such show, she was commenting about a recent burglary that took place in Madurai and went on to say "*You know why the house next to that will never be targeted by thieves? Because of professional ethics!*" Incidentally, the house in question was that of Mr. Sivasundaram, a famous politician, and the viral video clip of Radhika's statement made it to him in no time. Now as Mr. Sivasundaram's lawyer, draft a suitable Legal Notice for Civil and Criminal Defamation.
- A, B and C enter into a Founders' Agreement to start a tech start-up. In order to ensure that the Founders are committed to the entity, the following clause was included in the Founders' Agreement:

### ***Founders Obligations and Vesting Provisions***

- (a) The Founders agree, for as long as they are employed by the Company, they will devote their full time and attention to the Company and will enter into a management agreement with the Company. While they are employed and after ceasing to be an employee of the Company, they will not engage in any directly competing activities*
- (b) Insofar as the Founders have received Shares ("Founders Shares") in the Company for nominal consideration, the founders agree that the shares so identified shall be subject to vesting provisions. Vesting means that the shares are encumbered and subject to cancellation or repurchase at cost by the Company unless certain time events occur.*
- (c) In the event of the death or permanent disability (defined as the inability to perform one's duties) of a Founder, certain invested shares will vest immediately for the benefit of the estate of the deceased. The Company will, if requested by the estate of the deceased, buy all vested shares from the estate of the deceased at a price equal to the last agreed upon valuation of the Company. Failing this, the estate of the deceased may offer the shares according to this agreement.*

Review and redraft this clause by paying close attention to the technicalities, and how the use or non-use of an extra word or phrase can turn a clause around. Put on your Lawyer's hat and see from the point of law, logic, business and drafting. [Keep an eye on spellings too!]

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**INTERNATIONAL COMMERCIAL ARBITRATION**

Time: 2 hours

Maximum Marks: 30

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

**Answer all the questions:**

1. The time period between the constitution of an Arbitral Tribunal and commencement of Arbitration is crucial for the parties in arbitration to seek interim measures since most of the interim measures required at this time is filed before the Court. Discuss the alternate remedy available to the parties for interim measures before the Arbitration Tribunal by discussing the situation in India and elsewhere with relevant International Conventions, statutory provisions and case laws.
2. "Arbitration is only as good as arbitrators". Discuss the above statement by supporting your answer with relevant International Conventions, statutory provisions and case laws and with special emphasis on the position in India.
3. (i) International Arbitration is governed by law of the place in which it is held (Forum or *Locus arbitri*) as opposed to detaching it from the venue in which it is conducted. Critically analyse the above statement with relevant legal principles and International Conventions. **(5 marks)**  
(ii) Explain the scope and limitation of "Confidentiality" in International Commercial Arbitration with relevant principles of law and International Conventions. **(5 marks)**

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**SOCIO ECONOMIC OFFENCES**

Time: 2 hours

Maximum Marks: 30

**PART - A (2 x 10 = 20 Marks)**

Answer all the questions:

1. "Every accused shall be presumed to be innocent till proven guilty". Justify the statement by enumerating relevant provisions and recent judgements under Prevention of Money Laundering Act, 2002. Why do you think there is such a high standard of proof for criminal cases?
2. "The country has adequate laws, but the main issue arises in its implementation". In the light of the above statement, critically analyse the laws that are there to combat Socio-Economic Offences against women in India.

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

Answer all the questions:

3. Smith was making fresh pasta with a machine he purchased from a leading brand. The machine is designed to turn off when the user opened the lid. In this case, when Smith opened the lid, the machine malfunctioned and did not shut off, causing injuries that led to the amputation of the right hand of Smith. There was no warning given in the product.  
In the light of the above mentioned facts, discuss the remedial measures available for Smith under Socio-Economic Offences.
4. Srutima and Bhauna have been close friends since childhood and work in a MNC. Srutima had an official meeting in Singapore so Bhauna gave her a sealed parcel and requested Srutima to give it to her brother Bhargav who was working as an Engineer in Singapore. As both of them were close friends, Srutima did not refuse and accepted the parcel from Bhauna. But unfortunately, during a search in the Singapore Airport, some narcotic drugs were found in that sealed parcel.  
With the help of the provisions under NDPS advice Srutima how she could defend herself.

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**ELECTION LAW**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions in your own words:**

1. Mr. Jura Sikpark is 24 years old, and a professional wildlife photographer. He is a NRI and was raised in various countries in the European Union till he finished his Bachelor of Arts in Sweden and decided to stay in India to pursue a career in photography. He wished to celebrate his birthday next month at an old-age home in Chennai. Thus, while preparing for catering for the party for his upcoming birthday, he noticed a newspaper flyer at a tea shop stating that the Election Commission of India had just released an Election Notification for conduct of the General Election throughout the Country. Ever since Mr. Jura voted for the first time in his life 2 years ago, he had always aspired to enter into politics and participate in as a candidate.

In an enthusiastic attempt, Mr. Jura decided to contest the election as an independent candidate. Per the rules mentioned on the ECI website, he submitted his application to the Returning Officer to nominate himself. About a dozen of his neighbours were kind enough to support his venture and they all accompanied him to the Returning Officer of his 'Anna Nagar' Constituency to file his nomination. Mr. Jura, despite being in a hurry, gathered all requisite documents and annexures for the nomination process and successfully filed his nomination. A week later, one day after his birthday, the scrutiny process was begun by the Returning Officer. As he had a prior professional commitment on that day, Mr. Jura had requested Mr. Rex, one of his proposers to be present during the scrutiny process. In the evening, Mr. Rex called Mr. Jura to inform him that his nomination was rejected. All that

Mr. Rex was told was, "*It was a Section 36 Rejection*". Confused by this, Mr. Jura contacts you, a lawyer practising in the Madras High Court.

Mr. Jura believes despite his hasty manner of applying, he still ensured his application was submitted diligently to his best knowledge. However, he was uncertain that he 'may' have accidentally written his birth date in the MM/DD/YYYY order, instead of the required DD/MM/YYYY, i.e., for a birthday on 14<sup>th</sup> November 1997, he could have mistakenly filled it as 11/14/1997. He is still unsure of what other reasons could be behind the rejection and wonders about your legal knowledge of it to help him understand.

**Advise Mr. Jura on the possible reasons, subsequent actions to be taken by him, any remedy that may ensue, etc. Base your response using any or various provision(s) of the Constitution, Legislations and Judicial precedents.**

2. As a lawyer, you ardently participate in online debates conducted by a civil Non-Governmental Organisation called '*ArapporKazhagam*' in their social media handle's comment sections. You are also a known online fact-checker with significant followers and a renowned contributor to the Organisation on social media. One day during a casual discussion, you post the following words:

*"The Constitution has vested the 'Superintendence, Direction and Control' of elections to Parliament and state legislatures in the Election Commission under Article 324(1). Therefore, it is the Election Commission that fixes the programme for any election to Parliament or State Legislature, through the formal notification calling the election may be issued by the President or any of the Governors respectively. Sometimes, the Election Commission itself issues the same."*

In light of your comment, an aggrieved stranger Mr. 'C-Man' replies:

*"...whatever you have written is wrong, both theoretically and practically. Only the respective sitting Government's announce the information of the fresh elections and I have been a long-serving party cadre member to confirm this statement. Nobody usually questions this announcement as everyone has faith in the procedural, transparent and accountable process of the Government. Even instructions to campaign and conduct are issued by the Governments only. Even re-elections are a breeze to conduct this way. Two months are practically enough to conduct any election from the beginning till the end. As a lawyer, I*



*advise you to not mislead the public with your profession, post info without real-life exposure and gross ignorance of the law, or both (in this case) XD.”*

As the comment of ‘C-Man’ went viral, several of your followers began questioning you regarding the allegation raised, tried to call you out for your supposed ‘faulty fact-checking’ and much more. Despite being a lawyer, you had always used simple language and avoided the usage of provisions to make your statements accessible to all. However, the situation demands you to approach differently this time, mandates you to get into detail regarding the provisions and precedents to support a fitting reply to ‘C-Man’s’ angry comment. Responding like a lawyer is the only way you deem fit.

**Draft a befitting reply that is factually correct, strong by use of precedents and encompassing all available provisions to form a suitable argument. Please note your argument’s intention is not to primarily counter-insult the comment of ‘C-man’ but to sensibly educate your followers and redeem your stature through an accurate expression of law on Election Notifications, its Orders, Notices, and special cases issued under it.**

3. You are a lawyer and act as a Chief Legal Advisor at NITI Aayog, a policy think tank, of and for the Government of India. You learn that your college friend Ms. Sumray is currently part of the high-level policy-advisory panel to the Government of Adini, a country that has almost an equally comparable scale of population, demography, economy, per-capita income, political situation, and a form of a Governance to India, albeit on a smaller scale. It is also a parliamentary democracy that has several parties participating in its Union, State and Local Body elections. As the accounting process of the money involved in and during the public elections at Adini seems out of control, Adini attempts to control it with creative yet workable measures. Ms. Sumray is astonished by the scheme of Electoral Bonds in India and asks you to share ‘A to Z’ about it. She wants a piece of honest and all-encompassing information about the same, without missing any detail of any angle.

**Answer Ms. Sumray’s query in a concise and compendious manner.**

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**HUMAN RIGHTS LAW**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions. All questions carry equal marks:**

1. Ponninadu is a liberal democratic country. It respects all the international conventions and Human Rights treaties. It treats all its citizens equally and grants a wide range of freedom. Cheranadu on the other hand is a totally authoritarian state which is governed by a dictator and Pallavanadu a country which is in its transitional state. It has just got its democratic Government. A huge refugee crisis is prevailing in all three countries. All three countries entered into talks and decided to enter into a treaty to protect the refugees from other countries and within these three countries by providing them with proper safety and shelter along with all other basic necessities. The treaty was entered into on 01.04.2022.

It was noted that Pallavanadu was not complying with the provisions of the treaty stating the reason for ambiguity and inconsistency in the provisions of the Treaty. When the other two countries approached the Pallavanadu to adhere to the treaty they refused to do so. The international organisations were also approached but all the efforts went in vain.

Based on the above facts answer the following questions. Substantiate your answers with suitable examples and illustrations.

- i. What are the possible reasons and the costs for the three countries on entering into the above-mentioned treaty?
- ii. How can Pallavanadu be made to comply with the provisions of the treaty entered between Ponninadu, Cheranadu and Pallavanadu?

2. "The Reasons and the factors leading to Human Rights Violations are inter-linked and multi-folded". Comment on the statement. Substantiate your arguments with suitable cases and illustrations.
  
  3. The National Human Rights Commission and the State Human Rights Commissions have all the powers to take up matters Suo- Moto in nature but still, it is criticised as being a "Toothless tiger". Is this criticism justified? Critically analyse the functioning of these commissions since their inception, giving reasons and using examples.
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**GENDER JUSTICE AND FEMINISM**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions. All questions carry equal marks:**

1. *"A sex worker deserves a billion times more respect, than the mystical fraudsters of the society, such as astrologers, psychics and tarot card readers."* – Critically comment on the Socio-legal status of sex workers in India citing relevant cases.
  2. *"There cannot be true democracy unless women's voices are heard"* – Critically evaluate the role of women in participatory governance.
  3. *"Gender neutrality in rape laws seeks to increase the ambit of the victims of rape and sexual assault"* – Discuss whether gender neutral law is the need of the hour? What are the pros and cons of this?
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**MEDIA LAW**

Time: 2 hours

Maximum Marks: 30

**PART - A (2 x 10 = 20 Marks)**

**Answer all the questions:**

1. Mr Jebin, a student of Journalism and Mass Communication filed a complaint before the Advertising Standards Council of India (ASCI) for violating the ethics code in an Advertisement (shown on TVs and social media platforms) where children are encouraged to drink 'POWERUP' energy booster drink to perform well in the examinations. A radio station setup in a Government Arts College interviewed Mr Jebin regarding the same and he appreciated that the ASCI in a tug of war between self-regulations versus legal regulations, strictly upheld the procedures and removed the advertisements from all kinds of broadcast medium. The company 'POWER UP' has filed a defamation suit against Mr Jebin for tarnishing the image of the company. The said company yet again filed a suit against the Ministry of Information and Broadcasting (MIB) challenging the constitutional validity of the Community Radio Services. Later, ASCI broadcasted the same advertisement with a disclaimer clause. As a media law counsel, identify the issues and defend Mr Jebin along with MIB.
2. 'Mailgram', a social media platform illegally posted a pirated copy of a new Indian movie. Unlike the movie, the 'Mailgram' version of the movie added advertisements on gaming and betting at intervals of 15minutes. Further, a fake online betting game scene was inserted in the movie in the same 'Mailgram' version. When a case was filed against the intermediary 'Mailgram', they defended themselves stating that IT Rules 2021 is not applicable in this case. Simultaneously, a suit was filed against the CBFC for violating sections 5A and 5B of the Cinematograph Act. The High Courts have combined the case and listed it for hearing. Critically analyse the legality of the unrestricted public exhibition of the movie in theatres and the 'Mailgram' version and advise the defendants in the case.

**PART – B (2 x 5 = 10 Marks)**

**Answer all the questions:**

3. A senior journalist Ms. Rurkha sought information through RTI on the finances disbursed for the welfare of the Journalists under the Indian Journalist Welfare Scheme (JWS). The television channel and newspaper owned by Ms Rurkha flashed the information sought through RTI and criticised the current ruling party for inefficient conduct of the affairs of the country. They critically commented that nowadays TRP and fake news dominate the media system. Comment on the role played not only by RTI but also media regulators of TV and newspaper platforms in preserving good governance.
  
  4. Compare and analyse the taxation issues for the printed newspapers in India and online newspapers.
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**LAW OF INSURANCE**

Time: 2 hours

Maximum Marks: 30

**Answer the following questions in your own words. Use relevant cases and legal principles wherever necessary.**

1. Dominic has one term life insurance policy with the United Life Insurance Co. The policy document was issued in 2016 when Dominic was 55 years old and the value of the policy was Rs. 20 lakhs. The nominee of the policy was Dominic's younger sister, Luna, whom he dearly cared for. Dominic had taken a house loan of Rs. 50 lakhs from Telco Finance Co. in 2018. In 2020, when the pandemic hit, Dominic lost his job. But the interest on the house loan was compounding and he wanted to settle the debt. So, Dominic assigned the entire value of the policy to Telco Finance Co. without informing the United Life Insurance Co.

**Explain the pre-conditions to be fulfilled for a successful insurance payout to**

- a) **Telco Finance Co.** (5 marks)
- b) **Luna** (5 marks)
2. *"Road accidents are, often, the result of an error of judgement or mechanical failures. They can also occur on account of the fault of the other vehicle....."*
- *Justice Anil Kshetarpal in Darshan Singh v. State of Punjab and others,*  
CWP - 627 of 2017 (O&M)

**In this context, how does the Motor Vehicles Act, 1988 provide for the just compensation for victims of road accidents?** (10 marks)

3. Kajal is a working mother, 30 years old with a 5-year-old son. She took a family health insurance policy with Shield Health Insurance Co. for her spouse, her son and herself in March 2022. Kajal's son was diagnosed with Sinusitis in February 2023 and expenses for the tests, CT scans, hospital charges and prescriptions were present. Kajal made a claim with the insurance company but it was denied as there was a waiting period in the insurance policy. However, Kajal did not find a policy wording to that effect in the policy document issued to her. The Customer Information Sheet also had no reference to the waiting period. Kajal requested for a clarification from the insurance company for the same and received no response. In March 2023, the policy was due for renewal and the insurance company sent a notice of cancellation of the policy taken by Kajal without mentioning any reasons.

**As a counsel for Kajal, give legal advice on the remedial measures available to her in the Indian legal framework against the insurance company.**

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**IV Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**LAW ON SECURITIES**

Time: 2 hours

Maximum Marks: 30

**Answer the following questions in your own words. Use relevant cases and legal principles wherever necessary.**

1. Navalurkuttapattu Stock Exchange (NKSE) is a recognized stock exchange in India established in the year 2015 in the State of Tamil Nadu. In its short period of existence, it has gained great popularity and it has attracted investors at a rate that no other Stock Exchanges have ever seen. By 2020, it had already become a prominent player in the Indian Securities Market. However, in 2023, *Expose Rig*, a monthly magazine, published a research report in which it accused NKSE of violation of several regulations. This sent shockwaves across the country. Following this, a series of complaints were filed with Securities Exchange Board of India (SEBI) against NKSE for non-compliance with SEBI regulations, inadequate investor protection mechanisms, lack of transparency etc.,

The Managing Director of NKSE approaches you to seek legal advice regarding possible legal actions that SEBI can launch against NKSE based on the complaints filed.

Advice the Managing Director with the help of provisions under Securities Contract Regulation Act, 1956.

2. Explain in detail the role, requirements, and step-by-step process to be fulfilled by the Issuer, Depository, Depository Participant and Beneficial Owner respectively, with regard to transfer of ownership of securities in dematerialised form under the Depositories Act of 1996.

**3.** Distinguish and differentiate the following with adequate explanation:

- a.** Procedure to apply for Registration as a Stock broker and Merchant Banker under the SEBI (Intermediaries) Regulation, 2008.
  - b.** The nature, form, and parties associated with Mutual Funds and Collective Investment Schemes under the relevant SEBI regulations.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**LAND LAWS OF TAMIL NADU**

Time: 2 Hours

Maximum Marks: 30

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

**Answer all the questions**

1. An Undivided Hindu Family consists of husband A, his wife B, and their 4 sons, namely C, D, E, and F, and the wives of C and D. and grandsons W, X, Y and Z. in the family, E, and F are the minor sons. W and X are the son and daughter of Mr. C. Y and Z are the sons of Mr. D. A's wife has 20 standard acres *stridhana* land, C's and D's wives also have 15 and 10 standard acres *stridhana* land respectively. The total acres of land held by the Undivided Hindu Family is 50 standard acres, that is to say, A's share and the shares of his sons in the land held by the Undivided Hindu Family is 10 standard acres each.
  - (i) Find out the surplus land of the family mentioned above. Refer to the relevant provisions of the law and define the relevant terms involved therein.
 

(7 Marks)
  - (ii) Would it make any difference in the surplus land if the *stridhana* land of the wife in a family is included in the ceiling limit of that particular family? Discuss in detail with reference to the family involved in this case. (3 Marks)
  
2. It is a well-known fact that the COVID-19 pandemic has had large-scale implications for human life. Contractual relationships and jural relationships between parties are severely affected due to the lockdown. In this scenario, decide whether the lockdown would entitle tenants to claim waiver or exemption from payment of rent or

suspension of rent under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017.

- (i) Decide in detail the consequences of the non-payment of rent under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. Refer to the relevant provisions under Indian Contract Act, 1872, and the Transfer of Property Act, 1882, and also decided case laws in this regard. **(5 Marks)**
  - (ii) Also, critically evaluate whether the landlord and tenant disputes under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 are arbitrable. **(5 Marks)**
3. Critically examine the various stages involved in the acquisition of land for public purposes under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013. **(10 marks)**
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**  
**ADVANCED COURSE ON COPYRIGHT LAW**

Time: 2 hours

Maximum Marks: 30

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

1. Section 52 (1) (i) of the Copyright Act 1957 has been interpreted in the Rameshwari Photocopying case. Critically comment on applicability of the fair dealing exception in relation to the educational institutions. Also analyze whether the same exception can be applied to the platforms like Sci hub and libgen?
2. *“The expression to make a copy of the film would mean to make a physical copy of the film itself and not another film which merely resembles the film...Therefore, if the film has been filmed or shot separately by a person and it resembles the earlier film, the subsequent film is not a copy of the first film and, therefore, does not amount to infringement of whole of the copyright of the first film.”* – elucidate the difference in the approach of the judiciary in deciding infringement in case of a cinematographic film and the underlying work.
3. Critically comment on the safe harbor principle and its applicability to online copyright infringement? Determine the role of the intermediaries and their liability in case of online copyright infringement and also analyze whether section 52 of the copyright Act 1957 provides any fair dealing exception to intermediaries.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**INTERNATIONAL CRIMINAL LAW**

Time: 2 hours

Maximum Marks: 30

**Answer the following questions**

1. Over the past few years, the relationship between two States -Country 'R' and Country 'U' became worse. In February 2022, President Mr. X of Country 'R' and also Commissioner for Children's Rights Ms. Y, planned and sent their troops to invade Country 'U'. It is estimated that thousands of people were killed, millions of people have fled Country 'U' and many children have been forcibly deported to Country 'R'. By its gravity, scale, and character, R's invasion, and attempt to subjugate 'U' constitutes the clearest and most egregious instance of war crimes.

**Situation 1:**

R is a non-state party. A collective referral of the situation of 'U' was made by nearly 39 states who are parties to the ICC. The ICC prosecutor launched an investigation into the situation. Based on the Prosecution's application to ICC, the Pre-Trial Chamber has issued a warrant of arrest against Mr. X and Ms. Y of country 'R'

- A) Discuss whether the above stated persons can be held, individually criminally responsible for committing war crimes? How far is the immunity applicable to them?

**(5 +5=10 marks)**

**Situation 2:**

Assuming that Country 'U' has ratified the Rome Statute, it has decided to prosecute both of them in its National Court, but later it was found by ICC that the proceedings were not conducted fairly and in such a manner as to shield the persons from criminal responsibility.

- B) Whether ICC can interfere and admit the case before it? Explain with the provisions of Rome Statute and with Cases. **(10 marks)**

**Situation 3:**

Both the President and the Commissioner travelled to Country 'C', non-State party to the Convention and while they were touring, the prosecutor requested 'C' for cooperation by surrendering them.

- C) Examine whether Country C can arrest and surrender both the persons to ICC in accordance with the provisions of the Statute? In case Country 'C' does not comply with the request, analyse whether such non-compliance would amount to violation of international obligations?

**(10 marks)**

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**  
**INTERNATIONAL ENVIRONMENTAL LAW**

Time: 2 hours

Maximum Marks: 30

Answer all the questions. All questions carry equal marks.

1. *In-situ* and *Ex-situ* conservation practices are the prime ways of fulfilling the objectives of the United Nations Convention on Biological Diversity. Analyse this statement by referring to the regulatory framework on In-situ and Ex-Situ Conservation in India and the initiative of the NITI AYOOG to implement the Sustainable Development Goals and Targets 2015 on biodiversity conservation in India.
2. *Unilateral trade actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided.* Evaluate this referring to the sources of law for resolving trade and environment controversies in the dispute settlement understanding and the contribution of the dispute settlement understanding to the *Shrimp-Turtle* and *Tuna-Dolphin* cases on environmental sustainability between generations.
3. (a) Union Minister Shri Bhupender Yadav while delivering a National Statement at COP 27 described that the Conference of the Parties is encouraged to take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing countries. Evaluate this statement referring to the role and effectiveness of Common but Differentiated Responsibility on climate action.  
  
(b) Critically evaluate the impact of expropriation and the role and contribution of the International Centre for Settlement of Investment Disputes (ICSID) on investment disputes.



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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**  
**ADVANCED COURSE ON TRADEMARK LAW**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions.**

1. *“When a mark is recognized as a well-known mark, the range of protection is very broad, extending to dissimilar goods and services. Hence, such protection often gives rise to the criticism that the owners of well-known marks are reaping where they have not sown. Without the assistance of a set of objective parameters, it would, therefore, be arbitrary or impossible to reach a conclusion that a particular mark is a well-known mark. Also, a product and its trade name transcend the physical boundaries of the geographical region and acquire a trans-border or overseas or extraterritorial reputation. In this context answer the following:*
  - a. What factors should be taken into consideration while determining a trademark as a well-known trademark under the Trade Marks Act, 1999 and the relevant Trade Mark Rules, 2017? Whether the reference in Section 29(4) of the Trademarks Act, 1999 to a “registered trademark” that “has a reputation in India” means “well-known trademark” as defined under Section 2(1) (zg) of the said Act and meets the parameters outlined in Sections 11(6) and 11(7) of the Act or not?  

**(6 Marks)**
  - b. Compare and contrast the concept of transborder reputation in the light of judicial decisions given in *N.R Dongre v. Whirlpool Corporation*, (1996) 5 SCC 714 and *Toyota Jidosha Kabushiki v. M/S Prius Auto Industries Ltd*, 2016 (67) PTC 374 (Del) and examine how foreign claimants have to prove that their mark is well-known *in India* through transborder reputation.  

**(6 Marks)**
2. *“The very relationship between the licensor and the licensee will imply a sufficient degree of control, for example, where the licensor stipulates that the licensee should manufacture the goods only in accordance with the specifications and the standards of quality prescribed by the licensor, or reserves the right to inspect the goods and*

*methods of manufacture of the licensee. Lack of adequate control or lessening of control over a period of time would be fatal to the distinctiveness of a trade mark". In this context, critically analyse the legislative and judicial standing with respect to quality control provisions associated with trademark licensing in India.*

**(6 Marks)**

3. A former employee alleged unfair labour practices against the former employer and his company, through a newspaper column. The said article appeared first in the Google search result when searched with the company's name. The aggrieved former employer intends to file a suit against the former employee under section 103 of the Trademarks Act, 1999 and seeks your legal opinion. Advise.

**(6 Marks)**

4. How is passing off action different from trademark infringement? Examine the evolution of passing off action in trademarks and critically comment on the permissibility of combined action of trademark infringement and passing off before the Indian Courts.

**(6 Marks)**

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**V Year B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programmes**  
**End Semester (Even-Semester) Examinations, May 2023**

**LAW OF INTERNATIONAL CARRIAGE OF GOODS BY SEA**

Time: 2 hours

Maximum Marks: 30

**Answer all the questions in your own words using cases and legal principles. All questions carry equal marks.**

1. Yang Ming Marine Transport Co. voyage chartered the vessel *MV Sea Breeze* owned by Pacific International Lines. The plan was to send wheat cargo from Odesa, Ukraine to Istanbul, Turkey. The cargo was found to be infested with beetles at Odesa and upon entering the port of Istanbul, the owners tendered the notice of readiness.

**Determine the validity of the notice of readiness and explain its consequences.**

2. "Where a ship is sent to sea in a state of unseaworthiness in two respects, the assured being privy to the one and not privy to the other, the insurer is only protected if the loss was attributable to the particular unseaworthiness to which the assured was privy."

- *Lord Atkin in Thomas v Tyne and Wear Steamship Freight Insurance Association, [1917] 1 K.B. 938.*

**Identify the applicability of this statement to the type of insurance policy and analyze the extent of defenses available to the insurer.**

3. *MV Dunsley* was owned by Leyland Shipping Company. Valiant Shipping Co. voyage chartered *MV Dunsley* for carriage of steel slabs from Vladivostok to Shanghai. The cargo was owned and shipped by Valiant Shipping Co. to Iris Logistics. Leyland issued bills of lading to Valiant and Iris Logistics. Upon discharge of the cargo at Shanghai, it was found that the cargo was exposed to wet conditions and suffered

damage. As the sale contract between Valiant and Iris was on DDP terms, Valiant wanted to file an admiralty claim against Leyland Shipping. However, Leyland invoked the arbitration clause under the charterparty which was not present in the bill of lading.

**Explain what mode of dispute resolution the parties should proceed with. Is there a possibility of the application of Hague/Hague-Visby Rules?**

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