



TAMIL NADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS

MID SEMESTER EXAMINATION

MARCH - 2018

Name : Register No.:

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

First Year - Second Semester, Mid Semester Examinations, March 2018

ENGLISH-II / BUSINESS ENGLISH-II

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 10 = 20 Marks)**Answer the following questions in about 5 pages each:**

1. “Contract drafting is critical in what lawyers do and in every branch of Law” – Discuss some important principles in Contract Drafting.
 2. Efficacy of International Law depends on International Relations. Discuss it in the light of Syrian Crisis.
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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI**B.A. LL.B. (Hons) Degree Programme**

First Year – Second Semester, Mid Semester Examinations (Even-Semester), March 2018

SOCIOLOGY-II

Time: 1½ Hours

Maximum Marks: 20

Part – A (8 X 2 = 16 Marks)**Answer any EIGHT of the following questions. Each question carries two marks.**

1. Cite the following book in APA style
Bakshi, PM. The Constitution of India. 13th ed., Gurgaon, Universal Law Publishing, 2015
2. What is patch writing?
3. What are Primary and Secondary sources in Social Sciences?
4. What is inductive research? Explain with example
5. What are the four forms of responses in a questionnaire?
6. What are the various types of interviews and illustrate the purpose for which it is used
7. What are the four types of observation techniques used in a research?
8. What are Cohort studies? Explain with example
9. What are Cross-Sectional Studies? Example with example
10. Explain the four Ancient Indian Scientific methodologies given in Nyaya Sutra

Part – B (1 X 4 = 4 Marks)**Answer the following question. It carries four marks:**

11. Explain the types of Probability and Non-Probability Sampling methods.
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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI**B.Com. LL.B. (Hons) Degree Programme**

First Year – Second Semester, Mid Semester Examinations (Even-Semester), March 2018

BUSINESS ECONOMICS

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)**Answer any FIVE of the following questions with not more than Fifty words:**

1. What is internalisation of externalities? How to internalise negative externalities?
2. What is market clearing price? Why is it important to strike a balance between demand and supply of goods and services? Illustrate with an example.
3. What is market efficiency?
4. Elucidate the four determinants of the price elasticity of demand.
5. Represent Producer's surplus and Consumer's surplus graphically.
6. Represent Movement along the demand curve and shift in the demand curve graphically.

Part – B (2 X 5 = 10 Marks)**Answer ALL the questions with not more than One Hundred and Fifty words:**

7. On the basis of your observation in the documentary "Burning Desire – The seduction of smoking", How bad is smoking cigarettes to one's health? How good is positive Economics to allow the free market without any restrictions?
8. On the basis of your observation in the documentary "Battle for Elephants" Explain Social optimum?

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

First Year - Second Semester, Mid Semester Examinations, March 2018

POLITICAL SCIENCE – II (POLITICAL OBLIGATION)

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions. Each answer should not be in less than 300 words:

1. Define Political Obligation and discuss the Evolution of Political Obligation.
 2. Critically examine the Marxian Theory of Political Obligation.
 3. Will, not force, is the basis of State - Explain.
 4. "Citizens have an obligation to obey only if they individually consent to what the State does"- Comment.
 5. What reasons Vedanta offers in Justification of individual's obedience to institutions and what limitations Vedanta imposes on obedience to institutions.
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B.Com. LL.B. (Hons) Degree Programme

First Year – Second Semester, Mid Semester Examinations (Even-Semester), March 2018

RESEARCH TOOLS FOR DECISION MAKING

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions:

1. What is Statistics?
2. State any two functions of statistics.
3. Give any two distinctions between Primary data and Secondary data?
4. What is Random Sampling?
5. Write short notes on
 - (i) Skewness
 - (ii) Standard Deviation
6. Calculate Mode from the following data of marks obtained by 10 students:

S. No	1	2	3	4	5	6	7	8	9	10
Marks	34	36	45	40	27	65	45	48	62	25

7. The following are the Temperature recorded in 6 Major cities on a particular day. Calculate Range and its Co-efficient:

35	29	18	38	33	30 C
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Part – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

8. Calculate the Median from the following table:

Marks	10-25	25-40	40-55	55-70	70-85	85-100
Frequency	6	20	44	26	3	1

9. Calculate Standard Deviation and Mean Deviation from the following data:

Class	0-10	10-20	20-30	30-40	40-50	50-60	60-70
Frequency	8	12	17	14	9	7	4

10. Consider the following frequency distribution of Marks scored by 86 students in a Competitive Examination. Determine Quartile Co efficient of Dispersion:

Marks	30-32	32-34	34-36	36-38	38-40	40-42	42-44
No. of Students	12	18	16	14	12	8	6

11. Calculate Karl Pearson's Coefficient of Skewness for the following data:

Variable	0-5	5-10	10-15	15-20	20-25	25-30	30-35	35-40
Frequency	2	5	7	13	21	16	8	3

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

First Year – Second Semester, Mid Semester Examinations (Even-Semester), March 2018

HISTORY-I

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 1 = 5 Marks)

Answer all the questions

Choose the Correct answer of the following:

- Who said? "History is an unending dialogue between the present and past"
 - Herodotus
 - A.L. Rowse
 - E.H. Carr
 - Hegel
- Kalhana was primarily as a _____ and only secondarily as a historian.
 - Novelist
 - Philosopher
 - Poet
 - Scientist
- The Sangam text *Tholkappiam* is a work on
 - Music
 - Medicine
 - Astronomy
 - Grammar
- Which of the following was the oldest tribal assembly?
 - Vidatha
 - Saba
 - Samiti
 - Gana

5. In the Mauryan period, the duties of *Mudradhyakshawere* connected with

- Agriculture
- Forest
- Port
- Passport

Part – B (5 X 2 = 10 Marks)

Answer any FIVE of the following questions in 40 words each:

- State the significance of the study of History.
- Define Historiography.
- Trace special features of the works of Herodotus.
- Bring out the different types of courts during the Sangam Age.
- Give an account on the position of women during the Vedic Age.
- Write a short note on Ancient Guilt Laws.
- Point out the four kind of courts under Guptas.

Part – C (1 X 5 = 5 Marks)

Answer the following question in detail:

- Sketch the method of Historical Writing in 21st Century.

[OR]

Describe the court procedures in Ancient India. With special reference to *Dharmasteya* and *Kantakasodhana*.

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

First Year – Second Semester, Mid Semester Examinations (Even-Semester), March 2018

MARKETING MANAGEMENT

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

- A popular Indian Brand wants to establish, retail chain hyper-market in all metro cities in the country. Before they establish, the company wants to know their success rate compare to other competitive brand. (i) Formulate a Market Feasibility Survey Plan (ii) Develop a marketing questionnaire to know the success rate of the competitive brand.
- Name any five products that are in maturity stage of life cycle? What recommendations do you have for rejuvenating demand of these products?
- Explain various strategic Marketing Mix Components.
- “Marketing Begins before production and ends after Production” – Discuss.
- Bring out various modern marketing strategies and Briefly Explain them.
- What is price and pricing? What are the factors influencing pricing decisions?

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

First Year – Second Semester, Mid Semester Examinations (Even-Semester), March 2018

LAW OF CONTRACTS-I (GENERAL PRINCIPLES OF CONTRACT)

Time: 1½ Hours

Maximum Marks: 20

PART – A (2 X 4 = 8 Marks)

Answer any TWO of the following problems applying legal principles and decided cases:

1. Vickram lost his dog by name 'Puppy'. He, therefore, announced a reward of Rs.5000/- to any one who finds the missing dog. Vivek, a good friend of Vickram, after having seen the advertisement went on a mission to trace the missing dog. He succeeded in his attempt and handed over the missing dog to his friend Vickram, but did not claim the reward. However, after 2 years he remembered about the reward and claimed the same from Vickram. Vickram refused to pay the reward on the ground that Vivek had not claimed the reward at the time when he handed over the dog. Is Vivek entitled to claim the reward having forgotten to claim the reward at the time when he handed over the dog.
2. Mala applied for shares in M/s.Vimala Company (P) Limited on the basis of a prospectus issued by them. The application was sent by her through Registered Post on 02.12.2017. But, Mala did not receive any letter of allotment from the company. However, on 2nd March 2018 she received a 'Call' from the company to pay an installment of the unpaid value of shares allotted to her, on the basis of the Letter of Allotment posted to her by the company on 31.12.2017. She refused to accept the demand from the company on the ground that no letter of allotment has been received by her from the Company. Is Mala's refusal to honour the call made by the company valid in the eyes of law?

3. Goyal executed a Promissory Note on 19.01.2018, in favour of Sharma towards a loan of Rs.10,000/- obtained by him, agreeing to repay the same with interest at 10% per annum. On the day of the execution of the Promissory Note Goyal's age happened to be Eighteen years and one day. Can Sharma hold Goyal liable on the strength of the Promissory Note executed by him?

PART – B (2 X 4 = 8 Marks)

Answer any TWO of the following questions in about 400 words:

4. In the context of creating a contractual relationship, the law envisages a proposal to be made by one person to another for his acceptance or refusal. But, in certain situations such statements made may not result in immediate acceptance or refusal. Elucidate this statement in the light of such statements forming part of 'Offer' and 'not forming part of Offer'.
5. The Law of Contract has considered the presence of 'compos mentis' in a person and has laid down the eligibility criteria to enter into a contract. Analyze this statement with reference to the criteria relating to age and the liability of such person not fulfilling the said criteria under the Indian Contract Act, 1872.
6. 'Consideration' is said to be the nucleus in a contract and based this factor alone the propriety rights of the parties to sue and be sued are being decided. Bring out the significance of this statement in the light of the Doctrine of Stranger to Contract, both in English Law and Indian Law.

PART – C (2 X 2 = 4 Marks)

Write short notes on any TWO of the following in about 50 words:

7. (a) Composite offer, Cross-offer and Grumbling assent
(b) Felt House Vs Bindley
(c) Convicts

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

First Year – Second Semester, Mid Semester Examinations (Even-Semester), March 2018

FAMILY LAW-I

Time: 1½ Hours

Maximum Marks: 20

Answer the following Questions:

1. Mr. and Mrs. Sharma were married on 12.03.2017. They were both teaching at Pune University and both spouses continued to work after the marriage. Within a few months of their marriage, they started developing disagreements which developed into heated arguments. One day while a student of Mr. Sharma was sitting in the outer room Mrs. Sharma shouted: "You are not a man at all" from inside the house.

Answer the following questions based on the facts above. Use case law to support your answer where it is available.

- a) Does this constitute 'cruelty' under the Hindu Marriage Act, 1955? Why or Why not? (1.5 Marks)
b) Cruelty is often referred to as a 'cumulative'. What does this mean? (1.5 Marks)

2. Mr.Fahad is an established architect working in Chennai. He married Ms.Shahina through a 'nikah' ceremony at Triplicane, in the presence of friends and family. However, within six months of the marriage, he pronounced talaq on his wife. A couple of weeks after the pronouncement was made, he gave her Rs. 30,000 in cash as deferred 'mahr'. After the iddat period was over, Shahina approached the court for maintenance under S.125 of the CrPC. Can Mr.Fahad deny payment of maintenance since he has already paid Rs. 30,000 to Shahina at the time of divorce? Why or why not? Use case law to support your answer. (3 Marks)

3. Shatadru and Aparna, both Hindus, decided to get married against their parent wishes. Since they could not afford to wait for the lengthy procedure under the SMA, they chose to get married according to Hindu rites and ceremonies. They find a Hindu priest and in his presence, Shatadru ties a piece of string, with a locket with his initial on it on Aparna. Shatadru ties his shawl and Aparna's saree together and they walk seven steps around a lighted candle.

Are Shatadru and Aparna legally married under the HMA, 1955? Why or why not? (3 Marks)

4. Neha and Aditya are 16 and 17 years old respectively. They have been in a relationship for the past six months. Neha's parents, on realising this fact, decide to get Neha married as soon as she turned 18, on 26th March, 2017. On 9th January, 2017, on their way home from school, Neha and Aditya elope and get 'married' according to Hindu ceremonies at a nearby temple. They start to live together at Aditya's parents house. Aditya's parents decide to accept their son's relationship now that the marriage has already taken place. Neha's parents however, file a case against Aditya on the grounds of kidnapping Neha.

Answer the following questions with the support of case law:

- a) Given that Neha and Aditya are minors, what is the status of the marriage between Neha and Aditya? (2 Marks)
- b) If Neha does not want to go back to her parents' house, what options are available to the court? (1 Mark)
5. In an important case on 'restitution of conjugal rights', the Delhi HC makes the following statement:

"Introduction of constitutional law in the home is most inappropriate. It is like introducing a bull in a china shop."

Using the discussion on private sphere and the public sphere in class, can you explain the court's statement?

[OR]

In its 71st report, The Law Commission of India recommends that 'Irretrievable breakdown of marriage' be considered a ground for divorce.

What does this concept mean? Is it a valid ground for divorce in India, under any system personal law? Is there any statutory recognition given to this theory of divorce?

(3 Marks)

6. Are Lingayats considered 'Hindus'? Kindly write down arguments for both including and excluding Lingayats under the term 'Hindu' with support from case law.

[OR]

In *ShayaraBano v. Union of India* (2016), Justice Kurien Joseph takes a different view from both the minority and the majority when it comes to the validity of 'triple talaq'. Can you explain how?

(5 Marks)

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Second Year - Fourth Semester, Mid Semester Examinations, March 2018

INDIAN ECONOMY

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 5 = 5 Marks)

1. Answer ALL the questions:

- (a) The authority which compiles and releases consumer price index for rural labourers and agricultural labourers is?
- (b) The lowering of bank rate by the Reserve bank of India leads to?
- (c) If demand for Indian Rupees decreases, what happens to the international value of Rupees and India's exports?
- (d) When the price level rises while the output goes down then the Economy is given with?
- (e) Suppose that the exchange rate of Indian rupee appreciates by 10% relative to the currencies of India's trading partners. Over the same period inflation in India is 8% compared to 3% inflation in the trading partners. What's the change in India's real exchange rate?

Part – B (3 X 5 = 15 Marks)

Answer any THREE of the following questions not more than One hundred words:

2. Elucidate and elaborate on different types of unemployment?
3. Differentiate proportional, progressive and regressive taxation with numerical example.
4. Administrative, trade, fiscal and monetary measures to control inflation.
5. Define:
- (a) Inflation premium
- (b) Inflation targeting
- (c) Reflation
- (d) Inflation spiral
- (e) Weightage based index

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Second Year - Fourth Semester, Mid Semester Examinations, March 2018

COST AND MANAGEMENT ACCOUNTING

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)**Answer any FIVE of the following questions:**

1. What is Cost Accounting?
2. Write a short note on
 - i. Indirect Material
 - ii. Prime Cost
3. What is Material Control?
4. Write short notes on
 - i. FNSD Analysis
 - ii. VED Analysis
 - iii. Economic Order Quantity
5. Find out the Maximum consumption
Re-order level 4,000 units, Minimum level 2,000 units
Re-order period 2 to 4 weeks.
6. Find out the Economic Ordering Quantity from the following
Annual usage Rs.1,20,000, Cost of placing an order Rs.15,
Annual carrying cost 10 % of inventory value.
7. Calculate Prime Cost, Factory Cost, Cost of Production, Cost of Sales and Profit

Direct Materials	-	Rs.10,000
Direct Labour	-	Rs.4,000
Direct Expenses	-	Rs.500
Factory Expenses	-	Rs.1,500
Administrative Expenses	-	Rs.1,000
Selling Expenses	-	Rs.300
Sales	-	Rs.20,000

Answer any TWO of the following questions:

8. Distinguish between Financial Accounting and Cost Accounting
9. Calculate Prime cost, Factory cost, Cost of Production, Cost of Sales and Profit from the following particulars:

Direct Materials - Rs.1,00,000	Depreciation:
Direct Wages - Rs.30,000	Factory plant - Rs.500
Wages of Foreman - Rs.2,500	Office premises - Rs.1,250
Electric power - Rs.500	Consumable Stores - 2,500
Lighting: Factory - Rs.1,500	Managers Salary - Rs.5,000
Office - Rs.500	Directors Fees - Rs.1,250
Storekeepers wages - Rs.1,000	Office stationery - Rs.500
Oil and water - Rs.500	Telephone charges - Rs.125
Rent: Factory - Rs.5,000	Postage & Telegrams - Rs.250
Office - Rs.2,500	Salesmen's Salaries - Rs.1,250
Repairs and Renewals:	Travelling Expenses – Rs.500
Factory plant - Rs.3,500	Advertising - Rs.1,250
Office premises - Rs.500	Warehouse charges - Rs.500
Transfer to Reserves - Rs.1,000	Sales - Rs.1,89,500
Discount on shares written off - Rs.500	Carriage outward - Rs.375
Dividend - Rs.2,000	Income Tax - Rs.10,000

10. Draw a stores ledger card recording the following transactions under FIFO Method

2010 July	1	Opening stock 2000unit @ Rs.10 each
	5	Received 1,000 units @ Rs. 11 each
	6	Issued 500 units
	10	Received 5,000 units @ Rs.12 each
	12	Received back 50 unit out of the issue made on 6th July
	14	Issued 600 units
	18	Returned to supplier 100 units out of goods received on 5th
	19	Received back 100 units out of the issue made on 14th July
	20	Issued 150 units
	25	Received 500 units @ Rs.14 each
	28	Issued 300 units

The stock verification report reveals that there was a shortage of 10 units on 18th July and another shortage of 15 units on 26th July.

11. A truck load of materials of different grades was purchased for Rs.2,25,000. Materials are sorted into the following grades whose market price is shown against each of them.

	Units	Selling price Per unit
Grade I	25,000	6.00
Grade II	15,000	5.00
Grade III	10,000	2.50

Find out the purchase rate per unit of each grade of the material assuming that all the grades yield same rate of profit.

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Second Year - Fourth Semester, Mid Semester Examinations (Even Semester), March 2018

JURISPRUDENCE

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 2½ = 10 Marks)

Answer any FOUR of the following questions (Word Limit - 150 words per answer):

1. Is Austin's theory of law applicable to Republican Governments?
2. What is the difference between the theory of rule-sceptics such as Karl Llewellyn and fact sceptics such as Jerome Frank?
3. Would Kelsen agree that the Constitution of India is the *grundnorm*? Give reasons for your answer.
4. Why does Hart think that we need secondary rules in modern legal systems?
5. Assume there is a law which asks you to *respect* and *love* the national anthem. As per Finnis, can such a law be considered valid? Can a law which asks a person to *feel* or *think* something, ever be valid Law?

Part – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions (Word Limit - 400 words per answer):

6. Regina is a benevolent Queen who believes that all his subjects should respect her. She passes a secret law, which states that anybody who sneezes in front of her should be punished by ten years of solitary confinement. She calls this law "No Sneezing in Front of the Queen Act, 2018 (NSQA)". Is NSQA a valid law? Explain your position with reference to the Hart-Fuller debate.

7. In *Riggs v Palmer*, Francis Palmer had made a will which gave some of his estate to his grandson. The grandson, Elmer, murdered his grandfather. According to the statutory law of New York at that time, if a will was valid and was made voluntarily, it was enforceable by law. However, here the court held that Elmer could not inherit Francis's property, because of the well known maxim, "No one should benefit from their own wrong". Is the statement "No one should benefit from their own wrong" Law? Explain your position with reference to the Hart-Dworkin debate.

8. Consider a county in which the municipal rule sets the speed limit at 30 kilometers per hour. The rule also states that not following this speed limit would result in a fine of Rs. 100, which would be collected by the police. In the same county, there is a gangster, Pappu Yadav, who gives a declaration that any person who drives below 50 kilometers per hour will be shot dead. What do you think is the difference between the municipal rule and the gangster's declaration? Which one of the two, would Hart consider as Law? Give reasons for your answer.

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Second Year - Fourth Semester, Mid Semester Examinations (Even Semester), March 2018

LAW OF CRIMES-I

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 8 = 8 Marks)

Answer any ONE of the following questions:

1. What are the necessary conditions to prove that a person is guilty of a crime by invoking Section 34 of the IPC, 1860? Discuss the difference between the approach of Section 149 and Section 34 of the IPC, 1860.
2. "Actus non facit reum nisi mens sit rea" – Comment.

Part – B (1 X 6 = 6 Marks)

Answer any ONE of the following questions:

3. Mr. X was driving a car in a road which is zig zag in nature. His fiancé was sitting beside him and they were actively engaged in a conversation. Though his fiancé warned him to be more careful in driving he showed overconfidence in his expertise in driving and continued the driving in the same speed. While the car was turning a curve suddenly Mr. X noticed a boy coming against the car in a bicycle. Since he noticed it all of a sudden, he could not take sufficient precaution to prevent the car hitting the boy. Discuss the liability of the driver.
4. John arrived home in a state of agitation, saying that he was 'going to give his wife something' when she came home. On her arrival there was an argument and the wife ran into the road, closely pursued by John who was making violent threats towards her. The wife fell down in the road and was found to be dead when she was picked up. The medical evidence was that the wife was in good health apart from a persistent thymus gland, but that in this condition death might result from a combination of fright and physical exertion. Examine John's criminal liability with regard to her wife's death.

Answer any TWO of the following questions:

5. Differentiate *Mens rea* in Statutory offences
6. Distinguish Criminal Conspiracy and Abetment
7. Vicarious liability

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Second Year - Fourth Semester, Mid Semester Examinations (Even Semester), March 2018

FAMILY LAW-II

Time: 1½ Hours

Maximum Marks: 20

PART-A (2 X 5 = 10 Marks)

Answer any TWO of the following Questions:

1. Mr. Sushant married to Mrs. Veena in the year 1981. Unfortunately, the couple had no children. Mrs. Veena felt guilty that it is because of her defect she couldn't conceive and forced Mr. Sushant to get remarried. Mr. Sushant agreed for the same after a lot of fights and got married to one Mrs. Sukanya in 1990. Sukanya and Sushant has four children, while the first marriage was subsisting. Mr. Sushant died in the year 2018 and was survived by both his parents, a full brother, both of his wives and his four children.

1.1. Identify the actual legal heirs to the self-acquired properties of Mr.Sushant and allocate them the shares as per HSA, 1956.

1.2. Consider that Mr.Sushant's mother died right after Mr.Sushant's demise, who are the actual legal heirs to her property and allocate them the shares as per HSA, 1956.

2. Mrs. Thangammal, aged 80, was the only sister to Mr. Nagarathinam who hails from Trichy. He loved his sister a lot and had imparted an immovable property which is 50 cents and a house therein, in the year 1954, when Mrs. Thangammal was married off as a gift for her marriage. The gift deed says

"... My only sister Mrs. Thangammal, will enjoy the property mentioned in Annexure I, as an original title holder and derive all the benefits as a full holder. If my sister, dies leaving behind no successors who are capable of taking care of the property, the property shall pass on to my own surviving legal successors..."

Mrs. Thangammal had rented the property since then to various tenants and received the benefits from the same. In the year 1980 and 1984, Mrs. Thangammal had given this property as gift to both of her daughters in equal shares when they were getting married. In 2018, Mrs. Thangammal dies due to her old age and soon after her death, one Mr. Venugopal, grandson of Mr. Nagarathinam approaches the court saying that he is the actual owner of the Thangammal's property and files a suit for recovery of property against daughters and grandchildren of Thangammal. **Decide as per the HSA, 1956.**

3. Mr. Fayisee is a Sunni Muslim resides in Kerala. He is employed in Indian Navy and keeps travelling across the country a lot for official purposes. He got married to Mrs. Ramla in the year 1992. The couple have 2 Daughters and 2 sons. Their eldest daughter got married in the year 2009 and is settled in Dubai with her husband and has a child. Both sons of Mr. Fayisee are still pursuing their graduation and the youngest daughter is still a minor pursuing her schooling. Moreover, both the parents of Mr. Fayisee lives along with them. In the year 2009, Mr. Fayisee was deputed for a special official purpose to Germany. On the way back to India, his flight gets hijacked by terrorists. After the same, Indian government proposes a rescue operation and saves most of the crew in the flight except for 9 people who went missing. Mr. Fayisee was one of them. His family was totally devastated and starts to search for Mr. Fayisee. Despite all the efforts, the search is in vain. In 2017 (after about 7 years), Mrs. Ramla decided that it is high time that they go for Partition as one of her daughter's marriage got fixed and she had to alienate a part for the upcoming expenses. **Identify the sharers and allocate shares as per the Inheritance Table.**

PART-B (10 Marks)

Answer any ONE of the following Questions:

4. (a) In *Kalyani v. Narayan*, AIR 1980 SC 1173, D.A. Desai, J. held the following with respect to Partition of a Hindu Joint Family –

“... It is established law that actual physical division or partition by metes and bounds is not an essential ingredient for the purpose of effecting severance of status. That is really a formality in the process of partition...”

In reference to the above statement explain the concept of Partition and different modes as to how partition can be effected.

[OR]

- (b) In *Mulla's Hindu Law*, by Sir Dinshaw Fardunji Mulla, it is quoted that

“...It is not to be supposed that a member of a joint family, who is a manager, has a large proprietary interest, or has large rights to enjoy the joint property than any other member. The only respect in which he has a superior right is that he has a power of disposition for causes recognized as just and proper under Hindu Law of the whole family property, including the interest of the junior members...”

Justify the statement by elucidating the position of Karta in a Hindu Joint family and his power of alienation.

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Second Year - Fourth Semester, Mid Semester Examinations (Even Semester), March 2018

CONSTITUTIONAL LAW - II

Time: 1½ Hours

Maximum Marks: 20

PART-A (2 X 6 = 12 Marks)

Answer any TWO of the following Questions:

1. Can the president promulgate an Ordinance on a matter not enumerated in the union or concurrent list? What are the Constitutional limitations on the ordinance making powers?
2. Can a person disqualified from being a member of Legislative Assembly be appointed as a Chief Minister? Answer the question with the aid of a decided case.
3. The 73rd and 74th Amendment of Indian Constitution has played ground-breaking role in deepening the idea of democracy in India by devolving the decision making process to the people. Discuss.

PART-B (1 X 8 = 8 Marks)

Answer the following Question:

4. The Chief Minister of State X, upon completion of 3 years of his 5 years tenure of the government recommends to the Governor of the state the dissolution of the legislative assembly and holding of elections on the ground of seeking a fresh mandate from the people. The Governor decides not to dissolve legislative assembly on the ground that the entire period of 5 years of the state government has not elapsed and instead recommends imposition of Article 356 of the Constitution.

Discuss the validity of the governor's actions in the light of Constitutional principles and case law. What is the extent of judicial review exercisable by the courts in such cases?

(Answer the question in light of Governor discretionary power and relevant Constitutional provisions in relation to Governor)



Name : Register No.:

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

Third Year - Sixth Semester, Mid Semester Examinations, March 2018

POLITICAL SCIENCE – IV (Public Policy and Public Administration)

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions. Each answer should not be in less than 300 words:

1. The Scope of Public Administration is over expanding – Comment.
 2. Define Public Policy and discuss the nature and types of Public Policy.
 3. “Though there are certain points of similarity between Public and Private Administration, yet, no private organization can ever be exactly the same as a Public one”- Examine.
 4. Explain Henry Fayol’s general principles of Management.
 5. Explain the importance of ‘Span of Control’ as a principle in running the organization.
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Name : Register No.: **TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI****B.Com. LL.B. (Hons) Degree Programme**

Third Year - Sixth Semester, Mid Semester Examinations, March 2018

FINANCIAL MANAGEMENT AND PRACTICAL AUDITING

Time: 1½ Hours

Maximum Marks: 20

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

1. How far do you think that the goal of wealth maximization is a better operative criterion over the earlier profit maximization?
2. What are the major types of financial management decisions that business firms make? Describe each.
3. M/s Sanjiv Bros who are willing to purchase a business have consulted you and one point, on which you are asked to advise them, is the average amount of working capital which would need to be employed in the first year's trading.

You are given the following estimates and are requested to add 15% to your computed figures to allow for contingencies:

- | | | |
|-------|--------------------------------|-------------|
| (i) | Average Amount of Stocks | |
| | Finished goods | Rs.30,000 |
| | Raw material | Rs.60,000 |
| (ii) | Average credit given: | |
| | Inland sales 4 weeks | Rs.2,60,000 |
| | Export sales 2 weeks | Rs.6,50,000 |
| (iii) | Lag in Payment of Expenses: | |
| | Wages 1.5 weeks | Rs.2,60,000 |
| | Material and overheads 4 weeks | Rs.3,90,000 |

Part - B (1 X 10 = 10 Marks)
COMPULSORY QUESTION

4. A Company is considering two mutually exclusive projects. Project A require an initial investment of Rs.500,000 and have a life of five years and Project B require an initial investment of Rs.4,00,000 and have a life of four years. The cost of capital is 10% and tax-rate is 50%. The depreciation is charged on straight-line method. The estimated net cash inflows (before depreciation and tax) of the two projects are as follows:

Year	Project A Rs.	Project B Rs.
1	2,00,000	300,000
2	2,20,000	2,70,000
3	2,80,000	2,20,000
4	2,50,000	2,50,000
5	2,30,000	-

Which project should be accepted under following methods?

1. Pay Back Period
2. Net Present Value
3. Internal Rate of Return

Present Value and Future Value Tables

Table A-3 Present Value Interest Factors for One Dollar Discounted at k Percent for n Periods: $PVIF_{k,n} = 1 / (1 + k)^n$

Period	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%	15%	16%	18%	20%	24%	25%	30%	
1	0.9901	0.9804	0.9709	0.9616	0.9524	0.9434	0.9346	0.9260	0.9174	0.9091	0.9009	0.8929	0.8850	0.8772	0.8695	0.8621	0.8548	0.8476	0.8404	0.8333	0.8262	0.8192
2	0.9804	0.9616	0.9434	0.9260	0.9091	0.8929	0.8772	0.8621	0.8476	0.8333	0.8192	0.8056	0.7925	0.7797	0.7672	0.7549	0.7428	0.7308	0.7190	0.7074	0.6960	0.6847
3	0.9709	0.9434	0.9174	0.8929	0.8695	0.8476	0.8260	0.8056	0.7854	0.7654	0.7457	0.7263	0.7072	0.6883	0.6695	0.6510	0.6327	0.6146	0.5967	0.5790	0.5615	0.5442
4	0.9616	0.9260	0.8929	0.8621	0.8324	0.8039	0.7764	0.7500	0.7247	0.7004	0.6771	0.6548	0.6334	0.6130	0.5935	0.5749	0.5571	0.5399	0.5233	0.5072	0.4916	0.4763
5	0.9524	0.9091	0.8772	0.8476	0.8192	0.7925	0.7672	0.7428	0.7190	0.6960	0.6737	0.6520	0.6308	0.6101	0.5900	0.5704	0.5513	0.5327	0.5145	0.4967	0.4793	0.4622
6	0.9434	0.8929	0.8621	0.8324	0.8039	0.7764	0.7500	0.7247	0.7004	0.6771	0.6548	0.6334	0.6130	0.5935	0.5749	0.5571	0.5399	0.5233	0.5072	0.4916	0.4763	0.4612
7	0.9346	0.8850	0.8553	0.8260	0.7974	0.7700	0.7437	0.7184	0.6941	0.6707	0.6483	0.6268	0.6061	0.5861	0.5667	0.5478	0.5294	0.5115	0.4941	0.4772	0.4608	0.4448
8	0.9260	0.8772	0.8476	0.8192	0.7925	0.7672	0.7428	0.7190	0.6960	0.6737	0.6520	0.6308	0.6101	0.5900	0.5704	0.5513	0.5327	0.5145	0.4967	0.4793	0.4622	0.4454
9	0.9174	0.8695	0.8404	0.8120	0.7854	0.7600	0.7356	0.7122	0.6897	0.6681	0.6473	0.6272	0.6077	0.5888	0.5700	0.5521	0.5347	0.5177	0.5010	0.4846	0.4684	0.4524
10	0.9091	0.8621	0.8333	0.8056	0.7797	0.7549	0.7308	0.7074	0.6847	0.6626	0.6411	0.6202	0.6000	0.5804	0.5613	0.5427	0.5245	0.5067	0.4892	0.4720	0.4551	0.4384
11	0.9009	0.8548	0.8262	0.7984	0.7736	0.7497	0.7264	0.7037	0.6815	0.6598	0.6386	0.6179	0.5977	0.5780	0.5588	0.5400	0.5216	0.5035	0.4857	0.4681	0.4507	0.4335
12	0.8929	0.8476	0.8192	0.7925	0.7672	0.7428	0.7190	0.6960	0.6737	0.6520	0.6308	0.6101	0.5900	0.5704	0.5513	0.5327	0.5145	0.4967	0.4793	0.4622	0.4454	0.4288
13	0.8850	0.8404	0.8120	0.7854	0.7600	0.7356	0.7122	0.6897	0.6681	0.6473	0.6272	0.6077	0.5888	0.5700	0.5521	0.5347	0.5177	0.5010	0.4846	0.4684	0.4524	0.4364
14	0.8772	0.8333	0.8056	0.7797	0.7549	0.7308	0.7074	0.6847	0.6626	0.6411	0.6202	0.6000	0.5804	0.5613	0.5427	0.5245	0.5067	0.4892	0.4720	0.4551	0.4384	0.4218
15	0.8695	0.8260	0.7984	0.7736	0.7497	0.7264	0.7037	0.6815	0.6598	0.6386	0.6179	0.5977	0.5780	0.5588	0.5400	0.5216	0.5035	0.4857	0.4681	0.4507	0.4335	0.4164
16	0.8621	0.8192	0.7925	0.7672	0.7428	0.7190	0.6960	0.6737	0.6520	0.6308	0.6101	0.5900	0.5704	0.5513	0.5327	0.5145	0.4967	0.4793	0.4622	0.4454	0.4288	0.4122
17	0.8548	0.8120	0.7854	0.7600	0.7356	0.7122	0.6897	0.6681	0.6473	0.6272	0.6077	0.5888	0.5700	0.5521	0.5347	0.5177	0.5010	0.4846	0.4684	0.4524	0.4364	0.4200
18	0.8476	0.8056	0.7797	0.7549	0.7308	0.7074	0.6847	0.6626	0.6411	0.6202	0.6000	0.5804	0.5613	0.5427	0.5245	0.5067	0.4892	0.4720	0.4551	0.4384	0.4218	0.4054
19	0.8404	0.8000	0.7741	0.7497	0.7264	0.7037	0.6815	0.6598	0.6386	0.6179	0.5977	0.5780	0.5588	0.5400	0.5216	0.5035	0.4857	0.4681	0.4507	0.4335	0.4164	0.3999
20	0.8333	0.7930	0.7672	0.7428	0.7190	0.6960	0.6737	0.6520	0.6308	0.6101	0.5900	0.5704	0.5513	0.5327	0.5145	0.4967	0.4793	0.4622	0.4454	0.4288	0.4122	0.3958
21	0.8262	0.7860	0.7600	0.7356	0.7122	0.6897	0.6681	0.6473	0.6272	0.6077	0.5888	0.5700	0.5521	0.5347	0.5177	0.5010	0.4846	0.4684	0.4524	0.4364	0.4200	0.4036
22	0.8192	0.7797	0.7549	0.7308	0.7074	0.6847	0.6626	0.6411	0.6202	0.6000	0.5804	0.5613	0.5427	0.5245	0.5067	0.4892	0.4720	0.4551	0.4384	0.4218	0.4054	0.3890
23	0.8120	0.7736	0.7497	0.7264	0.7037	0.6815	0.6598	0.6386	0.6179	0.5977	0.5780	0.5588	0.5400	0.5216	0.5035	0.4857	0.4681	0.4507	0.4335	0.4164	0.3999	0.3835
24	0.8056	0.7672	0.7428	0.7190	0.6960	0.6737	0.6520	0.6308	0.6101	0.5900	0.5704	0.5513	0.5327	0.5145	0.4967	0.4793	0.4622	0.4454	0.4288	0.4122	0.3958	0.3794
25	0.8000	0.7620	0.7372	0.7134	0.6900	0.6672	0.6454	0.6241	0.6032	0.5833	0.5634	0.5444	0.5261	0.5083	0.4910	0.4741	0.4576	0.4414	0.4254	0.4095	0.3936	0.3777
26	0.7941	0.7564	0.7316	0.7080	0.6854	0.6638	0.6426	0.6219	0.6016	0.5817	0.5624	0.5436	0.5253	0.5074	0.4899	0.4726	0.4556	0.4387	0.4219	0.4052	0.3885	0.3718
27	0.7884	0.7508	0.7260	0.7026	0.6802	0.6588	0.6379	0.6174	0.5973	0.5776	0.5583	0.5394	0.5209	0.5027	0.4847	0.4669	0.4492	0.4316	0.4141	0.3966	0.3791	0.3616
28	0.7829	0.7454	0.7206	0.6974	0.6752	0.6544	0.6341	0.6142	0.5946	0.5753	0.5564	0.5378	0.5195	0.5015	0.4836	0.4658	0.4481	0.4304	0.4128	0.3952	0.3776	0.3600
29	0.7775	0.7400	0.7152	0.6922	0.6704	0.6500	0.6302	0.6107	0.5915	0.5726	0.5540	0.5357	0.5176	0.4997	0.4818	0.4640	0.4462	0.4284	0.4107	0.3930	0.3753	0.3576
30	0.7722	0.7348	0.7100	0.6872	0.6658	0.6460	0.6267	0.6077	0.5889	0.5704	0.5521	0.5340	0.5161	0.4983	0.4805	0.4627	0.4449	0.4271	0.4093	0.3915	0.3737	0.3559
31	0.7670	0.7296	0.7048	0.6822	0.6610	0.6414	0.6224	0.6036	0.5850	0.5666	0.5483	0.5302	0.5123	0.4945	0.4767	0.4589	0.4411	0.4232	0.4053	0.3874	0.3695	0.3516
32	0.7618	0.7244	0.6996	0.6772	0.6564	0.6370	0.6182	0.5996	0.5812	0.5629	0.5448	0.5269	0.5091	0.4914	0.4737	0.4559	0.4381	0.4202	0.4023	0.3844	0.3665	0.3486
33	0.7567	0.7192	0.6944	0.6722	0.6518	0.6326	0.6140	0.5956	0.5773	0.5591	0.5410	0.5230	0.5051	0.4873	0.4694	0.4515	0.4335	0.4155	0.3975	0.3795	0.3615	0.3435
34	0.7516	0.7141	0.6893	0.6674	0.6474	0.6284	0.6100	0.5918	0.5737	0.5557	0.5377	0.5198	0.5019	0.4840	0.4660	0.4480	0.4300	0.4119	0.3938	0.3757	0.3576	0.3395
35	0.7465	0.7090	0.6842	0.6626	0.6430	0.6242	0.6060	0.5879	0.5699	0.5519	0.5340	0.5161	0.4982	0.4802	0.4621	0.4440	0.4259	0.4077	0.3895	0.3713	0.3531	0.3349
36	0.7414	0.7039	0.6791	0.6578	0.6386	0.6200	0.6020	0.5841	0.5662	0.5483	0.5304	0.5126	0.4947	0.4767	0.4587	0.4406	0.4225	0.4043	0.3861	0.3678	0.3495	0.3312
37	0.7363	0.6988	0.6740	0.6528	0.6338	0.6154	0.5976	0.5798	0.5621	0.5444	0.5267	0.5090	0.4913	0.4735	0.4556	0.4376	0.4195	0.4013	0.3830	0.3647	0.3463	0.3279
38	0.7312	0.6937	0.6689	0.6478	0.6290	0.6114	0.5938	0.5763	0.5588	0.5413	0.5238	0.5063	0.4888	0.4712	0.4535	0.4357	0.4178	0.3997	0.3815	0.3632	0.3448	0.3264
39	0.7261	0.6886	0.6638	0.6428	0.6242	0.6068	0.5894	0.5721	0.5548	0.5375	0.5202	0.5029	0.4856	0.4682	0.4507	0.4331	0.4154	0.3976	0.3797	0.3617	0.3436	0.3254
40	0.7210	0.6835	0.6587	0.6378	0.6194	0.6022	0.5850	0.5679	0.5508	0.5337	0.5166	0.4995	0.4824	0.4652	0.4479	0.4305	0.4130	0.3954	0.3777	0.3598	0.3418	0.3236
41	0.7159	0.6784	0.6536	0.6328	0.6146	0.5976	0.5806	0.5637	0.5468	0.5299	0.5130	0.4961	0.4791	0.4620	0.4448	0.4275	0.4101	0.3926	0.3749	0.3570	0.3390	0.3208

Name : Register No.: **TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Third Year – Sixth Semester, Mid Semester Examinations (Even-Semester), March 2018

CORPORATE LAWS-II

Time: 1½ Hours

Maximum Marks: 20

Answer all the following questions:

1. ABC Ltd. was incorporated by registration under the Companies Act, 2013. The corporate office is situated at Tiruchirappalli – 620009. The Registered office of the company is situated at #13/10/D, Dindugul Road, Navalur Kuttapattu, Srirangam (TK), Tiruchirappalli District. The company is required to have annual general meeting under the Companies Act, 2013. The company decided to hold the annual general meeting on 10 April 2018 or 09 April 2018. The company intends to send out the notice of AGM on 20.03.2018. Having regard to the provisions of the Companies Act, 2013, you are required to advise the company on suitable date of the meeting. **(5 Marks)**
2. ABC Ltd. was incorporated by registration under the Companies Act, 2013. The corporate office is situated at Tiruchirappalli – 620009. The Registered office of the company is situated at #13/10/D, Dindugul Road, Navalur Kuttapattu, Srirangam (TK), Tiruchirappalli District. The company is required to have annual general meeting under the Companies Act, 2013. Hence, the company fixed an auditorium in the following address to be the venue of the meeting: #09, II Main Road, Landmark: Opp to Sri Ranganathaswamy Temple, Thiruvarangam (Srirangam) – 620006. Ms.Nachiyar received the notice sent through courier service at #01, II Main Road, Landmark: Opp to Sri Ranganathaswamy Temple, Thiruvarangam (Srirangam) – 620006. Courier service had charged the rates applicable to deliver the consignment within the city and delivered the notice on the day of booking itself. However, the notice was not delivered to some of the members in the same area even after 15 days. In the meanwhile, the company received a letter from one of its members stating that the venue is not appropriate for the meeting and that the fixing of the said venue for the meeting is in violation of the Companies Act, 2013.

The company seeks your opinion as to the legality of the place of the annual general meeting. You're required to advise the company. **(5 marks)**

3. Ms.“A”, Ms.“B” and Mr.“C” incorporated a company having its registered office at Tiruchirappalli. Pursuant to the memorandum of association of the company, 50% of the shares of the company were issued to Ms.“B” and Mr.“C” jointly. In respect of these shares, names of Ms.“B” and Mr.“C” were entered in the ‘Register of Members’ of the company in the same order.

In the beginning of 2018, certain difference in opinion between Ms.“B” and Mr.“C” resulted in the company’s inability to decide certain matters in the meeting of the board of directors. Consequently, Mr.“C” gave a requisition under section 100 (2) (a) for calling the extraordinary general meeting (EGM) of the company to decide the future course of action of the company. Ms.“S” objected to the said requisition. Ms.“B” did not object the requisition of Mr.“C”. However, Ms.“S”, being one of the directors of the company, saw that the company did not convene the EGM.

Aggrieved by the act of the company not convening EGM, Mr.“C” approaches you for advice on the legality of the said act of refusal of the company. Mr.“C” informs you that the articles of the company are silent on requisition of EGM by members.

In view of the above, you’re required to advice Mr.“C”. (5 Marks)

Further, you’re required to draft appropriate clauses to be included in the articles of the company which may help Mr.“C” or any other member who may be in a similar situation to file a valid requisition. (5 Marks)

Name :

Register No.:

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Third Year – Sixth Semester, Mid Semester Examinations (Even-Semester), March 2018

LABOUR LAW-II

Time: 1½ Hours

Maximum Marks: 20

Answer all the following questions:

1. Mr. Shyam Sunderesan Gonsalvis was holding the post of teacher coordinator in a project funded by the Indian Council of Medical Research, which was later taken over by the All India Institute of Medical Sciences (hereafter referred as AIIMS), and Mr. Gonsalvis continued to hold the post of Teacher Coordinator. After a period of time, his post was redesigned at a higher post but he continued to draw salary in his earlier scale of pay. In pursuance to the recommendation of the Seventh Pay commission as adopted by AIIMS, the pay scale of his post was revised at a higher level but he felt that the remuneration that he was getting was less than Speech Pathologists and Audiologists, who were in an even higher scale of pay, though his work was also of similar nature.

He approached to the Supreme Court by means of a writ petition under article 32 of the constitution.

How would you look at this set of fact from the following view points?
Explain:

- a) Equality of wage is an abstract doctrine and cannot be applicable where employees holding the same rank perform similar functions and discharging similar duties and sharing similar responsibility?
- b) The State shall classify employees on the basis of qualifications, duties and responsibilities of the posts concerned and if the classification had a reasonable nexus with the objective sought to be achieved i.e. efficiency in the administration; the State would be justified in prescribing different pay scale.

(7 ½ Marks)

2. Decide the following case keeping in view the scheme of the Legislation to be applied in the case and social justice principles.

According facts of the case suggests that 80 employees were initially working in the CPWD as work charged employees with the Civil Aviation Department of the Government of India. Upon the constitution of the petitioner (i.e National Airport Authority) vide The National Airports Authority Act, 1985, they exercised the option of absorption in the said petitioner and were so absorbed. It was the contention of the petitioner employer that it is engaged in the task of providing safe and economical Air Traffic services to the operating Airlines and the maintenance of office and residential buildings is an incidental activity to keep them under habitable conditions as a welfare measure and not for any commercial purposes. The construction and maintenance of runways at Delhi where the 80 applicants were employed was being done by the International Airports Authority of India or was contracted out and the said 74 employees were not engaged in the construction of buildings or runways and thus not employed in scheduled employment and were thus not covered by the Act and not entitled to overtime at double the rate but at the rate prescribed in the Service Regulations of the petitioner employer.

- The employer contends the applicability of the Act and says no benefit under the legislation can be provided.
- And that if an employee is being paid more than the minimum wages provided under the Act, the Act does not operate and the employer cannot be compelled to pay overtime at double the rate of ordinary rate of wages under Rule 25 aforesaid.

The petitioner has filed a writ petition against the order of the authority under Minimum wages Act, for passing order for entitlement to overtime wages for the period of July 2016- Dec 2016, under the relevant provisions of the Minimum wages act read with Minimum wages Central Rules 1950 at double the normal rate.

(7 ½ Marks)

3. Write short notes on the following: (2½ Marks each)

- Method of wage determination in India
- Allocable Surplus v Available Surplus

PUIL-18

Name :

Register No.:

TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Third Year – Sixth Semester, Mid Semester Examinations (Even-Semester), March 2018

PUBLIC INTERNATIONAL LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (1 X 4 = 4 Marks)

Answer any ONE of the following not exceeding 300 words:

- Two experts were appointed by the United Nations Organisation to oversee a truce agreement between the government forces and rebels. Later the truce agreement was breached and both the experts were killed in the cross fire within the territory controlled by the government forces. The United Nations Organisation brought a claim against that government. Can it succeed?
- Comment upon *Arantzazu Mendi* Case (UK) 1939.

PART - B (2 X 6 = 12 Marks)

Answer any TWO of the following not exceeding 500 words:

- Trace the changes in Judicial thinking from 'Jolly George Varghese to Vishaka' in understanding the provisions of international law with in municipal spheres by referring various theories.
- What are the various Theories of State Recognition in international law. Critically examine the legal effects of recognition of State and Governments in international law.
- Define State Succession. What are the consequences of State Succession on existing treaties?

PART - C (2 X 2 = 4 Marks)

Answer any TWO of the following not exceeding 150 words:

6.

- a) *Ex aequo et bono*
- b) *Pac terries nec nocent nec prosunt*
- c) Distinguish Universal Succession and Partial Succession with illustrations.

INPL-18

Name :

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

Third Year – Sixth Semester, Mid Semester Examinations (Even-Semester), March 2018

INTELLECTUAL PROPERTY LAW

Time: 1½ Hours

Maximum Marks: 20

PART – A (2 X 5 = 10 Marks)

Answer any TWO of the following:

1. Systematically analyze the evolution and growth of intellectual property on a territorial, international and global basis.
2. Examine the concept of novelty and inventive step under the Indian Patent Act, 1970 in the light of decided cases.
3. How are suits concerning infringement of patents instituted? Examine the different modes of determination of infringement of the patent in the light of decided cases.

PART – B (2 X 5 = 10 Marks)

Answer any TWO of the following:

4. Anand, the proprietor of Sri Hari Krishna Sweets, a famous Indian sweet shop having outlets in both India and abroad, successfully created 'low glyceemic sweets', especially for diabetic patients. The claimed 'low glyceemic sweet' is an Indian Sweet, which can be consumed by any person, especially by the diabetic patient or a person showing the symptoms of diabetics. The texture and visual properties are maintained equal to that of any conventional sweet. He particularly used Levulose, a Fruit Sugar with the appropriate ratio of carbohydrate and protein preferably under inert gas/es blanket or high-pressure steam totally replacing the conventional cane sugar. Anand Claims that his process is different from every other

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industrially known process of making such kind of sweets. He also added that his claimed process is more economical and also retains conventional taste. Anand filed a patent application on 'low glycaemic sweets' which include low glycaemic Gulab Jamoon, Mysore Pak, Rasagolla etc. Decide the patentability of 'low glycaemic sweets'.

5. Kamal obtained a patent on 'Mobile Telephone with a plurality of SIM cards' (i.e. Dual or Multiple SIM cards Mobile Patent) in India. The patent application was filed in 2004 and was granted a patent in 2009. In 2010, Kamal sent a notice to ZamZung and HiFi, leading dual sim mobile manufacturers in the country and warned them of infringement action for violating his patent. ZamZung replied that the invention as claimed in the impugned patent was a product already known and in the public domain. HiFi added that a patent on 'Mobile with multiple SIM Cards' was already granted in the United States in the name of 'M/S. Symbian Technology Inc.' and got expired in 2005. Both ZamZung and HiFi alleged that the invention of Kamal lacks novelty in their respective reply notice. Amid all such controversies surrounding his patent, Kamal claimed novelty in India. Advise ZamZung and HiFi on further course of action.
6. Zaheer Abbas filed a patent application on **advanced cricket bowling machine** named '**Cheetah**' which is highly versatile in delivering different kinds of bowling in precise line and length. He claimed that his bowling machine will be very useful for both amateur and professional cricketers who can use it as part of their regular practice for fine-tuning of batting without the necessity of bowlers. The main usage of this invention is to provide consistent batting practice for different cross-sections of the players, such as professional cricketers, amateur cricketers, women cricketers and junior cricketers. The invention will assist in improving the natural talent of the batsman. It will be of much use at school, club and junior level where the standards of bowling are less consistent. He also claimed that his invention is more advanced from other bowling machines in the market on following parameters, i.e. accuracy, portability and technology. Decide the patentability of '**Cheetah**'.

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

Third Year – Sixth Semester, Mid Semester Examinations (Even-Semester), March 2018

LAW OF EVIDENCE

Time: 1½ Hours

Maximum Marks: 20

Question paper comprises of 3 questions of 10 marks and 2 questions are to be answered and Question Number 1 is compulsory:

1. Kindly read the following situations and identify which kind of evidence the said fact-situation is giving rise to: (COMPULSORY QUESTION)

Fact- Situation:

'Binary', a grand technology festival conducted by a reputed institution 'Pi College of Technology (PCT). This year of 2K18, exhibition of 'Killer Robots' attracted the gathering. As the controllers of robots were standing beside robots, children didn't hesitate to play with the robots. In order of security reasons, proper passes were issued to the participants and audience and also video surveillance through CCTV was done. Nick, a participant was also actively involved in the festival. During the tea time, he took two of the kids to the nearby washroom and raped them. As the kids started screaming, he murdered them and chopped the dead bodies into pieces and he was caught when he was trying to flush the organs of the bodies. He claimed that the murder was done by the killer robots and he was just helping the robots to complete the crime.

Keeping In view above fact-situation, and the scheme of kinds of evidence under the Indian Evidence Act, 1872, answer the following questions: (not exceeding 75 words each)

- a) What kind of evidence/s this fact-situation giving rise to? Enlist and relate with the provisions. (Marks 2 ½)
- b) What are all the facts-in issue and relevant facts elucidate with sections? (Marks 2 ½)
- c) Explain res gestae with the given situation. (Marks 2 ½)
- d) Imagine criminal conspiracy has happened between killer robots and Nick- Explain. (Marks 2 ½)

2. Kindly answer the following question: (150 words each)

- a) A, alleged to have committed murder of B is arrested and produced before Magistrate for remand on 12-2-2018 by the police with a requisition that A is willing to make a confession. The Magistrate immediately records that confessional statement of A. Is the procedure followed by the Magistrate legal? If not give reasons and also explain 'confessions'. (Marks 5)
- b) A super-imposed photograph of the deceased over the skeleton of a human body to prove that the skeleton was of the deceased is relevant under Section 9 of the Evidence Act. Explain the said Section with illustrations. (Marks 5)

3. Answer the following question: (300 words)

Nemo moriturus praesumitur mentire – Comment (Marks 10)

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

Mid Semester Examinations (Even-Semester), March 2018

CYBER LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 10 = 20 Marks)

Answer any TWO of the following questions. Question Number 1 is Compulsory.

- 1. Kindly read the following situation and answer the following questions: (COMPULSORY QUESTION)

Fact- Situation:

'Health data security: Ultrasound, MRI reports highly vulnerable to cybercrimes'
- McAfee

'X-mas', a world famous hospital in USA (branches available in 10 countries including Argentina), since opening in 1961, has valued the importance of technological advancement. The hospital's high-tech equipment includes advanced robotic radio surgery device the Cyber Knife. "Literally all the procedures that you can imagine that could help patients in radiation therapy are available here under this roof," said medical director of the radiation oncology department Dr. Hebert Sinha.

X-mas uses PACs (Proxy Auto- Configuration) for picture archiving and communication system, so that images such as ultrasounds, mammograms, MRIs, etc. can be accessed from the various systems within their facility, or through the cloud. Justin, an MRI- Brain scan patient of X-mas (Argentina) found that his scan reports have been misused when he received a call from India saying, 'You've been diagnosed with Brain Tumor and we also determined how long you will live and credit \$5000 (A/C NO: 111****25) to save your life. Justin filed an 'Extortion' complaint to a nearby cybercrime police and found that the server of the hospital is situated in Italy.

Keeping in view above fact-situation, and the scheme of "International Perspective of Cyber Crime: Jurisdiction & Applicability clause" under the Information Technology Act, 2000, answer the following questions:

- a. Find out the cybercrime & enlist the "Applicability clause": territorial, subject matter and nationality along with the theories (2.5 Marks)
 - b. Which forum is suitable to deal with punishing the culprit? What will be the International conventions or laws available to solve the critical situation? (2.5 Marks)
 - c. Justify 'Extortion/cybercrime' complaint with relation to Lessig's theory and Targeting doctrine. (5 Marks)
2. Elucidate the plausibility of human right violations in cyber space and discuss the need for interface between technology and human rights in this Digital Era. (10 Marks)
3. Answer the following questions:
- a. Define computer, computer network and computer systems as defined under IT Act 2000 (4 Marks)
 - b. State the Impact of computers and internet on the individuals and society (3 Marks)
 - c. State whether Cybercafes', Matrimonial websites, Internet service providers fall within the ambit of section 2(w) of the Information Technology Act 2000 (3 Marks)

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

Mid Semester Examinations (Even-Semester), March 2018

CRIMINOLOGY, PENOLOGY & VICTIMOLOGY

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 7 = 14 Marks)

Answer any TWO of the following questions. Each question carries Seven Marks.

1. The belief that criminals and evil people in general have unusual physical appearance goes back to ancient time. Concisely show how criminology researchers have addressed this issue; and provide your own evaluation on the contribution of physical appearance to crime and criminal behavior.
2. What is the difference between Classical and Neoclassical school? How does Neoclassical paved the way for the development of scientific criminology. Explain.
3. Discuss Southerland's theory of 'Differential Association'

Part – B (3 X 2 = 6 Marks)

Answer any THREE short notes on the following.

4. Utilitarian Hedonism
5. IQ and crime causation
6. Twin theory
7. Psycho-analytical theory

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Mid Semester Examinations (Even-Semester), March 2018

COMPARATIVE CONSTITUTIONAL LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 12 = 12 Marks)

Answer any ONE of the following questions:

1. 'Constitutionalism is not merely a bundle of constitutional rules but rather a way of political life of a nation.' The essence of constitutionalism consists in respect for the rights of individuals, limiting the powers of the organs of the state and concerns for the rights of the minorities and not merely in the rule by the majority. Critically comment.
2. Globalization entails and intensifies international competition for investment capital, human talent and technology. Only those countries would be successful in attracting them which offer better and attractive legal climate for basic liberties, property rights, efficient judicial system and rule of law. Comment on the challenges faced by the modern constitutional systems in the context of globalised world order.
[You can answer this question through the ideas like Constitutionalization; Constitutionalism and Federalism]

Part – B (1 X 8 = 8 Marks)

Answer the following Question.

3. "Free institutions are next to impossible in a country made up of different nationalities." – J.S. Mill

Please respond to this statement by critically analyzing the idea of Federalism in a multi-ethnic, multi-lingual and multicultural society. How do the Constitutions of various countries respond to the idea of Federalism?

[Mention at least Constitutions of two Countries]

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Mid Semester Examinations (Even Semester), March 2018

LAW AND SOCIAL TRANSFORMATION

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 10 = 20 Marks)

Answer any TWO of the following questions not exceeding 1000 words each:

1. Consider the following extract:

The law, through legislative and administrative responses to new social conditions and ideas, as well as through judicial re-interpretations of constitutions, statutes or precedents, increasingly not only articulates but sets the course for major social change. Attempted social change, through law, is a basic trait of the modern world. Many authors consider law as a desirable necessary and highly efficient means of inducing change, preferable to other instruments of change. In present-day societies, the role of law in social change is of more than theoretical interest. In many areas of life such as education, race relations, housing, transportation, energy utilization, protection of the environment, and crime prevention, the law and litigation are important instruments of change.

Given this context, answer ONE of the following:

- a. Is state-made law the best tool to achieve social transformation? What are the problems and challenges of development led by law?
- b. What do you think are the aims of state-led development in India? What according to you are the dangers of aiming for a “transformed society”?

2. Consider this extract from a recent media report:

The Association of American Universities undertook a detailed survey of sexual assault and sexual misconduct in 2015 (student-student and staff-student). Surveys were completed on 27 campuses, with 150,072 students responding. The survey found reporting rates for sexual harassment – staff and student – [were] 7.7%, and only 28% of even the most serious incidents are reported to an organisation or agency.

.....136 staff-on-student cases were investigated by universities. The vast majority were investigated internally; only a small number were investigated by the police. The survey also found that 38 staff left their university or changed jobs following allegations that they had sexually harassed students.

Given this context, answer ONE of the following:

- a. Why do you think are the reasons why, despite strong sexual harassment law, sexual harassment continues to exist in academia? Examine this issue using the theoretical framework developed by Felstiner, Abel and Sarat as well as Mark Galantar.
- b. Draft a research proposal to study the enforcement of sexual harassment law in university campuses using any of the “law and society” methods.

3. The following is an extract from a facebook post by former Supreme Court, Justice Markandey Katju :

Caste reservations have done the greatest harm to the S.C.s/ S.T.s. since far from helping destroy the caste system they have helped in perpetuating it. Had it not been for these reservations, by now the dalits would have been far better off. These reservations have given the impression to the dalits that now they do not have to struggle for equality, since the state will do the struggle for them. So instead of waging a manly struggle for equality, dalits often keep crying for more reservations.

No doubt reservations have helped create a dalit vote bank for elections, which unscrupulous politicians manipulate, but how many dalits have benefited from reservations? Not even 1%. But such reservations have isolated the dalits, and has made the upper castes often hostile to them, since an upper caste boy/girl who may have got high marks in a qualifying examination is often

denied admission to an educational institute or appointment in a govt. job, while a dalit having much lower marks gets it.

In my opinion all reservations on caste basis should be abolished, but special help and facilities should be given to the poor of all castes and communities, and these poor are even amongst the upper castes.

With this in mind, answer ONE of the following:

- a. What do you think of Katju’s argument? Do you agree with Laura Dudley Jenkins’ view on the same point? Do you think reservations can lead to the abolition of caste discrimination?
- b. Given Galantar’s theoretical framework, what do you think are the pros and cons of the affirmative action policy? What do you think are the changes that we should make to current affirmative action law and policy?

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

Mid Semester Examinations (Even Semester), March 2018

ELECTION LAW

Time: 1½ Hours

Maximum Marks: 20

PART – A (2 X 7½ = 15 Marks)**Answer ALL the questions:**

1. Around the world, including in the United States, millions of people have braved violence, intimidation, and other obstacles to demand the right to express their will through the ballot box. Often, students and youth have played leading roles in this worldwide epic, such as the, Otpor movement in Serbia, which helped to overthrow the dictator Slobodan Milosevic in 2000, or the Iranian Green Revolution, which protested the stealing of elections in 2009. In this context, when we look at India, free and fair elections constitute the basic foundation of **Constitutional democracy**.
 - a. What do you understand by this statement?
 - b. Decide the precision of the statement drawing all possible instances from judicial pronouncements in this regard, also cite constitutional, legal or international law provisions to elucidate your answer.

2. Mr. Venky Chauhan is an *Indian Economic Service (IES)* officer. He has also obtained his law degree from the prestigious and famous *National University of Law, Tiruchy (NULT)*. He was appointed to the post of *Chief Election Commissioner (CEC)* in 2013 by the President of India. After the General Elections of 2014 which was held to constitute the 16th Lok Sabha.

one unsuccessful candidate by name Mr. Virendra Jain belonging to the Tiruchirappalli constituency challenged the successful election of Mr. Mihir Jethmalani by way of an *Election Petition (EP)* before the Madras High Court. In his *EP*, the Petitioner Mr. Jain alleged, *inter alia*, that Mr. Chauhan who was functioning as the *CEC* for the 2014 General Elections was not qualified to be appointed as the *CEC* and therefore, the entire elections held throughout the country including the election of the Respondent Mr. Jethmalani from Tiruchirappalli constituency were void. It is the Petitioner's argument that since the *CEC* could not be removed from his office, except in like manner and on the like grounds as a Supreme Court Judge as provided by Article 324 of the *Indian Constitution*, no person who was not eligible to be appointed as a Judge of the Supreme Court could be appointed as the *CEC*. Accordingly, the Petitioner contends that as Mr. Chauhan was not qualified enough to be appointed as a Supreme Court Judge, he could not be appointed as the *CEC*. Decide this case by elucidating the judgements and relevant provisions from the *Constitution of India, 1950* and other allied laws relating to the appointment of *CEC* to the Election Commission of India.

PART - B (2 X 2½ = 5 Marks)

Write short notes on ALL of the following:

3. Single Transferable Vote.
4. Right to vote – Constitutional or Legal Right?

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

Mid Semester Examinations (Even Semester), March 2018

INSURANCE LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

1. Lissy, a professional guitarist had brought a new car for herself worth 15 lakhs. She was so much concerned about the safety of her new car that she decided to insure it against accident, theft and loss. She approached ICICI Car Insurance Co. with her proposal for a car insurance policy. In the proposal form, there were two questions inter alia-

- "Has the car been previously insured under any other policy? If yes, please fill the details of the policy like the coverage, premium, details of Insurer and the duration".
- "Is the place of residence of the Insured prone to recurrent attacks of burglary or theft or loss of property due to riots, etc?"

To the first question, Lissy answered 'No' and the second question she answered 'Not recurrently'. The place where Lissy stays is en route to a colony where lots of thefts have happened in past and indeed in one or two instances; there have been attempts to steal from Lissy's House. *Discuss whether Lissy had breached any principle of 'Utmost Good Faith'. If so, what is the consequence of the same? Also, the answers to the question if formed the 'basis of contract' clause, will the consequence change?*

2. Arnav, a student of law currently pursuing his 4th year B.A. LL.B (Hons) decided to go and visit his Grandma who was staying in Ooty. He went driving in car to certain distance and parked his car in a nearby tea shop and started climbing for about 1 km to reach his grandma's place, which is a short cut route. While climbing up the hill he was reminded about his childhood days and how his grandma used to sing him rhymes. Suddenly, he started singing the famous rhyme

*"Jack and Jill went up the hill
to fetch a pail of water.
Jack fell down and broke his crown,
And Jill came tumbling after.
Up Jack got, and home did trot,
As fast as he could caper.
He went to bed to mend his head,
With vinegar and brown paper."*

This rhyme had prompted him to the concept of 'Causa Proxima' that his professor was lecturing in his last Insurance law class. He becomes too thoughtful that if Jack and Jill had gone to the hill to fetch water, but both of them start a fight as to who will fetch the water first and in the fight, Jill pushes Jack who fell down and in the next moment Jill lost balance and came tumbling behind him and eventually both were hurt, but covered for an accidental policy, what would be the actual cause for the insured risk? *If you were Arnav, answer the above question in context of Insurance Laws by briefing the concept of 'causa proxima'.*

3. Mr. Vaithi is a techie working in a software company called as "Samsatha". Samsatha does the software development services for nationalized and multispecialty hospitals in Norway. In 2016 he got a promotion to head a new project for the creation and development of patient confidentiality database services for around 10 huge multispecialty hospitals called as "Oslo- Adu-Idu Complete Care Project (OAICCP)". Mr. Vaithi, being the head of the project decided to take an Error and Omissions (E&O) insurance policy which protects computer programmers and software developers when they make a professional mistake that financially harms a customer. The insurance covers loss from activities like failing to complete a project on time, making coding errors, thus causing a glitch that creates downtime and lost revenue for client, making system design errors, causing glitches that expose a client's system to hackers or causing any error that leads to security vulnerabilities, writing programs or applications that don't meet client's specifications, etc. He had indeed paid a premium of Rs. 79,889/- for an insurance coverage of Rs. 10 lakhs out of his pocket thinking that he can claim it back from the company. The project started in the month of December 2016 and went progressively till December 2017. In January, 2018 one of his employees committed a huge mistake in system design which had caused a loss of around 6-7 lakhs. He being the head of the company was questioned with regard to the same. Mr. Vaithi said that he had actually insured the project so they need not worry about the loss, which actually should have been insured by the Company but was not insured by the Company. Hence Mr. Vaithi now approaches his insurance company seeking to enforce the loss incurred by the company over his project. *Decide the validity of E&O Insurance Policy taken by Mr. Vaithi.*

PART - B [1 X 10 = 10 Marks]

Answer any ONE of the following questions in not more than 4 pages and at least four case laws need to be referred:

4. In *Castellain v. Preston, 1883, QB* Bowen LJ commented that –

"...Subrogation is introduced in favor of the underwriter, in order to prevent their having to pay more than a full indemnity and recover more than a full indemnity..."

In reference to the above said statement, explain the concept of Subrogation. Also explain how subrogation right is influenced by principle of indemnity under insurance laws?

[OR]

5. In *Carter v Boehm, 1766*, Lord Mansfield commented that –

"...Insurance is a contract based upon speculation. The special facts, upon which the contingent chance is to be computed, lie most commonly in the knowledge of the insured only; the underwriter trusts to his representation and proceeds upon the confidence that he does not keep back any circumstance in his knowledge, to mislead the underwriter into a belief that the circumstance does not exist, and to induce him to estimate the risque [risk] as if it did not exist..."

In reference to the above statement, justify why an Insurance Contract is a contract of Indemnity but not a wager. Also by describing the concept of conditions and warranties, elucidate upon its influence in claiming a policy.

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, Mid Semester Examinations (Even-Semester), March 2018

ENVIRONMENTAL LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A

Answer ALL the following questions:

1.

- a) Define the term “Environment” and discuss its components? (2 Marks)
- b) What are the factors responsible for environmental pollution? Examine any two factors in detail. (3 Marks)

2.

- a) Discuss the importance of “Environmental Ethics” and its references in ancient literature of India. (2 Marks)
- b) “Principle 15 and 21 of the Stockholm declaration is an important principle that has helped many countries in protecting their environmental resources” – Comment on the statement with reference to the landmark ICJ Judgments in 1. NewZealandv. France (Nuclear test case) 2. GabcikovoNagymaros Project (Hungary v. Czechoslovakia), 3. Argentina v. Uruguay (paper pulp mill case) (8 Marks)

3. Read the factual situation and answer the questions: (5 Marks)

The Indian Council for Enviro-Legal Action filed a writ petition to prohibit and remedy the pollution caused by several chemical industrial plants in Bichhri village, Udaipur District, Rajasthan. MLK industries operated heavy industry plants at Bichhri, producing chemicals such as oleum (a concentrate form of sulphuric acid), single super phosphate and the highly toxic “H” acid (the manufacture of which is banned in western countries). MLK Industries operated these plants without permits which caused serious pollution of the environment. Toxic waste water was

untreated and left to be absorbed into the earth causing aquifers and the subterranean supply of water to be polluted. The soil also became polluted and unfit for cultivation. Several people in nearby villages were alleged to have contracted diseases due to the pollution, some of whom had died. From 1989- 1992, the Court issued orders to MLK industries directing them to, among other things, control and store the sludge. These orders were largely ignored.

Answer the following questions:

- a) Whether an Individual / legal person responsible for introducing a hazardous substance can be held liable for the irreversible environmental damage caused to the environment.
- b) Who will bear the cost of rectification of the damaged environment? If the Industrial establishment is a Government establishment should they pay for the costs incurred for rectification of the damaged environment?

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

Fourth Year – Eighth Semester, Mid Semester Examinations (Even-Semester), March 2018

LAND LAWS

Time: 1½ Hours

Maximum Marks: 20

Part – A (10 Marks)
(Compulsory)

1. Do you think the compensation scheme provided in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013 (LAAR Act 2013) read with the 2015 Ordinance justify the claim of “fair and just compensation” stated as one of the objectives of the LAAR Act 2013? What are your suggestions to improve the scheme?

Part – B (10 Marks)

2. Answer any ONE of the following Questions - Either 2.1 or 2.2:

- 2.1. Explain the concept of *Patta*. Who is the *Pattadar* and whether *Patta* can confer title to the owner?
(1 X 10 = 10 Marks)

[OR]

- 2.2. Write short notes on ‘ANY TWO’ of the following.

- a) *Ryotwari* system of tenure.
- b) Doctrine of eminent domain.
- c) Project affected family.

(2 X 5 = 10 Marks)

Name :

Register No.:

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, Mid Semester Examinations (Even-Semester), March 2018

PRIVATE INTERNATIONAL LAW

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 1 = 4 Marks)

Fill in the blanks with suitable connecting factors (*in Latin terms*):

1. a. _____ means the law of the place where the property is situated.
- b. _____ means the law of the country in whose currency a debt or monetary obligation is expressed.
- c. _____ means the law of the place where the contract was to be performed or the debt paid.
- d. _____ means the law of the place where the contract was made.

Part – B (2 X 4 = 8 Marks)

Answer any TWO of the following:

2. Read the following statement and answer the questions given below.

“It starts up unexpectedly in any court and in the midst of any process. It may be sprung like a mine in a plain common law action, in any administrative proceeding, in equity or in a divorce case, or a bankruptcy case ... The most trivial action of debt, the most complex case of equitable claims, may be suddenly interrupted by the appearance of a knot to be united only by Private International Law.”

- a. Define “Private International Law” and state the difference between Private International Law and Public International Law. (1½ Marks)

- b. Explain in detail the nature and scope of private international law. (1½ Marks)

c. Compare the term "Private International Law" with the term "Conflict of Laws". Which term do you prefer?

(1 Mark)

3. Critically comment on the various theories of Private International Law.
4. Distinguish the theory of double Renvoi from the theory of Simple or Partial Renvoi. Comment on the total Renvoi doctrine as applied by English quotes.

Part – C (1 X 8 = 8 Marks)
(Compulsory)

Answer the following:

5. Rana was born in India in 1984 to Indian parents. In 2010, he married Sonia, whose domicile of origin was Italy. They decided to set up a family home in the United Kingdom, immediately after their wedding. In 2012, their son Nakul was born in London. In January 2017, Rana & Sonia decided to settle permanently in Canada. They submitted an application for a permanent visa at the Canadian consulate in London. Until October 2017, their visa had not been granted. Rana fed up with waiting, informed the Canadian authorities, that he & his family could stay in India until all formalities regarding immigration to Canada were completed. In November 2017, Rana and his family came to India to visit their relatives before settling permanently in Canada. Two weeks after their arrival in India, Rana died. On 5th February 2018, Sonia received her Canadian immigration visa. She asked her friend Stella in India to take care of her son Nakul, intending to return for him once she had set up home in Canada. On 22nd February 2018, she boarded a flight at New Delhi and arrived in Quebec, Canada. There she decided to stay in a hotel, but unfortunately, due to cardiac arrest, she died a week later in Quebec. Trace the domicile of Rana, Sonia and Nakul as per Indian law.

COFL-18

Name :

Register No.:

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TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, Mid Semester Examinations (Even-Semester), March 2018

CORPORATE FINANCE LAW

Time: 1½ Hours

Maximum Marks: 20

Answer the following questions:

1. Write a brief note on the sources of rights and duties of parties of a primary market transaction?

[OR]

Write a note on law applicable to letter of intent in India

(5 Marks)

2. Puducherry Aromacare Pvt. Ltd. with its registered office at Tiruchirappalli had a sudden surge in the market for aromatic substances. Since the market was strong the prices of raw materials were ruling about 20% more than the usual prices. Prices were expected to fall in a month's time but the company has to deliver substantial quantities of aromatic substances in the next 6 months. In order to supply finished materials in a time bound manner, the company has to purchase additional raw materials worth 50-70 lakhs. However, the company's financials did not permit the purchase of raw materials since the prices were 20% more than the normal cycle. Prices of raw materials were expected to increase further in a week or two. So the company has to source additional funds or ask for supply of raw materials

on credit, for about 6 month's duration. Gross sale for the third quarter alone stood at 1.27 crores and the estimated payment receivable was about 40% of the gross sale. The company is expected to receive all these sums in about 45 days.

Based on the past sale and the market conditions the management was very keen to increase production and hence to purchase raw materials.

In view of the above, you are required to advice with reasons on suitable sources of finance for the company.

(7 Marks)

After the supply of the finished materials as per above requirements, at the end of the fourth quarter, the management was of the view that the market share of the company has increased by 15% and the company has to permanently store additional raw materials right from the next quarter. So, the company management is keen to infuse capital as per the stand capital structure.

In view of the above, you are required to advice with reasons on suitable sources of finance for the company and prepare regulatory compliance check list as may be required.

(8 Marks)

Name :

Register No.:

TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, Mid Semester Examinations (Even-Semester), March 2018

COMPETITION LAW

Time: 1½ Hours

Maximum Marks: 20

PART – A (2 X 7 = 14 Marks)

Answer ALL the questions:

- 1 “Freedom of trade and commerce is a fundamental right protected by the Indian Constitution. Public policy requires that every man shall be at liberty to work for himself, and shall not be at liberty to deprive himself or the state of his labour, skill, or talent by any contract that he enters into.” Critically comment on this statement by elucidating the relevant provisions from the *Indian Contract Act, 1872*, the *Constitution of India, 1950* and the *Competition Act, 2002*.
- 2 *Abay Baeland Co. Ltd.*, is a famous truck manufacturing Company having its head office in Chennai. It now proposes to enter into distributorship agreements requiring the dealers not to sell trucks of other manufacturers and also not to sell the trucks outside the geographical territory assigned to them. Examine whether the proposed agreements will be considered as anti-competitive and restrictive in nature, in case the Company entered into such agreements by comparing the relevant provisions of the *Competition Act, 2002* and the *Monopolies and Restrictive Trade Practices (MRTP) Act, 1969*.

PART – B (2 X 3 = 6 Marks)

Write short notes on ALL of the following:

- 3 Whether accounting regulatory bodies like *Institute of Chartered Accountants of India (ICAI)* and *Institute of Cost Accountants of India (ICAI)*, previously known as the *Institute of Cost & Works Accountants of India (ICWAI)* can be considered as an ‘enterprise’ under the *Competition Act, 2002*?
- 4 Explain *Hotelling’s law* with one relevant example.

Name : Register No.: **TAMIL NADU NATIONAL LAW SCHOOL, TIRUCHIRAPPALLI****B.A. LL.B. (Hons) / B.Com. LL.B. (Hons) Degree Programme**

Fifth Year – Tenth Semester, Mid Semester Examinations (Even-Semester), March 2018

MEDIA LAW

Time: 1½ Hours

Maximum Marks: 20

Answer the following Questions:

1. What do you mean by the term 'actual malice standard'? (1 Mark)
2. What changes did the *First Amendment* of the *Constitution of India*, enacted in 1951, bring to the free speech provision in the Constitution? (1 Mark)
3. According to Arudra Burra, 'arguments from colonial continuity' played an important role in the debates around free speech rights in the Constitution. This is with special regard to 'how different institutional actors – in the Constituent Assembly, the Courts, and Parliament – conceived of their proper place within the Constitutional scheme.'

Could you illustrate how these arguments could be used both to in favour of expanding the role of courts in protecting free speech as well as limiting it?

(3 Marks)**[OR]**

In order to respond to criticisms raised in the Constituent Assembly regarding what some members perceived were 'excessive' restrictions on free speech rights, Dr. Baba saheb Ambedkar cites a case from the USA, namely *Gilow v New York* 268 U.S. 652 (1925).

Gautam Bhatia uses this example, as well as arguments and counter-arguments in the Constituent Assembly to the opposition put up by Somnath Lahiri, to illustrate that the Part III of the Constitution was not *intended* to be transformative in the classical sense.

Could you elaborate on this argument? (3 Marks)

Answer any 3 out of 4 questions below:

4. Sajna, an up and coming actress in the Tamil movie industry went missing on April 20, 2017. After 7 days of failed attempts by the Police to locate her, she was found unconscious on the side of the NH-47 by a passing vehicle on April 27, 2017. Her clothes had been torn off her body and she was visibly injured.

After the incident she refused to speak to the press and withdrew from the film projects that she was working on for the moment. She sent a written appeal to media companies not to approach her for comments on the incident or speculate on what happened between April 20, 2017 and April 27, 2017.

A few weeks before the incident, Sajna had stated that she was being offered lesser roles in the industry despite her initial success, because she had fallen out of favour with an influential actor, Pradeep. She alleged that this was because she had provided support to his estranged wife during their acrimonious divorce proceedings.

The media continued to report on the matter despite the actress's appeal to leave her alone. One channel staged the entire kidnapping, along with graphic representations of sexual assault and violence against the actress by a group of thugs.

From the point of view of free speech jurisprudence, comment on this issue. (5 Marks)

5. A prominent politician, K. Mantri, made the following tweet about a historical figure, Kabini:

"Kabini was an anti-dalit: if I was around at the time he was alive I would certainly have beaten him with my chappal.#oneindia #dalitsareindians"

Kabini is widely regarded as a social activist and politician who opposed caste system and was the leader of an influential movement against it. Before his death in 1973, he had a great following in the State of Karnataka.

K. Mantri's words created an uproar in the State of Karnataka and there were call to immediately arrest him and put him behind bars.

Most of them were based on The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas Act, 1985, allows the Government to detain a person for up to one year "with a view to preventing him from acting in any manner prejudicial to the maintenance of public order."

On the basis of free speech jurisprudence in India, comment on whether putting this restriction on speech is justified. Why or why not? Use case law to support your answer.

(5 Marks)

6. A female poet with a cult following on social media made the following statement on her Face book page:

"Marriage is something that has been used across centuries to curtail women's sexuality. It is an institution that should be abolished."

A popular actress, Gulposh, shared this post on her own page. This created a huge uproar as people started posting comments on her page saying that this statement was against Indian culture and the concept of marriage in Indian society. Several complaints were filed against her in various parts of the country.

Gulposh approaches the Supreme Court to quash these proceedings.

As we learnt in class, there are several prominent theories for justifying the right to freedom of speech and expression. In your opinion, what theory would be most useful to the court in analysing this case? Kindly explain the reasons behind your answer. **(5 Marks)**

7. a) Justice Strachey's judgment in Tilak's first trial on the charges of sedition changes gives an 'expansive' interpretation to 'disaffection' in S. 124 A. Could you elaborate on this definition? **(2 Marks)**
- b) This expansive interpretation was given legal effect by the colonial government through an amendment to the provision in 1898. What were the significant arguments that were put forth in the British Parliament to support such stringent laws restricting free speech in India? **(2 Marks)**
- c) Would you characterise these arguments as 'particularist' or universal? Please explain the reason behind your answer. **(1 Mark)**