



TAMILNADU NATIONAL LAW UNIVERSITY



QUESTION PAPERS



Janis

SPECIAL REPEAT EXAMINATIONS,
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
Special Repeat Examinations, January 2021

INTERNATIONAL COMMERCIAL ARBITRATION

Time: 4 Hours

Maximum Marks: 100

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- Facts not being arbitrary could be developed based on the problem given below.
 - Answer with relevant statutory provisions and case laws wherever necessary.
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PART – A (4 x 20 = 80 marks)

Answer the following questions:

1. Considering the facts below draft an International Commercial Arbitration agreement
 'JYUNDAI, INDIA LTD' an automotive manufacturer in India is the buyer and 'SAN KYIAN' an automotive manufacturer in Singapore is the seller. They negotiate the prospective sale of a piece of equipment to be designed according to the buyer's specifications.

The negotiations are initiated by the buyer's parent company 'JYUNDAI' located at Korea. After the buyer's parent company and the seller have exchanged information about the commercial terms of the prospective contract, one of the buyer's subsidiaries participates in the negotiations to provide the technical specifications of the equipment.

During one of the telephonic conversations with the buyer's subsidiary, the seller had asked whether the buyer would be willing to accept an arbitration clause in the contract, according to which arbitration is to take place in Singapore.

2. Considering the facts below draft an International Commercial Arbitration petition

'STRIDE' is a soft drink manufacturer from Netherland the buyer entered into a contract with 'SMART' a heavy machinery company from Austria the seller, to supply with the machines required to produce the soft drink. Due to unexpected developments in the market, the buyer loses interest in the machinery. Aggrieved by

this the seller wants to initiate an Arbitration. As per the arbitration clause in the contract, the parties have agreed for an institutional arbitration. They have opted The London Court of International Arbitration (LCIA)

3. Critically evaluate the status of arbitrability of fraud before and after Ayyasamy's decision in India. Should the jurisdiction of arbitral tribunal be given enormous power to arbitrate?
4. Considering the facts below draft an Application for the appointment of a sole arbitrator under the Arbitration and Conciliation Act,1996

Mr. Alphais a resident of Nagpur. He had approached M/s. Diego Finance Limited, a multinational financial institution, having its branch in Nagpur seeking a housing loan. Mr. Alpha was sanctioned with a housing loan of Rs. 40 lakhs for construction of first floor on the residential house property. The applicants entered into a loan contract with an arbitration clause incorporated in the contract. The loan amount was not released even after 2 months of receiving the loan sanctioned letter. Aggrieved by this the applicants initiated an arbitration proceeding. The parties fail to arrive at an agreement with the sole arbitrator.

PART – B (4 x 5 = 20 marks)

Answer the following questions:

5. Critically examine the procedural difficulties in enforcement of foreign awards in India.
6. *"There is no elaborate discussion does not mean that the reasons have not been articulated"* – Critically comment the statement.
7. *"The award shall be final and binding"* Examine the effectiveness of the statement.
8. *"Parties must expressly agree upon the Seat of the Arbitration and not to use any other words like venue or place interchangeably"* – whether two Indian parties can choose a Foreign Seat of Arbitration? – Critically examine.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, January 2021

HUMAN RIGHTS LAW

Time: 4 Hours

Maximum Marks: 100

PART-A (4 x 20 = 80 marks)

Answer the following questions:

1. A sovereign state named 'AXZ' ratified the two international covenants of 1966 dealing with human rights. In 1978, 'AXZ' was dissolved into two sovereign units, namely the 'Union of AXZ' and 'Union of AXP'. Given this situation, comment on the principles associated with the determination of the Successor to the human rights treaty obligations. Also, critically describe the nature and extent of obligations that the successor state has assumed in this present case towards the protection and promotion of human rights.
2. Mr Achari, an individual, being a victim of the human rights violations chose to avail the option of the 'individual communication' as a redressal mechanism since he was a national of a State which had ratified the International Covenant on Civil and Political Rights, 1966 and its Optional Protocol on the individual communication. Can Mr Achari file the individual petition? Before which forum such a petition will be filed? What are the conditions to be fulfilled for the acceptance of the individual petition? Explain.
3. Examine how judicial activism is used by the Supreme Court of India to protect the rights of persons in the custody. Also briefly comment on how the court has responded to the safety concerns of the inmates of the prison during the COVID-19 situation.
4. Since the adoption of the UN Charter in the year 1945, the obligation to respect, promote and fulfil human rights has been considered as a common goal for all the

nation-States to achieve. However, to establish a common goal is one thing and to realise that goal is another thing. In view of this statement, critically examine the key principles, strategies and framework as enunciated by the 'charter-based' model for creation and realization of the common goal concerning human rights.

PART-B (4 x 5 = 20 marks)

Answer the following questions:

5. The human rights redressal mechanisms operate at three levels, namely, the international, regional and national level. Do you feel that domestic remedies have a special role in the redressal of human rights violations? Comment. Also, explain the chief domestic remedies for human rights violations.
 6. The 'margin of appreciation' aims to give the flexibility required to ensure the member states obligations under the European Human Rights Convention are complied with while respecting individual state's sovereignty. Comment.
 7. In 2019, Mr. Rakeshwar bought the publishing rights of a controversial book which engaged with obscenity and pornography. Hence, the government sought to censor the book besides prosecuting Mr. Rakeshwar and his helper Mr. Kumudeshwar for possessing the copies of the said book which were deemed to be 'obscene'. Mr. Rakeshwar and Mr. Kumudeshwar argued, among others, that their right to freedom of speech and expression was infringed. As a response, the Government argued that the petitioner's right to freedom of expression had to be restricted to protect public morals. Decide with the help of the principle of proportionality.
 8. Explain the rationale for the 'principle of non-discrimination' in the concept of human rights.
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Special Repeat Examinations, January 2021

HEALTH CARE LAWS

Time: 4 Hours

Maximum Marks: 100

PART-A (4 x 20 = 80 Marks)

Answer the following questions:

1. Sanya was sexually assaulted by her neighbor, she was 16 years old. She was mentally and physically traumatized completely and her family decided to file a criminal complaint against the rapist. As the case was proceeding for trial after 3 months of the incident, Sanya realized that she was pregnant and decided to terminate the pregnancy and even use the medical remains as evidence to prove the case. *Discuss the legality of the same under the current Indian Laws.*
2. Mr. Hussain went to a nearby Pharmacy to get Paracetamol 650 which is an OTC (Over the Counter) drug and obtainable without any doctor's prescription to treat his flu and common cold. He found that the tablet was sticking to the cover and slightly discolored. He was furious and went to the Pharmacy to exchange the medicine. However, the Pharmacist refused to accept the same saying, drugs once sold cannot be taken back as per their shop's policy which was displayed on the shop. Mr. Hussain is very much aggrieved and decided to file a case against them under the Drugs and Cosmetics Act, 1940. *As his advocate, explain to him the current position of law under the statute and the remedy possible.*
3. Mr. Kamal underwent a gall bladder removal surgery (cholecystectomy) in the month of November, 2020. The surgery was successful and he was treated well at the hospital. After returning home, despite his bed rest, he was experiencing some discomfort in the lower abdomen. During his next consultation in January, 2021 his surgeon recommended an X-Ray and it was found that a small bit of cotton ball was stuck in the region where surgery was performed leading to need for another open surgery to remove the same. Learning about this, his surgeon immediately apologized and agreed to perform the second surgery for lesser cost. *Can this incident be*

considered as a Medical Negligence case? Discuss the same with relevant case laws.

4. Dr. Swarna Raj is a Pediatrician by Profession (Child Specialist) and practicing for past 10 years in Tamil Nadu. She was invited by the General Manager of "Healthy Baby Drinks Co." for a special symposium on the 'Nutritional Value requirement and Aid of health drinks'. After the symposium, the General Manager proposed a plan to her wherein she could avail travel benefit from the Co. for 2 years and full reimbursement for any expenses thereon provided that she recommended their Co.'s health drink to the parents who are concerned about the weight gain of their children. *What is the ethical implication of such an activity as a medical professional for Dr. Swarna Raj*

PART-B (4 x 5 = 20 marks)

Answer the following questions:

5. Explain the evolution of "right to health" and "right to access to health care" as a fundamental right under the Indian Constitution.
6. Is euthanasia legally recognized in India? What is the current legal position under the Indian statutes. Do you agree with it. Give reasons.
7. Opine on the dominance of the IPR in the Pharmaceutical sector in India and the complications it created for the Indian Generic Industry.
8. Ms.Radha, aged 30 years, is a daily wage employee working in 3-4 companies per day by doing cleaning and various other such work. She is married and has 3 children who are studying in the Government schools. Her husband is also a daily wage worker who is working in construction sites. They went to the government hospital and saw a poster on "Avail the benefits of Prime Minister's Health Insurance scheme for Rs.10/-." *Explain the various schemes for health insurance that can be availed by them under the current government schemes. Do you think that they are of use to people like MsRadha and her family. Give reasons.*

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Special Repeat Examinations, January 2021

ENVIRONMENTAL LAW

Time: 4 Hours

Maximum Marks: 100

PART-A (4 x 20 = 80 Marks)

Answer the following questions:

1. Dandi India Private Limited is a company incorporated in India and it wants to open a fertilizer manufacturing unit in a sub-urban locality near Chennai. Advice the company as to the measures it should take before starting the unit as well as after the unit becomes functional to ensure compliance with environmental laws in India.
2. Hexie Chemicals Private Limited (herein after called Hexie Chemicals) is a company which manufactures pesticides. Ten of its manufacturing units are located in a village called Hindhri which is surrounded by lakes and rivers. 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 has not been done. As a result, chemicals from the manufacturing units are being discharged into the nearby water bodies in large quantities. The water pollution caused by the chemicals is affecting the aquatic flora and fauna adversely. It is also causing nuisance to the residents of the village as they primarily depend upon these water bodies for drinking purposes, agriculture and other daily needs. The cases of poisoning, skin diseases and water borne diseases are on a rise in the village. Crop production has also been adversely affected. Some of the villagers approach you for seeking advice about the legal remedies available for the problems they are facing.

In light of the same,

- a) Advice the villagers explaining to them about the remedies available against Hexie Chemicals under environmental statutes as well as other statutory and non-statutory civil and criminal laws in India. **(8 Marks)**

- b) Explain to the villagers about the right to live in a healthy environment under the Indian Constitution and the constitutional remedies available against environmental hazards. Can the villagers opt for such constitutional remedy for the environmental degradation taking place in their village? Why/Why not?
(8 Marks)
- c) Explain the role of State Pollution Control Board (SPCB) in preventing pollution.
(4 Marks)
3. The international environmental law enunciates certain principles to protect the environment from major degradation. Explain the principles in light of the major developments which have taken place in the international environmental regime since 1972 till present. Also explain the applicability of the said principles in the Indian context.
4. Large scale deforestation is an environmental malady which needs to be prevented in order to preserve environmental equilibrium in the long run. However, many a times to promote economic development and due to the ever increasing need for land, indiscriminate felling of trees take place. In light of the same, explain how to strike a balance between economic development and forest protection. Discuss in light of the forest laws in India and Indian case laws.

PART-B (4 x 5 = 20)

Answer the following questions:

5. Critically analyze the efficacy of the Kyoto Protocol Mechanisms and its applicability in India.
6. Comment upon the importance of Environment Impact Assessment (EIA) and critically discuss about the EIA procedure followed in India.
7. Critically analyze the legal regime for coastal regulation in India with the help of relevant case laws.
8. Wildlife protection is sine qua non for maintaining the ecological balance. Comment on the same in light of wildlife protection laws.

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Special Repeat Examinations, January 2021

CIVIL PROCEDURE CODE

Time: 4 Hours

Maximum Marks: 100

PART – A (4 X 20 = 80 Marks)

Answer the following questions:

- 1 a) Mr. C found Rs.10,000/- in a public place for which he is not the real owner. To return the amount to the real owner, Mr. C issued a public notice in the newspaper. Based on the notice, Mr. A and Mr. B jointly approached Mr. C claiming sum of Rs. 10,000/- from him. Mr. C is unable to ascertain who is the real owner of Rs.10,000/. In this situation, advise Mr. C to take appropriate recourse to return the amount to the real claimant by referring the relevant provisions of C.P.C and decide the principles involved therein.

And also examine, suppose, with respect to the amount in question, if any suit is pending before any court between Mr. A and Mr. B, would it necessary to Mr. C to institute a separate suit to decide the real claimant under the provisions of C.P.C. **(8 Marks)**

- b) State the procedure in filing the plaint on behalf of minor and person under disability quoting the relevant provisions of C.P.C. **(12 Marks)**
2. What are the essentials of a plaint? Analyse the grounds for rejection of a plaint by the court. Also elaborate the procedure, quoting the relevant provisions of C.P.C, to be followed by the plaintiff, on returning of a plaint, in case, if the court intended to return the plaint.
- 3 a) "The Code of Civil Procedure (Amendments) Acts, 1999 and 2002 are aimed at facilitating the speedy disposal of cases". Evaluate this statement by referring the relevant provisions of C.P.C. with the help of decided cases. **(10 Marks)**
- b) In what circumstances temporary injunction may be granted? What are the duties of the court before and after granting interim injunction? **(10 Marks)**

4. Write a short note on the following

- (i) Procedure to be followed while lodging a caveat petition (5 Marks)
- (ii) Mr. A is working a driver in a State Road Transport Corporation and earning Rs.45,000/- pm as salary. Mr. B got a decree from the court for attaching his salary since Mr. A owed to Mr. B a sum of Rupees 60,000/-. Decide whether the salary of Mr. A can be attached. If so, to what extent, the salary can be attached? Discuss the relevant provision/s regarding the attachment of salary. (5 Marks)
- (iii) When can the court order for striking out the pleadings and amendment of pleadings? And also, state that when the amendment cannot be permitted by the court after permitting amendment of pleadings. (10 Marks)

PART – B (4 X 5 = 20 Marks)

Answer the following questions:

5. Mr. X filed a suit against Mr. Y and Mr. Z. On the date fixed for the appearance of the parties, neither the plaintiff nor the defendants appeared before the court and the court dismissed the suit. Aggrieved by the order, Mr. X decided to bring a fresh suit against Mr. Y and Mr. Z? Is it possible to bring a fresh suit against Mr. Y and Mr. Z? Advise Mr. X and also, Explain the alternative remedies available to Mr. X by quoting the relevant provisions of C.P.C.
6. State the procedure in filing the suit on lost promissory note and refer relevant judicial decisions.
7. *“Wrongful possession by the defendant is the very essence of a claim of mesne profit and the foundation of the defendant’s liability”*. Explain the statement.
8. Mr. “A” has a property worth Rs.1000, and he disposes it in September 2019 to enable himself to sue as a pauper and applies for leave to sue as a pauper in November 2019. Evaluate the maintainability of the application. Would it make any difference if Mr. “A” has property worth Rs.900/- before alienation of the said property?

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Special Repeat Examinations, January 2021

CORPORATE ACCOUNTING

Time: 4 Hours

Maximum Marks: 100

PART – A (4 X 20 = 80 Marks)

Answer the following questions:

1. Mango Ltd., invited applications for 80,000 shares of Rs.10 each at a premium of Rs.2.5 per share payable as follows:

On application Rs.3; On allotment Rs. 4.50 (Including Premium); On first call Rs.2; On second call Rs.3;

Applications were received for 1, 20,000 shares, out of which applications for 20,000 shares were rejected and money refunded for them. The applicant was made pro-rata to the remaining applicants. Money over-paid on application was used against allotment money due.

Mr. Orange to whom 2,000 shares were allotted failed to pay the allotment money and his subsequent failure to pay the first call; his shares were forfeited and assumed that all of his applications were accepted.

Mr. Apple, the holder of 1,200 shares failed to pay the two calls, and his shares were forfeited after the final call. Of the forfeited shares 2,400 shares were reissued at the rate of Rs.8 per share credited as fully paid, including the whole of Anil's forfeited shares.

Show necessary journal entries and prepare Bank Account, Share Capital Account and Share forfeited Account.

2. The summarized balance sheet of X Ltd., and Y Ltd., on 31st December 2019.

Liabilities	X Ltd.,	Y Ltd.,	Assets	X Ltd.,	Y Ltd.,
Share Capital @ Rs. 100 each	2,50,000	1,00,000	Machinery	1,20,000	54,700
General Reserve	1,20,000	60,000	Building	75,000	90,000
Profit & Loss A/c	28,600	18,000	Investments in Y., shares	1,70,000	-
Bank Over Draft	50,000	-	Stocks	70,000	18,000
Creditors	23,550	4,500	Debtors	22,000	20,000
Bills Payable including Rs.1,500 to X Ltd.,	-	4,200	Bills Receivable including Rs.1, 500 from Y Ltd.,	7,900	-
			Bank Balance	7,250	4,000
	4,72,150	1,86,700		4,72,150	1,86,700

X Ltd., purchased 800 equity shares of Y Ltd., on 1st April, 2019. Prepare a consolidated Balance sheet as on 31st December 2019 after considering the following adjustments;

- General Reserve created out of current year profit
- Sundry Creditors of X Ltd., include Rs.6,000 due to Y Ltd.,
- It was observed that the building of Y Ltd., are undervalued by Rs.10,000 and Machinery of Y Ltd., overvalued by Rs.5,000.

3. The A Ltd., and B Ltd., declared the amalgamate the start new company C Ltd., on the basis of balance sheet on 31.3.2018

Liabilities	A Ltd.,	B Ltd.,	Assets	A Ltd.,	B Ltd.,
Equity Share capital @ Rs.100 each	2,00,000	1,00,000	Freehold Property	1,50,000	75,000
Debentures	1,00,000	65,000	Goodwill	50,000	25,000
Creditors	30,000	10,000	Plant & Machinery	83,000	40,000
Reserve fund	50,000	15,000	Stocks	35,000	20,000
Profit and Loss A/c	20,000	10,000	Bills Receivable	4,500	1,250
			Debtors	27,500	13,000
			Bank	50,000	25,750
	4,00,000	2,00,000		4,00,000	2,00,000

- C Ltd., agreed to take over assets of A and B companies except Bank and Goodwill at 10% less than the book value and pay Rs.75,000 for Goodwill to A Ltd., and Rs.35,000 for B Ltd.,
- The C Ltd., takeover the debentures of A & B Ltd.,

- (iii) The A Ltd., will receive 1,500 equity shares of C Ltd., at the rate of Rs.100 each at a premium of Rs.10 and the B Ltd., will receive 750 equity shares of Rs.100 each at premium of Rs.10 and balance of the purchase consideration settled by cash.
- (iv) The liquidation expenses of A and B companies is Rs.3,000 and 1,500 respectively.

Show the journal entries in the books of A, B and C Ltd., and prepare a balance of the new company.

4. Prepare (with imaginary figures) Revenue Accounts and Profit and Loss Accounts and Balance Sheet of Fire and Marine Departments of a General Insurance Company as per IRDA Act.

PART – B (4 X 5 = 20 Marks)

Answer the following questions:

5. X Ltd., wanted to take over the business of Y Ltd., How can you calculate the value of Business of X Ltd.,? If a concern is purchased for a price which is less than net value, how will you deal with the difference?
6. Star Ltd., which was incorporated on 1.4.2020 wishes to issue shares as follows:
- (a) 10,000 equity shares @ Rs.100 each at par
 - (b) 10,000 equity shares @ Rs.100 each at premium of 10%
 - (c) 10,000 equity shares @ Rs.100 each at discount of 10%

As a legal advisor of the company, give your suggestions according to Companies Act 2013.

7. "Section 55 of the Companies Act, 2013 permits the redemption of the redeemable preference shares without affecting pre-redemption capital of the company" – Discuss.
8. Describe two methods of valuation of shares and discuss which method, in your view, is most appropriate in valuing a minority and majority holding.

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Special Repeat Examinations, January 2021

LAW OF DIRECT TAXATION

Time: 4 Hours

Maximum Marks: 100

PART – A (4 X 20 = 80 Marks)

Answer the following questions:

1. a. Mr Mohanlal is an Associate Professor at Bristol University, India, earning annually a gross sum of Rs.15 Lakhs. His wife, Mrs Vasanthi, is a school teacher, earning Rs. 7 lakh per annum. Their daughter, V. Suchitra, age 15yrs, is also an income-earning member who has her own independent source of income. Suchitra's source of her income is traceable to the property which she had obtained by a will from her maternal grandfather while she was five months old. She receives rental income from such property, which she reinvests and gets income by the way of interest. While assessing the total income of Mohanlal, the Assessing officer includes Suchitra's income in his total annual income. On such accounts, Mohanlal objects, stating that he should be independently assessed, and the tax burden in his hands has become higher due to no fault of his. Decide.

[10 Marks]

- b. XYZ jewellers undertook repairs and fixtures in its shop in the previous year of 2019-20. The building occupied has been on a lease, and considering it being a jewellery shop, high standards of interior decorations were to be maintained. As a result, the expenditure was incurred by XYZ for providing false ceiling, partition work, putting up a sales counter, show walk for jewellery display, electrical work etc. Decide whether the same is deductible from his source of income.

[10 Marks]

2. a. Justice Fazal Ali in *V.V.R.N.M. Subbayya Chettiar v. CIT*, AIR 1951 SC 101 emphasized that in the context of companies, one had to investigate where a company really keeps house and does business or where its central management and control abides. However, Control and Management in India test (C & M), factually speaking, has not turned out to be commonly benefitting in all cases (especially in case of foreign shell companies). Therefore, the government opined that the C & M test had been unable to contain the burgeoning problem of shell companies and consequently, has led to tax avoidance. In defeating the said ordeal, the Parliament proposed the Finance Bill 2015 (w.e.f. April 1, 2017), bringing in an alternative concept of residence for covering both C&M and certain specific situations as noted earlier through the amendment of Section 6(3). Thus, the amendment changed the C & M test to POEM (Place of Effective Management) . Taking in context the amendment made, do you concur with the judgement delivered in the facts noted in *Raja Rani Holdings v. Additional Director of Income Tax* (2007) 110 TTJ Delhi 920. If not, what should be the alternative judgment, if you were to decide the case on the basis of the same given facts applying the concept of POEM. Note: For your information, Shell companies imply as any such inert companies used for financial benefit inclusive of falling out of tax net/payments.

[10 Marks]

- b. (i) Santosh owns a house worth Rs. 25,00,000. In the year 2019 to 2020, the entire house has been rented via a lease agreement letting the house to the lessee for a period of one year. Noting the following values, determine the Gross Annual Value of the property. 1] Actual Rent received = Rs.3,35,000/- 2] Municipal Value = Rs.3,60,000/- 3] Standard Rent = Rs.4,00,000 4] Fair Value = Rs.4,05,000. Cite the relevant section applicable.

[3 Marks]

- (ii) Mr. Ravi, a resident of Kanpur, receives Rs. 4,02,000 per annum as basic salary during the previous year 2018-2019. In addition he gets Rs. 40,200 per annum as a dearness allowance forming part of the basic salary for computation of all retirement benefits, which is 7 percent on the sales made by him. For your information the sale made by Ravi in the said previous year is Rs. 90000. Further, in the same previous year he is provided with a house rent allowance of Rs. 36000 per annum. However, out of the said amount he pays Rs. 31,500 per annum as a house rent. Determine the quantum of house rent exempt from tax.

[7 marks]

3. a. Mr. X is a managing director of a company. As per Article 139 of the Articles of Association of the company, it is provided that notwithstanding anything contained in the articles, the managing director is expressly allowed generally to work for and contract with the company and specifically to do the work of an agent and manager, and also to do other work for the company on such terms and



conditions and on such remuneration as may from time to time be agreed upon between him and the Board of Directors of the company. Article 142 provides that the managing director shall work for the execution of the decisions that may be arrived at by the Board of Directors from time to time and shall be empowered to do all that may be necessary in the execution of the decision of the management of the company and shall do all things usually necessary or desirable in the management of affairs of the company or carrying out its objects. Several clauses of article 140 specifically empowers the Board of Directors to exercise control over the managing director. Under the terms of the tile agreement entered into between the Mr. X and the company, the managing director was appointed for 20 years but he could be removed within that period if he did not discharge his work diligently, or, if he was found not to be acting in the interest of the company.

In light of the facts stated above, decide whether the 'Managing Director' is taxable under the heads of Salary under the Income Tax Act, 1961.

[10 Marks]

- b. What do you understand by "Agricultural Income" under the Income Tax Act, 1961. Discuss whether the following constitutes Agricultural Income:

[10 marks]

- i. Income from the sale of Timber trees from Forest lands.
- ii. Interest received on arrears of rent payable in respect of land used for agricultural purposes.
- iii. Income from breeding of livestock.

4. a. For the purpose of computing total income and charging tax thereon, income from various sources is classified under the following heads (Section 14): Salaries; Income from House Property; Profits and Gains of business or profession; Capital Gains; Income from Other Sources. Realizing such division, the one Mr. Ravi incurred an expenditure of Rs. 98,00,000/- in the Financial year 2019-2020 while purchasing a building in Thillai Nagar, 11th Cross, Tiruchirappalli. The intention behind such capital investment was to open a Supermarket in the given landmark and commercially earn profits therefrom, and while pursuing so, the said building was rented out to Ms. Renuka in return of monthly rental payments. Ms. Renuka, in turn, rented the parts of the building to several others: one for a supermarket, one for a fruit juice stall, fast food corner and Tiffin meals parcel service. On February 1st, 2020, the Income Tax Officer issued the Tax filing returns to Mr. Ravi and the rate of tax chargeable to him was placed according to the Municipal value of the property. Agitated by the value of Tax Payable as notified by the Assessing Officer, Mr. Ravi filed a suit before the Commissioner of Income Tax contending that the actual income from the building is the Supermarket run on it and therefore the charge should be placed on the income generated thereby.

Decide the maintainability of the suit filed referring to relevant provision and case laws.

[10 Marks]

- b. On the death of his father in 2018, Mr. X succeeded to the family ancestral estate. Aftermath the death concerned, Mr. X and his step-mother, Mrs.Y settled and entered into a consensual compromise decree after a suit of maintenance was filed by Mrs. Y against Mr. X, whereby a sum of Rs. 10,000 per month was agreed to be paid to her by Mr. X for her maintenance. This amount was declared as a charge upon the properties in the hands of the Mr. X by the Court on a monthly basis for maintenance towards Mrs. Y's accounts.
- In relation to the total tax liability of Mr. X in the assessment year 2019-2020, the assessing officer notified that the total tax payable is chargeable on the whole income inclusive of the amount of maintenance paid to Mrs. Y. To which, Mr. X claimed a deduction, but the application of the same was dismissed by the Assessing officer. Decide the issue from both the sides taking into consideration the relevant provisions and cases in context.

[10 Marks]

PART – B (4 X 5 = 20 Marks)

Answer the following questions:

5. Explain the amendments in the provisions of the Income Tax Act, 1961 post- *Vodafone International Holding v. Union of India* (2012) 6 SCC 613
 6. What are the factors required to determine the “reasons to believe” in a Best Judgment Assessment by the Assessing Officer?
 7. How do you distinguish between the amount charged as Tax from the amount charged as Fee? Answer the question with relevant case laws.
 8. How do you determine “business connection” of an income which is deemed to accrue or arise in India? Cite relevant cases.
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ADMINISTRATIVE LAW

Time: 4 Hours

Maximum Marks: 100

PART – A (4 X 20 = 80 Marks)

Answer the following questions:

1. *"The COVID-19 pandemic has taken so many lives and caused massive disruption to families, societies and economies all over the world.. "*

- Dr Tedros, WHO DIRECTOR GENERAL- New Year 2021 Speech.

Having the quotation in mind, elucidate on the legal particulars (global governance phenomenon) of the global administrative law.

2. Rijiv, an Engineer was appointed through a Central Government exam at a Hard-station- Assam (where he was unable to contact his family). After serving 2 years of his tenure, he requested his Head Office to transfer him to a peace station (where his family can be contacted frequently). As per the Government's transfer guidelines, Head Office approved his transfer. Whereas, his colleagues filed a petition before the Central Administrative Tribunal challenging his transfer which violated the transfer guidelines (where transfer from a hard to peace station can be made only after serving 8 years of tenure).

As a counsel, advise both the parties in the litigation. Also, examine the constitutional recognition of tribunals.

3. A notification (for farmers) has been issued by the city corporation of a State to buy the fertilizers and agro products from the farmers with a 15% profit rate. A month later, city corp. received more than 100 applications from the farmers. Without explanation, the city corp. rejected all the applications and accepted the application of a corporate firm. Farmers' raised a protest claiming that the corporate never filed an

application before the city corporation. Having said that, answer the following questions:

1. Advise the remedies available to the farmers.
2. Write on the Administrative law concepts which can be related to the above-said problem.
4. *“Political liberty is to be found only when there is no abuse of power. But constant experience shows us that every man invested with power is liable to abuse it. To prevent this abuse, it is necessary from the nature of things that one power should be a check on another. when the legislative and executive powers are united in the same person, or in the same body, there can be no liberty. Again, there is no liberty if the power of judging is not separated from the legislative and executive. There would be an end to everything if the same man, or the same body are to exercise those three powers, that of enacting laws, that of executing public affairs and that of trying crimes or individual causes.”- Montesquieu.*

Having the quotation in mind,

- a. Elaborate the underlying constitutional principle along with Rule of Law and Droit Administratif.

PART – B (4 X 5 = 20 Marks)

Answer the following questions:

2. Laying requirements of a delegated legislation – comment.
 3. Doctrine of Proportionality and Legitimate Expectation.
 4. Write on In Re Delhi Laws Act, 1912, AIR 1951 SC 332 following IRAC method.
 5. Can prevention of corruption and maintenance of integrity amongst Government servants be achieved through Central Vigilance Commission and Right to Information Act?
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, January 2021

ECONOMICS -II

Time: 4 Hours

Maximum Marks: 100

PART – A (4 X 20 = 80 Marks)

Answer the following questions:

1. Do you think the imposition of GST will lead to enhanced tax collection for the Centre and the States? Will it reduce the incidence of taxation on the common people?
2. Distinguish between Wholesale Price Index (WPI) and Producer Price Index (PPI) and explain the way Headline Inflation is measured in India. Also explain the current approach of the Reserve Bank of India (RBI) in maintaining price stability and growth.
3. a. Examine how international agreements under the World Trade Organization have affected Indian agriculture and industry.

b. Calculate Wholesale Price Index (WPI): Assume that the price of a kilogram of wheat in 2010 was Rs.5.75 and in 2020 was Rs. 6.10, The WPI of wheat for the year 2020 is?
(Assume WPI for the base year =100)
4. “Green Revolution in India has improved Indian farming but has failed to address challenges.” Do you agree? Give reasons in support of your answer.

PART – B (4 X 5 = 20 Marks)

Answer the following questions:

5. What is Purchasing Power Parity (PPP) and Market exchange rate? Which one is advantage for the developing countries like India?
 6. How will you explain the paradox of high economic growth and low human development in India in recent times?
 7. What are the flaws in the Public Distribution System (PDS) in India? Do you think Targeted Public Distribution System (TPDS) can remove these flaws? Explain.
 8. What do you understand by diversification of agriculture in India? Critically examine the role of agricultural price policy in this context.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, January 2021

BUSINESS STATISTICS

Time: 4 Hours

Maximum Marks: 100

PART – A (4 X 20= 80 Marks)

Answer ALL the following questions:

1. The following table gives the daily income and expenditure on food of 9 families

Income (Rs.)	1	5	3	2	1	1	7	3
Expenditure (Rs.)	6	1	0	0	1	2	1	5

Obtain Regression equations for these data by least squares

2. A certain drug was administered to 56 people out of a total of 120 included in the sample to test its efficacy against Viral Fever. The results are given below:

	Viral Fever	No viral Fever	Total
Drug	24	32	56
No Drug	52	12	64
Total	76	44	120

On the basis of these data, can be it can be concluded that the drug is effective in preventing Viral Fever? Use Chi- Square Test. [Given that the significant value of Chi square at 5 % level of significance for 1 degree of freedom is 3.84 (Table Value)]

3. The following data represent the number of units of production per day turned out by 3 different workers using 4 different types of machines. Perform a Two – way ANOVA on the data given below:

Workers	Machine Type			
	A	B	C	D
I	36	40	42	38
II	42	40	47	34
III	40	36	41	42

Test whether the 3 men differ with respect to productivity. [Given that the significant value of F at 5 % level of significance for (3,6) degree of freedom is 4.76 and for (2,6) degree of freedom is 5.14 (Table Value)]

4. Explain in detail the various Methods of Sampling.

PART – B (4 X 5= 20 Marks)

Answer ALL the following questions:

5. Calculate Karl Pearsons Coefficient of correlation from the following data and interpret the value:

Advertisement cost (Rs 000)	5	7	3	1	9	12	8	3
Sales (Rs.in Lakhs)	8	9	5	4	9	13	7	9

6. Calculate Standard Deviation by taking 50 as Assumed mean from the following data:

Roll No.	1	2	3	4	5	6	7	8	9	10
Marks	43	48	65	57	31	60	37	48	78	59

7. Distinguish between correlation and regression.

8. Compute (i) Laspeyres (ii) Paasches and (iii) Fishers index numbers from the following data:

Item	2002		2003	
	Price	Quantity	Price	Quantity
A	10	6	15	5
B	12	10	15	10
C	18	5	27	3
D	8	5	12	4

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons) Degree Programme
Special Repeat Examinations, January 2021

POLITICAL SCIENCE – III (INTERNATIONAL RELATIONS)

Time: 4 Hours

Maximum Marks: 100

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 (4 X 20= 80 Marks)

Answer ALL the following questions. Answer to each question should not be less than or more than 500 words:

1. Analyse any two issues/events of international importance that has happened in the last decade of twentieth century or first decade of twenty-first century from systemic, Domestic and individual levels.
2. “It is the principle that, in the relations of states, everyone is his brother’s keeper; It is the proposition that aggressive and unlawful use of force by any nation will be met by the combined force of all other nations”-Inis L. Claude. Explain the statement with a couple of examples.
3. Discuss in brief international system in Post-Cold war era.
4. “SAARC which was set up with a view to promote the economic standards of the South Asian States and the Standard of life of the people in South Asian States has become dysfunctional now and its prospects are dim given the present relations between the prominent members of the association”- Analyse the incidents that have taken place in recent past which have damaged the political relations between India and Pakistan which ultimately have resulted in disfunctioning of SAAR.

PART – B (4 X 5= 20 Marks)

Answer ALL the following questions. Answer to each question should not be less than or more than 200 words:

5. Explain the relevance of ideas pertaining to Realist theory of international relations to contemporary times with few examples.
 6. Make a critical analysis of the present International System from the leftist perspective.
 7. What is your understanding of NIEO? Make a political analysis of the success or failure of NIEO.
 8. Make a critical analysis of the functioning of peace-keeping operations of United Nations Organisation.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, January 2021

COMPETITION LAW

Time: 4 Hours

Maximum Marks: 100

Instructions:

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

PART – A (4 x 20 = 80 marks)

Answer the following questions:

1. Mr. Max is a producer of water bottles in larger parts of India. Critically comment the economics behind competition law that will highly influence the production of water bottle made by Mr. Max under the following situations:
 - a. When the market is in 'Perfect Competition'. Also, Comment about the influence of Dynamic efficiency in the given situation
 - b. When it is a Monopoly market because of Mr. Bax who is another producer of water bottles in the same market and he is in a dominant position.

2. Ms. Jeya and Ms. Viya are two manufacturers of high-quality jute bags and they are the major players in the said market in Kerala. The price range of both of their products starts at Rs. 600/ per bag to Rs. 800/ per bag. Ms. Jeya had ideas to increase the price of the Jute bag to a range of Rs. 1500/ per bag and discussed the same with Ms. Viya for her opinion on the same. Ms. Viya accepted the idea of increasing the price of the bag, however wished to keep the price range from Rs. 800/ per bag to Rs. 1000/ per bag.
 - a. Does the behavior of the manufacturers fall under the ambit of Competition Act, 2002? If so, explain in detail.
 - b. Comment on the difference in the opinion of Ms. Jeya and Ms. Viya on increasing the price. Does increasing the price marginally than to increase at larger rate save them from the provisions of Competition Act in India?

3. Critically comment about the requisite of pre-notification about the Merger and Amalgamation of enterprises to the CCI in India, with reference to the Competition Act, 2002. Does all the M & A required to be pre-notified? In your opinion, Comment on the rationale behind the requirement of permission from CCI for the purpose of combinations? How does that procedure influence the market in India?
4. *Kate* is an online search engine. The Director General, upon the investigation concluded that *Kate* abused the dominant position in the relevant market of 'Online Search Advertising in India'. On this regard, there were binding directives given by the DG seeking relevant information and documents. *Based on the above situation, comment your opinion.*
 - a. *Kate* failed to abide by the directives of DG. Comment on the consequences of the same.
 - b. Can CCI impose fine for the failure by *Kate* to follow the directives of DG?
 - c. How does the competition in the market get affected when *Kate* abuses the dominant position in in the relevant market of 'Online Search Advertising in India'.

PART – A (4 x 5 = 20 marks)

Answer the following questions:

5. Critically compare the evolution of competition Law in UK with India.
 6. Explain the major drawbacks of MRTP Act, 1969 and state whether it is rectified through the enforcement of Competition Act, 2002.
 7. Critically comment on the rationale behind the Intellectual Property Rights exemptions in Competition Act, 2002.
 8. Explain *in your opinion* about the impact of LPG Reform, 1991 on the Completion Law 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
Special Repeat Examinations, January 2021

CORPORATE LAWS -II

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 marks)

Answer the following Questions:

1. Critically analyze the legal position of directors and their rights and liabilities towards various stakeholders of a Company under the Indian Corporate Laws.
2. Enumerate and explain the process involved in Mergers under the Indian Companies Act and differentiate it from amalgamation.
3. Write a commentary on the below mentioned topics.
 - a. Independent directors and their independency in India.
 - b. Rotation of auditors under the Companies Act 2013 and its impact.
4. Trace the evolution of insider trading regulations in India and critique the potential defenses available against insider trading regulations.

PART – B (4 x 5 = 20 marks)

Answer the following Questions:

5. Are hybrid instruments considered as securities for the purposes of Indian Companies Act? Explain.
6. Is the rule laid down *Foss V. Harbottle* dead in India? Argue.
7. Differentiate Public offer and Private Placement.
8. Compare and contrast: Liquidation of a Company, Winding up of a Company and Dissolution of the Company.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.A. LL.B. (Hons.) and B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, January 2021

CLINICAL III (PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM)

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 marks)

Answer the following Questions:

1. Critically examine the salient features of the Advocates Act, 1961 that are instrumental in regulating the conduct of advocates.
2. Elaborate on the best practices in a lawyer client relationship with special reference to the Bar Council of India Rules.
3. Considering the drastic surge in contempt of court cases in India in the recent past, it has been felt by many that the existing legislation is misused and/or needs major amendments. Discuss with examples.
4. Lexi Labs is a pharmaceutical company that is well-known for their blood pressure regulating drug "Pressidurool". On 1st December 2020, Lexi Labs received a merger and acquisition proposal from pharma-giant Glizer, and approached you for advice. You agreed to represent them in the deal and started working. While getting their documentation in order, you found a confidential R&D memorandum containing survey results that stated about 10% of the patients who were prescribed Pressidurool developed pre-cancerous tumours that have a 95% chance of developing into cancer within three years. You have a family history of high blood pressure and one of your close friends is battling cancer at the moment. What action do you take, if any, and why?

PART – B (4 x 5 = 20 marks)

Answer the following Questions:

5. Examine the main changes that were brought in the legal profession in post independence India.
 6. What are the existing guidelines on management of client money by a legal professional? Is there any sanction for non-compliance of these guidelines?
 7. Analyse the ideal structure and content of an initial client interview. Is it necessary that legal advice is given in the first interview itself?
 8. Evaluate the relevance of seven lamps of advocacy in today's world.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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CORPORATE FINANCE LAW

Time: 4 Hours

Maximum Marks: 100

PART – A (4 X 20 = 80 Marks)

Answer the following questions:

1. Write a summary of facts of *Etiihad Airways PJSC v. Prof. Dr. Lucas Flöther*, [2019] EWHC 3107 (Comm). Assume that you are part of a team advising Air Berlin Group in the matter. Write a brief to present a pre-contractual claim in *culpa in contrahendo* relating to the comfort letter issued by Ethihad before an appropriate appeal court.
2. Irrigation Support Pvt. Ltd. (ISL) has decided to go for an IPO. As on date, the founders have invested a sum of 20 crores in the venture. ISL intends to raise a sum of 100 crores through the IPO. Advise on the quantum of investment, if any, required from the founders in the IPO in order to issue shares to public.
3. Write a case comment on *DLF Limited v. SEBI*, Appeal No. 331 of 2014, Date of decision: 13.03.2015, Securities Appellate Tribunal, Mumbai. Is the issuer company bound to provide information outside the ambit of disclosures under the SEBI (ICDR) Regulations demanded by a prospective investor?
4. Trichy Tex Cotton Ltd. (TTCL) is in need of about 5 crores of funding for maintaining cash flow during the Covid19 pandemic. It has approached banks to avail advance in this regard. Banks are interested to finance TTCL only against collaterals. TTCL has machinery worth INR 2 crores. Raw materials worth INR 70 lakhs. Finished goods including readymade garments, medical textiles etc. worth INR 2 crores. Due to Covid19 the sales was dull during the last 1 year. However, situation is

improving now. Infusion of additional finance of INR 5 crores is crucial to meet out the increasing demand of medical textiles. You are required to advise TTCL for structuring this transaction and to create appropriate type(s) of charge(s).

PART – B (4 X 5= 20 Marks)

5. Write short note on the following:

- a. Significance of record date in case of rights issue.
- b. FCCBs were issued by Incorp Ltd., a company registered in India, to Gymtrans Co. Ltd. (GCL), a person not resident in India at the time of such issue. GCL is a subsidiary of a company incorporated in Bangladesh. But GCL is not registered or incorporated in Bangladesh. Is the issue FCCBs valid?
- c. Listing on SME Board.
- d. Nice Trichy Ltd (NTL) applied to National Stock Exchange and Cochin Stock Exchange. One exchange gave the approval. One did not give the approval. NTL wishes to complete the issue at the earliest. It seeks your advice on the steps needs to be taken for continuing the allotment of securities.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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CLINICAL II (DRAFTING, PLEADING AND CONVEYANCE)

Time: 3 Hours

Maximum Marks: 50

PART – A (5 x 10 = 50 Marks)

Answer the following Questions:

1. Mr. Leonidas, aged 65 years old wishes to bequeath his 15 acres of land situated at Trichy to his daughter Ms. Adala and his house situated at Chennai to his wife Ms. Caly. Draft a will for the same.
2. Mr. Bright owns a villa house at ECR, Chennai. Mr. Caliope, a businessman at Chennai desires to purchase the Villa house constructed in ECR, Chennai, from Mr. Bright at a cost of INR 2 Crore. The villa has an extent of 5200 square feet and constructed area being 2600 square feet. Mr. Caliope has also paid an advance of INR 50 lakhs and agreeing to pay the balance in 3 equal monthly instalments and Mr. Bright has also agreed. The property bears Plot No.15 and Door No 3. Mr. Caliope approaches you and requests you to render professional help to draw up an Agreement to Sell. Render help to Mr. Caliope.
3. Mr. Aari is a manufacturer of candies. During the course of his business, he placed an order for candy wrappers to M/s. Jebin Polymers and paid an advance of Rs. 25,000. However, M/s. Jebin Polymers failed to deliver the same within the time promised. Therefore Mr. Aari cancelled the order placed and requested for a refund of the advance amount paid. M/s. Jebin Polymers issued a cheque for the same and while Mr. Aari tried to encash it, the cheque was dishonoured due to insufficient balance. Mr. Aari tried contacting Mr. Jebin and eventually sent a legal notice to M/s. Jebin Polymers, but all in vain. Mr. Aari approaches you to file a suit against M/s. Jebin Polymers. Draft a Complaint for the same.

4. Ms. Penelope has filed a suit against Mr. Brad for recovery of a debt amount of Rs. 5,00,000/-. Help Ms. Penelope draft a written statement.
 5. Mr. Tom wishes to mortgage his house at Coimbatore by way of a simple mortgage to Mr. Jerry for a sum of Rs. 1,00,000/- at the rate of 12% per annum for a period of 2 years. Help Tom in drafting a deed of simple mortgage.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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Special Repeat Examinations, January 2021

CONSTITUTIONAL LAW -II

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 marks)

Answer the following questions:

1. The newly elected government of Indiana is unhappy with the Indiana Land Acquisition Act, 2011. Not wanting to wait for the Parliament to convene, the government, through the President promulgates the Compensation for Land Acquisition Ordinance, 2021. Through a set of devices, the Ordinance is re-promulgated several times over the next 6 years. Is this exercise of the ordinance making power valid? Why?
2. What is the Anti-Defection Law in the Tenth Schedule of the Constitution? Please answer with reference to its origin, purpose and constitutionality. In this context, please decide if the following actions will count as defection or not:
 - a. X was elected on a Janta Dora Party (JDP) ticket. He switched to the Indiana Democracy Movement Party (IDMP) and then back to JDP on the same day.
 - b. 10 out of 20 legislators from the JDP 'merge' with the IDMP.
3. Explain why the National Judicial Appointments Commission Act, 2014 was struck down as unconstitutional by the Supreme Court. In this context please answer the following:
 - a. The difference between consultation and concurrence
 - b. Primacy of the judiciary
 - c. Independence of the Judiciary and the Basic Structure Doctrine.

4. The Indian Democratic Party (IDP) is the party at the Central Government and most of the State Governments are also led by the IDP. Mr. Sen, a low-income farmer and party worker for IDP was convicted for a life term for killing his neighbour during a heated fight over a land dispute. When considering whether to pardon Mr. Sen, the President notes that Sen has been a good party worker for the IDP for many years. Accordingly, the President pardons Sen. Is this use of the pardoning power legitimate? If not, to what extent can the judiciary go into reviewing the decision of the President?

PART – B (4 x 5 = 20 marks)

Critically evaluate the relationship between the following:

1. Compensatory Taxes and Article 301
 2. Separation of Powers and Judicial Review of Proclamation of Emergency
 3. Pith and Substance and Colourable Legislation
 4. Residuary Power of the Parliament and Federalism
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
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ELECTION LAW

Time: 4 Hours

Maximum Marks: 100

Instructions

- a. No clarification can be sought during examination. Answer as it is.
- b. Please write legibly.
- c. All the questions should be answered by quoting relevant legislative provisions and at least three relevant judicial precedents. The problem based questions should be preferably answered in the *IRAC Method*.
- d. You are strictly directed to follow the Question Number as given in the Question Paper.

PART – A (4 x 20 = 80 marks)

Answer the following questions:

1. Shahjahanabad is one of the States in the Indian Union. In 2019, when the All India Peoples Party (AIPP) came to power in the State of Shahjahanabad, it appointed its 20 Member of Legislative Assemblies (MLAs) as Parliamentary Secretaries (PS). The Opposition Parties (OP) called for disqualification of these MLAs by the Governor of Shahjahanabad under Article 191 of the Indian Constitution on the ground that holding the post of PS is akin to holding an office of profit. When the Governor sought for the opinion of the Election Commission of India (ECI) under Article 192 of the Constitution, the ECI opined that the 20 MLAs have incurred disqualification by holding the post of PS.

When the matter was pending consideration before the Governor, the APP Government passed the *Shahjahanabad Member of Legislative Assembly (Removal of Disqualification) Amendment Act, 2019* ('Removal of Disqualification Act, 2019') to exclude Parliamentary Secretaries from the ambit of office of profit. The Opposition Parties have now approached the High Court of Shahjahanabad to disqualify the 20 MLAs for holding office of profit by challenging the constitutionality of the Removal of Disqualification Act, 2019. Decide.

2. The post of the third Election Commissioner (EC) in the Election Commission of India (ECI) was lying vacant which was usually and customarily held by officers from the Indian Administrative Service (IAS) cadres. Ms. Beepa was a retired bureaucrat

belonging to the Indian Economic Service (IES) cadre. She had obtained her LL.B. degree from the prestigious National School of Law, Truchy (NSLT). In 2020, she was appointed to the vacant post of the third Election Commissioner by the President of India. Subsequently, she was elevated to the post of the Chief Election Commissioner (CEC) of India and she presided over the General Elections of 2021 which was held to constitute the Lok Sabha.

After the general elections, Ms. Lema, an unsuccessful candidate belonging to the Truchi constituency challenged the successful election of Ms. Thas by way of an Election Petition (EP) before the High Court of Madras. In her EP, the Petitioner Ms. Lema alleged, *inter alia*, that Ms. Beepa who was functioning as the CEC for the 2021 General Elections was not qualified to be appointed as the CEC and therefore, the entire elections held throughout India including the election of the Respondent Ms. Thas from Truchi constituency were void.

It is the Petitioner's argument that since the CEC could not be removed from his office, except in like manner and on the like grounds as a Supreme Court Judge as provided by Article 324 of the Indian Constitution of India, no person who was not eligible to be appointed as a Judge of the Supreme Court could be appointed as the CEC. Accordingly, the Petitioner contends that as Ms. Beepa was not qualified enough to be appointed as a Supreme Court Judge, she could not be appointed as the CEC. Decide the EP filed by Ms. Lema by explaining the judgements and relevant provisions from the Indian Constitution and other allied laws relating to the appointment of CEC to the ECI.

3. Consider the following hypothetical case study with respect to the Republic of Kratos in order to answer the questions given below (The laws and policies applicable to the Republic of Kratos are *in pari materia* to the laws and policies of India).

Kratos's single-member constituencies have traditionally varied dramatically in population. Constituency populations for the 1997 elections ranged from as few as 3,635 people to as many as 301,558 people (with most constituency populations well above or below the population quota of 102,271). This configuration of constituencies systematically over-represented residents of the most sparsely populated areas (the Sind Valley and Northern, Eastern, and Southern Kratos) and under-represented the residents of Ludas Town as well as other more densely populated areas (Western and Central Kratos).

This kind of malapportionment was not a source of controversy, however, until the era of the one-party state (1969-1991) came to an end. With the reintroduction of multi-party politics in 1992, it became evident that this system of unequal representation favoured the regions that supported the then-ruling party, TLU SU, and discriminated against the regions that supported the opposition parties. In fact, in the 1997 elections, TLU SU won a narrow majority of 107 of the 210 seats in the

National Assembly with only 43% of the vote, in large part because the enormous disparity in constituency populations worked to favour the party. TLU SU's defeat in the Parliamentary Election of 2002 was quite remarkable given the discrepancy in constituency size in favour of their interests. TLU SU, in fact, had a 20% advantage in the parliamentary election overall.

- 3.1. What according to you is the main issue in the above case study which is not conducive to the principle of democracy? Write a solution to it explaining the concept of delimitation?
 - 3.2. When and what kind of delimitation policy amounts to constitutional fraud and constitutes a threat to the democratic framework of the State?
 - 3.3. Give your views on whether or not the Republic of Kratos should continue adherence to the current delimitation policy?
4. Mr. Gundappa is the Chief Minister (CM) of the State of Dravinataka. His party has 159 MLA's strength in 294 members State Assembly. The combined opposition strength is 135. One year after assuming office, dissidence developed in ruling party MLA's, as the Chief Minister could not satisfy some of the MLA's who are aspiring for Minister posts. Mr. Rahul Grover, one of the dissident MLA's always criticized the Chief Minister and his Government. He publicly supported the opposition leader and used to attend opposition party leader's meetings and functions. CM Gundappa wrote a letter to Speaker of the House to disqualify Rahul Grover on the inference that his conduct amounts to voluntarily giving up the membership of the political party to which he belongs.

Ms. Beepaka Singh, another dissident MLA wrote a letter requesting the Governor to call on the Leader of the Opposition Party to form the Government. In return, CM Gundappa wrote a letter to the Speaker to disqualify Ms. Beepaka also. Meanwhile, Mr. Bala Sankar, an independent MLA switched his support to the opposition from the ruling party. 16 other dissident ruling party MLA's also decided to withdraw their support to the CM. Hence, CM Gundappa wrote a letter to Speaker to disqualify them ahead of the trust vote. The Speaker went ahead and disqualified all the 19 MLA's (16 rebel MLA's + Mr. Rahul Grover, Ms. Beepaka Singh and Mr. Bala Sankar) under the provisions of the anti-defection law as envisaged in the Tenth Schedule of the Indian Constitution.

The 19 disqualified MLA's have now approached the High Court of Dravinataka on the ground that they have a fundamental right to switch political affiliations and their disqualification order is a gross misuse of the anti-defection law by the Speaker. However, the Speaker argues that his decision is final and is not subject to any judicial scrutiny. Decide.

Mr. A is an agriculturalist cultivating *nanja* land of about 1 acre belonging to Mr.B. After the termination of Mr. A's service, Mr. A applied before the authority for granting of *kudiyiruppu patta* for the 10 cents in question. Mr.B contested the application stating that Mr. A was inducted into the possession of the premises as a driver and no agreement between them in this regard. Further, Mr B contended that the site and superstructure would be an impediment with regard to the countenancing the claim of Mr.A for *kudiyiruppu patta*. Rejecting this contention, the authority granted *kudiyiruppu patta* in respect of 10 cents. Aggrieved by the decision Mr. B preferred an appeal before the appellate authority who reverted the order. Challenging the reversal order Mr.A preferred the appeal before the High Court on the ground that site and superstructure would not be an impediment with regard to the countenancing the claim of Mr.A for *kudiyiruppu patta*. Critically examine.

4. Mr. Raju is an agriculturalist and Mrs. Rohini is a landlord. The former entered into a lease agreement with the later, for 20 years, for cultivating the land measuring 10 acres and the monthly rent is fixed as Rs. 10,000. The land is usually giving 3 pogram (three times yield of corn). Mr. Raju was regularly paying the annual rent to Mrs. Rohini. But due to sudden monsoon failure and COVID-19 pandemic, Mr. Ranu was unable to cultivate the land and consequently failed to pay the rent for 12 months. Hence, Mrs. Rohini applied, before the authority, for eviction of the tenant Mr. Raju on the ground of violation of Section 3 of the Tamil Nadu Cultivating Tenants Protection Act, 1955. The authority has ordered the eviction of Mr. Raju. Examine the following
- (i) Whether the order passed by the authority is sustainable? Give cogent reasons citing relevant provisions under the Act, 1955 and refer relevant case laws in this regard.
 - (ii) Would it make any difference if the lease agreement is termed as usufructuary mortgage between Mr. Raju and Mrs. Rohini?
 - (iii) Also, analyse in case, if Mr. Raju dies, would his legal representative be entitled to the protection of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Act, 1955).

PART – B (4 x 5 = 20 marks)

Answer the following questions:

5. The Tamil Nadu government issued a notification calling for the preparation of the record of tenancy rights of Village X. Based on the notification, Mr. A applied before the record-officer for registration of his name as the tenant in Survey No. 98/1A of the Village X and the draft record was published in the official gazette. As soon as the draft record is published, Mr. B within the stipulated period moved an application for rectification in the draft record on the ground that Mr. A is not a cultivating tenant of the said Survey number and he himself is the land owner and personally cultivating

the land in question. During the pendency of the application, Mr. B also filed another petition before the Civil Court praying for a declaration that he is the cultivating tenant. Mr. A contented the petition on the ground of want of jurisdiction. Analyse and decide the relevant provisions of the Act with cogent reasons, and the relevant judicial decisions in this regard.

6. Mr. X is a landlord and Mr. Y is a tenant entered in a tenancy agreement whereby Mr. Y agreed to pay a fair rent for the landlord for cultivating his land measured 5 acres. The fair rent is fixed as thirty per cent of the normal gross produce or its value in money. In one occasion, due to the adverse seasonal conditions, the tenant was unable to cultivate and pay the rent to the landlord and the landlord is asking the fair rent from the tenant. Examine
 - (i) Whether the landlord is entitled to the rent for the period of cultivation of land due to irregular irrigation?
 - (ii) Whether the fair rent fixed in these facts are in accordance with the law? If not, discuss the remedy available to Mr. Y?
 - (iii) (iii) What are the yardsticks to be taken into consideration for determining the normal gross produce?

7. Mr. Kannan purchased an undivided 100/125 shares from M/S Roja constructions and constructed 10 flats. The balance 25 undivided shares are not sold to anyone. All the 10 flats were handed over to the respective owners. As per the plan approved the entire flats were to be supported by a-pillars and the interface between the pillars was to be used as car parking or garage. After the flats were handed over, the owners of the flats converted the car parking into 10 shops in violation of the sanctioned plan. Now, the owners of the flats applied for the regularisation of the deviation. But, the authority rejected the application. Examine the validity of the order passes by the authority by referring to the relevant provisions under the Tamil Nadu Apartment Ownership Act, 1994.

8. *“Land tenurial system in India has a significant history, right from the days of Vedas and during the Vedic period, the land was considered to be the common property of village communities. In course of time, the land system underwent many changes” –* Elucidate the statement in the light of the land administration system in State of Tamil Nadu.

Name :

Register No.:

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
B.Com. LL.B. (Hons.) Degree Programme
Special Repeat Examinations, January 2021

FINANCIAL MANAGEMENT AND PRACTICAL AUDITING

Time: 4 Hours

Maximum Marks: 100

PART – A (4 x 20 = 80 marks)

Answer the following Questions:

1. Strong Steels Ltd. is considering two mutually exclusive projects. Both require an initial cash outlay of Rs.10, 000 each and have a life of five years. The company's required rate of return is 10% and pays tax at a 50%. The projects will be depreciated on a straight line basis. The profit before depreciation and Tax expected to be generated by the projects are as follow:

Year	1	2	3	4	5
Project I	Rs.4,000	Rs.4,000	Rs.4,000	Rs.4,000	Rs.4,000
Project II	Rs.6,000	Rs.3,000	Rs.2,000	Rs.5,000	Rs.5,000

You are required to calculate:

- The Payback of each project
- The Net Present value for each Project
- The Internal rate of returns for each project

Which project should be accepted and why?

2. A company has prepared its annual budget, relevant details of which are reproduced below
- Sales ` 46.80 lakhs : 78,000 units 25% cash sales and balance on credit
 - Raw material cost : 60% of sales value
 - Labour cost : ` 6 per unit

- d) Variable overheads : ` 1 per unit
- e) Fixed overheads : ` 5 lakhs (including ` 1,10,000 as depreciation)
- f) Budgeted stock levels:
 - Raw materials: 3 weeks
 - Work-in-progress : 1 week (Material 100%, Labour & overheads 50%)
 - Finished goods : 2 weeks
- g) Debtors are allowed credit for 4 weeks.
- h) Creditors allow 4 weeks credit.
- i) Wages are paid bi-weekly, i.e. by the 3rd week and by the 5th week for the 1st & 2nd weeks and the 3rd & 4th weeks respectively.
- j) Lag in payment of overheads : 2 weeks
- k) Cash-in-hand required : ` 50,000

Prepare the Working Capital for a year for the company, making whatever assumptions that you may find necessary.

3. As a financial analyst of a manufacturing company, you are required to determine the **weighted average cost of capital** of the company. The following information is available for your perusal:

The company's present book value capital structure is:

Debenture (Rs.100 per debenture) Rs.8,00,000
 Preference shares (Rs.100 per share) Rs.2,00,000
 Equity shares (Rs.10 per share) Rs.10,00,000

All these securities are traded in the capital markets, recent prices are;

Debentures Rs.110 per debenture
 Preference shares Rs.120 per share
 Equity shares Rs.22 per share

Other information:

- (i) Rs. 100 per debentures redeemable at par; 10 year-maturity, rate of Interest is 13%, 4% floatation costs, sale price Rs.100
- (ii) Rs.100 preference share redeemable at par; 10 year-maturity, 14% dividend rate, 5% floatation costs, sale price Rs.100
- (iii) Equity shares: Rs.2 per share floatation costs, sale price = Rs.22.

In addition, the dividend expected on the equity share at the end of the year is Rs.2 per share; the anticipated growth rate in dividends is 7% and the firm has

the practice of paying all its earnings in the form of dividends. The corporate tax rate is 50%.

4. You are appointed as a statutory auditors of a joint stock company, How can you prepare Audit programme and How will you verify and value the assets and liabilities of the company?

PART – B (4 x 5 = 20 marks)

Answer the following Questions:

5. "The financial Manager should take into consideration the time value of money in order to take correct financial decisions" Elucidate.
 6. Give a critical appraisal of the traditional approach and the Modigliani-Millar approach to the problems of capital structure.
 7. Between available sources of funds, which is profitable for raising additional long-term capital for a manufacturing company and why?
 8. On the formation of a new business, what are the considerations will you take into account in estimating the amount of working capital needed?
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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
Special Repeat Examinations, January 2021

INTELLECTUAL PROPERTY LAW

Time: 4 Hours

Maximum Marks: 100

General Instructions:

- Provide relevant and cogent answers to all questions.
 - Quote relevant legislative provisions and judicial precedents where ever necessary.
 - The problem-based questions should be preferably answered in the IRAC method.
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PART – A (4 x 20 = 80 marks)

Answer ALL THE QUESTIONS in not less than 1000 words:

1. Critically comment on the existing TRIPS flexibilities on access to affordable medicines under the Indian Patent Act, 1970. Do you think a temporary waiver of global intellectual property obligations under the TRIPS Agreement is necessary despite having flexibilities? Why?
2. Determine the patent eligibility of the following inventions under the Indian Patent Act; 1970, and provide reasons there for.
 - a. A method of performing non-invasive heart surgery using a laser.
 - b. A computer program for printing documents using the printer.
 - c. A method of increasing yield by maintaining moisture levels in the soil.
 - d. A method for treatment of hair loss with a new combination of natural ingredients.
 - e. A genetically modified human gene.
 - f. A new business method using software and the internet for all financial transactions.
 - g. An advanced semiconductor integrated circuit for a computer.
 - h. A plant discovered in the Himalayas that cures cancer.
 - i. A method of implanting hair to a human being.
 - j. A robotic bee that identifies crops and pollinates the same as real bees.

(Each sub-question carries 2 marks)

3. A course teacher shared a scanned copy of a course pack and an entire textbook prescribed in the syllabus to the students of his online classroom for educational purposes. The course pack is a compilation of scanned pages from various textbooks that are covered under the copyright. One of the students uploaded the entire course material including the course pack and textbook on a website and make it available for 'free download'. The entire course material was downloaded more than 2 lakh times by many people from different parts of the world over the internet within a short period. Aggrieved by the above, 'Dollar & Pounds' an international publishing company that owns the copyright over the uploaded textbook and other textbooks of the course pack seek your legal opinion on filing an infringement suit against the University, teacher, and the student for violation of its copyright. **Advice.**
4. Imagine you are a 'Trade Mark Examiner' employed by the Indian Trade Marks Registry. You have received the following applications to register trademarks. Examine the applications and set out the grounds for any objections you may have to the registration of the proposed marks.
- TM Application 1: The colour BLUE, for a telecommunications company
 - TM Application 2: The smell of FRESHLY CUT GRASS emanating from tennis balls
 - TM Application 3: The sound of human snoring during sleep for a mattress.
 - TM Application 4: The name 'Superstar', by a new actor in the film industry.
 - TM Application 5: A casual slip-on style of shoes as a trade dress by a shoe manufacturing company.

(Each sub-question carries 4 marks)

PART – B (4 x 5 = 20 Marks)

Answer ALL THE QUESTIONS in not less than 350 words:

5. 'Roshan' produced and directed a film named "Colours" with 'Kangana Mitra' as a female lead. During the editing, Kangana was portrayed differently from what has been narrated to her during the shooting. When questioned by her, the producer replied that "once been paid, the producer is the owner of the performance". Aggrieved by the act of Roshan, Kangana seek your legal opinion. **Advise.**
6. The 'Nilgiris Tea Trade Association' (hereinafter Tea Association) has registered the name 'Nilgiris TEA' as a geographical indication as well as certification trademark, under the respective Acts, in connection with "tea". The Tea Association sued the 'Sunstar', a leading Chennai hotel, for naming its executive lounge as "Nilgiris Lounge" which offers a variety of drinks including tea to its customers. It claims that the use of "Nilgiris" in the name of the exclusive lounge is an infringement and passing off of the claimant's registration of a geographical indication and the certification mark and also a dilution of the "Nilgiris" brand. It is to be noted that 'Sunstar' had registered the mark "Nilgiris Lounge" in respect of hotel business

whereas 'Tea Association' registered the mark 'Nilgiris TEA' for certification of tea as grown in 'Nilgiris' under the Trademarks Act, 1999 in addition to the registration under Geographical Indications of Goods (Registration and Protection) Act, 1999. The Tea Association is neither a trader of tea nor it is in the service of rendering hospitality. **Decide.**

7. 'Padmavati' and 'Jodha' are the top two leading boutique apparel designer brands in India. Both companies design attractive contemporary ethnic wear – creative fusion fashion. 'Padmavati' alleges that 'Jodha' copies their designs with the help of its former employees who are at present work under 'Jodha'. 'Padmavati' claimed to be the first owner of the copyright in the artistic works related to these garments and also claimed trade secret violation by its ex-employees. However, Padmavati's designs were not registered under the Designs Act, 2000 and it had been sold over thousands due to their popularity in the market. 'Padmavati' intends to restrict 'Jodha' from reproducing, printing, publishing, selling, or offering its prints or garments and seek your legal opinion in this regard. **Advice.**
8. Compare and contrast the 'Protection of Plant Varieties and Farmers' Right Act, 2001' and 'Draft Seeds Bill, 2019' from the perspective of farmer's rights.

