TAMILNADU NATIONAL LAW UNIVERSITY

QUESTION PAPERS

PG Programme

END SEMESTER (EVEN-SEMESTER) EXAMINATIONS, APRIL-2025

FACULTY-IN-CHARGE OF EXAMINATIONS
TAMIL NADU NATIONAL LAW UNIVERSITY
TIRUCHIRAPPALLI - 620 027.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
End Semester (Even-Semester) Examinations, April 2025 /
Repeat (Even-Semester) Examinations, April 2025

LAWS OF SECURITIES (SECONDARY MARKET REGULATIONS)

Time: 2 ½ Hours **Maximum Marks: 50**

Instructions:

a. Write legibly. Fill up the answer book with relevant and cogent answers.
b. All the questions should be answered by quoting at least three relevant judicial precedents and/or illustrations.
c. The questions may be preferably answered in the *Issues-Research-Analysis-Conclusion* (*IRAC*) method by quoting relevant legal provisions, precedents and examples.
d. You are strictly directed to follow the Question Number as given in the Question Paper.
e. Bare Acts are not allowed; Electronic gadgets are prohibited.

PART - A (5 x 8 = 40 Marks)

Answer any FIVE of the following questions in not exceeding 800 words each.

1. Analyse whether '*cryptocurrencies*' will fit into the definition of '*securities*' in India by interpreting the phrase '*other marketable securities of a like nature*' enshrined under the *Securities Contract Regulation Act (SCRA), 1956.*

2. "*The Securities and Exchange Board of India (SEBI) functions like a 'Mini State', as the Parliament has clothed the securities market regulator with wide powers and functions so as to protect the interest of investors and to regulate all kinds of disputes arising within the stock market.*" Do you agree with this statement that there is a lack of '*separation of powers*' in the regulatory architecture of SEBI? Explain in detail about the quasi legislative powers of SEBI by listing down the relevant provisions from the *SEBI Act, 1992* and the *SCRA Act, 1956.*

3. List down the essential elements of '*self-trades*' in accordance with the *SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities*

Market) Regulations, 2003. Whether '*intention*' and '*impact*' are *sine qua non* factors in self-trading cases under PFUTP proceedings?

4. An appeal was filed before the *Securities Appellate Tribunal* at Mumbai by a transnational auditing firm '*Asian Chartered Accountants (ACA)*' challenging a '*show cause notice (SCN)*' issued to them by SEBI. This pertains to ACA's audit of an Indian entity called 'M/s. *Sundaram Laptops Services Limited (Sundaram Ltd.)*' and their alleged failure to detect financial wrongdoing within the company of substantial magnitude that in turn resulted in massive losses to the various stakeholders of Sundaram Ltd. The financial wrongdoing which was publicly known as the '*Sundaram Scam*' included overstatement of cash and bank balances, non-existent accrued interest, overstated debtor position et.al.

   SEBI's SCN sought to initiate action against ACA who have been entrusted with various statutory duties under the securities and company laws of India. SEBI was of the considered opinion that ACA had violated its fiduciary obligations owed towards the shareholders and other stakeholders of Sundaram Ltd. However, ACA contends that SEBI lacks the jurisdiction to impose liabilities and penalties upon third party fiduciaries, such as Chartered Accountants. ACA further contends that its alleged failure to detect the Sundaram Scam can at best be considered as omissions and the same can be adequately investigated by the *Institute of Chartered Accountants of India (ICAI)*. Decide.

5. Define '*collective investment schemes (CIS)*'. Whether '*multi-level marketing schemes*' are covered under the regulatory framework contained in the *SEBI (CIS) Regulations, 1999*?

6. Mr. ABC was a young assessment intern in the real estate team of *TNLS & Partners*, a boutique law firm based in Trichy. The *Mergers and Acquisition (M&A)* partners of TNLS represented *Metropolitan Corporation (MC)* in its potential tender offer for the common stock of M/s. *Ashirvad Company Limited (ACL)*. The possibility of the tender offer was confidential and non-public, until the offer was formally made by MC. Even though ABC was not directly involved in the transaction between TNLS and its client MC, he learned about the possible tender by overhearing a discussion at a late night dinner party with other young associates and interns of the firm, who were involved in the MC-ACL transaction. During the time when the potential tender offer was still secretive and sensitive, ABC used the information he received through his assessment internship to purchase certain stocks in ACL. After the information of the tender became public, ACL stocks skyrocketed and ABC sold his shares, making a significant profit. In light of this factual matrix, critically analyse whether an intern like ABC can be charged as an '*insider*' for violation of

Insider Trading laws in India by applying the '*Misappropriation Theory*' of Insider Trading.

7. Critically comment on the following statement about the working of *Credit Rating Agencies (CRA)* system in India, whether it is 'correct' or 'incorrect' or 'partially correct'. Substantiate your answer with cogent reasons by quoting relevant legal provisions and precedents:

   "*SEBI CRA Regulations, 1999* provides for both '*Issuer Pays*' and '*Investor Pays*' model of CRAs in India."

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. "*Disgorgement without Restitution does not serve any purpose.*"

9. Legality and Effect of SEBI's Administrative Warning Letters.

10. After the enactment of the *Depositories Act, 1996* what relation does an Investor hold vis-à-vis Depository and Depository Participant?

11. Front Running of Securities by Non-Intermediaries.

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
End Semester (Even-Semester) Examinations, April 2025 / Repeat (Even-Semester) Examinations, April 2025
LAW RELATING TO WATER

Time: 2 ½ Hours **Maximum Marks: 50**

PART - A (5 x 8 = 40 Marks)

Answer any FIVE of the following questions in not exceeding 800 words each.

1. "*Constitution of India not only allows the Central government to resolve inter-state river water disputes but also permits the legislature of the Parliament to enact laws on water governance in the state subject for the realisation of national interest in India*". Do you agree? Critically examine the statement referring constitutional provisions, the elements of the federalism and the legislature measures adopted by the Parliament on water governance in India.

2. Define Water Pollution. Critically evaluate the effectiveness of the authorities of the Tamil Nadu Pollution Control Board for the realisation of the Prevention and Control of Water Pollution under Chapter V of the Water (Prevention and Control of Pollution) Act, 1974.

3. State and mention the objectives and adjudication of water disputes under the Inter-State River Water Disputes Act, 1956. Critically evaluate the tremendous achievement thanking the Supreme Court of Ind India for its order on the longstanding inter-state water dispute over sharing Cauvery water measures adopted by the government of Tamil Nadu.

4. "*By the law of nature these things are common to mankind - the air, running water, the sea and consequently the shores of the sea is part of the law of land and the State is the trustee of all natural resource which are by nature meant for public use and enjoyment. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership. The court further held that no one shall be allowed to pollute the natural*

resources and the one who pollutes the environment must pay to reverse the damage caused by his acts."

- *M.C. Mehta v. Kamalnath*, (1997) 1 SCC 388.

Evaluate the statement referring to the measures adopted by the Ministry of Jalsakthi for the conservation of water between present and future generations

5. Sustainable Development Goal (SDG) 16 aims to promote peaceful and inclusive societies, provides access to justice for all, and build effective, accountable and inclusive institutions at all levels. As mandated by the SDG 16, National Institution for Transforming India (NITI-Aayog) in encouraged in overseeing the adoption and monitoring of SDGs at the national level and sub-national level. Assess the initiatives of the NITI Aayog in collaborating institution for fulfilling the goals and targets of SDG 6.

6. Ground water management is the key to combat the emerging problems of water scarcity and quality of deterioration. Evaluate this statement referring to the grant of permit to extract and use of ground water in the notified area under the Model Bill to Regulate and Control the Development and Management of Ground Water, 2005.

7. **(a)** Write a note on the Helsinki Rules on the Waters of International Rivers, 1966. **(5 Marks)**

   (b) Comment upon ***Perumatty Grama Panchayat v. State of Kerala,*** 2004 (1) KLT 731. **(5 Marks)**

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. Comment upon *Mohammed Salim v. State of Uttarakhand*, 2017 SCC Online Utt. 367.

9. Critically evaluate the power of the Tribunal under the Inter-State River Water Disputes Act, 1956.

10. Integrated Water Resource Management (IWRM)

11. Write a note on levy and Collection of Cess under the Water (Prevention and Control of Pollution) Cess Act, 1977.

SCSL04-24

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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

LL.M. Programmes

End Semester (Even-Semester) Examinations, April 2025 / Repeat (Even-Semester) Examinations, April 2025

CORPORATE RESTRUCTURING (MERGERS, ACQUISITIONS ETC.)

Time: 2 ½ Hours **Maximum Marks: 50**

PART - A (5 x 8 = 40 Marks)

Answer any FIVE of the following questions in not exceeding 800 words each.

1. M/s. ABC Pvt Ltd., which is operating in manufacturing and retail intends to acquire M/s. XYZ Pvt Ltd., which is operating in the healthcare sector. M/s. ABC Pvt Ltd., has submitted its merger proposal to the National Company Law Tribunal for approval. Analyse the nature of the above merger and enumerate the key considerations and legal requirements for obtaining approval for the above merger in India?

2. Evaluate the significance of the case of *M/s.Religare Finvest Ltd v. State of NCT Delhi*, 2023 INSC 819.

3. Explain the following defense mechanisms available to a target Company in a Takeover process :
   (i) White Knight Strategy **(4 Marks)**
   (ii) Poison Pill strategy **(4 Marks)**

4. Comment upon the rights of Minority shareholders during Mergers and Takeovers in India.

5. Explain the significance of mandatory Open Offer under SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011.

6. What is Due diligence? What are the types of Due diligence? What is the purpose of a Legal due diligence process during a Corporate Restructuring process.

7. Explain the role of Competition Commission of India (CCI) in Mergers and Acquisitions.

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. Analyse the theories of Corporate Restructuring.
9. Analyse the purpose of an Escrow account as stipulated under the SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011
10. What is a Joint Venture process? What are the types of Joint venture?
11. Explain the Role of the Board of Directors in Corporate Restructuring process.

ENRL02-24

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End Semester (Even-Semester) Examinations, April 2025 /
Repeat (Even-Semester) Examinations, April 2025

ENERGY LAW AND REGULATION

Time: 2 ½ Hours **Maximum Marks: 50**

Instruction:

Read all the questions carefully and deal with all the issues raised. Write the case laws, statutes and other related authorities wherever necessary.

PART - A (5 x 8 = 40 Marks)

Answer any FIVE of the following questions in not exceeding 800 words each.

1. Ms Irin in her business premises used the electricity connection of her home, situated adjacent to the business premises. She was also utilising the electricity by adopting a method/idea given by a techie to reduce the electricity charge. Upon receiving a complaint, she was arrested. As a legal counsel, decide.

2. "*A subsequent report by a committee led by former Delhi High Court Chief Justice Ajit Prakash Shah concluded that while gas had migrated from ONGC's blocks, no criminal wrongdoing was found on Reliance's part. However, the committee ruled that the Indian government, not ONGC, was entitled to restitution*"- substantiate the statement.

3. Compare the crucial features of right to open access energy through the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and the Karnataka Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2022.

4. According to Ernst & Young, "*India's energy transition journey stands at a crucial junction of ambition and necessity, driven by its dual pursuit of*

economic growth and environmental sustainability. As the nation faces the urgent challenges of climate change, it seeks to redefine its energy landscape by balancing the imperatives of decarbonization with the growing energy demands of its population. This transformative shift would require renewable energy expansion, innovative policies and multi-sectoral collaboration, aiming to position India as a global leader in sustainable energy while safeguarding its developmental aspirations..." critically comment on the role of the SDGs to achieve net zero.

5. As of April 11, 2025, the Import Parity Price of oil in Saudi Aramco per litre, converted to Indian Rupees, is as follows,
Diesel: 1.66 Saudi Arabia Range (SAR) /litre, which is roughly ₹38.41 per litre.
Kerosene: 1.33 SAR/litre, which is roughly ₹30.75 per litre.
LPG: 1.04 SAR/litre, which is roughly ₹24.04 per litre.
Having the given data in hand, figure out how prices are fixed for the above-mentioned diesel, kerosene and LPG in India. Explain base price, RGP, IPP and EPP.

6. Create a mind map for the international and national nuclear energy sector.

7. Elucidate using IRAC method for the cases of *Hindustan Zinc v. Rajasthan Electricity Regulatory Commission (2015)12 SCC 611 and Adani Power Limited v. Uttar Haryana Bijli Vitran Nigam Ltd.* (2023) 4 S.C.R. 1095.

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. Compare and analyse the differences between NELP and HELP and substantiate why the government has adopted HELP in recent years.

9. A renewable energy developer has entered into a 25-year Power Purchase Agreement (PPA) with a state utility for the supply of solar power at a fixed tariff. Midway through the agreement, the utility raises concerns about falling market prices and proposes a tariff renegotiation. As the legal advisor to the developer, assess the legal enforceability of the original terms of the PPA, the potential and the remedies available to the developer under contract and regulatory law. How might force majeure or change-in-law clauses impact the outcome?

10. Criticise the policy framework of the Indian hydro power sector.

11. The central government grants a private corporation long-term rights to extract and commercially exploit offshore wind energy resources in a coastal region. Local communities and environmental groups file a petition alleging that the decision violates their fundamental rights under Article 21, including the right to a clean and sustainable environment, and undermines the public trust doctrine. Analyze the constitutional dimensions of natural resource allocation, including the interpretation of Article 21, the role of the public trust doctrine, and the government's obligation to ensure equitable and sustainable use of natural resources. How do judicial precedents guide such allocation decisions?

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PART - B (2 x 5 = 10 Marks)

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10. Criticise the policy framework of the Indian hydro power sector.

11. The central government grants a private corporation long-term rights to extract and commercially exploit offshore wind energy resources in a coastal region. Local communities and environmental groups file a petition alleging that the decision violates their fundamental rights under Article 21, including the right to a clean and sustainable environment, and undermines the public trust doctrine. Analyze the constitutional dimensions of natural resource allocation, including the interpretation of Article 21, the role of the public trust doctrine, and the government's obligation to ensure equitable and sustainable use of natural resources. How do judicial precedents guide such allocation decisions?

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BUSINESS AND HUMAN RIGHTS

Time: 2 ½ Hours **Maximum Marks: 50**

PART - A (5 x 8 = 40 Marks)

Answer any FIVE of the following questions in not exceeding 800 words each.

1. "M/s. Global Text Ltd., a multinational textile company headquartered in Americana, operates several garment factories in South Asiana through its local subsidiaries. Recent investigations by a human rights NGO revealed that one of its suppliers in the eastern region of Deshia engages in exploitative labour practices, including underpayment, unsafe working conditions, and the employment of children. M/s. Global Text Ltd. claims it was unaware of these violations and argues that it is not directly responsible for the actions of its suppliers, which are legally independent" - Critically evaluate the role of parent corporations for the human rights violations in its supply chains.

2. Evaluate the role of international human rights standards in shaping corporate responsibility under the United Nations Guiding Principles on Business and Human Rights (UNGPs). Evaluate how businesses are expected to respect human rights and the mechanisms available to hold them accountable under international frameworks.

3. Critically evaluate the impact of the Paradise Papers leak on business practices and human rights. Discuss the ethical implications of tax avoidance strategies exposed in the case, the role of multinational corporations in these practices, and the broader consequences for human rights, especially in developing countries. How can businesses balance legal tax optimization with their corporate social responsibility obligations? Use relevant examples to support your arguments.

4. Critically evaluate the similarities and differences between the concepts of Business and Human Rights (BHR) and Corporate Social Responsibility (CSR). Assess how each framework influences corporate behaviour, legal accountability, and stakeholder engagement.

5. Critically evaluate the use of Endosulfan in the context of the Kerala aerial spraying case. Discuss the environmental and human health impacts observed, and assess the role and accountability of corporations involved in its production and use. Evaluate the ethical, legal, and regulatory dimensions of corporate responsibility in environmental disasters.

6. Write a brief note on the role of National Contact Points under the OECD guidelines for Multinational Enterprises.

7. Critically analyse the concept of mandatory human rights due diligence in the context of business and human rights. Discuss the key principles and objectives of human rights due diligence, the role of businesses in preventing human rights abuses, and the potential challenges and benefits of implementing mandatory due diligence requirements. Provide examples of international frameworks or national legislations that have addressed mandatory human rights due diligence, and evaluate their effectiveness.

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. A coastal country is facing growing international criticism due to reports of human rights abuses in its fisheries sector, including forced labour on fishing vessels, unsafe working conditions, and lack of legal protections for migrant workers. In response, a Multi-Stakeholder Initiative (MSI) involving fishing companies, government agencies, labour unions, and NGOs is launched to address these concerns and promote sustainable and ethical practices. Critically evaluate the importance of multi-stakeholder initiatives in addressing business and human rights challenges in the fisheries sector, discuss the potential benefits and limitations of MSIs using the scenario above, and suggest ways to enhance their effectiveness.

9. GreenTech Ltd., a medium-sized electronics manufacturer, has recently come under public scrutiny for its poor waste management practices and excessive carbon emissions. The company has historically prioritized financial performance over environmental responsibility. However, due to increasing pressure from stakeholders, it is now considering implementing more sustainable practices as part of its Environmental, Social, and Governance (ESG) strategy. Discuss the importance of the environmental aspect of ESG in the context of GreenTech Ltd. Explain how environmental responsibility can impact the company's long-term sustainability, stakeholder trust, and overall corporate performance.

10. Critically examine the implications of the right to privacy in the context of artificial intelligence, with specific reference to the Clearview AI case. Discuss how AI companies' data collection and facial recognition practices challenge existing privacy norms and legal frameworks focusing on the existing legislative framework.

11. Critically analyse the limitations of the Alien Tort Statute (ATS) as established by the *U.S. Supreme Court in Kiobel v. Royal Dutch Petroleum Co*. Evaluate the implications of the "*presumption against extraterritoriality*" and how this decision has shaped the scope of human rights litigation under the ATS.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

LL.M. Programmes

End Semester (Even-Semester) Examinations, April 2025 / Repeat (Even-Semester) Examinations, April 2025

LAW AND PRACTICE OF PATENTS

Time: 2 ½ Hours **Maximum Marks: 50**

PART - A (5 x 8 = 40 Marks)

Answer any FIVE of the following questions in not exceeding 800 words each.

1. While comparing the evolution of Patent system with the current patent regime, it is evident that the underlying rationale with which the patent system was introduced is no more relevant in the existing model of patent system". – Do you agree with the statement? Justify.

2. What are the non-patentable subject matters under the Patents Act, 1970 and compare the same with TRIPS agreement. Explain your answer with the help of relevant judicial decisions.

3. Highlight the limitations and exceptions to the exclusive rights under the Patents Act, 1970 in detail. Compare the same with Article 30 of the TRIPS Agreement.

4. Define Invention. What are the pre-requisites for an invention to be protected under the Patents Act, 1970? Explain with relevant judicial decisions. Do they help in eliminating frivolous inventions?

5. "Bolar exception passes the requirements of Three step test and the stockpiling exception does not."- Explain the statement by referring to the relevant provisions of the national and international instruments.

6. Analyse the various types of compulsory licenses under the Indian Patents Act. Do you think that compulsory license can be used to curb the abuses of monopoly?

7. Explain the concept of Infringement & remedies under the Patents Act, 1970 and discuss the same by analysing the decision of *Cipla Ltd. v. F. Hoffmann-La Roche Ltd. & Anr.* (2015).

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. Compare and Analyse the grounds of pre & Post grant oppositions under the Patents Act.

9. Analyse in detail the rights of the Patentee while highlighting the limitations placed under Section 47 of the Patents Act, 1970.

10. Write a note on the importance of specifications in the patent system.

11. How far the patent system facilities access to medicine? Justify your views in the light of Doha Declaration and its implementation.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
Second Semester, End Semester Examinations (Even-Semester), April - 2025

INTELLECTUAL PROPERTY RIGHTS AND COMPETITION LAW

Time: **2 ½ Hours** Maximum Marks: **50**

Instructions:

a. Write all answers legibly. Fill up the answer book with relevant and cogent answers.
b. All the questions should be answered by quoting at least three relevant judicial precedents and/or illustrations.
c. The questions may be preferably answered in the Issues-Research-Analysis-Conclusion (IRAC) method by quoting relevant legal provisions, precedents and examples.
d. You are strictly directed to follow the Question Number as given in the Question Paper.
e. Bare Acts are not allowed; Electronic gadgets are prohibited.

PART – A (5 x 8 = 40 Marks)

Answer any FIVE of the Following Questions.

1 In the evolving landscape of competition law enforcement around the world, compare and contrast between '*ex-ante regulations vs. ex-post liability*' approaches under the *Indian Competition Act, 2002*. What approach is proposed in the framework of the *Digital Competition Bill, 2024?*

2 *M/s. Avza Laboratories India Ltd. (Avza)* filed an information before the *Competition Commission of India (CCI)* against its closest competitor *M/s. Panjali Pharma Ltd. (Panjali)* and its founder *Mr. Bobdev.* M/s. Avza alleges that M/s. Panjali is abusing its dominance in the relevant market for non-alcoholic sweet drinks in India by airing erroneous and disparaging advertisements about M/s. Avza and its products. Mr. Bobdev while promoting his new brand of drink repeatedly remarked that while profits from M/s. Avza are only diverted towards the welfare of a particular community, profits from M/s. Panjali will be spent towards the benefit of another dominant community. M/s. Avza contends that Mr. Bobdev's controversial remarks about the rival firm's drink has foreclosed competition by spreading hate speech and misinformation about the health, safety and corporate governance standards of M/s. Avza and thereby misleading consumers. Hence, M/s. Avza seeks a permanent injunction restraining M/s. Panjali and its associates from infringing and disparaging its trademark, damages up to 5 crore rupees, as well as an apology and retraction. However, M/s. Panjali contends that commercial disparagement is not a competition issue in India and the remedy, if any, for M/s. Avza lies elsewhere. Decide.

3 In general, the *'reward theory'* advocates rewarding persons not only for their own labour, but also for the positive societal benefit of their creative efforts. In the context of Intellectual Property (IP) laws, a creator receives an exclusive Intellectual Property Right (IPR) as a just reward for the creative endeavours. Analyse whether the reward theory can conflict with the goals of Competition law, which primarily aims to foster a fair and competitive market, often by limiting exclusive rights or monopolies.

4 *"Agreements which may otherwise be lawful and enforceable under the general law – such as the Indian Contract Act, 1872 - may still be anti-competitive and fall foul of Section 3 of the Competition Act, 2002. Similarly, a practice or conduct which may be considered as an abuse under Section 4 of the Competition Act may otherwise, but for the said provision be legitimate under the general law. Equally, mergers and amalgamations that are permissible under the general law may result in aggregation of market power that may not be permitted under the Competition Act."* (emphasis added). In light of these observations by the Delhi High Court in *Telefonaktiebolaget LM Ericsson (PUBL) v. CCI and Another* [W.P.(C) 464/2014 & CM Nos. 911/2014 & 915/2014],

4.1 Briefly explain the interface between CCI and other sectoral regulators; and

4.2 What happens when there is an irreconcilable conflict between the provisions of the *Competition Act, 2002* and the *Patents Act, 1970*?

5 *"A man is entitled to exercise any lawful trade or calling, as and where he wills. The law has always regarded jealously, any interference with trade, even at the risk of interference with freedom of contract, as it is public policy to oppose all restraints up on liberty of individual action which are injurious to the interests of the State. This is the reason why freedom of trade and commerce is considered as a fundamental right in India."* Critically comment on this statement by analysing the validity of restrictive employment covenants in India which purports to safeguard the trade secrets and other undisclosed confidential information of an employer.

6 Critically comment on the following statement, whether it is 'correct' or 'incorrect' or 'partially correct'. Substantiate your answer with detailed and cogent reasons by analysing the interplay between Competition Law and any one of the following IPRs: Copyright or Trade Secrets.

"*While Sections 3(1), 3(3) and 3(4) of the Competition Act, 2002 restricts the business entities from entering into any kind of agreement that will have an adverse effect on the free and fair competition in the market, Section 3(5) bestows blanket exemptions over the rights granted under intellectual property laws.*"

7 An '*understanding*' has been reached among the members of the *Association of Pharmaceutical Producers of South India (APPSI)* with respect to '*arrangement*' of patent licenses on certain lifesaving drugs. The arrangement has allowed persons granted or assigned patents, broad authority to set licensee output, allocate licensee territories and even to fix minimum licensee prices. However, the said understanding or arrangement is not in writing and it is also not intended to be enforced by legal proceedings. Explain in detail whether the above understanding or arrangement can be considered as an '*agreement*' and/or a '*cartel*'.

PART – B (2 x 5 = 10 Marks)

Write critical legal comments on any "TWO" of the following questions

8 Whether disputes arising from intellectual property rights agreements are arbitrable or not in India?

9 *United States (US) v. Terminal Railroad Association of St. Louis*, 224 US 383 (1912).

10 Vertical Agreements vs. Horizontal Agreements – A Comparative Analysis.

11 Why do competitors tend to open their shops next to one another? Answer this question with the help of "*Hotelling's Law*" by quoting at least two relevant Indian examples.

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI
LL.M. Programmes
Second Semester, End Semester Examinations (Even-Semester), April - 2025

BIODIVERSITY AND BIOLOGICAL RESOURCES

Time: **2 ½ Hours** Maximum Marks: **50**

PART – A (5 x 8 = 40 Marks)

Answer any FIVE of the following questions in not exceeding 800 words each.

1. *"Traditional knowledge inspired the research and development that led to these patented compositions and processes, they were considered sufficiently novel and different from the original product of nature and the traditional method of use to be patentable"* – W.R Grace.
   In the light of the above statement analyse the plausibility of patenting a Traditional knowledge with modifications and the Indian experience in Protecting its Traditional Knowledge.

2. Analyse the procedure for Access to Benefit Sharing Mechanism stated in the Nagoya Protocol and elucidate how effectively India has fortified its legal system to protect, preserve and conserve its biodiversity without compromising the liability to facilitate Access to Benefit Sharing Mechanism.

3. Elucidate whether Intellectual Property Rights in the agricultural sector, is affecting the Farmers rights guaranteed under the Plant Variety Protection and Farmers Rights Act 2001 in India.

4. Explain the significance of the CITES and ascertain its role in protecting the wild life and curbing the trade on wild life.

5. Analyse the significance of the Advanced Information Agreement in transporting a Living Modified Organisms (LMOs). Also, analyse the role of the Indian focal authority for Cartagena Protocol in effectively ensuring the release of the Genetically modified organism and Living modified organism in India.

6. Wetlands are recognized as vital ecosystems that support biodiversity, regulate water flow, contribute to climate resilience and Provide livelihood through fishing, Ecotourism and agriculture. In this context, Analyse the role of the Indian Judiciary in protecting and preserving wetlands Ecosystem in India.

7. Analyse the role of International Environmental Law principles in ensuring Biodiversity protection and restoration of the lost biodiversity with specific reference to transboundary harm and imposition of unilateral trade measures.

PART - B (2 x 5 = 10 Marks)

Answer any TWO of the following questions in not exceeding 400 words each.

8. Analyse the importance *insitu* and *exsitu* conservation in conservation of Biodiversity in India.

9. Write a note on the role of International Organisations of in ensuring biodiversity conservation and Inter Generational Equity.

10. State the role of the state level and local level wetland conservation authorities in using the local and indigenous community knowledge to protect and preserve the wetlands in India.

11. Write the significance of SDG 14 and the necessity to prevent Marine bioprospecting and conserve Marine Protected Areas (MPAs) in India.

ENRL03 -24

Name :

Register No.:

TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

LL.M. Programmes

Second Semester, End Semester Examinations (Even-Semester), April - 2025

BIODIVERSITY AND BIOLOGICAL RESOURCES

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