



TAMIL NADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS

MID SEMESTER EXAMINATION

(ODD SEMESTER)

SEPTEMBER 2018

Name : Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

ENGLISH-I / BUSINESS ENGLISH-I

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)

1. Answer any FIVE of the following questions:

- What is intrapersonal communication?
- What are the barriers to communication?
- What is expository form of writing?
- What is the difference between polemical writing and argumentative writing?
- What is a "Conflict" in narrative writing?
- "Ashok met me at the library".(Change this sentence into simple future tense)
- "While I wasDelhi he wasMumbai (Insert appropriate prepositions)



Part – B (1 X 5 = 5 Marks)

2. Answer any ONE argumentative essay of the following in not more than 500 words:

- Does technology make us more alone and isolated?

[OR]

- Where is the line between truth and fiction?

Part – C (1 X 5 = 5 Marks)

3. Answer a short write-up on the following in 500 words:

- Imagine that you are participating in a group discussion on the topic "Social Media" in which there are three more participants. Write the discussion.

[OR]

- Questioning is the beginning of wisdom. Expand.

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First Year - First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

SOCIOLOGY-I (A CRITICAL INTRODUCTION)

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 1 = 5 Marks)

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

1. Maclver defined society as -----
2. A state of unclear, conflicting and un-integrated norms is referred as -----
3. Name the Caste of Sri Lanka that has the customary occupational rights of cultivation of Cinnamon.
4. The Folkways take on philosophy of right living and a life policy of welfare, are called as -----
5. Linton refers to culture as -----
6. The author of the book Folkways is -----

Part – B (3 X 5 = 15 Marks)

Answer any THREE of the following questions. Each question carries 5 marks:

7. Define Culture and explain its characteristics with examples.
8. Define Conflict and its types.
9. What is Socialization process and explain its stages.
10. Define Cooperation and its types.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year-First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

POLITICAL SCIENCE –I (POLITICAL THEORY AND ORGANIZATIONS)

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 less than 300 words:

1. “The State is a growth, an evolution, the result of a gradual process” - Explain.
 2. Critically analyze Austin’s Theory of Sovereignty.
 3. Define Law and discuss various types of Laws.
 4. Give an account of the important Civil and Political Rights of the individual in a Democratic State.
 5. What is Liberalism and what are the important principles of Classical Liberalism.
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Name :

Register No.:

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

First Year - First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

FINANCIAL ACCOUNTING AND PRACTICAL AUDITING

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 10 = 20 Marks)

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

1. Journalize the following transactions and prepare the Important Ledger Accounts 2018, June

- 1 Mr. Ragu Rajan Commenced a business with followings; Cash Rs.50,000; Bank Rs.50,000; Building Rs.1,00,000; Machinery Rs.50,000
- 5 Bought goods for Cash Rs.20,000
- 8 Sold goods for Cash Rs.40,000
- 11 Bought goods from Mr. Thomas Rs.20,000
- 12 Sold goods to Mr. Rahim Rs. 30,000
- 15 A furniture purchased for cash Rs.10,000
- 18 Goods withdrawn for personal use Rs.2,000
- 23 Goods returned by Mr. Rahim Rs.500
- 27 Thomas's account settled by payment of Rs.19,500
- 28 Mr. Rahim settled his account by payment of Rs.29,000

2. Followings particulars are available for the month of March, 2018 of Chozhan & Sons. Enter the transactions in three-column cash book.

1. Cash in hand Rs.700; Bank overdraft Rs.900 (credit balance)
3. Received cash from Anand Rs.790; discount allowed Rs.10
4. Deposited into bank Rs.800
5. Paid to Lal Rs.675 in full settlement of his account for Rs.700
6. Cash sales Rs.900
7. Purchased goods and paid for the same by cheque Rs.500
9. Deposited into bank Rs.600
11. Received from Mohan a cheque for Rs.400 and deposited it into bank on 12th March
13. Received cash from Ram Rs.695; discount allowed Rs.5

17. Sold goods to Shyam for Rs.1,000 and received a cheque for the same and sent it on the same day to bank
19. Purchased furniture for Rs.150 and issued a cheque for the same
20. Cash sales Rs.900
21. Cash Purchase Rs.700
23. Drew from bank for Office use Rs.500
30. Paid for advertisement in Cash Rs.530
30. Paid to Sohan Rs.650 by cheque; discount received Rs.20
31. Paid for Postage in Cash Rs.15

3. From the trial balance given below, prepare final accounts for the year ending on 31.3.2018:

Particulars	Debit	Credit
Opening stock	9,300	
Repairs	310	
Machinery	12,670	
Furniture	1,330	
Office expenses	750	
Trade expenses	310	
Land & Buildings	15,400	
Bank Charges	50	
Purchases	15,450	
Sales Returns	120	
Advertisement	500	
Cash in hand	160	
Cash at bank	5,870	
Sundry expenses	150	
Insurance	500	
Travelling expenses	200	
Bank interest		200
Purchase returns		440
Creditors		12,370
Sales		20,560
Capital		24,500
loans		5,000
	63,070	63,070

Adjustments:

- (i) Closing stock on 31.3.2018 Rs.7,585
- (ii) Prepaid insurance Rs.250
- (iii) Depreciation on Land and Buildings at 5% and Machinery at 10%

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

First Year - First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

PRINCIPLES OF ECONOMICS

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions not more than 100 Words:

1. What is internalisation of externalities? How to internalise both positive and negative externalities?
2. Many advanced industrialized countries subsidize farmers. Assume that the effect of the subsidy is to shift the supply curve of agricultural products by farmers in the advanced industrialized countries to the right. Why might less-developed countries be unhappy with such policies?
3. Is the slope of a perfectly elastic demand or supply curve horizontal or is it vertical? Is the slope of a perfectly inelastic demand or supply curve horizontal or is it vertical? Explain.
4. Suppose the price elasticity of demand for petrol is 0.2 in the short run and 0.7 in the long run. If the price of petrol rises 28 percent, what effect on quantity demanded will this have in the short run? in the long run?
5. List and explain the four determinants of the price elasticity of demand.
6. Explain Consumers' surplus and Producers' surplus diagrammatically.

Part – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions not more than 250 words:

7. On the basis of the documentaries "Burning Desire - The Seduction of Smoking" presented by the investigative journalist Peter Taylor and "Lock & Key" directed by Shilpi Gulathi elaborate on positive and normative arguments on the abuse of drugs.

8. Explain the characteristic features of Public good, Private good, Common resources and Club good with examples.
9. On the basis of your observation in the documentary "Battle for Elephants" Explain Social optimum?

BOM-18

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

First Year - First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

BUSINESS ORGANIZATION AND MANAGEMENT

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions:

1. Business is an economic activity – Comment.
2. Write any two scope of Business Organization.
3. Write short notes on:
 - a) One Man Company
 - b) Limited Liability Partnership
4. What is Social Responsibility of Business?
5. Write short notes on:
 - a) Memorandum of Association
 - b) Articles of Association
6. What is Corporate Governance?
7. Write any two features of Multinational Company.

Part – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

8. Explain in detail the various forms of ownership organization.
9. Explain in detail the legal formalities to be followed for incorporating a Joint Stock company.
10. Explain in detail the changing concepts of Business.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year - First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LEGAL METHODS

Time: 1½ Hours

Maximum Marks: 20

Answer the following questions. Questions 1-5 are compulsory. For Question No. 6, please do not exceed the word limit of 800 words.

1. The definition of law as “Law is the command of the sovereign” can be credited to **[1 Mark]**
 - a. Jeremy Bentham
 - b. John Stuart Mill
 - c. John Austin
 - d. John Grisham

2. **Match the following: [1 Mark]**

<ol style="list-style-type: none"> a. Primary source of law b. Natural law theory c. <i>jus civile</i> d. Lok Sabha 	<ol style="list-style-type: none"> i. Lon L. Fuller ii. Legislation iii. Money Bill iv. Roman Law
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3. The US Constitution is Unitary in nature. True/False? **[1 Mark]**

4. How would you distinguish a law from a policy? State with examples. **[1 Mark]**

5. A law institution named the *Hogwarts Law School* situated in the state of *Mordor*, had recently opened its admissions for the students from the LGBTQIA community. In the light of the prevalent social discrimination against the community in *Mordor*, the institution decided to frame a preferential policy for the students coming from this community. Vide this policy, a preference was given to these students in cases of admission, scholarship and hostel accommodation. This arose a furore among other students who protested this policy on the grounds of violation of the principles of justice, morality and

non-discrimination. Based on the above mentioned facts, you are expected to frame your arguments on the basis of law, morality and justice: [8 Marks]

- a. In the favour of the students from the LGBTQIA community;
- b. In the favour of the students from the non- LGBTQIA community; and
- c. Write a judgement on the basis of your arguments.

Please note that the laws of the State of Mordor are in *pari materia* with the laws of India and the relevant cases decided by the Indian courts may be used as authorities for your arguments advanced.

6. Answer any FOUR of the following in not more than 200 words: [4 X 2 = 8 Marks]
- a. Lifecycle of a legislation
 - b. Civil Law and Common Law Systems
 - c. Jurisdiction of the Supreme Court of India
 - d. Meaning and nature of law
 - e. Secondary sources of law. (cite examples)

LTOR-18

Name :

Register No.:

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

First Year - First Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW OF TORTS

Time: 1½ Hours

Maximum Marks: 20

PART-A (5 X 1 = 5 Marks)

Choose the most appropriate option in following:

1. *Damnum sine injuria* means-

- a. Damage without injury
- b. Act causing injury and damage
- c. Injury without damage
- d. Damage to the injury

2. Pigeon hole theory was propounded by-

- a. John Austin
- b. Salmond
- c. Winfield
- d. Jolowicz

3. In law of torts, the nature of right available is-

- a. Right in *rem*
- b. Right in *re aliena*
- c. Right in *personam*
- d. All of the above

4. *Haynes v. Harwood* deals with defence of-

- a. Plaintiff wrongdoer
- b. Self defence
- c. *Voluntati non fit injuria*
- d. Necessity

5. In law of torts, injury stands for-

- a. Infringement of moral rights
- b. Infringement of both legal and moral rights
- c. Infringement of legal rights
- d. Any physical injury

PART-B (3 X 2 = 6 Marks)

Answer any THREE of the following questions:

6. Distinguish between Crime and Tort
7. Discuss capacity of a married woman under law of torts

8. Write a short note on necessity as a defence under law of torts
9. Discuss the relevance of 'mental element' in deciding liability under law of torts
10. Define, malfeasance and misfeasance

PART-C (1 X 5 = 5 Marks)

Answer any ONE of the following questions in 250-400 words:

11. Define joint tortfeasors. Discuss their liability and contribution towards payment of damages.
12. In light of academic argument between Salmond and Winfield, discuss the difference between 'law of torts' and 'law of tort'.

PART-D (1 X 4 = 4 Marks)

Answer any ONE of the following problem based question:

13. 'A' was employed in an iron industry (of B) where iron was melted and beaten into sheets. Small blast furnaces were installed near to each other and fencing around the same was not adequate according to them. 'C', an employee of 'B' complained of unsafe working conditions in the industry. 'B' upon receiving the information stated that employees had joined after knowing of working conditions. Two days hence, while pulling an iron rod out of the furnace, 'A' slipped his hands in adjacent furnace. 'A' brought an action against the employer for his negligence. Plaintiff stated that employer did not provide them with safety gears. Employer replied to the allegation, saying, he did give them safety gears on earlier occasions but none of them used it.

Decide the liability of employer in light of the above given facts.

14. 'Q' was engaged in business of manufacturing dry pickles. After processing the pickles it required to be shed on the roof, in sun light for drying up. For this purpose 'Q' had rented roof of few houses in the row of his house, except for that of one, Mr. P. P on various occasions showed his intent to get his roof rented by 'Q'. Finally, with a motive to stop sunlight falling on 'Q's roof, 'P' built a temporary shed on his roof.

'Q' brought an action against 'P' in tort for blocking the sunlight and causing hindrance in business.

Decide the tortious liability of 'P' in light of the above given facts.

Name :

Register No.:

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

Second Year - Third Semester, Mid-Semester Examinations (Odd-Semester), September 2018

FINANCIAL SERVICES AND MARKETS

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions:

1. Write short notes on:

- a) Industrial Securities Market
- b) Money Market

2. Write any two characteristics of financial services.

3. What is IPO?

4. What do you mean by Book Building?

5. What is Dematerialisation?

6. Write short notes on:

- a) Underwriting of Securities
- b) Stock Invest

7. Write any two functions of Depository.

Part – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions:

8. Explain the classification of Financial Markets in India.
9. Explain the regulatory frame work of Indian Financial services sector.
10. Explain in detail the stages of Venture Capital.

Name :

Register No.:

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

Second Year - Third Semester, Mid-Semester Examinations (Odd-Semester), September 2018

INDIAN ECONOMY

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 2 = 10 Marks)

Answer any FIVE of the following questions not more than 100 Words:

1. Give a qualitative argument differentiating Headline inflation and Core inflation.
2. Write a note on Inflation taxation and Inflation spiral with lucid examples.
3. Differentiate progressive, proportional and regressive taxation policies.
4. What are the different types of unemployment one could see in India?
5. How are Receipts and Expenditures classified in India?
6. How does RBI expands and contracts the money supply in India?

Part – B (2 X 5 = 10 Marks)

Answer any TWO of the following questions not more than 250 words:

7. Elaborate on the redistributive mechanics of inflation including Price effects, Income effects and Wealth effects.
8. Bring out the rapid expansion of Artificial Intelligence and Mechanisation in disrupting full employment through technological unemployment on the basis of the documentaries “The AI Race” and “Secrets of Silicon Valley – The Disruptors”.
9. Explain the role of Multiplier and Money multiplier in reviving the economy to achieve stable prices and stable growth at full employment.

Name :

Register No.:

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

Second Year - Third Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LEGAL HISTORY

Time: 1½ Hours

Maximum Marks: 20

Part – A (5 X 1 = 5 Marks)

Answer ALL the questions:

Choose the Correct answer of the following:

1. Who said? "Where the Laws ends tyranny begins".
 - a. Hegel
 - b. William Pitt
 - c. Henry Maine
 - d. F.W. Maitland
2. Who among the following was the founder of *Selden Society*?
 - a. Sidgwick
 - b. Austin
 - c. F.W. Maitland
 - d. Adam Smith
3. The first judge-advocate of the Admiralty Court in Madras was
 - a. George Wilcox
 - b. Keigwin
 - c. John Biggs
 - d. Gerald Aungier
4. Who among the following was the 'true founder' of Bombay?
 - a. Oxenden
 - b. Papillon
 - c. Aungier
 - d. Streynsam

5. Calcutta became the Presidency Town in

- a. 1697
- b. 1698
- c. 1699
- d. 1700

Part – B (5 X 2 = 10 Marks)

Answer any FIVE of the following questions in 50 Words each:

6. Define Legal History.
7. Write a short note on 12 Tables.
8. Bring out the contribution of F.W. Maitland on Legal History.
9. State the composition and features of Madras Municipal Corporation.
10. Trace out the difference between the Charter of 1687 and 1726.
11. Give an account on the importance of the Charter of 1753.
12. Point out any two merits and demerits of the Regulating Act of 1773.

Part – B (1 X 5 = 5 Marks)

Answer the following question in detail:

13. Discuss the contributions of Henry Maine on Legal History. A special reference to the Government of India.

[OR]

Analyze the administration of Justice and Development of Judicial institutions in Madras and Calcutta before 1726.

LCON2-18

Name :

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Second Year - Third Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW OF CONTRACTS-II (SPECIAL PRINCIPLES OF CONTRACT)

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 X 4 = 8 Marks)

Answer any TWO of the following problems from this part and bring out the legal principles involved in not more than 400 words:

1. Ram, Gopal and Krishnan as sureties for Mala, enter into several bonds, each in a different penalty, namely Ram in the penalty of Rs. 10,000/-, Gopal in the penalty of Rs. 20,000/- and Krishnan in the penalty of Rs. 40,000/- for Mala's duly accounting to Neeta. Mala makes default to the extent of Rs. 40,000/- Determine the extent of the liability of the sureties.
2. Lila hires a horse from Haran, which he knows to be vicious. Haran does not disclose this fact to Lila. The horse runs away. Lila is thrown and injured. Can Lila maintain an action for damages against Haran?
3. Mohan, without authority, buys goods for Guru. Afterwards Guru sells the same to Guna on his own account. Bring out the validity of this transaction while examining the status of Mohan.
4. Satya, employs Vijay, a bricklayer in building a house and puts up the scaffolding himself. The scaffolding is unskillfully put up, and Vijay in consequence hurt. Is Satya liable? and if so for what reason.

PART - B (2 X 4 = 8 marks)

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

5. "A Contract of Guarantee stands on a different footing from that of a contract of Indemnity, though resembles in the payment of money by one another other than the person actually liable". Elucidate this statement by bringing out the distinctions between the two species of contracts.

6. 'Pledge is a form of bailment'. Explain this statement and bring out the essentials of a pledge transaction.
7. The Doctrine of Ratification will find its full play in the Law of Agency as otherwise the acts of Agent, though benefits the Principal, would bring its whole liability on the Agent. Analyse this statement and state the conditions under which the liability of the Agent can be taken over by the Principal.
8. As per Section 230 of the Indian Contract Act, 1872, in the absence of any contract to that effect an agent cannot personally enforce contracts entered into by him on behalf of the Principal, nor is personally bound by them. Examine this statement and bring out the presumptions of contract to the contrary citing appropriate illustration.

PART - C (2 X 2 = 4 Marks)

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

- 9.
- Continuing Guarantee
 - Right of Subrogation
 - Del Credere* Agent
 - Care to be taken by bailee

Name :

Register No.:

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Second Year - Third Semester, Mid-Semester Examinations (Odd-Semester), September 20

FAMILY LAW-II

Time: 1½ Hours

Maximum Marks: 20

Instructions:

- No bare Act or study materials are allowed except the Table of Inheritance provided with the QP.
- All the answers in the Part B shall be answered preferably in *IRAC* method; and at least one case law must be necessarily referred.
- All the answers in the Part C shall be answered not more than 4 pages and at least four case laws need to be referred.

PART - A (2 X 3 = 6 Marks)

I. Answer any TWO of the following Questions:

- "Probable share of coparceners increases with every death in the coparcenary and decreases with every birth." - States the Consultation Paper on Reform of Family Law, Law Commission of India (August, 2018). In light of this, explain the 'rule of survivorship' with an illustration.
- What is the Mohammedan rule governing renunciation of *spes successionis* right? Elaborate with the case of *Ghulam Abbas v. Haji Khayyum Ali, 1973 SCR (2) 300*.
- 'Right of pre-emption' is not a right of repurchase but a right of substitution. Elucidate significance and close connection of 'right of pre-emption' with the Mohammedan law of inheritance.
- Mr. Kailash, a Hindu, lives in New Delhi. He has about 10 lakhs of savings deposit and a house worth 70 lakhs. All the properties are his self acquired properties. He dies in 2018 leaving behind his mother, father, wife and two sons from predeceased daughter one (D1) and 1 daughter of predeceased son(S) and his second daughter (D2). Distribute his properties to his heirs as per Hindu Succession Act, 1956.

PART - B (1 X 6 = 6 Marks)

II. Answer any ONE of the following Questions:

5. Nihal is a Shia Mohammedan. Nihal has two younger brothers and one elder sister. He is married to Ayisha in 2010. The couple have a son who was born in 2011. In 2011, Nihal dies in an accident. Unfortunately, after his demise, his son also passes away due to high fever. Thereafter, two of his other cousins also die in an unfortunate accident. Nihal's parents were quite worried after these incidents and were scared for their surviving children's life. Meanwhile, Nihal's paternal grandfather, who was a big businessman, dies in 2018 due to his old age, leaving behind a will (registered in 2007) stating that after his death his properties shall be divided among his 8 grandsons and 3 granddaughters. The will further states that in case any of his grandchildren had predeceased him, the predeceased person's share will be equally redistributed to all of the other surviving grandchildren. Therefore, the family now decided to partition the property. While the partition proceedings were going on, the family discovers that Nihal's elder sister- Sahira had murdered her own brother - Nihal and two of their cousins. The criminal prosecution for the same was going on the local session's court and the court convicts Sahira for killing her own brother and cousins to inherit more share in property. Nihal's parents were disheartened totally and decide to divide Nihal's property.

Decide who are eligible to inherit Nihal's property and distribute the properties according to Shia laws on Succession. Also opine upon the position of the Sahira's right to inherit from Nihal's properties.

[OR]

6. Aladdin and Jasmine are Sunni Mohammedans who are settled in Tiruchirappalli. They were married in 1987. The couple were blessed with 2 sons and 1 daughter and happily living. Their elder son was married and settled with his family in Abu Dubai. His second son had married a Christian woman against the wishes of his family under the Special Marriage Act, 1954 and was living separately in Tiruchirappalli. The couple have 2 daughters and 1 son. Aladdin's daughter, the youngest is still unmarried and minor. One morning, Aladdin receives a call from Hospital informing that his second son has committed suicide and passed away. This caused huge disturbance in the family. Jasmine accused Aladdin to have maintained a bad relation with his son for all these 10 years and was totally enraged at him. After the funeral ceremonies, Aladdin finds a note left from Jasmine saying that she is leaving him as she cannot forgive Aladdin. The whole family is depressed with the tragedy of the events but keep on searching for Jasmine. Alas they couldn't find her at all. Even then Aladdin never loses hope and keeps on searching.

Even after searching for 8 years they are not able to find Jasmine. Therefore, the family decides that it's high time that the properties left behind by Jasmine needs to be divided.

Determine the heirs to Jasmine's properties and distribute the same as per the Sunni Laws of inheritance.

PART - C (1 X 8 = 8 Marks)

III. Answer any ONE of the following Questions:

7. In the very famous case of *Shub Karan Bubna & Anr v. Sita Saran Bubna & Ors*, 2009 (9) scc.689, Supreme Court, Justice R V Raveendran says

"....'Partition' is a re-distribution or adjustment of pre-existing rights, among co-owners/coparceners...The effect of such division is that the joint ownership is terminated and the respective shares vest in them in severalty...."

In reference to this statement, explain the concept of Partition and how can partition be effected as per Hindu Laws.

[OR]

8. In *Kehar Singh & Ors v. Nachittar Kaur & Ors*, Supreme Court, 2018, Justice Abhay Manohar Sapre and Justice Sanjay Kishan Kaul observed that -

"....Once the factum of existence of legal necessity stood proved, then, in our view, no co-coparcener (son) has a right to challenge the sale made by the Karta of his family..."

With reference to this statement, explain the power of alienation for members of Hindu Joint Family with special reference to Karta.

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

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

A Mahomedan can have as many as four wives at a time

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

TABLE OF SHARERS—SHIA LAW [§90]

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

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

Name : Register No.:

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

Second Year - Third Semester, Mid-Semester Examinations (Odd-Semester), September 2018

CONSTITUTIONAL LAW-I

Time: 1½ Hours

Maximum Marks: 20

PART - A (1 X 8 = 8 Marks)

Answer any ONE of the following Questions:

1. National unity, integrity, and a democratic and equitable society were the major ideals on which the framers of the constitution structured Indian Constitution. These objectives were to be achieved through socio-economic revolution pursued with a democratic spirit using constitutional and democratic institutions. The framers, therefore, designed the constitution to achieve these goals. Do you think these statements are correct? Substantiate your answer.

[OR]

2. Indian judiciary has developed multiple principles/doctrines to determine whether a body or institution is a 'State' under Art 12. How would the judiciary decide whether an institution is state or otherwise under Article 12, confronted with a question presently?

PART - B (1 X 12 = 12 Marks)

Answer the following Question [Compulsory]:

3. Mr. Fareed, a Muslim man is charged under Section 4 of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 and denied bail. His relatives approach you, a qualified legal counsel, for legal representation. They explore the possibility of approaching either the High Court or Supreme Court for violation of Fundamental Right. Prepare an argument note considering a petition is filed and is due for hearing.

[The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 is attached herewith]



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 48] नई दिल्ली, बुधवार, सितम्बर 19, 2018/ भाद्र 28, 1940 (शक)
No. 48] NEW DELHI, WEDNESDAY, SEPTEMBER 19, 2018/BHADRA 28, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 19th September, 2018/Bhadra 28, 1940 (Saka)

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE)
ORDINANCE, 2018

No. 7 OF 2018

Promulgated by the President in the Sixty-ninth Year of
the Republic of India.

An Ordinance to protect the rights of married Muslim
women and to prohibit divorce by pronouncing *talaq* by
their husbands and for matters connected therewith or
incidental thereto;

WHEREAS the Muslim Women (Protection of
Rights on Marriage) Bill, 2017 has been passed by the
House of the People and is pending in the Council of
States;

AND WHEREAS inspite of the fact that the Supreme Court has held in the matter of Shayara Bano *Versus* Union of India and others [Writ Petition (Civil) No. 118 of 2016] and other connected matters that the practice of *triple talaq (talaq-e-biddat)* as unconstitutional, the said practice is still continuing unabated;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill with certain modifications;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I PRELIMINARY

1. (1) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,—

(a) “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

(b) “*talaq*” means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous

Short title, extent and commencement.

Definitions.

21 of 2000

and irrevocable divorce pronounced by a Muslim husband; and

(c) “Magistrate” means a Judicial Magistrate of the First Class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides.

2 of 1974.

CHAPTER II

DECLARATION OF *TALAQ* TO BE VOID AND ILLEGAL

3. Any pronouncement of *talaq* by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal.

Talaq to be void and illegal.

4. Any Muslim husband who pronounces *talaq* referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Punishment for pronouncing *talaq*.

CHAPTER III

PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom *talaq* is pronounced shall be entitled to receive from her husband such amount of subsistence allowance for her and dependent children as may be determined by the Magistrate.

Subsistence allowance.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the

Custody of minor children.

event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.

Offence to be 7. Notwithstanding anything contained in the Code of
cognizable, Criminal Procedure, 1973,—
compoundable, etc.

2 of 1974

(a) an offence punishable under this Ordinance shall be cognizable, if information relating to the commission of the offence is given to an officer in-charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Ordinance shall be compoundable, at the instance of the married Muslim woman upon whom *talaq* is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Ordinance shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

RAMNATH KOVIND,
President

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India

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Second Year - Third Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW OF CRIMES-I (INDIAN PENAL CODE)

Time: 1½ Hours

Maximum Marks: 20

PART - A (5 X 2 = 10 Marks)

Answer any FIVE of the following Questions in 50-100 words:

1. Define *actus reus*.
2. What is abetment?
3. What is attempt? When can an act be said to have reached the stage of attempt?
4. Differentiate between negligence and recklessness.
5. Write a short note on 'mistake of fact' as an exception to criminal liability.
6. Mention the constitutional limitations on criminal law.
7. What is 'void for vagueness' doctrine?

PART - B (1 X 7 = 7 Marks)

Answer any ONE of the following topic in 250-400 words:

8. Insanity as a defence.
9. Discuss theories of punishment.

PART - C (1 X 3 = 3 Marks)

Answer any ONE of the following:

10. 'A' was going on a voyage in desert. He prepared and gathered all necessary things which he would require on the voyage. On the day of his departure, 'B' mixed poison in water bottle of 'A' with an intention to kill him. One another man, 'C' emptied the water bottle of 'A' with an intention that he would die of thirst during his voyage. 'A' died on the voyage because of thirst.

Decide the liability of 'B' and 'C' in light of the above mentioned facts.

11. 'Q' insulted 'P' in a public gathering. 'P' became very angry and promised to himself that he will kill 'P' and serve the revenge cold. Next night P arranged a gun and planned to kill 'Q'. 'P' was very enraged and was driving at high speed to reach 'Q'. 'P' was thinking what a bliss will it be to kill 'Q'. He was furiously racing his car on the road. All of a sudden, a man came in front of his car and 'P' drove over him, killing the man. 'P' stopped his car to see the man; the man turned out to be 'Q'.

Decide the liability of 'P' under IPC.

HRM-18

Name :

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

Third Year - Fifth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

HUMAN RESOURCE MANAGEMENT

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions:

1. Elaborate some of the main challenges which might be faced by the Managers in future in the management of people in Business and Industry.
2. Examine the concept of Human Resource Management. Also discuss its objectives and nature.
3. Discuss the concept of Workforce diversity. How will you manage diversity in your organisation as a Human Resource Manager?
4. What do you mean by recruitment? Carefully describe the sources of recruitment in a big industrial concern and methods of recruitment in MNCs.
5. Technology robs jobs. What are your views on this? How true is it? Answer in 500 words.
6. Reliable Consultancy Ltd., is a consultancy firm catering to the various needs of business organisations. They are experts in undertaking research, and they provide research data on an ongoing basis. They also provide assistance with respect to project formulation, feasibility study and project implementation. They charge fees for the work undertaken. The fees is calculated on the basis of work undertaken and the duration of the job. The company operates at the international level. They have branches in important Indian cities besides few locations abroad. At the end of June, 2017 the company had an employee strength of more than 1400, out of which 400 were permanent employees. The rest worked purely on temporary basis. The structure of basic remuneration is different for permanent employees, and the temporary staff. However all the employees were paid as per the industry standards. During the review meeting

held at the end of June, 2017 the top management was informed about the serious problem faced by the company financially. The Finance Manager explained to the core management team about the gap between cost and revenue getting narrowed on monthly basis. The Manager also explained the various contributory factors related to cost and revenue. He was very clear about the revenue side and explained that it would be impossible to alter the fee structure. He said that the company was already working on narrow margin and therefore reducing the fee, in his opinion, was impossible. He further suggested to review the pattern of employment. He observed that the cost to company per permanent employee was atleast five to six times over and above the temporary staff. He therefore suggested that the HRD should consider the possibility of reducing the number of permanent employees. After lengthy discussion between various members present about the issues related to this exercise of downsizing the HRD Manager concluded with a promise to get back to the board within a month about the scheme and methods for implementing the restructure. The meeting ended with a positive note on downsizing the workforce.

Answer the following questions:

- (a) It is right to reduce the number of permanent employees? Give reasons.
- (b) What are the effects of downsizing in the long run?
- (c) Suggest atleast, two schemes for reducing the workforce at Reliable Consultancy Ltd.

Name :

Register No.:

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

Third Year - Fifth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

CORPORATE LAWS-I

Time: 1½ Hours

Maximum Marks: 20

Instructions:

This Examination is a closed book examination. Only the use of Corporate Laws manual without Commentary / short notes in the Examination Hall is allowed.

Answer the following questions:

1. Write a short note on one person company, and on producer company or public company (2½ + 2½ Marks)
2. "A promoter is not a trustee or an agent of the company but stands in a fiduciary position towards it." Discuss. (5 Marks)

[OR]

Critically comment on *Seth Sobhag Mal Lodha And Ors. vs Edward Mills Co. Ltd. And Ors.*, (1972) 42 Comp Cas 1 (Raj). (5 Marks)

3. What is the importance of the objects clause of the memorandum of association? If a company does anything not either expressly or impliedly provided for by the objects clause, what would be the consequences? (5 Marks)
4. "The articles may contain provisions for entrenchment". Comment upon the statement and explain the significance of the entrenchment provisions. (5 Marks)

[OR]

Compare *Salomon v Salomon & Co. Ltd.*, [1897] AC 22 with *In re Kondoli Tea Co. Ltd.*, (1886) ILR 13 Cal 43 and comment on the impact of separate legal personality on investors. In view of the provisions of the Companies Act, 2013, is the decision *In re Kondoli Tea Co. Ltd.*, a sound decision? (5 Marks)

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

Third Year - Fifth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

PROPERTY LAW

Time: 1½ Hours

Maximum Marks: 20

Instructions:

Only the use of Bare Act on Transfer of Property Act, 1882 in the Examination Hall is allowed.

Part – A (Compulsory Part - 9 Marks)**Answer the following question:**

1. In 2000, Damayanti returned to India after completing her studies in London. She came to her father's ancestral house in Pune, Maharashtra hoping to tell them about her boyfriend Nalan so as to get married and return to London. Dhamayanti has two brothers, Dhruvan and Dhan. Dhruvan has a great interest in agriculture. He is cultivating about 20 acres of their ancestral family property. Dhan is a lawyer who is practising in the High Court of Madras. During her stay, Dhamayanti realises that Dhruvan is pleading to their parents, Indrani (mother) and Arkkan (father) to arrange his marriage with Daisey who is from a different caste. Indrani and Arkkan do not agree, but Dhruvan gets married to Daisey under Hindu Marriage Act, 1955. Dhariti does not mention about her boyfriend due to these incidents but returns to London. Dhruvan is asked not to cultivate the ancestral farm. Understanding that their parents will not give Dhruvan any property, Dhan forces Dhruvan to file a partition suit. In 2002, Dhruvan files a suit for partition of the ancestral property. That year there was severe drought due to which the Arkkan had to take loans to sustain the rice cultivation. Arkkan and Indrani could not repay, due to which they insisted Dhariti to buy Arkkan's share (5 acres) in the ancestral property. Five acres was sold to Dhariti and the sale money was used to pay off the loan. In order to make provision for water, Arkkan and Indrani took another loan from a rural bank, NABARD using 5 acres of ancestral property for installing water harvesting systems. But the drought continued for the next two years, and they

could not repay the loan amount. The NABARD Act, 1981 has mentioned that if the loan amount is not paid, then the borrower will be personally liable to pay. The Act further stated that such loan amount will be considered as revenue dues and can be paid out of the land. Proceedings started against Arkkan and revenue department tries to sell the property several times but the partition suit posed as an impediment. In an auction held in 2010, 5 acres of the property in public auction was bought by Nalan. Nalan pleads to become a party to the partition suit. Dhan represents his brother, Dhruvan in the partition suit.

- a) Make a memo of main arguments in favour of Dhruvan (2½ Marks)
- b) Make a memo of main arguments in favour of Nalan (2½ Marks)
- c) Write a judgment deciding this case (4 Marks)

Part – B (1 X 2 = 2 Marks)

Answer any ONE of the following questions:

2. 'A' transfers a shopping mall worth 90 lakh to 'B' with condition that rent to the tune of 50,000 per month received from the shops in the shopping mall be paid to discharge the loan amount of 10 lakh. Is the interest acquired by 'B' a vested interest or a contingent interest? Support with case law.

[OR]

3. Asha through a transfer deed dated 24th September 2010 transferred a two-storeyed house to her husband for his life and after his death, to their unborn child. She dies in May 2011 without giving birth to a child. Her husband leased the property through a lease deed dated 24th September 2011 for 5 years, the rent of which is used for his treatment. He died in May 2012. Her brother, who has the reversionary interest files for eviction of the tenant challenging the lease deed executed by Asha's husband. Based on the above facts, answer the following:
 - a) Can her husband lease the property? Give reasons (1 Mark)
 - b) Will the eviction suit filed by brother succeed? (1 Mark)

Part – C (3 X 3 = 9 Marks)

Answer any THREE of the following questions:

4. What are GPA sales? Are GPA sales valid sale under Transfer of Property Act 1882?
5. What is transfer under Transfer of Property Act, 1882? Does Section 5 of TPA cover 'will' and 'partition'?

6. Which sections cover conditional transfers that impose restriction on alienation and restriction on enjoyment? Can a transfer imposing a condition prohibiting alienation outside a community be valid? Substantiate with case law(s).
7. What is doctrine of holding out? What rule does this doctrine form an exception to? Elucidate with illustrations.
8. Using the distinction between standing tree and standing timber in light of Transfer of Property Act, 1882 state whether the following can be considered as a transfer of immovable property?
 - (a) transfer of right to fishing for one month and
 - (b) transfer of right to fishing for five years



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LABOUR LAW-I

Time: 1½ Hours

Maximum Marks: 20

Instructions:

Only the use of Bare Acts of Industrial Disputes Act, 1947 and Trade Union Act, 1926 without commentaries or notes in the Examination Hall is allowed.

Answer the following questions; all questions are compulsory:

1. Amba is a medical officer who is employed at the Navalurkuttupattu Sisters of Great Faith, a voluntary organization that is associated with the Navalarkuttupattu Sisters of Great Faith Church, Navalurkuttupattu. On weekdays, her duties involve checking up on the patients admitted in the organization's 'Faith Heals' clinic, doing routine check-ups, attending to any health issues of the workers at the Clinic and instructing the nuns who work there on the proper care of patients at the Clinic. All the patients at the clinic have arrived at the clinic after they have been diagnosed as terminal, and receive no other medical treatment at the clinic other than the routine check-ups done by Amba. The clinic provides food to the 50 patients admitted, 24 nurses and 30 nuns who are currently working there, through a mess which operates in a building adjacent to the Clinic. The Church, the Clinic and the Canteen form part of the same grounds.

On 24th October, 2018, Amba is removed from service by the organization. The notice states that this was being done because Amba's services were no longer needed as the organization was in the process of hiring more nurses for the clinic. However, Amba feels like Sisters of Great Faith had terminated her employment as she had suggested to some patients in the 'Faith Heals' clinic that they get admitted at a different hospital in Vellore for treatment.

On the basis of the above facts, and precedents, answer the following questions:

- i) Can Amba raise an industrial dispute against the Navalurkuttupattu Sisters of Great Faith? Why or why not? (3 Marks)

ii) 3 of the nurses at the Clinic, who were working under Amba, want to raise an industrial dispute on her behalf. Is this possible? Please explain why.
(3 Marks)

iii) 10 of the nuns who worked with Amba at the clinic want to raise an industrial dispute on her behalf. Is this possible? Please explain why.
(2 Marks)

2. What is the difference between layoff and retrenchment? (2 Marks)

[OR]

What is the difference between dismissal and discharge? (2 Marks)

3. Based on your understanding of Guy Davidov's purposive approach to labour law, please explain the market failure which needed to be addressed in the case 'All India Bank Employees v National Tribunal', AIR (1962) SC 171.
(4 Marks)

4. Stella is a clerk who works at an establishment that makes greeting cards for special occasions such as festivals and personal milestones, called Kappabiriyani Unlimited (K.U.). She has been hired for a period of 12 months and her contract states that if she passes a data entry test (conducted by a different company, who specialises in standardised tests) she will be made a permanent employee of the establishment. Stella works for 11 months and takes the test conducted by the company but does not pass. In the meantime there is an industrial dispute at the shop floor of the establishment by workers who operate the printing press of K.U. demanding greater wages. Workers belonging to the Printers Welfare Union plan a strike on 26th December, 2018. Stella goes home for Christmas, but after knowing that there is a strike from one of her co-workers, does not turn up for work on 26th December, 2018 but does not apply for leave.

Her employment contract mentions that in case the employee does any 'misconduct' he will be liable for action after an inquiry; however, there was no specific provision for fines or withholding salary. The Standing Orders of the establishment mention that 'unauthorized absence from work' would amount to misconduct.

a) Can the management reduce one day's salary from the wages payable to Stella? Please explain why or why not. Use case law to support your answer.
(4 Marks)

b) At any point of time after 26th December, 2018, if the management cites the failure of Stella to pass the exam and terminates her employment, would the action amount to 'retrenchment'? (2 Marks)

ADML-18

Name :

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Third Year - Fifth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

ADMINISTRATIVE LAW

Time: 1½ Hours

Maximum Marks: 20

PART - A (1 X 6 = 6 Marks)

Answer any ONE of the following questions:

1. Distinguish between 'legislative function' and 'administrative function'. What are the legal consequences of such distinctions according to Professor Stanley Alexander De Smith?
2. The executive power connotes to the governmental functions that remain after legislative and judicial Functions are taken away (Per Mukherjea CJ in *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549). In this context, discuss the parameters to distinguish between 'administrative function' and 'quasi-judicial function'?

PART - B (2 X 7 = 14 Marks)

Answer any TWO of the following questions:

3. "If law making is taken over by the government, it may make the administration by the barrel of the secretariat pen" (Per Krishna Iyer J in *Avinder Singh v. State of Punjab*, 1979 SCR (1) 845). In the backdrop of this statement, discuss the need and the norms of 'delegated legislation' with special reference to India.
4. Does any human being read through this mass of Departmental Legislation? asked Lord Hewart.

Perhaps not, but since ignorance of law is no excuse for breaking it, administrative rules and regulations may be readily available to the public. In the light of this observation, discuss the norm of publication of delegated legislations and strategies for future action with special reference to India.

5. The virtues of the doctrine of separation of powers do not evoke much enthusiasm today. Is it because the doctrine has accepted a harder core of generally accepted meaning or because some constitutions survive adequately without relying on it for sustenance? Discuss with special reference to United States and India.

6. What do you mean by 'personal bias' and 'official bias'? Explain with the help of relevant case laws.

[OR]

What do you mean by 'hearing'? Explain with help of relevant case laws.

IOS-18

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

Third Year - Fifth Semester, Mid-Semester Examinations (Odd-Semester), September 201

INTERPRETATION OF STATUTES

Time: 1½ Hours

Maximum Marks: 20

Answer ALL the questions:

1. "In order to ascertain the meaning of a clause in a statute, the court must look at the whole statute, at what precedes and at what succeeds and not merely at the clause itself." Examine the rule with any two judicial decisions.
(5 Marks - 500 Words)
2. Examine the use of 'Preamble' and 'Punctuation' as an intrinsic aid to Construction of Statutes with judicial decisions.
(5 Marks - 500 Words)
3. The question as to whether the statute is mandatory or directory depends upon the intent of the legislature and not upon the language in which the intent is clothed. Explain with any two case laws.
(4 Marks - 400 Words)
4. Answer any TWO of the following:- (3 X 2 = 6 Marks; 250 words each)
 - a. Criticism to Literal rule of Interpretation
 - b. Difference between Harmonious and Beneficial construction
 - c. State through CBI, Delhi V. Gian Singh

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Forth Year – Seventh Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW OF DIRECT TAXATION

Time: 1½ Hours

Maximum Marks: 20

Part – A (2 X 7 = 14 Marks)

Answer any TWO of the following questions:

1. In 1992, DLS Ltd launches Digital Cinema, a direct to home video cable service, which allows people to watch movies on their televisions upon payment of a monthly charge. The cables for these services are usually laid underground. DLS first offers its services in Tamil Nadu. The Tamil Nadu state government through an executive notification No. 118/1992, mandates that all cable services providers such as DLS pay 10% of their total profits to the government as “convenience fees”. The notification provides that this fees will go into the consolidated fund of the state and will be used in-part to ensure that any damages done to roads due to the laying of cables can be repaired. DLS challenges the notification in the high court on the ground that it imposes a tax on DLS, in the guise of a fees.

Meanwhile, the Tamil Nadu State Government in 1993 also enacts a law called the “Tamil Nadu Entertainments Tax Act, 1993” imposing a 5% entertainment tax on the total subscription charge collected by DLS. DLS challenges this tax on the ground that their application is merely providing a service. It argues that since services do not fall anywhere else in the seventh schedule, they would come under Entry 97 of the Union list. Consequently, DLS argues that the tax is beyond the legislative competence of the State of Tamil Nadu. The State of Tamil Nadu on the other hand argues that the taxes fall under Entry 62 of the state list, which reads “Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling”.

- a. Do you think that the charge of convenience fees by the State government is valid? Give Reasons.
- b. Do you think that the charge of entertainment tax by the State Government is valid? Give Reasons.

2. Gable is a renowned gangster in the State of Maharashtra. Most of his income is earned through the illegal sale of smuggled liquor to different bars in Bombay. In March 2017, Gable was caught by the police and the entirety of his smuggled liquor was confiscated by them. In September 2018, the Income Tax department demanded Rs. 10 crores from Gable as tax not paid on profits gained in Financial Year 2016-17.

Gable claimed that he did not have to pay tax because the following deductions were available to him:

- Deduction of Rs. 4 crores paid for a refrigeration room bought by him to keep the liquor cool.
- Deduction of Rs. 2 crore being repair charges for the replacement of condenser, when the refrigeration room stopped working.
- Deduction of Rs. 4 crore being legal fees paid to the lawyer to defend Gable in the criminal case against him.

Which of these deductions will be available to Mr. Gable? Give reasons for your answer.

3. Mr. Dharaj, a resident of Nepal, is the owner of Dharaj Mills, a lumber mill in Calcutta. He occasionally comes to India for the purposes of his business. In each financial year from April 2005 to March 2017, he was in India for exactly 92 days. In the financial year 2017-2018 he was in India for 179 days, and earned the following incomes:

- Income from sale of wood by Dharaj Mills to a customer in Nepal - Rs. 3,00,000
- Income from sale of wood by Dharaj Mills to a customer in Calcutta - Rs. 1,00,000
- Income from sale of ancestral property in India, to a person living in China - Rs. 10,00,000
- Income from sale of shares of Indian company - Rs. 5,00,000
- Income from sale of agricultural produce in agricultural property in India. - Rs. 5,00,000
- Income from offering consultancy service to companies based in Nepal - Rs. 2,00,000

a. Which of these will be included in the total income of Mr. Dharaj in AY 18-19? Why?

b. If Dharaj Mills were a company, how would you determine its residential status for AY 18-19?

c. Assume that no other deductions under any other part of the Income Tax Act, 1961 are available to Dharaj and he earns no other income, What would be the total income tax payable for AY 18-19?

Part – B (2 X 3 = 6 Marks)

Answer Short Notes on any TWO:

4. Employer-Employee Relationship under the head of Income from Salaries
5. Annual Value of a House Property
6. Charitable Purpose

Name : Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Forth Year – Seventh Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW OF CRIMES-II (CODE OF CRIMINAL PROCEDURE)

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 8 = 8 Marks)

Answer any ONE of the following questions:

1. Explain the circumstances under which bail can be and cannot be granted u/s 437 of Cr.PC, 1973.
2. Explain the procedure for completing an arrest and discuss the nature and quantum of force can be used in making an arrest.

Part – B (3 X 4 = 12 Marks)

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

3. A Judicial Magistrate of Madurai court attached properties of the accused of theft simultaneously to issuance of an arrest warrant. Is the order valid?
4. During the lifetime of the first Hindu wife, Ratna, her husband Raghav married another woman named Shallu on 10.9.18. After knowing this from a close friend of her husband, on 13.9.18, Ratna gave this information to the police officer having the jurisdiction. The officer registered an FIR. Explain the immediate procedure need to taken by the police officer after the FIR registered.
5. Anuj, Jaggu and Pawan committed the offence of robbery within the jurisdiction of the court of Tirunelveli, after 1 month the property involved is recovered at Trichy. Decide the place of court where the offence can be tried?
6. Chotu arrested u/s 304 of IPC by OIC of Bhaguni Police station. His arrest was held on the basis of two eye witnesses. He forwarded to the nearest Executive Magistrate within 24 hours. The concern Magistrate remanded him to police custody for the period of 15 days and ordered for further investigation on the matter. Discuss the validity of such order with the help of legal provisions.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Forth Year – Seventh Semester, Mid-Semester Examinations (Odd-Semester), September 2018

CIVIL PROCEDURE CODE

Time: 1½ Hours

Maximum Marks: 20

PART - A (2 X 5 = 10 Marks)

Answer any TWO of the following questions in about 400 words each. The first principles made out are to be substantiated with judicial pronouncements:

1. The end product of a civil litigation takes the forms of Judgment and Decree. In this context Code attaches more significance to the term 'Decree' from various perceptions. Elucidate this statement while explaining the essential elements of a Decree and its effect.
2. In the Code of Civil Procedure the width of the word 'Civil' has been stretched by using the word 'nature' along with it. This means that those suits are cognizable which are not only civil but are even of civil nature. Analyse this statement in the light of instances of suits which are of civil nature and which are not of civil nature.
3. The Doctrine of Res Judicata has been accepted in all civilized legal systems. Hence, Res Judicata contemplates a final decision on which the court has exercised its judicial mind. Bring out the significance of this statement in the light of the Explanation V, appended to the section, which specifically uses the phrase "heard and finally decided".

PART - B (4 X 2½ = 10 Marks)

Answer any FOUR of the following in about 100 words each, citing judicial decisions wherever necessary:

4.
 - a) Classes of Decrees
 - b) Meaning of 'Plaint'
 - c) Mesne profits
 - d) Jurisdiction and consent
 - e) *Res Judicata and Stare Decisis*
 - f) Doctrine of Restitution within the meaning of Section 144, CPC, 1908

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Forth Year – Seventh Semester, Mid-Semester Examinations (Odd-Semester), September 2018

GENDER JUSTICE AND FEMINISM

Time: 1½ Hours

Maximum Marks: 20

Answer ALL the following questions. Question No.1 & 2 are short answer questions and Question No.3 is an essay Question:

1. 'Focus of Hindu law reforms starting in the fifties was to grant equal inheritance rights and to allow matrimonial remedies - thereby making codified Hindu law progressive and gender just.' Comment. (5 Marks)
2. The Transgender Persons (Protection of Rights) Bill, 2016 may be regarded as a principled follow up to the judgement in *NALSA v. Union of India*. Evaluate the extent to which the proposed law has been successful in upholding the spirit of *NALSA* judgement. (5 Marks)
3. What are the implications of having a substantive equality model for laws relating to women's rights at workplace? Explain using examples under Indian law. (10 Marks)

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Forth Year – Seventh Semester, Mid-Semester Examinations (Odd-Semester), September 2018

INTERNATIONAL ECONOMICS

Time: 1½ Hours

Maximum Marks: 20

Part – A (4 X 5 = 20 Marks)

Answer any FOUR of the following questions with not more than 250 Words:

1. Differentiate between Absolute Advantage Trade Theory and Comparative Advantage Trade Theory with suitable examples.
2. On the basis of your observation in the documentary “The Real Adam Smith” Bring out the arguments on the evolution of free market theory.
3. Explain the Factor - Proportions theory on International Trade.
4. According to Paul Krugman, what are the seven themes which recur throughout the study of International Economics?
5. Explain the role of Multiplier and Money multiplier in reviving the economy to achieve stable prices and stable growth at full employment.

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Forth Year – Seventh Semester, Mid-Semester Examinations (Odd-Semester), September 2018

SOCIO ECONOMIC OFFENCES

Time: 1½ Hours

Maximum Marks: 20

Part – A (1 X 6 = 6 Marks)

Answer any ONE of the following questions:

1. Money laundering is “The process by which criminals convert the proceeds of illegal activities into legitimate funds”. Justify the statement and explain different methods adopted for money laundering.
2. Bring out the distinction between traditional offences and socio economic offences and critically examine the role of *mens rea* in socio economic offence with the help of landmark cases.

Part – B (2 X 5 = 10 Marks)

Answer ALL the questions:

3. Mr. Ramaswami is working as a lecturer in the Government College, Chennai. Apart from that he takes classes for many leading competitive coaching centers within the city and also engaged himself most of the time by taking private tuition for IAS aspirants. The money he obtains from those sources, he invested by purchasing shares in a company situated in Malaysia. Is he committed any offence?. Give reasons to support your answer.
4. Arjun working as a Bank Officer in a private bank since 2015. His childhood friend Ramesh, who got a new job as an Mechanical Engineer in same town where Arjun was working. Over a coffee, Ramesh shared to Arjun that he is planning to purchase a car which he was unable purchased due to shortage of money. Arjun assured him that he can sanction car loan but he has to pay Rs.25,000/- to the Manager of loan section. Ramesh did the same and got the loan. Whether both have committed any offence under Prevention of Corruption Act, 2018?

Part – C (2 X 2 = 4 Marks)

Answer any TWO of the following short note questions:

5. Criminal misconduct
6. Proceed of crime
7. Santhanam Committee

BANL-18

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

BANKING LAW

Time: 1½ Hours

Maximum Marks: 20

Instructions:

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

Answer ALL the Questions

1. In banking parlance, who is considered as a 'customer'? Is there a distinction between the terms 'customer' and 'consumer' according to Indian laws? Explain the relationship between a 'customer' and a 'banker' in the following cases:

1.1. As a Creditor & Debtor and vice versa

1.2. Bailor-Bailee Relationship

(7 Marks)

2. What is KYC and list down the objectives of KYC norms introduced by the Reserve Bank of India (RBI)? Explain the various precautions to be taken by a Banker while opening and operating an account of the following persons:

2.1. Companies

2.2. Trust

2.3. Partnership Firms

(7 Marks)

Page 1 of 2

3. Write short notes on the following:

3.1. Procedure for Bank Nationalisation as given in the *Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970*. (3 Marks)

3.2. Types of Joint Accounts. (3 Marks)

MEDL-18

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

MEDIA LAW

Time: 1½ Hours

Maximum Marks: 20

Answer the following questions:

1. What is the relationship between 'personal autonomy' and the right to privacy as identified by Kaul J in *Justice KS Puttaswamy (Retired) and Another v. Union of India and Others* (2017) 10 SCC 1? In this context, how does public interest affect the application of the right to privacy? (4 Marks)
2. "To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or premises. But when men have realised that time has upset many fighting faiths, they come to believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out" (Per Holmes J in *Abrams v. United States*).

Yet, comprehending free speech in the language in the language of the market, for all its popularity runs into a series of well-recorded difficulties. Discuss the constraints with special reference to India. (6 Marks)

[OR]

In his paper titled 'The Evolution of the Constitutional Right to Free Speech in India (1800-1950)' Professor Arun Thiruvengadam analyses the trajectory of the discussion surrounding free speech in India from the colonial era to post-independence. Using this analysis, identify the ways in which the struggle for Indian Independence has influenced how we think about free speech in the colonial and post-colonial stages. Please include both universal and particular arguments that have featured in this discourse in your analysis. (6 Marks)

Page 1 of 2

3. Article 19(2) of the Constitution of India, authorizes the government to impose, by law, reasonable restrictions upon the freedom of speech and expression in the interests of 'public order'. In this context, discuss the tests of proximity and proportionality in deciding the reasonableness of a restriction. Please also include case law in support of your answer. (5 Marks)

4. A prominent youtuber Jasmeet, frequently narrates her experiences as a queer person in an Indian University on her channel through humorous skits. One of her videos is an autobiographical account of her first same-sex relationship which happened when she was at University. Although she does not reveal the name of the person involved, she mentions the University she studied in and reveals that the person she was with had played a certain role in one of the theatre productions at the University. She ultimately terms the relationship as abusive and unhealthy and talks about her personal journey of getting over her insecurities after the relationship ended. The viewers make the connection that the person she refers to in her video is another youtuber, Prajakta (who runs a gaming channel), who went to the same University as Jasmeet and had spoken in her videos about her first theatre production at University. Prajakta has not, however, ever mentioned her sexual orientation in any of her videos. Her popularity among teen audiences has resulted in her being invited to many events for adolescents who are struggling with mental health issues and she is set to be involved in a Government campaign against cyber-bullying.

Using what we have learnt about privacy and free speech jurisprudence, explain whether you think Jasmeet's autobiographical video is a violation of Prajakta's right to privacy. What do you think would be an appropriate remedy, if any, in this case? Please include the case law we have discussed in class in your analysis. (5 Marks)

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

INTERNATIONAL TRADE LAW

Time: 1½ Hours

Maximum Marks: 20

PART – A (8 X ½ = 4 Marks)

Answer ALL Questions. Each Question carries equal marks.

1. The theory of Absolute Advantage was propounded by -----
2. Eli Heckscher and Bertil Ohlin propounded the theory-----
3. UNCTAD was founded primarily for the purpose of -----
4. Mention the outcome of Bretton Woods conference
a) ----- b) -----
5. General Agreement on Tariffs and Trade (GATT) came into force on -----
6. Match of the following:

a) Geneva Round	1973-1979
b) Dillon Round	1962-1967
c) Kennedy Round	1955-1956
d) Tokyo Round	1960-1962
7. The total number of participating countries in Uruguay Round is -----
8. General Agreement on Tariffs and Trade has ----- Parts and ----- Articles.

PART – B (4 X 2 = 8 Marks)

Answer ALL Questions not exceeding 200 words each. Each Question carries equal marks:

9. Critically examine the various stages of Product Life Cycle Theory.
10. Describe the relevance of UNCTAD in international trade law.
11. State and mention the importance of Anti-Dumping measures.
12. Explain the key contribution of the Uruguay Round of the World Trade Organisation.

PART – C (1 X 8 = 8 Marks)

Answer any ONE of the following questions in not exceeding 500 words:

13. Critically examine the relevance of Absolute Advantage and Comparative Advantage in the Liberalisation, Privatisation and Globalisation (LPG) era.
14. Examine the salient features of General Agreement on Tariffs and Trade (GATT).

INO-18

Name :
Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

INTERNATIONAL ORGANISATIONS

Time: 1½ Hours

Maximum Marks: 20

PART – A (4 X 5 = 20 Marks)

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

1. The proliferation of inter-governmental organizations in the post-World War-II era has created a supranational governance regime curtailing the absolute autonomy state. What challenges does the ever increasing number of IOs pose to the concept of *state sovereignty*? Do you think that in the age of IOs, sovereignty still remains the exclusive domain of state?
2. At the Paris Peace Conference in 1919, the British government succeeded in gaining separate representation for its dominions, including India. This created a rather anomalous situation, since a dependency of a foreign power, a colony which could not control its internal affairs, was accepted as a sovereign state by an international treaty. What challenges does this development pose to the doctrine of *legal equality of states* in international law? Can dominions like India claim to have achieved *quasi-independence* back in 1919 as they began to function as a separate entity in their external relations?
3. Inter-governmental organizations, particularly those of the UN system, have changed the traditional international sources of law contained in Article 38 of the Statute of the International Court of Justice. How the ever increasing engagement of IOs in international '*lawmaking*' does make it difficult for these organizations to subject themselves to the *rule of law*. Discuss with reference of Prof. José E. Alvarez article.

4. What do you understand by 'legal personality' in international law? Discuss the concept with special reference to with special reference to *Reparations for Injuries Suffered in the Service of the United Nations* case. What challenge does the Haiti cholera case pose to the absolute immunity of the United Nations?
5. Discuss the evolution of UN peace operations. What are the three basic principles of UN peacekeeping? What is the legal basis for UN peace operations? What are the new mandates provided to peacekeeping operations in the post-Cold War era? Discuss with reference to at least two UN peacekeeping operations.
6. Is the International Criminal Court (ICC) the world's supreme criminal adjudicatory body? If yes, why is the ICC facing a legitimacy crisis? What challenges do the third generation courts and tribunals pose to the ICC? Which of the two models of criminal adjudicatory mechanism do you find more effective in dispensing transitional justice?

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW OF INSURANCE

Time: 1½ Hours

Maximum Marks: 20

Instructions:

- All the answers in the Part A shall be answered preferably in IRAC method; and at least one case law must be necessarily referred.
- All the answers in the Part B shall be answered not more than 4 pages and at least four case laws need to be referred.

PART – A (2 X 6 = 12 Marks)

Answer any TWO of the following questions. Each Question carries 6 Marks.

1. Mrs. Shanthi, aged 68 years, bought a new microwave which was sold to her with a Microwave Insurance for a premium of Rs.1,500/-and total coverage of Rs. 25,000/-. Mrs. Shanthi was quite excited and decided to bake a cake in it. She made the batter, poured it in a cake form and kept it inside the microwave and checked the microwave manual for temperature setting. As per the manual, she had to bake it in 100% high power for 5-7 minutes then let in allow in the microwave for another 2-3 minutes. She really wanted a moist cake with a nice crispy brown color. So she decided to bake the cake for 10 minutes in 100% power. Suddenly, the microwave stopped working in half way. Mrs. Shanthi checked the microwave and found that there was a power cut. Meanwhile, she received a call in her mobile phone and went to answer the same. After few minutes she smells something burning and checks in her kitchen. She found the microwave was overheated and the smoke was coming from the same as the power was back by then. In panic, she took two big bowls full of water and poured it over the microwave and then switched off the main power supply. Later when she checks her microwave she found that the microwave had stopped functioning. She goes to her shopkeeper to check upon the same and he says that the microwave needs a small repair due to short circuit.

This part needs to be replaced, which would cost around Rs.5,000/- She decides to use her Microwave Insurance but the Insurance Co. refuses the same relying upon the following clause in their policy document-

"...3.3 No Coverage: The insurance does not cover –

(a) Loss caused by internal stress, by loosening of a seal or by fluid pressure,

(b) Loss caused by any abnormal use or negligence,

(c) Loss caused by pixilation, gas discharge, re-gassing or image burn on any surface or screen unless the reason for the same was exceptional arising suddenly and unforeseeably...."

Opine as to whether the rejection was valid or not?. Justify your answer with the help of principles of construction of an Insurance Contract.

2. Alpin had bought a new macbook worth \$1990. He had insured the same with Barclay's Insurance Co. against loss and damage of property by fire, loss and accidents for coverage of full amount and agreed to pay every six months a premium of \$150. Once he went to a coffee shop to meet one of his very old friend. At the coffee shop, both of them ordered coffee and were having nice time recounting their past memories. They had then ordered for another round of coffee. Alpin suddenly received a call from his senior professor and had to do some urgent work and hence took out his laptop and was working simultaneously while speaking over phone. One of the employees in the coffee shop bought their coffee and signaled Alpin for the same. Alpin's friend had just gone to use the washroom at that time. Hence, Alpin who was still on the phone call motioned the employee to leave the coffees on the table. While doing so, the piping hot coffees tripped from the employees hand poured it all over Alpin's macbook causing it to abruptly stop working. Alpin got frustrated and disconnected the call and started a fight with the employee and the café owner. After a small fight, the owner agreed to pay Alpin a sum of \$950 only. Alpin angrily took the money and left the café with his friend to repair shop. The whole repair cost him around \$1210 and he was not given any free service as it was more than 6 months from purchase. He decided to enforce his insurance for the damages and applied for the same with the Barclay's Insurance. **Considering Insurance Claim is valid decide the Rights of Barclay's Insurance?**
3. Mohammed had taken a Motor Vehicle (MV) Insurance Policy for his new Jeep for a coverage of Rs. 5 Lakh for 3rd party liability. In furtherance of the same, he had paid a premium of Rs. 20,457/- The policy document warrants that the MV needs to be maintained very well and needs a certificate to the same effect

to be submitted every 6 months. It further states that if the distance the MV covered crosses 15,000 kms, the Co. requires a certificate of fitness to be submitted every 3 months which will be duly verified by Co.'s Engineer. Mohammed took his jeep for a long drive for 15 days with his friends in the Western Ghats and came back to his home town. By then his vehicle had crossed 15,000 kms within 4 months of buying. So he decided to take his Jeep for maintenance to nearby repair shop. On the way, the jeep suddenly skid in the road as it had rained the previous day and the road was still watery. In the skid, he lost control and hit a pedestrian who was walking on the road well within the white line on the pavement. The pedestrian was rushed to the hospital and saved but with few bruises and a leg fracture. Mohammed decides to claim his MV insurance to cover the hospital charges for the pedestrian. **Decide whether his claim for insurance will be entertained or not?**

PART – B (1 X 8 = 8 Marks)

Answer any ONE of the following questions:

4. S.B Sinha & H.S Bedi, JJ. held the following in the case of *P.C. Chacko & Anr. Vs Chairman, Life Insurance Corporation of India, & ors, AIR 2008 SC 424*

"... The purpose for taking a policy of insurance is not, in our opinion, very material. It may serve the purpose of social security but then the same should not be obtained with a fraudulent act by the insured. Proposal can be repudiated if a fraudulent act is discovered. The proposer must show that his intention was bona fide. It must appear from the face of the record. In a case of this nature it was not necessary for the insurer to establish that the suppression was fraudulently made by the policy-holder or that he must have been aware at the time of making the statement that the same was false or that the fact was suppressed which was material to disclose. A deliberate wrong answer which has a great bearing on the contract of insurance, if discovered may lead to the policy being vitiated in law...."

Explain the significance of this statement with regard to decide the validity of an insurance policy.

[OR]

5. Kavin watches a TV series in Netflix- 'The Mahabharatha: The story of War', which is an epic in India describing the war happening between the Kauravas and Pandavas. He watches from the beginning episodes and finds that the Kauravas have an enmity from the beginning with the Pandavas since their childhood when they all were in Gurukul learning under Guru Dhronacharya.

As he proceeds further watching the series, towards the end when the epic war starts between the Kauravas and Pandavas, a funny thought comes into his mind -wouldn't it be a good idea to take Insurance Policies for everyone during the wartime as a war causes lots of damage? Further he thinks whether such a policy would be a wager as they know that there would be a probability of death?

Opine as to the thoughts of Kavin with regard to the wagering nature of Insurance policies. Also, opine as to the eligibility of Pandavas to insure the life of kavuravas (who are 100 in number), considering the fact that Kavuravas and Pandavas are first cousins?

Name :
Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW OF INDIRECT TAXATION

Time: 1½ Hours

Maximum Marks: 20

Answer the following questions:

1. Shiny owns a specialised hair salon in Trichy, which offers customised hair care services to its customers. One of the services Shiny offers is hair transformation, where the hair stylist applies the latest hair products such as hair cream, hair colour and hair sprays to the customers hair. The customer can choose the products he or she wants, and the transformation is priced as per the customers need. In 2014, Shiny Hair Studio collected Rs.10,00,000/- on hair transformations.

In 2015, the Tamil Nadu State VAT officer demanded sent Shiny a notice, asking her about the total amount of hair products transferred by them to customers. Shiny however expressed inability to calculate this amount. The VAT officer then, using a residuary rule in the State VAT rules, demanded VAT on 50% of the total amount received for hair transformation in the year 2014. Shiny argued that the rule was invalid since:

- 1) Customers predominantly came for her services and the State of Tamil Nadu did not have legislative competence to tax her.
- 2) Even if the State did have legislative competence to tax her services, the precise value of product transferred was far less than 5,00,000 and the State could not come to this amount arbitrarily applying the 50% rule.
- 3) She had already paid service tax on the entirety of the amount to the centre and charging her again would amount to double taxation.
- 4) She had already paid VAT when purchasing all the products and charging her again would amount to double taxation.

- a. Do you think she will succeed with any of these arguments? Give reasons for your answer.
- b. Do you think she would have succeeded with any of these arguments in the year 1970? Give reasons for your answer.
- c. Will the onset of GST help Shiny in any way? How does GST deal with composite contracts?

[7 Marks]

2. Mr. Vinod Shastri, a resident of Kerala, is the owner of ten acres of land near Mumbai. On June 28th, 2016, he enters into an agreement with M/s. Corus Builders, a company registered under GST in Pune, for the construction of a 100 flat apartment complex called Corus Chancery in this land. In return for the construction, the agreement stipulates that after construction, Mr. Shastri will transfer 60 flats along with the undivided share of land for these 60 flats to Corus Builders. No other consideration flows from Mr. Shastri to Corus.

When the construction of Corus Chancery is underway, on June 25th, 2017 Corus enters into an agreement with Mr. Muthu, a resident of Tamil Nadu. The agreement to sale between Mr. Muthu and Corus states that Corus agrees to transfer a flat in Corus Chancery to Mr. Muthu on the completion of construction, after payment of Rs. 50,00,000. In return for this, Mr. Muthu pays Rs. 25,000/- as "Booking Charges" to Corus.

After the construction is completed on 10th July, 2017, a Sale deed is executed between Corus and Mr. Muthu for the transfer of a flat. Mr. Muthu pays Corus Rs. 50,00,000/-. A deed is also executed between Mr. Shastri and M/s. Corus, with Mr. Shastri transferring the undivided share of the land for 60 flats to Corus and Corus transferring 40 flats to Mr. Shastri.

- a. Which of these transactions can be charged under the IGST Act? Give reasons for your answer.
- b. Which of these transactions can be charged under the CGST Act? Give reasons for your answer.

[6 Marks]

3. The Imperial Law School, is a private law institution which wants to promote its law school. To do this it gives 100 diaries (printed in-house) to each of its 5 employees, to distribute to their friends and family. The diaries contain 100 pages about Imperial Law School and 10 pages of a calendar. The rest of the 182 pages of the diary have the printed date on top along with space for writing. The cost of printing the diaries is Rs. 300/-. In the market, diaries are

available for Rs. 250/-. The relevant tariff excerpts are given in an annexure to this paper.

- a. Assume that the law school, its employees and its customers are in one state. What is the total amount of GST payable by the law school? Give reasons for your answer.
- b. Do you think your answer would be different if the potential customers who received the diary paid Rs. 100/- for each of them. Give reasons for your answer.

[7 Marks]

ANNEXURE
Relevant Excerpts from the GST Tariff

The relevant entries of Notification No. 1/2017 — Central Tax (Rate) dated 28.06.2017 are as under:

Schedule 1 (2.5 % CGST)

S. No.	Chapter/ Heading/ Sub-Heading/ Tariff Item	Description of Goods
201.	4901	Brochures, leaflets and similar printed matter, whether or not in single sheets.

Schedule 2 (6% CGST):

S. No.	Chapter/ Heading/ Sub-Heading/ Tariff Item	Description of Goods
123.	4820	Exercise book, graph book, & laboratory note book and notebooks.

Also, under **Notification No. 2/2017-Central Tax (Rate) dated 28.06.2017**, the supplies of following goods is exempted from the whole of the Central Tax.

S. No.	Chapter/ Heading/ Sub-Heading/ Tariff Item	Description of Goods
119.	4901	Printed books, including Braille books
121.	4903	Children's picture, drawing or colouring books

The HSN notes for Heading 4820 reads as under:
48.20- Registers, account books, note books, order books, receipt books, letter pads, memorandum pads, diaries and similar articles, exercise books, blotting-pads, binders (loose-leaf or other), folders, file covers, manifold business forms, interleaved carbon sets and other articles of stationery, of paper or paperboard; albums for samples or for collection and book covers, of paper or paperboard.

4820.20 → Exercise books

(2) Exercise Books. These may simply contain sheets of lined paper but may also include printed examples of handwriting for copying in manuscript.
Educational workbooks, sometimes called writing books, with or without narrative texts, which contain printed textual questions or exercises not incidental to their primary use as workbooks and usually with spaces for

Name : Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LAW ON SECURITIES

Time: 1½ Hours

Maximum Marks: 20

Instructions:

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

Part – A (Essay and Problem Solving Questions)

- The concept of 'price sensitive information' has undergone significant changes with the passing of the *SEBI (Prohibition of Insider Trading) Regulations, 2015*. Comment on this statement by analysing the judicial trends of SEBI/SAT/SC since 1992 on interpretation of the phrase 'price sensitive information'. Further, explain with cogent reasons whether the following informations are price sensitive in nature? (7 Marks)
 - Merger talks between Domino's Pizza, Inc. & Pizza Hut and speculative reports about the same in newspapers.
 - OLA Cabs introducing bike rental services for students in Tiruchirappalli region.
 - The Resignation of the Chief Financial Officer (CFO) of Infosys Limited.
 - The Reserve Bank of India (RBI) cuts Statutory Liquidity Ratio (SLR) by 50 basis points to provide liquidity.
- SEBI had conducted a probe into the trading activities of Mr. Dipak Patel (DP), an individual trader and Kratos India Investment, a Foreign Institutional Investor (FII) for the period between January 2016 and March 2018. Mr. Arun Patel (AP) was the Portfolio Manager of the FII and was also closely related to Mr. DP and Mr. Parthiv Patel (PP).

completion in manuscript are, however, excluded (heading 49.01). Children's workbooks consisting essentially of pictures, with complementary texts, for writing or other exercise are also excluded (heading 49.03). Some articles of this heading often contain a considerable amount of printed matter but remain classified in this heading (and not in Chapter 49), provided that the printing is incidental to their primary use, for example, on forms (essentially for completion in manuscript or typescript) and diaries (essentially for writing).

The HSN notes for Heading 4901 reads as under:

4901 - Printed books, brochures, leaflets and similar printed matter, whether or not in single sheets.
(A) Books and Booklets consisting essentially of textual matter of any kind, and printed in any language or characters, including Braille or shorthand. They include literary works of all kinds, text-books (including educational workbooks sometimes called writing books), with or without narrative texts, which contain questions or exercises (usually with spaces for completion in manuscript); technical publications; books for reference such as dictionaries, or without printed instructions, for completion by drawing or coloring; sometimes colored illustrations for guidance are incorporated. They also include similar books with "invisible" outlines or color which can be made visible by rubbing with a pencil or applying water with a paint brush, and also books in which the small amounts of water color required for coloring are contained in the books (e.g., in the form of a palette).

The relevant service headings are mentioned below:

Heading 9965 (Goods transport services)	(vii) Goods transport services other than by rail or by goods transport agency.	CGST: 9%
Heading 9983 (Other professional, technical and business services)	(i) Selling of space for advertisement in print media.	CGST: 2.5%
Heading 9983 (Other professional, technical and business services)	(ii) Other professional, technical and business services other than (i) above.	CGST: 9%
Heading 9989	(i) Services by way of printing of all goods falling under Chapter 48 or 49 including newspapers, books (including Braille books), journals and periodicals], which attract CGST @ 6 per cent. or 2.5 per cent. or Nil, where only content is supplied by the publisher and the physical inputs including paper used for printing belong to the printer.	CGST: 6%
Heading 9989	(ii) Other manufacturing services; publishing, printing and reproduction services; materials recovery services, other than (i) above.	CGST: 9%
Heading 9997	Other services (washing, cleaning and dyeing services; beauty and physical well-being services; and other miscellaneous services including services nowhere else classified).	CGST: 9%

The Adjudicating Officer (AO) of SEBI noted that Mr.AP provided information to Mr.DP and Mr.PP regarding the forthcoming trading activity of the FII. Taking advantage of the same, Mr.DP used the information from his cousin Mr.AP illegally to front run for those stocks that were to be ordered by the FII and later sold the very same stocks to FII for unjust profits. The AO also found out that trades were executed using a telephone number registered in the name of Mr.PP at the common residential address of Mr.DP and Mr.PP.

Thus, the AO concluded that Mr.DP had placed and executed orders before the orders of the FII and consequently squared off his position when the orders were placed for trading. It was estimated that Mr.DP earned a total profit of Rs.1.57 Crores by way of front running over a period of two years. Eventually, SEBI found all three of them guilty of violating the provisions of the *SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003* and imposed a monetary penalty on them.

However, the Securities Appellate Tribunal (SAT) has set aside the SEBI order on the ground that the current regulations has prohibited front running only when it is carried out by intermediaries. Now SEBI has moved the Supreme Court challenging the SAT order. As per the SEBI Regulations and judicial precedents, decide whether SEBI has a right to take any action against non-intermediaries for front running activities? **(6 Marks)**

PART – B

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

- 3 After the passing of the *Alternative Investment Funds (AIF) Regulations 2012*, Venture Capital Funds (VCF) are regulated in India by the **(1.5 Marks)**
- Ministry of Corporate Affairs
 - Registrar of Companies
 - Stock Exchange
 - Securities Exchange Board of India.
- 4 The Authority which used to regulate the dealings in stock markets in India before 1992 was the **(1.5 Marks)**
- Ministry of Corporate Affairs
 - MRTP Commission
 - Controller of Capital Issues
 - Securities Exchange Board of India.

PART – C (2 X 2 = 4 Marks)

Write short notes on the following:

- Distinguish between Primary Market and Secondary Market.
- What types of funds are excluded from the purview of *Alternative Investment Funds Regulations, 2012*?

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

ADVANCE COURSE ON PATENT LAW

Time: 1½ Hours

Maximum Marks: 20

Instructions:

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

PART – A (5 X 1 = 5 Marks)

Choose the best answer (Multiple Choice Questions):

1. Patent is a _____
 - a. Statutory Right
 - b. Fundamental Right
 - c. Constitutional Right
 - d. Private Right
2. The first legislation in India relating to patent was _____
 - a. Act VII of 1856
 - b. Act VI of 1856
 - c. Act VI of 1857
 - d. Act VII of 1857
3. The uniform term of patent protection of twenty years for all categories of the invention was introduced in India through _____
 - a. Patent and Designs Act, 1911
 - b. Patents (Amendment) Act, 1999
 - c. Patents (Amendment) Act, 2002
 - d. Patents (Amendment) Act, 2005
4. 'X' filed a patent application on 1st July 2018, relating to an invention whereas 'Y' filed a patent application relating to the same invention on 1st March 2018 and it is published on 1st September 2018. Whose invention is novel _____
 - a. Both 'X' and 'Y' invention will be novel.
 - b. Both 'X' and 'Y' invention will not be novel.
 - c. 'X' invention is novel. Because Y's application is published after the filing of a patent application by 'X'.
 - d. 'Y' invention is novel. Because it has a priority date before the patent application filed by 'X'.

5. To determine non-obviousness of an invention _____
- The prior art references may be combined from the point of view of a person skilled in the art.
 - A single prior art reference with all elements of the invention shall be considered.
 - The invention must be compared with each of the prior art references independently.
 - None of the above.

PART – B (1 X 7 = 7 Marks)

Answer *any ONE* of the following in not less than 700 words:

- Critically analyse the impact of TRIPS Agreement on Indian Patent Act, 1970 and also examine the salient features of Indian Patent Amendment Act, 2005.
- Compare and contrast the concept of novelty from United States, United Kingdom and India in the light of judicial decisions.
- Examine the concept of inventive step under Indian Patent Act, 1970 in the light of judicial decisions.

PART – C (1 X 8 = 8 Marks)

Answer the following Question (Compulsory):

- Jarvis International Bank filed a patent application in India through PCT route claiming the priority date of 25th April 2016 from the US Patent No: 2678912 granted on 1st January 2018. The claimed invention in the patent application is, "A method to compute the credit risk rating of a client through a software by analyzing the business operations of the said individual". The invention includes a method, a computing system and program product for evaluating credit risk rating independently of market valuations. The object of the invention is to assess the creditworthiness of an individual and also scrutinize his past transactions in order to predict the individual's future prospects in the industry in which he operated. Jarvis also stated this particular invention will solve the present problem in banking industry prevailing in India especially in reducing the credit risk i.e. the risk of default on a debt that may arise from a borrower failing to make required payments. Jarvis claimed that this method is more accurate than present business practices and also have both technical advance and economic significance in the light of prior art. Decide the patentability of the above said invention under Indian Patent Act, 1970.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

ADVANCE COURSE ON COPYRIGHT LAW

Time: 1½ Hours

Maximum Marks: 20

PART –A (2 X 6 = 12 Marks)

Answer the following questions. Question No. 1 is a **COMPULSORY** question.

- Define copyright and mention the essential conditions to be fulfilled to obtain copyright in India.
- (a) "The statute of Anne, 1709 extended the copyright monopoly of publishers and there was no checks and balances under the Act to prevent the publishers from exercising the privileges of monopoly". Justify the statement by stating the relevant provisions from the Statute of Anne, 1709.

(OR)

- (b) Discuss the similarity between Berne Convention, 1886 and the Fine Arts Copyright Act, 1862.

PART – B (1 X 8 = 8 Marks)

Answer the following question by mentioning the relevant case laws, sections, legal doctrines wherever necessary.

- Kavignarkannadasan popularly known as (KK) native of Thogaimalai near Trichy was a famous poet, lyricist, novelist and a play writer. KK from childhood had heard about Queen Madhivadhini, a brave queen of Thogaimalai who was the only person to have read and understood the Military Manual written by JECHA a renowned war strategist. It was believed that any person who had the knowledge of this manual can win any war. The Chola Inscriptions at Brahadeeshwara temple mentions **that Rani Madhivadhani of Thogai malai had assisted the Chola king in the battle of Ganam**. Based on this historical fact KK wrote a play titled "Rani Madhivadhani" to honour the brave queen in 1948. The whole play was about how Rani Madhivadhani assisted King Jiva Cholan in the Battle of Ganam. The whole play consists of 3 Acts.

Act.1: The play starts with the war scene which showed King Jiva Cholan in great distress. As Pandya king Seril and his 3 lakh soldiers lead by his famous war general Vikramadityan were stationed at Srirangam on the banks of river Cauvery. The Chola king and his army of 25,000 soldiers were stationed on the other side of the bank to defend their capital city pazhavur. The Chola king was fighting another battle simultaneously at Rameshwaram. Hence the prince and princesses of Chola Empire with their battalions were stationed at sea ports as reinforcement Forces in case of emergency to be sent to Srilanka. So the king needed time to call his reinforcements stationed at the 4 port cities Nagapattinam, Rameshwaram, Kaveri poompattinam and Vazhavur. The king falls sick and the army is left without a leader to lead and then the king's adviser's suggest the king to call for queen Madhivadhani to assist them in that war.

Act.2: Starts with king sending word for queen Madhivadhini who ruled a small area called Thogai malai. She advises the king to create a non-deadly poison which will make the soldiers fall asleep for 2 days. As it was summer the warriors will feel thirsty and if they drink the water they might fall asleep. Even after this if they proceed she advised the king to break two shutters of kallanai dam and so the army might be washed away by the flooding of river Cauvery. Both these strategies were wielded to reduce the strength and count of the Pandya soldiers. She also formed the famous eagle war strategy which was mentioned in the Sangam age Military manual to tackle Pandya army which was 12 times more than Chola army.

Act.3: Shows how the plan was executed and how she stalls time and fights bravely for her kingdom. The next day the reinforcements arrive and the king also feels better and the war continues for 10 days. The play shows only one part of the entire war. The play became a huge hit all over south India.

On 9th May 1949 SJ a Famous Director Came to Trichy to visit Sri Ranganathan Temple at Sri Rangam and his friends took him to watch the play "RANI MADHIVADHANI". On 20th May 1952 SJ released a movie titled "**Chaalak Rani Chandhini**" (**Brave queen Chandhini**) in Hindi. The plots, themes, the characters names and location were similar to that of the play written by KK, except the name of the queen. SJ's female character queen was named as Chandhini. SJ in his movie describes about the complete war of Ganam and shows how the war general of Pandya Kingdom, Vikramadityan creates counter strategies to tackle queen chandhini. The main plot was how enemies from two kingdom who have never met, appreciate the bravery of each other and slowly fall in love at the time of the Ganam war.

KK after watching the movie files a suit in the Madras High Court against SJ for infringement of copyright under Sec. 1 (2) of the Indian Copyright Act, 1911. Decide.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fifth Year – Ninth Semester, Mid-Semester Examinations (Odd-Semester), September 2018

LIBERTY, EQUALITY AND JUSTICE

Time: 1½ Hours

Maximum Marks: 20

John Rand, the CEO of Galt Corporation, a trillion dollar worth multinational company was invited to a debate on "Views Hour" a television series, hosted by Tarunabh Banerjee. Another guest in the debate was Mark S. Engels, who is a activist, who has recently written about the need for the poor to revolt against the rich. The following is the transcript of the debate. Please read the transcripts and answer the questions given below.

Tarunabh: Good Evening dear viewers, this is Views Hour with Tarunabh and today we have a very interesting debate on the state of our nation. We have the famous Mr.Ayn Galt, the CEO of the Galt Corporation and Mr. Engels, the activist who has made some striking speeches in the recent times. Mr.Engels, you have recently stated that people like Mr. Galt are evil and have to be brought down. Why did you make that statement?

Engels: Thank you, Mr.Banerjee. As you know, people like Mr. Galt have an obscene amount of wealth. Mr. Galt himself is worth around 100 billion dollars. He travels in private jets, hosts luxuries parties in his yachts and lives in his palatial 100 acre mansion in the middle of a slum. In one lifestyle magazine, I heard that even his walls are lined with gold. All this while there are people in our country who cannot afford a full meal a day, who have to work 3 jobs just to make ends meet, who are forced to sleep in the harshest of winters without a cloth on their back or a roof over their head. I simply think that such a situation is unacceptable. Mr. Galt has enough money to take care of most of his own needs and the needs of ten subsequent generations of his family. He must now pay back to the society that made him.

Tarunabh: John, how do you respond?

Rand: (laughs) Tarunabh, you and me both know about Mr. Engel's politics. Everybody knows I am not the person Mr. Engels makes me out to be. I am simply a honest law-abiding businessman. I have not broken any law.

I pay my taxes and work hard. Mr. Engels seems to be implying that I do not deserve the wealth I have gotten. I have worked for each of the things that Mr. Engels says that I have. All of it is legitimately bought from my own money. Is it a crime for a man to enjoy life? I am sure Mr. Engels would agree that the so called "poor" can smoke a cigarette or drink a glass of brandy with his money. Why is it so evil for me to be the same?

As far as his picture of poverty in India is concerned, I admit it's a pretty grim picture. However, it is not me who made people in India poor. I simply cannot be held responsible for the state of others.

Tarunabh: Mr. Engels, John makes a fair point. Given that he has not committed any crime, why should he owe the poor anything?

Engels: It is true that he has not committed a crime under any existing law. However, his crime is far greater-- the grotesque exploitation of poor is a crime against morality. He speaks about laws- these are of course laws made by a government to which he pays more than a billion rupees in political contributions. He speaks about taxes- these are of course taxes which are combined with those taken from the poor and used to build airports and roads near his factories....(interrupted)

Rand: (interrupts): This is just a lie.... How have I ever exploited the poor...(interrupted)

Engels: (shouts) By giving yourself a salary of 10 million rupees and paying workers in your factory 5000 Rs! By asking the government to forcibly take away agricultural land from small farmers and to give it to you to set up your oil field! By buying clothes from illiterate tailors for 10 rupees and selling them for 1000 Rs!

Tarunabh: Calm down Mr. Engels... John... I think he is specifically talking about the Mandigram incident, where the government took the land from the farmers and gave it to you to construct oil fields.

Rand: I remember Mandigram very distinctly. The farms were situated on an oil-field. I had offered the farmers compensation for their lands, and many of them had agreed. A few dissenters, influenced by people like Mr. Engels started protesting our project. We had no choice but to request the government to get the land for us. The mines have generated more than 100 jobs and have produced more than 1000 million gallons of oil. We can simply not let a group of 10 or 20 people stop us from progress. My companies produce 1000's of valuable and quality products which are used by billions of people across the world. My companies are in the cutting-edge of research and my pharmaceutical division produces life-saving drugs. What does Mr. Engels offer, except his loud voice? I am in a business. I pay my workers 5000 Rs. because they agree to it. I pay my

suppliers 10 Rs. per cloth because they agree to it. Unlike Mr. Engels, I don't force others to do my bidding...

Engels: (interrupts) Ha... don't force... What can the workers do when you have made sure that their traditional livelihood is worthless? What can the tailor do when you are the only supplier? ... Mr. Rand has a very good strategy - Force those who are the point of desperation and call it business. Do you know the price of the life-saving drugs for cancer "Modicum" that his company sells? 100000 Rs. for one shot. Do you know how much these cost to produce? 50 Rs. A person dying of cancer would have to spend all his life's money just to get this medicine. You call this business? I call it theft. I call it forcing a sinking person to be your slave as a condition for saving their life. Living off peoples desperation and forcing them when they are down - this is what the Rand corporation represents.

Tarunabh: John, these are some serious charges, what do you have to say about them?

Rand: Well, if it were upto Mr. Engels, we would be back to the era of cavemen. If I had not invested my money into cancer research, you would not have any drugs anyway. It took millions of rupees, 500 PhD's from the best schools and more than 5 years before we could produce that drug. Once the patent expires, the price will come down anyway. The 100000 Rs is to compensate the work that has gone into producing the drug. What do you think is better- a world in which the drug is priced at 100000 Rs. or a world in which the drug is not produced at all? If Mr. Engels and his cabal had his way then there would be no person willing to invest their money and time to such an endeavour..

Engels: (interrupts) There it is again, "their" money. What has Mr. Rand done to deserve "his" money? Nothing. He got it from his father, who got it from his grandfather, who earned it off of plantations run by slaves. What has Mr. Rand put in for "his" money. Is he one of the PhDs who made Modicum? Is he one of the tailors? Is he one of the workers in the oilfields? No. He is the *jure imperii* who sits upon his throne and orders that his share be brought to him.... (interrupted)

Rand: (interrupts) ... I'll have you know I have studied from the best business schools across the world. I make the investment decisions in my company and am responsible for them. I could easily have taken my father's inheritance and lived a pleasant life. Instead, I chose to stay and have nearly doubled the fortune he left me. Also, why is it bad for a father to leave his son inheritance? Did Mr. Rand's family give him nothing? Was he dropped into the earth with his ideals?...(interrupted)

Engels: (interrupts) Oh and what does his majesties "business school" teach him? To exploit people and discard them when he done with them. Do you know the case of the actress Nargis Begum? She was a model who had worked

in marketing for the Rand Corporation for over 10 years. And when she had twins and had to take a sabbatical for six months - they fired her. Why? Because she wanted to be a mother? This monster.... (interrupted)

Rand: (interrupts, Shouts) Hey! That was an economic decision! I cannot afford to keep unproductive people in my payroll! The courts have already held that there was nothing illegal about it you bum...

Tarunabh: Ok Ok John... this is getting too personal I have to stop you there. Mr Engels, Do you have any last words?

Engels: Yes...(looks at camera) My dear countrymen... we are on currently in a living where the greedy businessmen along with the power hungry politicians scourge the poor. As John Lewis said "The revolution is at hand, and we must free ourselves of the chains of political and economic slavery". Join me tomorrow when we shall march to the Mandigram Oilfields... as....

Rand: Tarunabh! He is inciting violence against my corporation you must stop him...

Tarunabh: Mr. Engels... Mr. Engels... Mr.Engels!!

Engels:we begin the first leg...

Tarunabh: Mr. Engels... (To the producer) Stop the broadcast... Cut it off!

Engels: of our glorious social transformation...

<broadcast ends>

Answer the following questions: [4 Questions X 5 Marks = 20 Marks]

(Word Limit: 500 words per answer)

1. What model of Liberty does John Rand offer? Why is this kind of Liberty is valuable in society?
2. What model of Equality does Mark Engels offer? Why is this kind of Equality is valuable in society?
3. Do you agree with Mark Engels? What do you think is the strongest argument offered by Mark Engels for his view? What do you think is his weakest argument? What makes these arguments "strong" and "weak"?
4. Do you agree with Rand? What do you think is the strongest argument by John Rand? What do you think is his weakest argument? What makes these arguments "strong" and "weak"?

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year-Third Semester / Third Year-Fifth Semester,
Mid-Semester Examinations (Odd-Semester), September 2018

POLITICAL SCIENCE – III (INTERNATIONAL RELATIONS)

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 less than 300 words:

1. Discuss the main features of 'Levels of Analysis' and describe various levels of analysis.
2. Define Balance of Power and discuss the characteristics and techniques of Balance of Power.
3. Discuss the need of Disarmament and obstacles in the way of Disarmament.
4. What is Realism in International Politics? Explain the main tenets of Political Realism and also explain how this theory was criticised.
5. Explain the main features of Liberalism in International Relations.