



# TAMILNADU NATIONAL LAW UNIVERSITY

## QUESTION PAPERS

LL.M



END SEMESTER (ODD-SEMESTER)  
EXAMINATIONS,  
DECEMBER - 2021

Name :

Register No.:

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**LL.M. Programme**

First Semester, End Semester Examinations (Odd-Semester), December 2021

**COMPARATIVE PUBLIC LAW**

Time: 3 ¼ Hours

Maximum Marks: 50

**Instructions:**

- I. All questions are compulsory.
- II. All questions carry equal marks.
- III. Write complete answers for all questions.

**PART – A (5 x 10 = 50 Marks)**

**Answer the following questions:**

1. It is said that, “constitutional borrowing and transplantation of constitutional norms, structures, doctrines, and institutions is a fact of life regardless of ideological or theoretical objections to such practices”. Do you agree? Give reasons and explain with the help of examples.
2. “Among others, the relationship between ‘Law, State and Religion’ stands associated with constitutional designing and redesigning”. Critically examine this statement and explain your viewpoints using suitable examples.
3. “Constitutionalism’ is the most undervalued concept in the academic discourse but in reality, it is this concept which underscores justice, equality, fairness, and rights of the people”. Critically analyse this statement.
4. Though India and Pakistan were created in 1947, both the countries chose different constitutional designs with certain commonalities. What are the chief differences between the constitutional schemes of these two countries in protecting Fundamental Rights? Analyse the reasons for these differences.
5. Do you agree that the study of Comparative Public Law (CPL) is not limited to reference to positive law? Explain the scope for using interdisciplinary perspectives in the discourses on CPL.

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**LL.M. Programme**  
**First Semester, End Semester Examinations (Odd-Semester), December 2021**  
**LAW AND JUSTICE IN A GLOBALIZING WORLD**

Time: 3 ¼ Hours

Maximum Marks: 50

**PART – A (5 x 10 = 50 Marks)**

**Answer the following questions:**

1. *“Globalization is incredibly efficient but also so far incredibly unjust”* critically examine this statement by doing a brief case study on any of the development projects in India.
  2. *“Globalization of world politics is a deeply economic affair.”* Critically evaluate the impact of economic globalization on ‘nation-states’ and their ‘sovereignty’.
  3. *“The engineering of consent is the very essence of democracy”* Is there a need to democratize the treaty making powers? Critically examine the treaty making powers in India.
  4. Critically analyse the judicial approach in upholding human rights in pre and post neo liberal era in India by referring to a few Supreme Court Judgments.
  5. What is justice in a globally interconnected world? Should we worry about global poverty or our nation’s poverty? – Critically comment.
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TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI

LL.M. Programme

First Semester, End Semester Examinations (Odd-Semester), December 2021

RESEARCH METHODS AND LEGAL WRITING

Time: 3 ¼ Hours

Maximum Marks: 50

PART – A (50 Marks)

Answer the following questions:

1. Identify the relevant facts and principle of law and abstract the *ratio decidendi* in the following judgement from them. (10 Marks)

The respondent was charged with stealing three small sums of money in Western Australia. He was a supervisor of roads, having under him a gang of men. The practice as to paying the men was for the respondent to send in periodically to the Public Works Department a document called a wages sheet, showing the names of the men, the number of days on which they were respectively said to have worked, and the amount payable to each. That wages sheet would then be sent back to him with cheques drawn to the order of the several men for the amounts due to them respectively. The respondent would then hand the cheques to the men and take their signatures as receipts on the face of the wages sheet.

He is charged with having appropriated three cheques drawn to the order of one K who was sometimes working under him. It was alleged-and there is now no doubt about the truth of the allegation-that the respondent did not give the cheque to K, but that he wrote K's name on the pay sheets, endorsed the cheques with K's name, imitating his signature in both cases, wrote his own name under K's, took the cheques to the bank, received the money and kept it. The prosecution, anticipating the defence that these irregular transactions were of an ambiguous character-that is, that it might have been for K's convenience to get the money for him without putting him to the trouble of going personally to the bank, or might be a deliberate attempt to

appropriate the money to himself-tendered evidence to show that these three transactions were part of a system of stealing money sent to him for payment of wages.

The definition of stealing under the law of Western Australia is "fraudulently taking anything capable of being stolen or fraudulently converting it to his own use or to the use of any other person." An essential element in the case is the fraud of the accused. Fraud may be established in as many ways as it may be committed. We all know that when a man is charged with one offence you cannot prove that he has been guilty of another offence for the purpose of showing that he is a man of bad character, and so likely to have committed the offence with which he is charged. There is an exception, however, when the case which the prosecution seeks to prove is that the prisoner has in his mind a scheme or plan (say) for obtaining money by fraud, that the act with which the prisoner is charged is part of a planned fraud, and that the other acts of which evidence is sought to be given when proved will show the existence of the plan, and, therefore, the guilty mind of the prisoner.

It was, therefore, permissible in order to show that the acts with which the accused was charged in the indictments were parts of a scheme or system, to show that he had done the same thing with regard to other employees. It was accordingly proved that he had forged the signatures of two other men to the wages sheet and cheques, endorsed the cheques with his own name, obtained the money and kept it.

The learned Chief Justice of the Supreme Court seems to have thought that the evidence was admissible, in the first instance, when it was given. I think that of that there can be no doubt. But he seems to have thought that it was only admissible to rebut a suggested defence of accident or mistake. Afterwards the prisoner himself gave evidence, and set up the defence that, although he had obtained the money he had paid it to the men. They all swore that he had not done so, and the jury did not believe him. The learned Chief Justice thought that, although the evidence was properly admitted in the first instance, it then became irrelevant, and ought to have been withdrawn from the notice of the jury.

I confess I cannot follow the argument. It was essential for the jury to find that what the accused did was done with a fraudulent intention. And, surely, the evidence was as relevant for that purpose at the end of the trial as at the beginning. The respondent did not say that he had failed to pay over the money by accident or mistake, but that he had paid it. He flatly contradicted the witnesses who said that they had not received the money from him. In weighing his testimony against theirs and

considering whether they should accept his statement that he had paid the money to them, it was just as important for the jury to weigh the evidence of the other persons defrauded as the evidence of the person to whom the sums mentioned in the indictment were payable.

The facts therefore remained relevant for the purpose of determining whether the taking charged was fraudulent or not. Even if it had become irrelevant there is no reason why it should have been formally withdrawn from the jury. The Crown is entitled to anticipate several possible loopholes of escape, and naturally endeavours to close them all up. If finally the accused determines to rely on only one loophole, the evidence as to the rest need not be formally withdrawn from the jury.

An essential element of stealing is the fraudulent intention, and any evidence to show the existence of that fraudulent intention is admissible. It must not, of course, be too remote. Evidence to show a system is clearly relevant. I think therefore that the appeal must be allowed.

2. Run the multiple linear regression analysis using Excel/ R Studio. **(10 Marks)**
- (a) Write the regression equation
  - (b) Interpret about the model fit- Coefficient of determination( $R^2$ )
  - (c) Which variable has a significant impact on crime rate and interpret the same.

Y is the dependent Variable and X1 to X6 are independent variables.

Y = total overall reported crime rate per 1 million residents

X1 = reported violent crime rate per 100,000 residents

X2 = annual police funding in \$/resident

X3 = % of people 25 years+ with 4 yrs. of high school

X4 = % of 16- to 19-year-olds not in high school and not high school graduates.

X5 = % of 18- to 24-year-olds in college

X6 = % of people 25 years+ with at least 4 years of college

Use below link to download the dataset

[https://docs.google.com/spreadsheets/d/1I6sMNq2QX65uppd\\_5HEeL0J4NhjVJwKI/edit?usp=sharing&oid=110194175861671430668&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/1I6sMNq2QX65uppd_5HEeL0J4NhjVJwKI/edit?usp=sharing&oid=110194175861671430668&rtpof=true&sd=true)

3. "There is no such thing as objective truth in research." Discuss with specific reference to standpoint theory. **(10 Marks)**
4. To investigate the research question "How has online teaching during the pandemic affected students' learning processes?" at a National Law University, one researcher chose to conduct interviews of 18 students, choosing three students who had studied in 2020-21 in each year of the UG programme and three from the one-year PG programme. In each year, students were chosen on the basis of their final grades. The students with highest, lowest and median grades were chosen to be interviewed. All 18 students consented to the interview based on the understanding that their anonymity would be maintained throughout the process. They also consented to audio recordings of the interviews. The interviews were transcribed. Excerpts from one transcript are provided below. Code the transcript and identify at least three themes therein. Your answer must be presented as
- (a) A list of themes with a description of each theme and the initial codes constituting it **(10 Marks)**
- (b) A list of initial codes with a definition of each code and the statements coded with it **(10 Marks)**

**Transcript:**

I know your classes this year were all conducted online; have you taken any online classes before this?

Yeah, yeah, I did a programming course, you know, when I was in school.

Can you tell me about it?

Yeah. I lived in a very small town, you know? My parents wanted me to do courses in the summer holidays. I think they didn't think I was learning enough in school! They also didn't like the local computer place, they thought it was a bad influence. All sorts of people and all. Anyway, it must have been 7th standard, I was in. And we had a computer at home, with internet. So they signed me up for these computer programming classes with some online place, I don't remember what it was called. One whole month!

And what was it like?

Oh, they sent us materials which we had to read everyday and then there were classes for an hour or so. They would demonstrate something in the class. Sometimes we

couldn't even see it. But they would send class notes by email. And they would set us things to do in the class sometimes. No Zoom and all, so we had to send the completed files also by email. And e-mails had a limit on file size, so the homework was very simple. It was something to do in the holidays, you know, very simple. Like a correspondence course with computers!

And did you learn programming?

Enough to get their certificate at the end! But if you asked me to do something today I don't know if I will be able to do it. I am not really a computer person. I can use them, but I think that's enough for me!

And what about this past year?

It was all online, no? We didn't have a choice. We thought we will have to waste the year. But thank god, we didn't have to do that. At least classes were there and exams and everything, for good or bad. It was a learning experience.

Was it easier to learn at home instead of living on campus?

Not at all! I thought I would have more free time, but I didn't really. And because you're at home, the family expects we are free, you know. If you're reading for class, for example, they think you can get up and come at any time. And classes were difficult also. Connectivity is usually not enough for video calls and all on the desktop. It's better on the phone. But on the phone it is difficult to read on the screen. And the screen really became my friend this year. I spent so many hours every day on it! I had headaches every day.

Can you tell me about the classes?

Well, a lot of powerpoint presentations. Slides on slides on slides. But that was better than the teachers who just spoke as if this was a lecture hall. At least with slides, you can look it up later. It's so difficult to concentrate in lectures. And connecting, disconnecting. Hoping you didn't miss out anything important. Trying to answer questions, but your audio won't connect. Good enough if we can hear them, I guess.

Did you have a lot of lectures?

No, just one teacher who didn't use slides at all. Difficult to concentrate, you know?



Yeah. What makes it difficult?

Well, you are at your computer. And the internet is right there. Email notification pops up. Or all good intentions, you want to look for something the teacher is referring to, you know. And finding that reading, finding the place with that - you lose your place in the class. It's very frustrating even if you have done the readings.

And you said about asking questions?

Yeah, my class participation really fell. I hope the marks for that were not strict, you know. Usually in class you listen, you think of something from the reading or somewhere else, you raise your hand to discuss, no? Here, you only discuss when the teacher pauses. And they pause for questions only. And even then, computer audio problems.

Tell me about the readings.

I think teachers gave more readings. What they would normally cover in class, they started giving us to do at home as well. Like maybe they thought we weren't paying attention during the class hours. But in some ways they covered less also.

What do you mean?

Well, again, I think expectations were lower, you know. Like it's okay, we expect you can't learn as much as in-person. So it's okay if you don't do as much.

That's interesting. Can you give me an example?

Well, for example, I don't think we have ever had such easy exams. Everything directly from the class discussions. And they were open book, so they knew we had our notes and everything. And still, so many essays about things discussed in class. I think the main exam was like they usually set for repeats. Repeats must have been even easier!

Tell me more about your exams.

Well, they were open book, like I said. And no invigilation. So they made it up with time limitation. And some strange system of handwritten exam had to be scanned and sent to them and then hard copy had to be sent by post. I was so worried that the papers will get lost or damaged in the post and won't get marked. And all so much expense and headache! Scanning, printing, and sending. But what to do?

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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**LL.M. Programme**

First Semester, End Semester Examinations (Odd-Semester), December 2021

**CORPORATE LAW AND CORPORATE GOVERNANCE**

Time: 3 ¼ Hours

Maximum Marks: 50

**Instructions:**

- a. All the questions should be answered by quoting relevant legal provisions and judicial precedents and suitable illustrations.
- b. The problem based questions should be preferably answered in the Issues, Research, Analysis and Conclusion (IRAC) method.
- c. You are strictly directed to follow the Question Number as given in the Question Paper.

**PART – A (5 x 10 = 50 Marks)**

**Answer the following questions:**

1. Choose the most suitable answer(s) from the given options for the following question and substantiate your choice(s) with detailed and cogent reasons and with examples:

In India, the Securities Market consists of the following category(ies) of participant(s):

- (a). Investees
- (b). Investors
- (c). Gatekeepers
- (d). All of the above
- (e). None of the above
- (f). Only (a) and (b)

2. Around the world in the last 20 years, we have witnessed many auditing scams and accounting deceptions which were not detected in the inception stage itself because of a relaxed and reactionary regulatory environment. For instance, in

USA, *WorldCom*'s auditors never challenged the illegal accounting, which went as far back as far as 1999. In India, analysts from the reputed *Price Water House Coopers (PwC)* did not manage to detect dishonesty amongst *Satyam Computer Services* management, despite clear red signals in the financial statements submitted by Satyam. Thus, auditor's failure to detect financial wrongdoing of a significant magnitude has resulted in severe losses to various stakeholders of corporations across the globe. In this connection, do you think auditing professionals owe any responsibility including fiduciary obligations towards the shareholders and other stakeholders of a company? Compare and contrast the relevant legal provisions and precedents from USA and India regarding the liability of auditors for failure to prevent accounting scams.

3. According to the '*agency theory*' of corporate governance, who are considered to be the principal(s) and agent(s) in a corporation? Do you think there is a conflict of interest between principal(s) and agent(s) with respect to managing the affairs of a company? If yes, whether such conflict between them can be completely resolved by way of a contract in accordance with the theory of '*nexus of contracts*'? If no, what are the other alternatives to resolve a conflict?
  4. Discuss briefly the various corporate governance initiatives mooted in India since the *Liberalisation, Privatisation and Globalisation (LPG)* era. Do you think India's current legal and regulatory regime on corporate governance is efficient and adequate enough to prevent, detect and deter corporate failures and scams? With specific examples, explain in detail the corporate governance problems you noticed in various corporate failures in India post 2010.
  5. "*A good corporate governance model must ensure creation, management and equitable sharing of wealth among different stakeholders of a corporation.*" Do you agree with this statement? Critically comment on it by making a comparative analysis between the conflicting models proposed under the '*shareholder primacy theory*' and the '*stakeholder theory*' of corporate governance. Further, keeping an Indian company as an example, draw an exhaustive list of various stakeholders of a company.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**

**LL.M. Programme**

**First Semester, End Semester Examinations (Odd-Semester), December 2021**

**LEGAL REGULATION OF FOREST AND WILDLIFE**

Time: 3 ¼ Hours

Maximum Marks: 50

**PART – A (5 x 10 = 50 Marks)**

**Answer the following questions in not exceeding 1000 words:**

1. "Fairness to members of the present generation and to other generations, past and future is one of the prime objectives of sustainable development".  
Edith Brown Weiss.

Critically evaluate the role played by the United Nations in integrating the need for effective conservation resources and realising fundamental human rights between generations.

2. "Agenda 21 of the key outcome of the United Nations Convention of Environment and Development prompted a shift from focusing on single issues toward appreciating complex interactions between a wide range of environmental and developmental factors." Evaluate this statement referring to the purpose and objectives of the UNCED and methods and means of implementation of Agenda 21 in realising environmental sustainability between generations.

3. Critically evaluate the effectiveness of the National Wildlife Action Plan (NWAP) in realising the primary objectives of the Wildlife Protection Act for the protection of wildlife and their habitat by declaring areas of significant ecological, floral and faunal value as National Parks and Wildlife Sanctuaries as Protected Areas keeping in mind also the rights of the forest dwellers.

4. Forest Principles, 1992 is a non-legally binding agreement on forests that indicate the provision of timely, reliable and accurate information on forest and forest ecosystem for public understanding and informed decision making. Analyse this statement referring to the steps taken by the government and the role of appropriate institutions under the wildlife laws in India. How effective has this been?
  
  5. Define Forest Produce and Animal Article referring to the wildlife laws in India. Critically analyse the legal provisions on punishing the offender for the wildlife crimes and institutional mechanisms for forfeiture of property derived from illegal hunting and trade keeping in mind the way of life of the forest dwellers.
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**LL.M. Programme**

First Semester, End Semester Examinations (Odd-Semester), December 2021

**GENERAL PRINCIPLES OF INTELLECTUAL PROPERTY LAWS**

Time: 3 ¼ Hours

Maximum Marks: 50

**PART – A (5 x 10 = 50 Marks)**

**Answer the following questions:**

1. *“Intellectual property rights are part of a complex regime of bilateral, regional and multilateral treaties that has been evolving since the nineteenth century. One striking feature of intellectual property is that despite its early historical links to the idea of monopoly and privilege, the scope of its subject matter continues to expand. The twentieth century has seen new or existing subject matter added to present intellectual property systems and new systems created to protect existing or new subject matter. The strongly expansionary nature of intellectual property systems shows no sign of changing.”* In this context critically examine how intellectual property rights emerged as part of the positive legal order of states.
2. *Generally speaking, those philosophical thinkers whom we regard as having an important role in the formation of modern political thought said nothing or very little about intellectual property. To illustrate: John Locke’s discussion of property in Chapter V of the Second Treatise has inspired discussions of Locke an theories of intellectual property, but there is not one mention of intellectual property in that chapter. Hegel in his Philosophy of Right makes some brief passing observations concerning property and products of the mind. Kant, despite being given the credit for inspiring the system of authors’ rights, wrote about authors and the nature of genius rather than intellectual property law. The truth is that, at best, intellectual property has been little more than a side-show in our broader intellectual traditions.* In this context, critically comment on the western theories and Marxian thoughts on private property and intellectual property rights.
3. *‘Life Science Pharmaceuticals’ created a new drug for the treatment of Covid-19. The chemical structure of the drug is protected through patent whereas the complicated process developed to commercially manufacture the said drug is protected using trade secrets. Given the ongoing Covid-19 pandemic, assume that the Indian government is exploring options of issuing compulsory licenses of all Covid-19 related drugs. Examine*

how compulsory licensing of trade secrets should be implemented in national and international IP laws to supplement the existing mechanism of compulsory licensing of patents?

4. A foreign artist assigned the copyright in an artistic work created by him to an Indian sports shoe manufacturing company for a modest consideration through a contract. The company intend to use the artistic work as follows,
  - a. To register the copyright on artistic work created by the foreigner in the name of the company in India.
  - b. To use part of the artistic work as a trademark for their new product.
  - c. To apply the whole of artistic work as designs in their existing products.

In this context, the company seek your legal opinion. Advice.

5. *“Traditional knowledge systems are a part of the culture and heritage of mankind, and a significant body of traditional knowledge relates to the environment and biological diversity. We are familiar with an intellectual property regime that attributes ownership to an individual or legal entities such as companies, but indigenous knowledge is often held in trust by a community rather than as the specifically recognized right of one person.”* In this context, critically evaluate the existing defensive protection models and explore the possibility of granting positive protection in the form of legal rights to empower communities to protect their traditional knowledge under the modern intellectual property system.

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**TAMIL NADU NATIONAL LAW UNIVERSITY,  
TIRUCHIRAPPALLI  
LL.M. Programme**

**First Semester, End Semester Examinations (Odd-Semester), December 2021  
COPYRIGHTS AND ACCESS TO KNOWLEDGE**

Time: 3 ¼ Hours

Maximum Marks: 50

**PART – A (5 x 10 = 50 Marks)**

**Answer the following questions:**

1. Critically analyse the copyright protection system and copyleft protection system and explain the significance of the creative common copyright protection system. Also state with reasons which copyright system is best suited to protect user generated creative content and creative software?
2. Analyse the concept of moral rights available to authors in India and explain whether a Director has a moral right? If so, analyse whether
  - a) the director of a movie, tele series, web series can waive their moral rights in India?
  - b) Also analyse whether an author, owner, can waive their moral rights by giving a notice of waiver in India?
3. Explain in detail the copyrightability of photographs and analyse the plausible copyright infringement of photographs that occur in offline and online medium?

The below 4 photographs were individually taken by SAJJAD HUSSAIN from U.K. and the painting is by RAMYA in India seeing an online website ABCD photos, which had uploaded photographs without obtaining license from SAJJAD HUSSAIN. Explain with reasons whether the painting can be considered as copyrighted work, and whether the painting has infringed the rights of the photographer SAJJAD HUSSAIN.





4. “Too much of what we now protect under the guise of authorship is not creativity or innovation, but merely investment. Too much of the world’s creativity is unrecognized, and when it is recognized, our global intellectual property regimes provide rights without recognizing the responsibilities that many peoples in the world hold-responsibilities to others, to their ancestors, to future generations, and to the plants, animals, and spirits that occupy and animate the worlds they inhabit. Can authorship be revitalized to encompass this wider field of human obligation and energy? Can the exercise of intellectual property rights ... be limited and shaped to address a larger range of social objectives”– Rosemary Combe. Analyse the validity of the statement in the light of plagiarism and indigenous rights.
  
  5. “Freedom of speech & expression and copyright is contradictory. In as much as the purpose of copyright is the promotion of literary, musical and artistic creativity, the enrichment of cultural heritage and the dissemination of knowledge and information goods to the general public but restrict freedom of speech and expression in order to protect the copyrighted content” – Explain whether the principles of copyright law is against free speech and violates freedom of speech and expression.
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**TAMIL NADU NATIONAL LAW UNIVERSITY,  
TIRUCHIRAPPALLI  
LL.M. Programme**

**First Semester, End Semester Examinations (Odd-Semester), December 2021  
CORPORATE FINANCE LAW**

Time: 3 ¼ Hours

Maximum Marks: 50

**PART – A (50 Marks)**

**Answer the following questions:**

The Globesaver (Pvt.) Limited (TGPL) a company registered under the Companies Act, 2013 with its registered office at Tiruchirappalli, has developed new method for testing corona virus mutations. The Indian Council for Medical Research is under the process of reviewing the efficiency of the test method. In the meanwhile, TGPL is keen to expedite the remaining clinical trials of the vaccine it has been developing to persons with certain specific health conditions to whom most of the other existing vaccines are found to have certain additional medications or delay in administering the doses. TGPL has filed about 5 patents in this regard. Of these, 2 patents have been granted and the remaining applications are under consideration. Current paid up capital of the TGPL is 7 crores. Further, plant and machinery worth 5 crores are available with the TGPL Ventures Pvt. Limited, a subsidiary of TGPL in which TGPL holds 76% of stake.

TGPL is proposing to raise finance for this venture depending on the fair terms and short term and long term cost of the capital.

1. You are requested to advice on a viable option to raise the finance of INR 100 crores. **(10 marks)**
2. Assume that TGPL is proposing an IPO to raise this finance. You are required to advice TGPL whether it is eligible to go for IPO under the relevant regulations. **(10 marks)**
3. (i) Assume that TGPL is eligible to go for IPO to raise this finance. You are required to advice TGPL for appointments of intermediaries as required under the relevant regulations. **(5 marks)**

- (ii) Also, you are required to state whether underwriting of this issue is mandatory. (5 marks)
4. You are required to advise the minimum subscription required for the promoters in the IPO. (10 marks)
5. Assume that TGPL is proposing rights issue to raise the finance. You are required to prepare relevant clauses of a draft letter of offer. (10 marks)
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**TAMIL NADU NATIONAL LAW UNIVERSITY, TIRUCHIRAPPALLI**  
**LL.M. Programme**

First Semester, End Semester Examinations (Odd-Semester), December 2021

**RIGHTS RELATING TO NATURAL RESOURCES LAW**

Time: 3 ¼ Hours

Maximum Marks: 50

**PART – A (5 x 10 = 50 Marks)**

**Answer the following questions:**

1. *"Cities across the world are expanding and with this comes the need for more energy consumption, informal settlements, and increased climate vulnerabilities. At the recent climate conference COP26 in Glasgow, the last day of the two-week conference was dedicated to Cities and Built Environments, where discussions about urban resilience dominated the conversations. The climate challenges faced by the Global South cities are different from the Global North. The Global South cities need better access to finance, improved coordination among different stakeholders and enhanced data tracking abilities. Indian cities can align with the state and national climate action plans and ensure inclusivity at the policy and the process levels to become climate resilient."* Having the above statements and International Covenants in mind, analyse the rights and duties of National Governments with regard to climate change action plans for international development.
2. *"Just three years short of the 500-years anniversary of the report of Cabot's men scooping up cods in baskets, it was over. Fishermen had caught them all." (Page 186) -Mark Kurlansky Cod: The Biography of a Fish that Changed the World.*

Comment on Garret Hardin's principle of 'Tragedy of Commons' with regard to the following:

- i. Right to Fisheries on high seas;
  - ii. Clean water and water marketing in India.
3. *'This year, the Air Quality Index (AQI) in and around the NCR has worsened to 470-499 on a scale of 500, according to the federal pollution control board data. That level of pollution means the air will seriously impact people with existing diseases and even those who have healthier lungs. A study conducted by the Energy Policy Institute, University of Chicago, over a period of two years has revealed that Delhi's indoor pollution levels are also worryingly high and way above the WHO limits.'* Critically comment on Sustainable

Development, Polluter pays, Precautionary and Public Trust principles considering the above said worrisome air quality state of Delhi. Provide illustrations and case laws wherever applicable.

4. *'Authoritarianism will surely do whatever it takes to stay in power, natural resources present a readily available source of necessary revenue..'* Critique the nationalisation of natural resources (which is fused with authoritarianism) versus the constitutional schemes of natural resources.
5. Analyse the following case laws following the IRAC method.
  - a. Gabcikovo- Nagymaros case
  - b. The first environment compensation ICJ case
  - c. T.N. Godavarman Thirumulpad case.

Draw diagrams and provide illustrations wherever necessary.

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