



TAMILNADU NATIONAL LAW UNIVERSITY



QUESTION PAPERS



Ami

END SEMESTER (EVEN-SEMESTER)
EXAMINATIONS, (Academic year 2019-2020)
JANUARY -2021

Name :

Register No.:

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

ENGLISH-II / BUSINESS ENGLISH-II

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)**Answer the following Questions (Word limit 500 words)**

1. Why is the body language significant in the process of communication? How can proper knowledge of body language help an individual communicating better?
 2. Discuss the status of English in India, and refer to some of the fields where it has a direct application and utility.
 3. Henrik Ibsen's *A Doll's House* is a domestic tragedy. Elucidate.
 4. Critically evaluate the legal issue involved in the conflict between Antigone and Creon in relation to the death of Polyneices.
 5. The act of translation is a creative interpretation. Explain.
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SOC2-21

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

Sociology - II (Research Methods in Social Sciences)

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10= 50 Marks)

Answer the following questions with appropriate examples:

1. Define Sociometry as a methodology, its growth and techniques in field of Sociology and Social Psychology.
2. Analyse Herbert Spencer's Organic Analogy and the four types of society.
3. Discuss Karl Pearson and A W Green's definition of Science, and illustrate the nine characteristics of scientific method.
4. How did Public Statistics evolve from Sweden? Also, discuss the contributions of Florence Nightingale in Public Statistics.
5. What is Syllogism? How many types of Syllogism were developed by various scholars, and discuss the logic of George Boole.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

POLITICAL SCIENCE – II (Political Obligation)

Time: 3 ¼ Hours

Maximum Marks: 50

Read the questions carefully, understand and reflect on them through your answers.
Marks will be awarded basing on the validity of the ideas expressed in your answers.

PART – A (5 X 10= 50 Marks)

Answer ALL the following questions. Answer to each question should not be more than or less than 400 words:

1. Evaluate the arguments put forth by Bikhu Parekh in terms of differentiating between Legal, Civil and Political Obligations. Can the difference be justified in modern liberal democracies. Give your arguments.
2. Analyze Part-III and Part-IV of the Indian Constitution from the perspective of Political Obligation of the citizens of India.
3. Evaluate the ideas of Prof. Haragopal on the crisis of the Indian State and estimate its impact on the dilution of Political Obligation in India.
4. Write a critical analysis of the colonial nature of the Indian Legal System and how it has affected the crisis of legitimation of law in India?
5. "The liberal democratic theory can accommodate both the right and the duty to dissent but the grounds of each is distinct. For whereas the right to dissent or resistance arises out of the specific relationships between those who govern and those who are governed, the moral obligation to dissent or resist arises out of the nature of the acts of practices of those who govern"- Explain.

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

HISTORY - I (HISTORY OF INDIA)

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10 = 50 marks)

Answer the following Questions in not less than 350 words each:

1. Herodotus should be called father of lies instead of father of History. Do you agree with this statement, give reasons.
2. Analyze the characteristic features of history writing prescribed by R.G. Collingwood, answer with relevant examples.
3. What was the nature of the courts during the Delhi Sultanate? To what extent can we say that they were organized?
4. Critically examine the working of the judicial system during the Mughal period. How far did these courts contribute to idea of equality under the law?
5. Analyse Macaulay's plan and its effectiveness in protecting the interests of the natives of India.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

BUSINESS ECONOMICS

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

1. Estimate the following elasticities and offer your comments.

a. Estimate the cross-price elasticity with the following data table

| | Quantity demand (cup/month) | | Price (Rs/cup) | |
|--------|-----------------------------|---------------|----------------|---------------|
| | Tea : Q_1 | Coffee: Q_2 | Tea : P_1 | Coffee: P_2 |
| Time 1 | 60 | 70 | 4.5 | 5 |
| Time 2 | 70 | 60 | 5 | 4.5 |

b. Estimated the income elasticity of rice consumption with the following data table

| | Change in Rice demand (kg/month) | | Per capita family income change (Rs/month) | |
|--------|----------------------------------|-------|--|-------|
| | Q_0 | Q_1 | I_0 | I_1 |
| Time 1 | 25 | 28 | 1000 | 1200 |
| Time 2 | 28 | 25 | 1200 | 1000 |

2. Suppose the government decides to collect the Sales Tax (per unit sold) on commodity X in a perfectly competitive market

- What effect does this have on the equilibrium price and quantity of commodity X?
- “Who is going to bear the tax burden” is determine by which factor?

- c. Who will borne more tax, if the supply of commodity X is
- (i) more elastic supply,
 - (ii) Infinite elastic supply and
 - (iii) Negative supply curve.
3. Explain prisoner's dilemma. What does the prisoners' dilemma have to do with markets and imperfect competition?
4. a. Explain how higher saving leads to a higher standard of living?
b. What might deter a policymaker from trying to raise the rate of saving.
5. Imagine that you are a non-smoker sharing a room with a smoker. According to the Coase theorem, what determines whether your roommate smokes in the room? Is this outcome efficient? How do you and your roommate reach this solution?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

RESEARCH TOOLS FOR BUSINESS DECISION MAKING

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer ALL of the following Questions:

- Calculate
 - Laspeyre's index,
 - Paasche's index and
 - Fisher's ideal index from the following data

| Commodity | 2002 | | 2003 | |
|-----------|-------|-----|-------|-----|
| | Price | Qty | Price | Qty |
| A | 10 | 6 | 15 | 5 |
| B | 12 | 10 | 15 | 10 |
| C | 18 | 5 | 27 | 3 |
| D | 8 | 5 | 12 | 4 |

- From the following data obtain the two Regression equation on Y on X and X on Y

| | | | | | |
|---|---|----|----|---|---|
| X | 6 | 2 | 10 | 4 | 8 |
| Y | 9 | 11 | 5 | 8 | 7 |

- Explain the components of a Research Design

4. 1000 students at college level are graded according to their I.Q and their economic conditions. Use Chi square to find out whether there is any association between economic conditions and the level of I.Q (Given that the significant value at 5 % level of significance for 2 degree of freedom is 5.99)

| Economic Condition | I.Q | | | Total |
|--------------------|------|--------|-----|-------|
| | High | Medium | Low | |
| Rich | 160 | 300 | 140 | 600 |
| Poor | 140 | 100 | 160 | 400 |
| Total | 300 | 400 | 300 | 1000 |

5. A tea company appoints four salesmen A,B,C,and D and observes their sales in three seasons- summer, winter and monsoon. The figures (in lakhs) are given in the following table:

| Seasons | Salesmen | | | | Season's Total |
|------------------|----------|----|----|----|----------------|
| | A | B | C | D | |
| Summer | 36 | 36 | 21 | 35 | 128 |
| Winter | 28 | 29 | 31 | 32 | 120 |
| Monsson | 26 | 28 | 29 | 29 | 112 |
| Salesmen's Total | 90 | 93 | 81 | 96 | 360 |

Carry out an Analysis of Variance by using Two way classification

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

MARKETING MANAGEMENT

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10 = 50 marks)**Answer the following Questions:**

1. What approach would you suggest for fixing the price of the new brand of Mobile Phone in India? Why?
 2. Your company has decided to introduce the marketing concept into its business activities. The company is in the line of manufacturing Tablets. Can you give a write-up as to how you could make the company really consumer oriented?
 3. Select company of any two products from among those you are currently using and examine their Marketing Mix and comment.
 4. Examine and Compare the Channels of Distribution strategy of Amazon and Alibaba.
 5. How would you explain the policies of companies in the following cases?
 - (a) A hotel adding tourist taxi
 - (b) Reliance in the Retailing Industry
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

LAW OF CONTRACTS - I

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)**Answers the following questions (should not exceed 500 words).****Problems are to be answered with legal reasoning, relevant provisions of law and decided cases.**

1. Ms. Radha agrees to sing for a club on every Sunday for 1 month and agrees not to sing elsewhere on those days. Ms. Radha, not only refused to sing in the club as agreed, but also agreed to sing in a different club on the 3rd Sunday falling in that one month agreed period. Discuss the remedies available for the club with reference to provisions of the Specific Relief Act, 1963 and relevant case laws.
2. The importance of 'Possession' has been highlighted through 'Possessory Remedies' in the study of the Specific Relief Act, 1963. Analyze the backdrop of this statement with relevant provisions of the Specific Relief Act, 1963 and relevant case laws.
3. Mr. Ganesh, a minor borrows INR 5,000 from Mr. Ramesh and executes a Promissory-Note for the amount therefor. On his attaining majority, Mr. Ganesh executes another Promissory-Note in lieu of the first which is then cancelled. Evaluate the validity of the first and second promissory note in light of the provision of Indian Contract Act, 1872 and relevant case laws.
4. 'Misrepresentation' and 'Fraud' are wrongs committed while entering into a contract. Explain the ingredients of these two classes of wrongs with relevant provisions of Indian Contract Act, 1872 and the legal consequences arising out of these wrongs.
5. The guiding principle for award of damages is *injura non remota causa sed spectatur*. State to what extent these principles are followed in the light of different kinds of damages?

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

First Year – Second Semester, End Semester Examinations (Even-Semester), January 2021

FAMILY LAW –I

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer all the questions in detail with relevant legal provisions and judicial pronouncements wherever necessary:

1. A is a Sunni Muslim male residing in Greater Noida. He met B, a Christian woman, who is a registered legal practitioner in Delhi. Both of them decided to get married and they did so according to the Islamic rites and rituals. After the birth of a daughter, the marital life of A and B turned bitter and that made B to separate from her husband and she resided with her parents for three full years. Thereafter,

- a) *B decided to file a suit seeking the dissolution of her marriage with A. Advise B.* [2.5 Marks]
- b) *Since B lost her livelihood due to the pandemic, she also decides to get maintenance from her estranged husband. Advise B.* [2.5 Marks]
- c) *A, alleging desertion on the part of B, wants to get back his daughter who is now under the custody of B. Advise A.* [2.5 Marks]
- d) *Since B is confused on how prompt dower and maintenance can be received / demanded at the same time, provide B legal clarity.* [2.5 Marks]

2. Mrs. Riya (20 years) and Mr. Reyant (25 years) are Hindus who got married in March, 2020 under the provisions of Hindu Marriage Act, 1955. Within three months of marriage, Riya's father passed away and that affected Mrs. Riya mentally. In few days, Mr. Reyant noticed that Mrs. Riya had extreme mood swings. He took her to the doctor and he was informed that Mrs. Riya has Bipolar Disorder. Mr. Reyant took all efforts to live with her but within the end of six months, he decided to get separated. Meantime, Mr. Reyant had a confusion

whether his marriage is valid, void or voidable, because of Mrs. Riya's health issues.

As an advocate for Mr. Reyanth,

a) *Clarify the validity of marriage of Mrs. Riya and Mr. Reyanth [7 marks]*

b) *In the given situation, whether divorce can be obtained? [3 marks]*

Explain your opinion with relevant theories, legal provisions and judicial pronouncements.

3. Mr. Madhav and Mrs. Mala are legally married Hindus. Mr. Madhav adopted a child named, Rakesh (aged 8 years). Mrs. Mala was not informed of the same and her consent was not obtained. Mr. Madhav claims the adoption is valid because he was not in good terms with Mrs. Mala and that he is intending to obtain divorce from her.

a) *Is the adoption valid? If Mrs. Mala was converted to Islam before adoption of Rakesh, will there be any change in the validity of adoption?*

[6 Marks]

b) *Can Mrs. Mala adopt a girl child after the marriage with Mr. Madhav?*

[4 Marks]

4. 'C' is a minor child of 'A' (father) and 'B' (mother) and they all belong to an orthodox Hindu family. Due to an accident, 'A' passed away and 'B' became the natural guardian of the minor child under the provisions of the Hindu Minority and Guardianship Act, 1956. As the days passed by, 'B' entered into a relationship with 'D', a Christian man and subsequently they got married under the Special Marriage Act, 1954.

a) *Discuss the validity of 'B's marriage to 'D' and its effect on the guardianship and custody of the minor child 'C'.*

[5 Marks]

b) *After the death of 'D', 'B' converts to Judaism and marries 'E', a Jew. Determine the effect of 'B's marriage to 'E', vis-à-vis guardianship and custody over the minor child 'C'.*

[5 Marks]

5. Mr. Lakshan is providing Rs. 8000/month as maintenance to his wife, Mrs. Lekha from the year 2020 (after court's decision). Mr. Lakshan was working in a software company, earning Rs. 75,000/month. In January, 2021, Mr. Lakshan resigned his work due to his health issues. He started his own business and now he earns Rs. 25,000/month. Mr. Lakshan's father retired in the same month and is unable to maintain himself. Mr. Lakshan decides to provide Rs. 2500/month to Mrs. Lekha from February, 2021.

a) *Whether the lesser amount paid by Mr. Lakshan legally valid/permitted?*

[6 Marks]

b) *Whether Mr. Lakshan has legal obligation to maintain his father as well, as he is already maintaining his wife?*

[4 Marks]



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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

HISTORY –II (LEGAL HISTORY)

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions in not less than 350 words each:

1. Why is the execution of Raja Nandakumar referred to as Judicial Murder? Do you agree with this view? Give reasons for your answer.
2. "The reason for conflict between the Supreme Council and the Supreme Court were due to their undefined powers". Critically examine this statement citing the relevant laws and cases to prove your point.
3. No Mohammedan could be awarded capital punishment merely on the witness of an infidel. To what extent was this relevant for the reformation of criminal law system during the colonial period in India?
4. Uncertainty existed with respect to the jurisdiction of the Crown's courts and East India Company's courts in many respects causing confusion and conflict on many occasions. To what extent was the reason for the enactment of the Indian High Courts Act of 1861?
5. Analyze the reasons for the enactment of the Pleaders, *Mukthars* and Revenue Agents Act of 1865 and also comment on how far this Act was beneficial to the Indian legal practitioners.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

SOCIOLOGY- III (LAW AND SOCIETY)

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10 = 50 marks)

Answer the following Questions with appropriate examples:

1. Analyze the five building blocks of Ideology proposed by Karl Marx and also its Contradictions.
 2. How did Trial by Jury develop in English legal system? How do you see it as a unique mark of English legal system?
 3. How does Michel Foucault approach Modern Disciplinary Society and Prison?
 4. Analyze the reasons for emergence of Human sciences in the backdrop of Classical Period, discourse and Genealogy.
 5. How do you relate Max Weber's Rationalization and Rationality with Positivism?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

POLITICAL SCIENCE – (Political Theory and Organizations)

Time: 3 ¼ Hours

Maximum Marks: 50

Read the questions carefully, understand and reflect on them through your answers.
Marks will be awarded basing on the validity of the ideas expressed in your answers.

PART – A (5 X 10= 50 Marks)

Answer ALL the following questions. Answer to each question should not be more than or less than 400 words:

1. Scientific Socialism, a social philosophy which has exerted such a powerful influence on the political, social, economic and cultural thought of the second half of twentieth century is on wane in recent past nationally and internationally. What reasons would you cite have caused this and whether this philosophy has any prospects of playing a prominent role in future historical development?
2. What, if any, are the different practices of Constitutionalism under the UPA and the NDA governments? Analyse the reasons for the differences between the practice of constitutionalism during the UPA regime as compared with that under the NDA.
3. What is the form of government followed in India? Analyse the reasons for adopting this method? What are the relative advantages and disadvantages of the Unitary and Federal forms of Government?
4. Political thinkers and statesmen have alike stressed the importance and utility of taking into consideration the reactions and responses of their subjects while formulating and implementing their policies. What you consider are those important factors which could influence the reactions and responses of the subjects and how they influence?
5. Analyse the role of Civil Society groups in the contemporary Indian society in ensuring the good governance and democracy in India.

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

Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

COST AND MANAGEMENT ACCOUNTING

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following questions:

1. Jai Ltd has three production departments A, B and C and two service departments D and E. The following figures are extracted from the records of the company:

| | |
|---------------------------|--------|
| Rent and rates | 5,000 |
| Indirect Wages | 1,500 |
| Depreciation of Machinery | 10,000 |
| General lighting | 600 |
| Power | 1,500 |
| Sundries | 10,000 |

Following further details are available:

| | Total | A | B | C | D | E |
|----------------------------|---------|--------|--------|----------|-------|-------|
| Floor space in square feet | 10,000 | 2,000 | 2,500 | 3,000 | 2,000 | 500 |
| Light Points | 60 | 10 | 15 | 20 | 10 | 5 |
| Direct Wages (Rs.) | 10,000 | 3,000 | 2,000 | 3,000 | 1,500 | 500 |
| H.P of Machines | 150 | 60 | 30 | 50 | 10 | - |
| Value of Machinery | 2500000 | 60,000 | 80,000 | 1,00,000 | 5,000 | 5,000 |

Apportion the cost to various departments on the most equitable basis by preparing a primary departmental distribution summary.

2. Calculate the earnings of workers A and B under Taylor's differential piece rate system and straight piece rate system from the following particulars:
- Normal rate per hour Rs.18
 Standard time per unit 20 seconds
 Differential to be applied:
 80% of piece rate below standard
 120% of piece rate at or above standard
 Worker A produces 1,400 units per day and worker B produces, 1500 units per day of 8 Hours.

3. From the details given below, prepare a comparative cost sheet for the first and second half of the year 2010, showing cost per unit in each case at all stages.

| Particulars | Half Year Ended | |
|-----------------------------------|-----------------|-------------|
| | 30.6.2010 | 31.12.2010 |
| Direct Materials Consumed | 50,000 | 70,000 |
| Wages | 60,000 | 80,000 |
| Chargeable Expenses | 10,000 | 12,000 |
| Depreciation of Factory Machine | 16,000 | 20,000 |
| Indirect Wages in Factory | 20,000 | 30,000 |
| Rent: | | |
| Factory | 5,000 | 4,000 |
| Office | 8,000 | 8,000 |
| Repairs: | | |
| Factory | 6,000 | 4,000 |
| Office | 9,000 | 2,000 |
| Sundry office Expenses | 16,000 | 20,000 |
| Output during the period in units | 20,000units | 25,000units |

4. The following balance sheets of Harper Steel Ltd are given for the years ending on 31st March 1998 and 1999.

| Liabilities | 31 st | 31 st | Assets | 31 st | 31 st |
|--------------------------------|-------------------|-------------------|------------------------|-------------------|-------------------|
| | Mar.1998 (Rs.) | Mar.1999 (Rs.) | | Mar.1998 (Rs.) | Mar.1999 (Rs.) |
| Share Capital: | | | Fixed Assets : | | |
| Equity Share capital | 20,00,000 | 40,00,000 | Land and Buildings | 12,00,000 | 28,00,000 |
| Reserves & Surplus: | | | Plant and Machinery | 6,00,000 | 18,00,000 |
| Capital Reserve | 1,00,000 | 2,00,000 | Furniture and Fixtures | 2,00,000 | 3,00,000 |
| General Reserve | 6,00,000 | 5,00,000 | Investments: | | |
| Secured Loans: | | | Subsidiary in X Ltd. | 1,00,000 | 1,00,000 |
| 10% Debentures | 2,00,000 | 4,00,000 | Immovable properties | 8,00,000 | 4,00,000 |
| Current Liabilities: | | | Current Assets: | | |
| Sundry Creditors | 12,00,000 | 8,20,000 | Cash | 2,00,000 | 20,000 |
| | | | Book debts | 6,00,000 | 2,00,000 |
| | | | Stock- in - Trade | 4,00,000 | 3,00,000 |
| | 41,00,000 | 59,20,000 | | 41,00,000 | 59,20,000 |

Prepare a Comparative Balance Sheet of the company and study its Financial Position

5. From the following information of XYZ Ltd., for the year ended 31st March, 2013 and 2014, prepare a cash flow statement.

| | 31.3.2013 | 31.3.2014 |
|------------------------------------|------------------|------------------|
| Equity Share of `20 each | 2,00,000 | 4,00,000 |
| Share premium | - | 10,000 |
| Profit and loss appropriation A/c | 1,00,000 | 1,00,000 |
| Profit for the year | - | 2,00,000 |
| 6% Debentures | 1,30,000 | 1,00,000 |
| Profit on Redemption of Debentures | - | 2,000 |
| Sundry creditors | 1,30,000 | 1,10,000 |
| Provision for taxation | 40,000 | 1,00,000 |
| Proposed dividend | 12000 | 20,000 |
| | 6,12,000 | 10,42,000 |
| Property | 1,57,000 | 2,50,000 |
| Plant and machinery | 3,00,000 | 4,50,000 |
| Less: Depreciation | <u>1,40,000</u> | 1,50,000 |
| Loans to subsidiary Co. | - | 3,00,000 |
| Share in subsidiary Co. | 20,000 | 15,000 |
| Stock in trade | 1,40,000 | 20,000 |
| Debtors | 1,00,000 | 1,50,000 |
| Bank | 35,000 | 1,57,000 |
| | 6,12,,000 | 10,42,000 |

Additional Information

During the year plant costing `40,000 was sold for `10,000. Accumulated depreciation on this plant was 30,000. Loss on sale of plant was charged to Profit & Loss Account. Income-tax paid during the year was 50,000.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

CONSTITUTIONAL LAW - II

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)**Answer the following Questions:**

1. Please briefly bring out the unique nature of Indian federalism with reference to the following:
 - a. Federalism and its relationship with Democracy
 - b. Federalism as expressed through the Residuary Power and Repugnancy Provisions of the Constitution.
2. How are the doctrines of harmonious construction, pith and substance and colourable legislation related to each other? Briefly draw out the relationship between them and then decide the following case:

In public interest, the Government of Indiana passes the Farmers Produce Facilitation and Price Act, 2022. While overhauling the entire system of agriculture markets, minimum prices and such, S. 8 of the Act states that

No market fee or levy or tax, under any State law shall be levied on any farmer or trader with regard to any activity conducted by said farmer or trader in a market area.

Several States mount a challenge to these laws stating that they violate the distribution of subjects in Schedule VII and therefore violate the Constitution. Before the Court, the

Centre and the States press the following entries from Schedule VII to support their cases:

- Centre: Entry 33 of List III
- State: Entries 14, 28, 46 of List II

Please note that the entries in Schedule VII of the Constitution of India are identical to the entries from the Constitution of India. Please draw on any additional entries if you so desire.

3. In striking down the National Judicial Appointments Commission Act, 2014 and the 99th Amendment as unconstitutional, the Supreme Court relied on the precedent of reading 'consultation' as 'concurrence' in Article 124, and on elevating the primacy of the judiciary to a part of the basic structure of the Constitution.
 - a. Do you agree with the judgment? Identify and support/oppose the central arguments of the Supreme Court through the history and trajectory of the Judges' cases.
 - b. How much of a role do you think the past and future relationship between the Executive and the Judiciary plays in this interpretation?
4. The Central Government of India is formed by the IDP Party. The IDP forms the government in several states, with the exception of a few, most notably the State of Imarti.

In January 2022, the Governor of the State of Imarti was removed by the President for apparently not cooperating with the Central Government of India. In the recent past, she had refused to report a breakdown of constitutional machinery in the Imarti after a divisive State election which the IDP finally lost, and refused to apply any pressure on the State Government to implement controversial Central laws in Imarti.

Is her removal valid? To what extent can the Supreme Court intervene in the decision of the President? Please answer while paying special attention to the principles on the position of the Governor with respect to their role, appointment and term, and the judicial review of the aid and advise of the Council of Ministers.

5. In the context of Separation of Powers, please briefly bring out how the three branches of the State interact/have interacted with respect to the following:
- a. Promulgation of Ordinances
 - b. Disqualification of Electoral Candidates
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
 Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

PROPERTY LAW

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10 = 50 marks)

Answer the following Questions:

1. a) 'A' purchased P1 and P2 from 'B'. P1 is a vacant site and P2 is a shopping complex. Believing that he had acquired absolute title 'A' constructs a house on P1. The shop keepers who are on tenancy in P2 were intimated that 'A' is the owner herein after and the rent shall be paid to 'A' thereafter. Subsequently 'C' who holds a better title on P1 proceeds for eviction of 'A' from the property. The tenants in P2 also paid the rent to 'C'. Advice 'A' with respect to P1 and P2. [5 Marks]

- b) 'H' bought a piece of agricultural land in the name of his wife 'W' and minor son 'S' and entered the names of both 'W' and 'S' in the Revenue Office records. 'H' lost his job after a few years and to make ends meet, 'W' decided to sell the property to a local promoter for a hefty consideration while 'S' was still a minor. On attaining majority, 'S' claimed the sale was void since it happened without his consent, in spite of him being the joint owner of the property. Can 'S' recover the property? Advice. [5 Marks]

2. 'Z' leases out a property for commercial purpose to 'Y' for the purpose of starting a canteen. The lease is for five years. In the second year of the lease, 'Y' further leases the whole property to 'X' for two years. After the expiry of five years, 'X' remains in the possession of the property and continues to pay the rent to 'Z'. Which of the following statements will apply and why?
 - a) X is in illegal possession of the property.
 - b) The lease will continue between Z and X from year-to-year basis.
 - c) The lease will continue between Z and X from month-to-month basis.
 - d) The lease has expired, but X can continue enjoying the premises unless Z evicts him.

3. a) Mr. Takur gifts a piece of land to Mr. Gupta, a gift deed is made, and the possession of the gift deed and the property is transferred to Mr. Gupta. Mr. Gupta delays the registration of the deed and in the meantime Mr. Takur dies. Discuss the validity of the Gift and the rights of the legal heirs of Mr. Takur. [5 Marks]

b) Mrs. Salma mortgages a one storey house to Mr. Jimraj. The mortgage is in form of usufructuary mortgage. During the duration of mortgage, Mr. Jimraj without the permission of Mrs. Salma, constructs two more floors, and rented them out. Mrs. Salma is now ready to redeem her property, advise her. [5 Marks]

4. The High Court of Karnataka in *Channabassappa v. Shankaraiah* [1961 Mys LJ 443] observed -

“The principle of Sec. 10 is that, if an absolute estate is created and after the creation of such estate a condition which brings about a diminution of that absolute estate is created, the condition so annexed amounting inevitably to a circumvention of the law and being repugnant to the very nature of the estate which was created is unenforceable and therefore void.”

Considering the above statement, explain the concept of conditional transfers under the Transfer of Property Act, 1882, with appropriate examples.

5. Following is an excerpt from the last will and testament of T. Rangarajan, wherein he states how his property is to be divided after his death. Go through it carefully and decide on its legal validity.

“I hereby bequeath all my immoveable property in whatever form existing at the time of my death to my beloved wife Shanthakumari, for her entire life time up to her death. The executors and trustees of my estate will, after spending the required sum of money for the management of the property out of the income thereof, pay the net income to my wife, and the same will belong to her absolutely without liability to account for the same. On the death of my wife, and if she happens to predecease me, then upon my death, all the aforementioned property will be divided equally into as many parts as there will be sons and daughters of us, irrespective of them being born on the date of execution of this will. I further will and direct the income arising out of each of the shares of the property to be paid to each of my surviving children for life, and thereafter to my unborn grandchildren until they attain eighteen years of age, post which the grandchildren will be the joint and absolute owners of my estate.”

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

JURISPRUDENCE

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10= 50 Marks)

Answer the following questions:

1. Mr. Anniyan opened a website. He asked people to enter details about Criminal offences committed against them which were not taken into consideration by the Criminal Justice System of the Country even after lodging of multiple complaints. The website also claimed that all the offenders who escaped the system of Law will be punished personally by Mr. Anniyan.

Within one week of the opening of the website, thousands of complaints were made on the platform. Mr. Anniyan kept his word and started punishing one after the other by killing them. However, the police department arrested him and brought him before the court of law. It's a three-judge panel.

The First Judge is an advocate follower of natural law philosophy. The second judge is a staunch follower of Positive School of Law while the Third judge believes in Sociological school of thought. Try and predict the individual decisions of these Judges assuming all their decisions are based on the school of thought they advocate. (Note: All Indian Laws are applicable)

2. The State of Telugalayam bans advertisement for betting and gambling through any mass communication including online medium, but allows betting and gambling in private space. Put yourselves in the shoes of Mr. Hart and Mr. Devlin and argue the governmental decision from the point of view of both the philosophers.
3. The Uttarakhand High Court on March 20th 2017 declared that River Ganga is a Human entity and it has all rights as a Natural Human Being. Critically analyse the decision of the court using Hohfeldian analysis of Rights.

4. Oliver Wendell Holmes has a popular image as a liberal dissenter. In a number of cases on free speech, he voted against the government and spoke out in defense of the individual's right to free expression. Does following Holmes's style of realism in decision making run the risk of a tilt towards the idea of anarchy? Comment.

 5. Compare and contrast the ideas of Bentham's "Greatest Good for the Greatest Number" and Roscoe Pound's "Satisfying as many interests as possible".
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Second Year – Fourth Semester, End Semester Examinations (Even-Semester), January 2021

ADMINISTRATIVE LAW

Time: 3 ¼ Hours

Maximum Marks: 50

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

1. With supporting reasons comment as to your agreement or disagreement on the following propositions:
 - (a) Administrative Law is at odds with the Rule of Law.
 - (b) There are no limits to Sub-Delegation.

2. Ms. Pratip was facing departmental proceedings on allegations as to her involvement in misplacement of certain official documents. In this direction, Ms. Pratip was denied a lawyer by the Presiding Officer stating that she indeed had the requisite expertise to defend herself as she worked in the legal department for about 10 years. The officer presenting the department's allegation was also from the same department. During the hearing, Ms. Pratip attempted to clarify that the misplaced documents were a result of miscommunication between her superiors and her. Nevertheless, her services were terminated with immediate effect on the ground that the Department had 'zero tolerance' policy when it came to such incidents. Ms. Pratip challenges the said order.

As the appellate judge, you are required to decide on the following with a special reference to the concept of judicial review of administrative discretion.

- (a) the denial of counsel
 - (b) the punishment of terminating employment
 - (c) the 'no tolerance policy'
3. (a) Does Delegated Legislation in any way contradict the concept of separation of powers? Using the decided cases, briefly examine the limits of delegation the context of separation of powers.

- (b) Sec. 3 of Water (Prevention and Control of Pollution) Cess Act, 1977 enables the appropriate government to impose Cess on every 'scheduled industry'. As per Sec. 16 (1) & (2) of the Act, the industry could be added to the said schedule after notification as to amendment of the schedule is issued with the approval of the Parliament. Given this statutory requirement, answer the following questions:
- (i) What would be the outcome of a notification issued without the approval by both the Houses of Parliament?
 - (ii) Pending the approval by both Houses of Parliament, whether the levy of Cess (if any) on the industry by the government is valid? Advice.
4. How are 'publication' and 'publicity' of delegated legislation related to each other? What do you think are the requirements that the Legislature should keep in mind while drafting on the "publication of the delegated legislation" in enactments? Substantiate your answer referring to the decided cases.
5. Identify which of the following are administrative, quasi-judicial or legislative actions. Also, examine which of these require a right to be heard before the decision is taken?
- i. Cancellation of a license after being granted for 2 consecutive years.
 - ii. Removal of a police officer during the probationary period.
 - iii. Price fixation at an agricultural market.
 - iv. Removal of a police officer for bad behaviour.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Sixth Semester, End Semester Examinations (Even-Semester), January 2021

ECONOMICS – III (LAW AND ECONOMICS)

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

1. a) How bargaining and incentives could be applied to understanding the division of powers in a federal system? Use all three theories of economic analysis of the Constitution to advance arguments regarding the same.
 - b) How are economic logic and reasonings applied in real-life court cases? Use both theory and case law to explain the same.
2. Illustrate and explain how a "rational thief" chooses how much money to embezzle by stating and explaining the maximization problem and the marginal condition.
 - a) Show how the amount of money embezzled varies with the expected punishment.
 - b) Discuss why a "zero tolerance for thievery" generally is an inefficient policy.
3. You have an opportunity to resell limited supplies of a discontinued model of printer at a good price. You have doubts about how reliable the printers will be. You will sell them through a website, and want to avoid becoming committed to sell more printers than you can acquire. You also want to avoid being liable for defects.
 - a) How do you plan to set up your website and use the law of contract to achieve these results?
 - b) How effective will you be?

4. Since Independence, India has seen many public debates on its Land Acquisition laws, whereby the union or a state government in India are given powers to acquire private land for the purpose of industrialization, development of infrastructural facilities or urbanization of the private land, and thereafter compensate the affected landowners for their rehabilitation and resettlement. Discuss this in the perspective of law and economics by highlighting the concept of growth versus equity.
 5. Hyper-flight Research Inc. has spent many years and lakhs of rupees working on a new Frisbee design. They have finally invented a shape of Frisbee that can hover above the ground for twice as long as standard frisbees. The new shape will likely be applicable to aircraft, creating aircraft that can also hover above the ground for longer periods. However, Hyper-flight Research Inc. has no knowledge of aircraft technology and will be unable to apply their design to this area. Hyper-flight Research Inc. applies for a patent for the new shape.
 - a) What is the economic reasoning behind patents? What are the advantages and disadvantages of patents?
 - b) The patent office could give Hyperflight Research Inc. a narrow or a broad patent, in terms of the rights afforded to the patent holder. Assume that selling the Frisbees with the new shape will earn Hyperflight Research Inc. a lot of money. Should the patent office give Hyperflight Research Inc. a narrow or broad patent? Why?
 - c) Does the breadth of the patent (narrow or broad) given to Hyperflight Research Inc. affect the optimal duration of their patent? In this specific example, would a broad or a narrow patent have a shorter optimal duration?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons.) Degree Programme

Third Year – Sixth Semester, End Semester Examinations (Even-Semester), January 2021

FINANCIAL MANAGEMENT

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

1. The current net income of the AB Ltd is Rs.2.5 lakhs. This is 100 per cent more than the previous year's profit. Hence, the part of the board wish to follow the policy of very high dividend payout and part of the board wish to make new investment out of excess profit. As a financial Manager of the company, what would be your suggestions? Give your suggestions in not less than 1000 words.

2. A company is contemplating to raise additional fund of Rs.35,00,000 for setting up a project. The company expects, EBIT of Rs.15,00,000 from the project. Following alternative plans are available:
 - a) To raise Rs.35,00,000 by way of equity of Rs.10 each
 - b) To raise Rs.20,00,000 by way of equity shares and Rs.15,00,000 by of debt @ 10%
 - c) To raise Rs.15, 00,000 by way of equity and rest Rs.20,00,000 by way of preference shares @ 14%
 - d) To raise Rs.12,00,000 by equity shares

Rs.10, 00,000 by of debt @ 10%

Rs.13, 00,000 by 14% preference shares

The company is in 60% tax bracket which option is best?

3. Expo Ltd. had 50,000 equity shares of Rs.10 each outstanding on January, 1. The shares are currently being quoted at par in the market. The company now intends to pay a dividend of Rs.2 per share for current calendar year. It belongs to a risk-class whose appropriate capitalization rate is 15%. From the above information test the hypothesis of Modigliani-Miller and assuming that the company need Rs.2 lakhs for new investment and current net income of the company is Rs.1.1 lakhs.

4. X Company is examining two mutually exclusive proposals for the new capital investment. The data on the proposals are as follows:

| Particulars | Proposal A | Proposal B |
|---------------------------------------|---|----------------------|
| Net Cash outlay | Rs.40,000 | Rs.50,000 |
| Salvage Value | Nil | Nil |
| Estimated Life | 4 Years | 5 years |
| Depreciation | Straight Line Method | Straight Line Method |
| Income Tax | 50% | 50% |
| Cost of Capital to be (present Value) | 10% | 10% |
| Year | Earnings before depreciation and taxes | |
| I Year | 12,000 | 14,000 |
| II Year | 14,000 | 16,000 |
| III Year | 16,000 | 18,000 |
| IV Year | 22,000 | 22,000 |
| V Year | - | 20,000 |

You are asked to advise which proposal would be financially preferable under (a) NPV
(b) IRR Method

5. AB Ltd. Is desirous to purchase a business and has consulted you, and one point on which you are asked to advise them is the average amount of working capital which will be required in the first year's working.

You are given the following estimates and are instructed to add 10% to your computed figure to allow for contingencies:

| Particulars | Rs. |
|--|----------|
| (i) Average amount backed up for stocks: | |
| Stock of finished product | 5,000 |
| Stocks of stores, materials, etc | 8,000 |
| (ii) Average Credit given: | |
| Inland sales 6 weeks' credit | 3,12,000 |
| Export sales 1.5 weeks' credit | 78,000 |
| (iii) Average time lag in payment of wages and other outgoings: | |
| Wages - 1.5 weeks | 2,60,000 |
| Stocks, materials, etc - 1.5 months | 48,000 |
| Rent, royalties, etc - 6 months | 10,000 |
| Clerical staff - ½ months | 62,400 |
| Manager ½ months | 4,800 |
| Miscellaneous expenses 1.5 months | 48,000 |
| (iv) Payment in advance: | |
| Sundry expenses (paid quarterly in advance) | 8,000 |
| Undrawn profits on the average throughout the year | 11,000 |

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Third Year – Sixth Semester, End Semester Examinations (Even-Semester), January 2021

CORPORATE LAWS - II

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

1. An order dated 19th September, 2020 directed Pandora Aviation Ltd to be wound up. The official liquidator, after taking control of all the assets and records, noticed the following:

The Managing Director of the company had sold a particular property of the company on 12th January 2019 to another company in which his wife held a position of interest. This particular transaction has caused a loss of INR 2 Crores to Pandora Aviation Ltd.

Enumerate the actions that can be taken by the official liquidator in this matter and explain the various rights and liabilities of an Official Liquidator under the Companies Act, 2013.

2. Hogwards Ltd. is going through a difficult phase in its business because of the spread of Covid Pandemic. The company owns 20 Acres of Land, in which it has a built-up area of 15 acres and INR 4 Crore worth of Machinery. The company also owns INR 2 Lakhs worth of shares in multiple companies. Hence the company decides to borrow money from financial institutions using its various properties as securities. The company would also prefer borrowing multiple times using a single property as security.

Can the company do so? If so, advise the company with relevant explanations as to the different kinds of charges that can be created on each kind of property.

3. Muneeshkanth Ltd. borrowed INR 1,00,000/- from Mr. Gopi who owns a Photography Studio. The company failed to pay its dues. Hence Mr. Gopi initiated a suit on 28th February 2017 for which the decision is still pending before the Court of law.

On 23rd September, 2019 Muneeshkanth Ltd. amalgamated with Kalaivani Ltd. without the knowledge of Mr. Gopi. Mr. Azhagumani, a friend of Mr. Gopi informed him about the same. Now, Mr. Gopi is clueless as to how to get back his money.

Kindly advise Mr. Gopi accordingly and also explain the effect of amalgamation on pending legal proceedings.

4. Ms. Mathi is an innovator and she recently invented an engine that runs on saline water. Mr. Mahadev, an investor, advised Ms. Mathi to start a Company in order to start commercial production by attracting investments.

Ms. Mathi has the following questions in mind.

- a. Whether she should incorporate a company? If so, what type of company would benefit her in terms of incoming investment and subsidies from the government?
- b. What type of investors should she approach?

Advise Ms. Mathi accordingly.

5. Critically analyse the Prohibition of Insider Trading regulations in India. Enumerate and explain different ways to increase efficiency of the current mechanism in this regard.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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Third Year – Sixth Semester, End Semester Examinations (Even-Semester), January 2021

LABOUR LAW - II

Time: 3 ¼ Hours

Maximum Marks: 50

Instructions:

Bare acts can be accessed for the relevant statutes concerned.

PART – A (5 x 10 = 50 marks)**Answer the following Questions:**

1. In *Ahmedabad Private Primary Teachers Association v. The Administrative Officer* (2004) 1 SCC 755, the Court ruled that the teachers would not be covered within the definitions of the employee under Section 2(e) of the Payment of Gratuity Act, 1972. The same, therefore, fall outside the class of the term “employee” and cannot be covered within the ambit of the Act’s scope and benefits.

Discuss the validity of the Judgement delivered in 2004 and its evolution since then. Answer the question citing relevant provisions from the statute, the changes therein, and the landmark Judgement(s) in the context.

2. a) ABC is a construction company engaging in construction, alternation, repairs, and maintenance of real-estate buildings and roads. The company since its inception has been registered under the Factories Act, 1948. However, in pursuant to the nature of their work, two show cause notices were issued against them on account of their failure to register under the Building and Construction workers Act, 1996 and for the payment of cess under the adjoining Cess Act, 1996. Decide the validity of the notice, presenting the question of law on point with reference to a judgement in context. **[5 Marks]**

- b) Post-1987, after the Bhopal gas tragedy, there happened to be a greater public consensus on higher corporate responsibility of the factory owners. Discuss the

change in one of the definitions of Factories Act, 1948, which implemented the law in support of this issue. Answer, giving the supportive landmark judgment of the Supreme Court in the given area. [5 Marks]

3. The United Nations Universal Declaration of Human Rights of 1948, asserts that "social security" is an inalienable human right and recognises the same under Articles 22, which states as:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

In line with the same, discuss the judicial approach towards protection of social security in India.

4. Municipal Corporation of Tamil Nadu employs a large number of female workers on muster roll in construction projects and maintenance of roads including the work of digging trenches. Many of the female workers on the muster roll have been working since 2010 till present, in spite of being recruited against the work of perennial nature. Further, the nature of duties and responsibilities performed and undertaken by the muster roll employees are the same as those of the regular female employees in the Corporation. However, in regards to social security schemes and benefits under the Maternity Benefit Act, the female workers on the muster roll are deprived of any such benefits in comparison to the regular female workers on work.

In 2018, the Municipal Corporation Female Workers' Union (comprising regular female workers) espoused the issue and the grievance thereunder before the Employers. The Employer rejected the claim, stating that the Central Civil Services (Leave) Rules relevant in the context were not applicable to the female workers engaged on muster roll, as they were all engaged only on daily wages. In response to the proposition stated herein, discuss the question of constitutional validity, and analyse the position of the given workers under the statute of Maternity Benefit Act while clearly explaining the provisions establishing the criteria for the availability of such benefit, if applicable. Provide your answer with assistance of Judicial Pronouncements, if any.

5. X is a private limited company incorporated under the Companies Act, 2013. It engages in the manufacture of motor seats. Its factory is located in Chennai, Tamil Nadu, while it also has a branch factory at Trichy. On 09th October 2020, the Board of Directors of the company resolved to elect one of the directors among them, Mr.

A, also as the Managing Director of the company, who would be simultaneously performing the function to borrow, invest, lend the funds for the factory affairs, maintain the workers' records, and handle day-to-day expenses under the directions of the Board of Directors. The Board of Directors further in return of these services resolved to grant a monthly remuneration of Rs. 23,000/- to Mr. A.

The Company in its records maintains that the total number of employees in the factory accounts to a total number of 9 with the exclusion of the supervisory positions (the Managing Director being contended as one of the supervisory positions), and hence the factory remains out of the scope of the Employees' State Insurance Act (ESI Act), 1948.

On 1st December, 2020, the Employees' State Insurance Corporation vide its communication notified the Company, that the Managing Director must also be included as an "employee" in the factory, thereby making it obligatory for the Company to adhere to Section 2A of the ESI Act. Thus, in pursuance of the initial notification, after considering all the facts and circumstances, the Corporation by its order dated January 1 2020 directed that the concerned Factory should be covered under Section 2 (12) of the ESI Act, and hence it was directed to comply with all the requisite provisions, making all the employees a beneficiaries under the Act.

Being aggrieved by the Corporation's order, the company instituted a proceeding before the Employees' State Insurance Court under Section 75 read with Section 76 of the Act. Decide, citing relevant provision and Supreme Court Judgment(s) in support of your answer.

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

Third Year – Sixth Semester, End Semester Examinations (Even-Semester), January 2021

CIVIL PROCEDURE CODE

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

- Mr. A and Ms. B married each other by the blessings of elder, friends, kith and kins of their respective family. Due to the indifference attitude of both the spouses, Mr. A filed a divorce petition before the competent court of jurisdiction (X court). Ms. B, in turn, filed a petition for restitution of conjugal rights against Mr. A in another court of competent jurisdiction (Y court). Now, Ms. B wants to stay the operation of the proceedings instituted by her husband in X court. If Ms. B files any petition, would she succeed in her attempt to stay the proceeding?
 - Analyse in detail the relevant provisions of C.P.C in this regard.
 - Suppose, if Ms. B files any petition after the end of the trial in X court, would it make any difference? If so, critically comment on the differences. Also, mention the relevant provision in this regard.
 - Also, analyse whether the *lis pendence* in any foreign court, preclude the Indian courts from trying the suit on the same cause of action?
- Mr. X filed a suit for a temporary injunction against Mr. Y. On the day of the hearing, Mr. X failed to appear before the court. Mr. Y also in his written statement denied all the allegations mentioned in the petition filed by Mr. X. Hence, the court dismissed the suit filed by Mr. X. Later, Mr. X knew that his petition for the temporary injunction has been dismissed by the court on a particular date.
 - Decide whether Mr. X can be permitted to file another suit (fresh suit) against Mr. Y on the same cause of action? If not, state the alternative remedy available to him?
 - Would it make any difference if, on the date of hearing, both the parties (plaintiff and defendant) failed to appear to before the court?

- (iii) Also, discuss suppose, if the defendant partly admits the claim made in the petition filed by Mr. X, can the court pass a decree? If so, to what extent?
- (iv) Also, critically comment, a) Can the court dismiss the suit filed by the plaintiff on the ground of summons issued to the defendant returned unserved and plaintiff failed to apply for a fresh summons? b) Can the court dismiss the suit filed by the plaintiff on the ground that the summons have not been served upon the defendant in consequences of plaintiff's failure to pay the court fee or postal charges?
3. The two Plaintiffs, *namely*, Ms. X and Ms. Y (mother and daughter) jointly sued the defendant Mr. Z for recovery of sum allegedly due from him (O.S. 7126 /2019). Their case is that they lent Rs. 10,00,000/- each to Mr. Z through Mr. A who is the husband of Ms. X and father of Ms. Y with whom Mr. Z had prior business arrangement. Mr. Z had previously instituted two suits against Ms. X and Ms. Y (O.S. 5155/2018 and O.S. 5156/2018). In both suits, it was alleged that he had prior transactions with Ms. X and Ms. Y and he accepted Rs. 10,00,000/- each from them not as a loan but as set off from the amount due to him as Ms. X and Ms. Y, in reality, have to pay him more on the basis of an alleged business transaction. The plaintiffs filed an application in the court with a plea that since common questions of fact and law arise in the suits, it would be in the interests of justice to try and dispose of the three suits together, therefore O.S. 5155/2018 and O.S. 5156/2018 should be tried with O.S. 7126 /2019. Mr. Z opposed the application.
- a. Decide in detail by applying the relevant provisions of CPC and judicial decisions.
4. M/s Methiya and Co. Ltd., run a commercial business and makes a profit to the tune of Rs 2 Crore per year. M/s Sailaja and Co. Ltd., is a manufacturing company of goods and articles and also carrying the commercial transaction and earns profits to the tune of Rs. 3 Crore per year. M/s Methiya and Co. Ltd., enters into a contract with the M/s Sailaja and Co. Ltd., for manufacturing and supplying certain goods and articles to which the company is well known and it has earned the reputation among the public. Since M/s Sailaja and Co. Ltd., failed in delivering the goods and articles within the stipulated time, M/s Methiya and Co. Ltd., filed a suit in the commercial court claiming compensation for breach of contract. The suit was filed on 01.02.2019 and was taken on file on 07.02.2019. The summon was duly served on M/s Sailaja and Co. Ltd., on 25.02.2020 to appear and answer the claim and to file the written statement of its defence within thirty days from the date of service summons on the company. The next date of hearing is fixed as 24.03.2020.
- Decide, the following
- (i) Is it mandatory to file the written statement on 24.03.2020? if not, analyse the time for filing the written statement of C.P.C as amended in 2015.

- (ii) Suppose, if the defendant failed to file the written statement on the maximum extended time limit, can he invoke other relevant provisions of C.P.C for filing the written statement? examine the relevant provisions apart from the main provisions.
- (iii) Also, briefly comment would it make any difference if the suit is not a commercial suit?

5. Mr. Arun is the landowner owning several houses and hundreds of acres in his name. Mr. Balaji, a farmer and an illiterate approached Mr. Arun for letting his house for residential purposes. Based on the negotiations, Mr. Arun agreed to let his house for Rs.5000/- as monthly rent. Mr. Balaji never failed to pay the rent to the landlord. But, due to the outbreak of Coronavirus (COVID-19), Mr. Balaji was unable to pay the rent from May to November 2020. Hence, Mr. Arun filed a suit for the recovery of the amount and he had claimed only for September, October and November 2020. The court has also decreed the amount for the said months. Now, Mr. Arun realised that he had failed to claim the rent for the months' May-August 2020. Since it is the huge loss to him, now Mr. Arun wants to file another suit claiming the due for the said months in question.

- (i) Can Mr. Arun file another suit for the recovery of the amount for the months' May-August 2020? If yes, under what provisions? If not, briefly explain the relevant provisions of C.P.C.
 - (ii) Also, state the circumstances under which the court may order any other person not included in the suit to be added as a party to the suit.
 - (iii) Also, enumerate the conditions under which the name of the party to the suit may be strike out from the suit.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Sixth Semester, End Semester Examinations (Even-Semester), January 2021

LAW OF CRIMES -II

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

1. Raja, aged 43 years and resident of Jadav Nagar was arrested for an offence of voluntarily causing grievous hurt. Accordingly, he was released on bail. After 27 days of him being released on bail, he absconded from his residence. After being informed of the same by Raja's neighbour, the police rushed to his residence and searched all the possible places and finally after 5 days, a non-bailable warrant was issued against Raja. 10 days later, he was arrested by the police in a hotel and was produced before the court. When his bail was in question, his counsel Mr. Saha argued for his release on bail by stating that Raja must be released by bail as it is his right because he has committed a bailable offence and as per the law, a person accused of bailable offence shall be released on bail.

In light of the facts, answer the following:

- (a) Can the Court refuse to release Raja on bail? [6 marks]
- (b) Justify your reason/reasons with the help of legal principles and landmark cases. [4marks]
2. Axim is accused of committing the offence of cheating by dishonestly inducing delivery of property. The judicial magistrate first class has taken cognizance of the case on the basis of police report and the trial for the same is about to commence.
- In light of the facts, answer the following:
- (a) Explain the procedure of trial to be followed by the judicial magistrate? Also, enumerate the content of the charge to be framed for the offence committed by Axim. [8 Marks]
- (b) If the magistrate makes an error in framing of charges, how would it affect the trial? [2 Marks]

3. Chinnapa and his mother Laxmi were killed at Thuvakudi at around 9:30 pm on 20.11.2018. When the police reached the site of the incident, the dying declarations were recorded by Mr. Pandian, the Investigating Officer of the nearest police station. During the investigation, in the concerned case, Mr. Pandian, the Investigating Office prepared the seizure memos and took the signature of the all the accused. The Sessions court of Trichy, convicted five of the accused for life imprisonment by relying upon the dying declarations given by both the deceased. The High Court of Madras rejected two dying declaration and consequently, all the five accused were acquitted. But Supreme Court confirmed the decision of the Sessions Court, Trichy.

In light of the facts, answer the following:

- (a) Analyse the legality of Supreme Court judgement in the above mentioned case.

[6 marks]

- (b) Support your answer with the help of appropriate legal provisions and case laws.

[4marks]

4. Saira was found dead in her apartment in Juhu, Mumbai. Her father discovered the body and immediately informed the police. The police conducted an investigation and arrested her love interest Rikki as the prime suspect for the murder case. The charge-sheet was filed against Rikki for the offence of murder with the judicial magistrate first class who committed the case for trial for to the Sessions Court. The Sessions Court after conducting the trial acquitted the accused due to insufficiency of evidence to prove Rikki's guilt beyond reasonable doubts. Saira's father is not satisfied with the verdict of the Sessions Court and wants to appeal against the same. He approaches you for legal advice.

In light of the facts, answer the following:

- (a) Advice Saira's father explaining him about his right of appeal under the Code of Criminal Procedure, 1973 with the help of provisions of the Code and landmark cases.

[8 Marks]

- (b) Does Saira's father require the leave of the court to prefer an appeal? Also, can Saira's father go for revision instead of appeal in this case? Why/Why Not?

[2 Marks]

5. Anjun was accused for giving or fabricating false evidence in a judicial proceeding punishable. After getting the information of such offence, Mr. Maharajan, Police Inspector having jurisdiction over the area rushed to the resident of Anjun and arrested him without warrant. He was produced before the magistrate within 24 hours of arrest wherein the magistrate granted 20 days of police custody. While he was kept in the police custody, he had no access to lawyer and he was not allowed to meet his family members. Anjun fell ill while he was in police custody and therefore was

shifted to hospital wherein it was discovered that Anjun was subjected to physical assault while in police custody. After his family gets to know of the same, they get him released on bail.

In light of the facts, answer the following:

- (a) Whether the arrest of Anjun without warrant in accordance with the Code of Criminal Procedure 1973? Why/Why not? **[4 Marks]**
- (b) Is Anjun's remand in police custody valid? Also, discuss the provisions of the Code of Criminal Procedure, 1973 which prohibits the atrocities faced by Anjun in the police custody with the help of landmark cases. **[6 Marks]**
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Third Year – Sixth Semester, End Semester Examinations (Even-Semester), January 2021

ENVIRONMENTAL LAW

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

1. An environmental activist filed a PIL before the High Court against the State Government. The PIL contains the following issues:

- The said High Court was built without the compliance of the mandated environmental procedures.
- Due to the carbon dioxide emitted from the HC building construction site, the residents near the HC construction area are suffering from high blood pressure, asphyxia, convulsions etc. The victims are to be compensated.

In light of the facts, advise both the parties referring to the relevant environmental law principles. Also, explain the environmental procedures that should have been complied with before constructing the High Court building.

2. Duro Chemicals Private Limited (herein after called Duro Chemicals) is a company which manufactures pesticides. Two of its manufacturing units are located in a small town called Lokkipura. The State Pollution Control Board allowed for the units to be set up as it was satisfied with the compliance of safeguards required under the environmental laws. However, further timely inspections to check compliance with the laws have not been done. As a result, the toxic wastes from the units were left to be absorbed by the earth causing ground water pollution. The soil also became unfit for cultivation. The cases of poisoning, skin diseases and water borne diseases are on a rise in the town. It is has thus become a nuisance for the residents of the town as they primarily depend upon these water bodies for drinking purposes, agriculture and

other daily needs. Some of the residents of the town approach you for seeking advice about the legal remedies available for the problems they are facing.

In light of the same, answer the following:

- a) What are the remedies available to the residents of Lokkipura for the environmental degradation taking place in their town? Answer in light of statutory and non-statutory civil and criminal laws in India. (7 Marks)
 - b) What role can the State Pollution Control Board play in preventing environmental degradation? (3 Marks)
3. Pandemic, the most sensitive term in the year 2020 impacted the whole universe including the natural resources, humans, environment, wildlife etc. In light of the same, critically examine the effectiveness and adequacy of the existing international environmental laws in the post Covid-19 era and also suggest measures to strengthen the same.
4. Riccots India Private Limited is a newly incorporated cement manufacturing company. It plans to set up a manufacturing unit in a village called Heendree which is surrounded by lakes and rivers. Advise the company as to the measures it should take to prevent pollution and ensure compliance with the environmental laws in India.
5. Critically analyse the Following:
- a) Supreme Court cases on coastal regulation in India. [5 Marks]
 - b) The constitutional obligation to protect the environment. [5 Marks]
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, End Semester Examinations (Even-Semester), January 2021

CLINICAL II (DRAFTING, PLEADING AND CONVEYANCE)

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following questions:

1. Mr. X, aged 75 years old is the owner of two houses, both being of equal value besides owning jewels worth INR 1 Crore. He has 2 sons and a daughter. As Mr. X is keeping indifferent health, he desires to execute a WILL to distribute all his properties equally among his sons and daughter. Draft an appropriate Will.
2. Mr. Y obtained a loan of INR 5 Lakhs from Mr. Z on 07.07.2015 to meet the medical expenses of his daughter, against a Promissory Note agreeing to repay the same @ 12% interest per annum. Mr. Z has only paid a sum of INR 1 Lakh as on 06.06.2018 and has not paid the balance in spite of repeated reminders sent by Mr. X. Mr. X approaches you to file a suit for the recovery of the amount due to him from Mr. Y. Draft an appropriate Plaint.
3. M/s., VGN, a Partnership firm, is the owner of a Cinema Hall wherein films will be exhibited for view by the public against the collection of ticket charges. A dispute has arisen among the partners regarding sharing of income and a suit has been filed therefore by 2 partners against 3 other partners. The Plaintiffs desire the appointment of an Advocate Receiver to take charge of the management of the theatre till the suit is decided. Draft the necessary Application and Petition in this regard.
4. Ms. Zoe had entrusted some documents to her advocate for the filing of appeal. Due to his work pressure, the advocate failed to look into the documents till evening and later found out that it was the last day to file appeal. Will this case fall under 'Sufficient cause' to grant extension under the Limitation Act? Decide with relevant provisions and cases.
5. Consider a family arrangement. Let's assume that the terms of the arrangement are reduced into writing. Does the same require compulsory registration? Decide by citing appropriate provisions of the Registration Act and decided cases.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, End Semester Examinations (Even-Semester), January 2021

ENVIRONMENTAL LAW

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following Questions:

- An environmental activist filed a PIL before the High Court against the State Government. The PIL contains the following issues:
 - The said High Court was built without the compliance of the mandated environmental procedures.
 - Due to the carbon dioxide emitted from the HC building construction site, the residents near the HC construction area are suffering from high blood pressure, asphyxia, convulsions etc. The victims are to be compensated.

In light of the facts, advise both the parties referring to the relevant environmental law principles. Also, explain the environmental procedures that should have been complied with before constructing the High Court building.

- Duro Chemicals Private Limited (herein after called Duro Chemicals) is a company which manufactures pesticides. Two of its manufacturing units are located in a small town called Lokkipura. The State Pollution Control Board allowed for the units to be set up as it was satisfied with the compliance of safeguards required under the environmental laws. However, further timely inspections to check compliance with the laws have not been done. As a result, the toxic wastes from the units were left to be absorbed by the earth causing ground water pollution. The soil also became unfit for cultivation. The cases of poisoning, skin diseases and water borne diseases are on a rise in the town. It is has thus become a nuisance for the residents of the town as they primarily depend upon these water bodies for drinking purposes, agriculture and

other daily needs. Some of the residents of the town approach you for seeking advice about the legal remedies available for the problems they are facing.

In light of the same, answer the following:

- a) **What are the remedies available to the residents of Lokkipura for the environmental degradation taking place in their town? Answer in light of statutory and non-statutory civil and criminal laws in India. (7 Marks)**
 - b) **What role can the State Pollution Control Board play in preventing environmental degradation? (3 Marks)**
3. **Pandemic, the most sensitive term in the year 2020 impacted the whole universe including the natural resources, humans, environment, wildlife etc. In light of the same, critically examine the effectiveness and adequacy of the existing international environmental laws in the post Covid-19 era and also suggest measures to strengthen the same.**
4. **Riccots India Private Limited is a newly incorporated cement manufacturing company. It plans to set up a manufacturing unit in a village called Heendree which is surrounded by lakes and rivers. Advise the company as to the measures it should take to prevent pollution and ensure compliance with the environmental laws in India.**
5. **Critically analyse the Following:**
- a) **Supreme Court cases on coastal regulation in India. [5 Marks]**
 - b) **The constitutional obligation to protect the environment. [5 Marks]**
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, End Semester Examination (Even-Semester), January 2021

INTERNATIONAL COMMERCIAL ARBITRATION

Time: 3 ¼ Hours

Maximum Marks: 50

Instructions:

- Facts not being arbitrary could be developed based on the problem given below.
 - Answer with relevant statutory provisions and case laws wherever necessary.
-

PART – A (5 x 10 = 50 marks)

Answer the following questions:

1. Draft an International Commercial Arbitration Petition on the problem below.

Mr. Alex -is a successful British businessman, who lives in Sydney. He intends to create a chain of Keto restaurants in India, where he knows that the demand for healthy food is growing and where State regulations are said to be very flexible. He plans to launch the chain in a manner that will impress consumers and to open 20 restaurants in 20 different cities on the very same day. As he has never done business in India, he concludes a General Construction Agreement (the "GCA") with a local construction company, "The Brand Constructions" (BC),having its main branch at Kolkata which undertakes to obtain the necessary authorizations, build, furnish, and deliver the 20 restaurants in time for the opening. The GCA contains the following provision:

"Any dispute arising out of or in connection with the present agreement shall be settled by an arbitral tribunal under the Arbitration and Conciliation Act, 1996 of India. The seat of the arbitration shall be Kolkata. The award shall be final, and the parties undertake to comply with it immediately".

For months, BC regularly reports to Mr. Alex that the construction works are proceeding on schedule. Mr. Alex even visits the restaurants in New Delhi and Bengaluru, where progress is in line with the contract requirements. Accordingly,

heengages in the marketing of the launch, for which he spends substantial amounts. Unfortunately, one week before the opening, he discovers that some of the restaurants are not completed while others are unsafe. He also learns that he will have to pay huge fines because the required state authorizations were not obtained. He has no other choice but to cancel the launch.

BC argues that it could not meet the completion date imposed by Mr. Alex because of the demanding local regulations and that the defects making some restaurants unsafe are due to sub-contractors. It adds that it will not pursue the performance of the contract unless Mr. Alex pays substantial additional compensation.

In reaction, Mr. Alex wants to initiate an arbitration in which he wants to seek.

- (i) 15million Euro reduction of the price he paid for the whole project and
 - (ii) Compensation for the 1.5 million Euro in marketing costs he spent on the launch, which he had to cancel because of BC.
2. M/s. MISTAS, a U.S.-based venture capital group that has invested in M/s. TORNADO, a Hungarian manufacturer of complex goods. The agreement between M/s. MISTAS and M/s. TORNADO includes a dispute resolution clause indicating all disputes are to be resolved through arbitration seated in London under the London Court of International Arbitration (LCIA) Rules. The arbitration will have three arbitrators, with M/s. MISTAS and M/s. TORNADO each appointing one arbitrator and those two arbitrators appoints the Presiding Arbitrator.

A dispute has arisen and M/s. MISTAS has initiated arbitration under the LCIA Rules. It is now time to name arbitrators.

M/s. MISTAS appoints Iskara, she is a British barrister who is also admitted to the New York bar. Two years ago, Iskara sat as an arbitrator on the same panel as counsel for M/s. TORNADO. M/s. TORNADO appoints Lara Hudson, she is a strong personality and a shining light in the world of international arbitration, with a fantastic reputation for intelligence and fairness. M/s. MISTAS found that, Lara Hudson in her last eight arbitrations (none of which were for M/s. TORNADO, who she has never apparently dealt with), has consistently sided with manufacturers rather than investors. Three of these eight arbitrations involved the international law firm acting for M/s. TORNADO: in two, Lara Hudson was named by the firm and in one, Lara Hudson acted as the presiding arbitrator of the panel.

What types of submissions and/or actions can M/s. MISTAS make concerning the nomination of arbitrators? How is the LCIA likely to respond? - Advice

3. Considering the facts below draft a Joint Venture agreement with Commercial Arbitration clause.

M/s. RANDA, INDIA LTD a textile industry in India and M/s. SIDENT, CHINA LTD a textile industry in China negotiates for a joint venture project.

The negotiations are initiated by M/s. RANDA INDIA LTD's parent company RANDA, LTD located at JAPAN. They arrive at an oral agreement to enter into a joint venture project naming it M/s. RADENT LTD, and disputes arising out of the venture will be resolved through Arbitration under the relevant Indian Laws.

4. *M/s. CHILLZ a mid-size company named based in INDIA. M/s. CHILLZ would like you to draft an arbitration clause for a contract that M/s. CHILLZ has negotiated with M/s. KANGAROO, a large Australian manufacturer, which will allow M/s. CHILLZ to act as M/s. KANGAROO's non-exclusive Indian distributor of widgets. The parties M/s. CHILLZ and M/s. KANGAROO have decided that they want any arbitration to go forward in London. M/s. KANGAROO has proposed going forward under either the UNCITRAL Arbitration Rules or the ICC Arbitration Rules, and M/s. CHILLZ needs to pick one of those two sets of rules.*
- a) draft the necessary arbitration agreement in its entirety and
 - b) identify three reasons why you have chosen the rule set that you have (i.e., either the ICC Rules or the UNCITRAL Rules).
5. Critically evaluate the changes occurred in initiating and administering International Commercial Arbitration during the COVID 19 pandemic.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, End Semester Examinations (Even-Semester), January 2021

BANKING LAW

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following questions:

- Ms. Jan issued a cheque for Rs.1,00,000/- in favour of Ms. June. At the time of issuing the cheque, Ms. Jan had sufficient amount in her account with the Bank. However the same was not presented within reasonable time to the Bank for payment and the Bank in the meantime became insolvent. Decide whether Ms. June will be able to recover the money from Ms. Jan citing relevant provisions under the Negotiable Instrument Act, 1881 and decided cases.
- M/s Triscot, a company registered in Chennai had a current account in the Union Bank, Chennai Branch. The Managing Director of M/s Triscot was authorised to operate the above mentioned current account and one named Mr. Mandall had the responsibility to maintain the accounts of M/s Triscot and was also the holder of the cheque book of M/s Triscot. Later it was found that the company accounts had some irregularities. On verification it was found out that cheques purporting to bear the signature of the Managing Director were encashed, though they did not bear his signature. A complaint was lodged by M/s Triscot with the police. Subsequently a special audit of the company's accounts was conducted by a firm of Chartered Accountants and the same disclosed that Mr. Mandall had withdrawn a sum of Rs.3,00,000/- under different cheques. A suit was filed by M/s Triscot for the

recovery of the said amount on the plea that the amounts as per the forged cheques were not utilised for the purpose of M/s Triscot. Will the company succeed inspite of its own negligence? Decide citing relevant judgments.

3. Mr. Zioni was working as a Branch Manager of the ECO Bank. He was issued with a charge sheet for certain irregularities committed by him during the course of his employment. There were several charges imputed against him. However, the enquiry officer, after completion of the enquiry, held only the charge pertaining to grant of advance by Mr. Zioni to his wife as proved. Thereafter, on the recommendation of the disciplinary authority, the punishing authority imposed on Mr. Zioni reduction in substantive salary by one stage. On appeal, the appellate authority, after examining the reply given by Mr. Zioni to the proposed punishment, imposed on him the punishment of removal from service.

Mr. Zioni's request for a review by the Chairman of the ECO Bank was also not entertained. Also, the writ petition filed by the appellant to quash the order of the appellate authority and for directions to reinstate him with back wages and arrears of service and other service benefits was dismissed. Being aggrieved by the same, the appellant has filed this appeal. Decide with relevant case laws whether the enhancement of punishment by the appellate authority without giving a personal hearing to the appellant and taking into account of unproved charges in the departmental enquiry by the appellate authority while enhancing the punishment in appeal is in order.

4. Ms. Ria signs, as maker, a blank stamped paper and gives it to Mr. Sha, and authorises him to fill it as a note for Rs. 1000/- to secure an advance which Ms. Zara is to make to Mr. Sha. Mr. Sha fraudulently fills it up as a note for Rs.2,000/- payable to Ms. Zara, who has in good faith advanced Rs. 2,000/-. Decide, with relevant provisions and case laws, whether Ms. Zara is entitled to recover the amount, and if so, up to what extent?

5. M/s Viva had availed certain credit facilities from the Banaras Bank. Pursuant to the guidelines dated 27.07.2000/29.1.2003 framed by Reserve Bank for recovery of dues relating to Non Performing Assets (NPAs) of public sector banks, M/s Viva approached the Banaras bank for One Time Settlement (OTS) under the said guidelines, as their account fell under the category of NPA prescribed in the guidelines. In response to the same, the bank informed the company vide their letter dated 8.03.2003 that its account does not fall under the guidelines for OTS. The Company hence filed a Writ Petition praying for issuance of a writ of certiorari to quash the said letter of the bank and for a writ of mandamus to direct the bank to accept their offer for OTS. Will the company succeed? Frame relevant issues and decide.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
 Fourth Year – Eighth Semester, End Semester Examinations (Even-Semester), January 2021
CRIMINOLOGY PENOLOGY AND VICTIMOLOGY

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 X 10= 50 Marks)

Answer the following questions:

1. *“Fortunately, most human behavior is learned observationally through modeling that is, from observing others one forms an idea of how new behaviors are performed, and on later occasions, this coded information serves as a guide for action”*. Elucidate your answer with the help of theories of crime causation.
2. Jaggu, is accused of the brutal murder of two of his close friends who took 50,000 rupees from him and refused to return it. He was sentenced to life imprisonment by the Sessions Court and in his appeal, the High Court confirmed his sentence. After 3 years of imprisonment, his father died in a road accident. His counsel argued on his behalf by stating that it was the desire of his 78 year-old father that his ashes be immersed in the river Ganga only by Jaggu. In addition, the counsel added that during the staying of three years in prison, the prison authorities never found Jaggu to having ever been involved in any acts of indiscipline, so he could be released on parole for 14 days. Do you think that Jaggu should be released on parole? Justify your answer with appropriate legal provisions.

3. *Crime takes place when there are inadequate legitimate possibilities for people to accomplish the standard success goals of a society and in that situation, there is an imbalance between the goals and the means to accomplish those goals and some people are forced into crime in order to attain the success they desire".* Justify the statement with the help of the Theories of Criminology.
 4. *"The victim contributes to the criminal events that harm them, either through victim facilitation or through victim provocation".* Do you agree with this reasoning? Comment on the above statement with special reference to victims of sexual assault.
 5. *"It cannot be said that the theories of criminal punishment current amongst our judges and legislators have assumed either a coherent or even a stable form...."* Kenny. Critically analyse the statement with the help of the theories of punishment.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme

Fourth Year – Eighth Semester, End Semester Examinations (Even-Semester), January 2021

COMPETITION LAW

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer all the questions in detail with relevant legal provisions and judicial pronouncements wherever necessary:

1. Zinimium is a rare mineral that can be used to make utensils which have a lot of health benefits when used to store food items. This mineral is a rare resource found in India. The government provided the right to use the mineral only to Xailo manufacturer. Critically examine the decision made by the government in the light of competition laws/policy and the economics behind the same. What happens to the effect on competition when;
 - a. Xailo Manufacturer sells the utensils made of Zinimium at a high cost.
 - b. Xailo Manufacturer sells the utensils made of Zinimium at lowest possible cost.
2. SN Pharmaceutical Distributors Assn. (SNPDA) is an important distributor in Tiruchirapalli for pharmaceutical products including Hand Sanitizers. Due to the prevailing pandemic in the city, there is a high demand for Hand Sanitizers. SNPDA, having the knowledge about the situation, attempts to control the distribution to Pharmacies. Critically comment on the action of SNPDA for their attempt to control the distribution and state how that affects the healthy competition in the market.
3. The Competition Act, 2002 aims to protect the interests of consumers and to ensure freedom of trade. *Critically comment* on the development of legal framework in India to create the balance between consumer interest in one hand and the producer interest in the other hand. Also, comment on the legal provisions that require amendments in the existing Competition Laws in India.

4. FX and GNB Enterprises decides for a Merger of their electrical enterprises. In furtherance of the same, the board of directors of the enterprises have approved for the proposal relating to merger on 5th August, 2020. On 20th September, 2020, the enterprises have given notice to the CCI in accordance with Competition Act, 2002. *Imagine you as deciding authority in CCI and provide the order for the following situation with the aid of relevant legal provisions and judicial pronouncements. Also, comment on the effect of combination in the competition for both the situations.*
- Merger is not likely to have an appreciable adverse effect on competition
 - Merger is likely to have an appreciable adverse effect on competition
5. Buydhan is e-commerce platform selling various brands of foot wears in India. The consumer can choose their product and Buydhan connects the buyer with different sellers, which can be chosen by the buyer. However, Buydhan highlights few seller's names in green colour code and other sellers in blue colour code. Green code indicates that the seller is preferred or suggested by Buydhan. All the sellers marked with blue colour alleges that the colour code is affecting their market in Buydhan. Critically comment on the effect of the above situation in the Competition in the market in India.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, End Semester Examinations (Even-Semester), January 2021

GENDER JUSTICE AND FEMINISM

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following questions in not exceeding 1000 words

1. You are associated with an NGO specifically dealing with women and children in need and crisis. A nationwide discussion is happening on legalizing sex work based on the debates happening in legislature. Your NGO is expected to send a report on the problem highlighting the way forward in future, the mental and health hazards related to this issue, the necessary measures that are required to be put in place by the governmental stakeholders on this issue. Explain how the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) looks at this issue. Explain the intersectional approaches identified in this discussion and the reforms suggested by radical feminist thinking in this issue. Also you are asked to suggest measures that can be put in place once the sex work is legalized taking cue from best practices around the world. Draft a Report including your understandings that have helped you in framing your opinion on gender justice.
2. Analyse *Suchita Srivastava* case on Reproductive rights coming up from Supreme Court and frame your opinion as to whether the judgment was right or wrong according to you with sufficient reasons. Explain the amendments to extension of gestation period prescribed under the Medical Termination of Pregnancy Act. If, Given an extension of gestation period under the law how far it helps promote the concept of right to reproductive rights.
3. Explain the human rights approach to a foetus in the womb and has it been accorded right to life guarantee keeping in view the General Comments under International Covenant on Civil and Political Rights?
4. Explain your views on bringing in a law criminalizing Marital Rape in India in line with other developing Countries like Nepal. What do you think are the hurdles

behind. Explain the need for the same positioning you as a feminist activist who is a member of Parliament, advocating for the cause of gender justice in the context that a Woman Minister of the ruling party has suggested that it is not practical in the Indian context, given the patriarchal mindset of the society. How will you oppose her opinion and suggest a way forward about bringing in law criminalizing Marital Rape.

5. Give your opinions on Reservations entered into by India while ratifying the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and its implications. Explain and justify your answer with examples and judicial precedents as to why you feel that they are relevant or irrelevant. Formulate a way forward in visualizing a society built upon gender justice. Restrict your analysis to legal and logical reasoning.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

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

Fourth Year – Eighth Semester, End Semester Examinations (Even-Semester), January 2021

REGULATION OF THE PROFESSIONAL SPORTS IN INDIA

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 marks)

Answer the following questions:

1. Explain the structure of sports governance in India and critically evaluate the amenability of Indian sports governing bodies to judicial review. Whether there can be judicial review of decisions of sports club? Give substantiate your answer with reasons.
2. Explain the determining for Contract of Service and Contract for Service in Sports Contracts and its implications. Explain the intricacies morality clause (just clause) in Sports Contract and its implications in termination of sports contracts.
3. The participants in sporting event, might have accepted the risk which are inherent in that sport, but this does not eliminate all duty of care of one participants towards another; the question whether there is breach of such duty will depend upon a variety of circumstances.

In the light of above statement explain the civil liability (negligence) of a sports player in the sport, what is the degree of care is expected of a sport player to another who has voluntarily consented for the same , what would be the factors that determine the standard of care in such cases *via-vis volenti non fit injuria*.

4. Recent times has witnessed huge inflow of money in sports, now Sports has not remained only medium of recreation but it has become a product for the market. With the commercialization of sport, there is need to protect the interest of companies who



are investing in the sports. Intellectual Property Rights plays a pivotal role in protection of commercial interest of the commercial firms.

In the light of the statement examine the role of various Intellectual Property Laws in the protection of commercial interest of firms in sports activities specifically Personality rights, Brand Protection and sponsorship.

5. There has been a long history of gambling in India. In present time sports and gambling go hand in hand with each other. However, there have been various negative aspects of betting. In India, most of the states prohibit gambling using their statute similar to The Public Gambling Act, 1867.

Considering the moral and legal aspect of gambling explain the regulation of gambling in India, the difference between a game of chance and game of skill and also give your opinion over the legalization of gambling in India.
